

**Cheboygan County Board of Commissioners
Committee of the Whole Meeting
April 23, 2019**

The Committee of the Whole meeting of the Cheboygan County Board of Commissioners was called to order in the Commissioners Room by Chairperson John Wallace at 9:33 a.m.

Roll called and a quorum present.

PRESENT: Commissioners Mary Ellen Tryban, Richard Sangster, Michael Newman, Cal Gouine, Roberta Matelski, John Wallace and Steve Warfield.

ABSENT: None

Commissioner Wallace gave the invocation and led the Pledge of Allegiance.

Motion by Commissioner Sangster, seconded by Commissioner Gouine, to approve the agenda as presented. Motion carried with 7 yes, 0 no and 0 absent.

CITIZENS COMMENTS

Rick Martin citizen of Hebron Township commented on his home and property that he purchased in 2005. The neighbor decided to block the creek that passes through his property creating two dams that holds back the waters that use to flow freely north about a mile to empty into Lake Huron. His crawl space was now flooded, floods every spring and sometimes in the fall. It did not flood before these dams. There were multiple pumps and fans running down there with more rain fall last night and nowhere for the water to go. Land for miles now became a bug breeding in ponds and swamps. Roads were turned into obstacle courses. The equity on his home was disappearing and he cannot realistically sell. It has been about a decade now and it was only getting worse because the water cannot get to Lake Huron. The County and Hebron Township needs to finish ditching Hebron Mail Route Road to Potter Road and then turn to ditch Potter Road to the culvert. This would detour the water to flow north and back into the creek that crosses Hebron Mail Route. There was a half mile on Hebron Mail Route Road and another half mile on Potter Road that needs to be ditched, which would solve the problem. Then the homeowners could fix and repair their properties to make the area something that would benefit Hebron Township and the County. Commissioner Gouine commented that the ponds might come in under the soil sedimentation, which has a ruling about so many square feet of changes in the landscape. This might be his recourse, but the Road Commission would still have to do some ditching. Mr. Martin commented that he has had the DNR out there and their view was it was past the statute of limitations. He also has looked at other legal recourses. Commissioner Wallace commented that Commissioner Warfield who was the Road Commission Liaison would look into it.

Mark Manning citizen of the City of Cheboygan handed out information that was put together by a Real Estate Office regarding property available to purchase for the possible relocation of the Straits Regional Ride Office. He commented and outlined his concerns about the SRR Office working conditions. Commissioner Wallace commented that it was under investigation and he appreciated his input and information.

John Kurczewski citizen of Tuscarora Township handed the Board additional information regarding the 5G Resolution that he was requesting Cheboygan County to pass. The handouts included important information that other cities around the country and in Canada were doing to stop 5G even though it was passed into law.

Jamie Chimner citizen of the City of Cheboygan commented that even though the bill on 5G has gone through, it was very important that the county have these resolutions in place for the citizens of this county.

Joseph Chimner citizen of the City of Cheboygan commented on the flooding of LaHaie Road and the importance of having the ditches flow properly and the drains and culverts working.

SCHEDULED VISITORS/DEPARTMENT REPORTS

Commissioner John Wallace and Administrator Jeff Lawson presented Stuart Bartlett with a Certificate of Appreciation for his 16 years of service as a member with NEMCSA.

Commissioner John Wallace and Administrator Jeff Lawson presented Leonard Page with a Certificate of Appreciation for his 11 years of service as a member with NEMCSA. Mr. Page stated NEMCSA was a federal agency that manages all of the federal poverty programs for a 13 county area. It is a huge job with most of its work with Head Start, but there were other vital programs provided to people in Northern Michigan. NEMCSA was dealing with the federal cutbacks for fuel services. There wasn't enough federal money to help everyone who was running out of heating resources during the winter. It's now being managed by the state and the results were longer waiting lists. The federal budget had substantial cuts for Meals on Wheels. The people providing these meals were not only helping feed older, single people, sometimes living remotely, but they were checking to see how they were. There were times, in some situations where the people who were delivering the meals were the only people that they had contact with from the outside world. He encouraged people to speak up and make some noise as to try and get more funding for this program. It was hard for him to leave NEMCSA knowing how important his role was, but he was leaving to spend more time concentrating on Line 5. An update was given as to some of the things he has been doing to raise awareness of the pipeline and to try to get the line shut down.

Commissioner John Wallace and Administrator Jeff Lawson presented John Jazdyk with a Certificate of Appreciation for his 6+ years of loyal service as a member on the Planning Commission.

City Manager Tom Eustice presented an update on the 425 Agreement. The City of Cheboygan and Inverness Township have agreed on a 425 Agreement. The proposal was sent to Meijer representatives who added some additional language, but have agreed to fund the construction of a water line. Providing city water to the site in the township requires an agreement between the City of Cheboygan and Inverness Township. The city has scheduled a public hearing on May 7th to gain the public's input on the conditional transfer of the land to the city from the township. This was a requirement of the process of the land transfer. Following the public hearing, the city would be able to enter into the contract. Inverness Township was also scheduling a public hearing, but was waiting on some information from the USDA. Shortly after May 7th the township would have their public hearing, where they could enter into the contract. The township would then have to wait 30 days after that for the agreement to take effect. The City would have municipal jurisdiction over those properties, so Meijer has requested that they manage the build out of the project. Meijer has not given them a build date. He believes that the spring of 2021 would be the earliest that Meijer would begin to build. Meijer has agreed to fund the entire project. For further expansion, new water mains would be run off of Straits Highway south of Cheboygan to serve other properties in the area. Construction of a new water tower was planned. It has been a long process to get the 425 Agreement, but we are in a good economic state right now with this project. Commissioner Gouine thanked Tom Eustice and his staff who worked on this. The citizens of Inverness Township spoke at the last election to have this project go through. This is good for the community. Commissioner Newman asked about how far the water line was going to be installed. Mr. Eustice stated that the water line was going to be looped on the Meijer property so that it had continuous flow and then the

installation of a line off of that loop would run out to Straits Highway/US 27 and be capped so as to be able to go north or south. Commissioner Warfield questioned if the NLEA had helped with the negotiations. Mr. Eustice stated that the NLEA had minimum involvement.

Probate Judge Daryl Vizina presented the 2018 SAYPA Annual Report & Honor Roll Students Recognition. SAYPA was the court school for juveniles who end up in the court system. The SAYPA Program was an alternative to detention and to lockup. There were currently new staff, which included Director Megan Fenlon (funded 50% by the County and 50% by the State), Assistant Director Terry McNitt (funded 50% by the County and 50% by the State) and Rebecca Cavitt who would be filling the position of Class A (100% Grant funded). There was an intern working, but the intern ended and SAYPA hopes to fill that position this summer. Also there were two teachers, Mr. Reed (funded 100% by Cheboygan Schools) and Mrs. Jewell (funded 50% by the County and 50% by the Child Care Fund through the State). Program Director Charlie Brown runs "From Decisions to Actions" program who also works with SAYPA. SAYPA was licensed to have up to 20 students. The goal that SAYPA has would be to have up to the capacity of 40 students by the fall of 2019. As of April 11th SAYPA currently has 12 students in the program, but as of January 1st, SAYPA only had three (3) students. Over the past few months, SAYPA has increased to 12 students, which consisted of seven (7) from Cheboygan Area Schools; four (4) from Inland Lakes Schools and one (1) from Wolverine Community School. Straits Regional Ride provides transportation every morning for each of these students. The alternative for these kids were out of county placement, which cost approximately \$150 to \$300 per day. Attending SAYPA was their last chance before that took place. The reasons that the 12 students were placed with SAYPA were as follows: Truancy (5); Incurability (3); Domestic Violence (2) and theft (2). SAYPA has classified these kids as high risk. Before he took over from Judge Butts, he wanted to redo how SAYPA was conducting business. From working in the Prosecutor's Office he put together the common denominators with regard to the adult felony population. In 2017, the statistics showed 148 felonies (male & female); 70% were using drugs before 18 years of age and 78 did not graduate from high school. Their work history showed 3 or 2% with great work history meaning making good money and working regularly, 40 or 27% showed fair work history meaning making good money and working sporadically and 105 or 71% showed poor work history meaning having low income and sporadic work. 140 minor children were parented by these 148 felons. The expectations for SAYPA were as follows: good attendance; good grades; good behavior and remain drug/alcohol/smoke free making healthy choices. This was a simple program for success in life. One thing that he added was the team met with every single student once a week to see how each student was doing. As of January 1st, which was the first marking period, there were 11 students who passed all their classes. There was only one (1) discipline write up; one (1) new pending petition; two (2) made the honor roll; one (1) had all A's and the average GPA for this marking period was 2.23. The average GPA for the previous marking period with the same students was .91. So the average GPA jumped 1.3 per student. Some of the plans for the future that SAYPA was going to implement for the Summer program was community service work, college university tours; professional local trends, credit recovery and boot camp. Mrs. Fenlon commented that they want these kids to get out and give back to the community. The plans for the future were to rename the program in June 2019; prepare students for transition out of SAYPA; to recognize successful students and alumni and to improve relationships with Cheboygan Area School sports/extracurricular activities. He read comments from a parent and a couple students on what if they were not in SAYPA, where would they be. Students, Asher Kelso and Steven Key were given certificates. They received a standing ovation. Sheriff Clarmont commented that the changes in SAYPA would keep these kids out of handcuffs. Judge Vizina thanked Megan Fenlon for her hard work and dedication. Student Steven Key commented on the positive issues of the program and helping to get his life back on track.

Sheriff Dale Clarmont presented the 2018 Cheboygan County Sheriff's Department Annual Report. The actual expenditures of the Department came in at \$3,806,634 (3.2%) below the requested budget of \$3.9 million. Sheriff Clarmont stated that the jail revenues were \$317,389, grant funding

and donation revenues were \$179,661, and other assorted revenues produced the total revenue for the jail of \$515,807 in 2018. The expenditures of the Department in 2018 were \$3.8 million with the 2018 actual cost totaling \$3.29 million. The average In-County inmate totaled 79.2 inmates per year and the average cost charged was \$35. No out of county inmates jailed. The Cheboygan County Work Crew Program totaled a net savings to taxpayers of \$12,413. SAYPA helps out with some of the work crew program. The total labor hours were 5,048. Sheriff Clarmont stated that the county work crew program has been a positive thing in Cheboygan County. Road Patrol statistics logged in calls totaling 11,866 and there were 901 arrests in 2018. Continued services from the Cheboygan County Sheriff Department Search and Rescue Team with local fire department of nine (9) emergency response calls, which were 100% successful; project lifesaver program and a child missing program; Coats for Kids Program; continued effective School Liaison Officer Program for all Cheboygan County Schools; continued effective ORV/Marine/Snowmobile Patrols and continued Department K-9 Unit. There were a total of 33 calls responded to by the K-9 Unit. Sheriff Clarmont thanked Roberta Matelski who donated an additional \$10,000 for the canine unit in 2018. Because of her generosity the county has two dogs and two handlers. The Sheriff's Department does Community Education/Committee appointments; community drug awareness to MTA; presentations at McLaren Hospital for medical staff; drug awareness presentations at Cheboygan County Schools; appointed to the 53rd Circuit Court Drug Court Panel; bi-monthly Rx drug abuse task force meetings at NMSAS; and appointed to the 89th District Court OWI Court panel member; continuing collaborative effort with the Cheboygan County Council on Aging and have continued hours of the Wolverine substation on Thursdays from 11:00 a.m. to 1:00 P.M.. Jail medical program had continued success with reducing costs and prescriptions with District Health Department #4 and the jail was Narcotic Free. The Fiscal Year 2018 County Jail Medical Expenditures totaled \$47,142. Sheriff Clarmont reported that the Department was 100% compliance with MSTC Corrections Officers Training Certification; MDOC Administrative Rules and MCOLES training standards. Programs offered within the jail were Alcoholics Anonymous, Community Mental Health, Abuse Counseling and Prevention and Bible Study. Continued success with Department minimum staffing on holidays 2018 requested \$78,437 and 2018 expended \$75,628.

Commissioner Gouine questioned the moisture problem on the west wall of the storage building. Sheriff Clarmont stated that there was still a problem, but they were working with the contractor on it. Once it dries up, the contractor was supposed to be back to try and fix that. There was still a punch list that we continue to work through.

ADMINISTRATOR'S REPORT

Administrator Jeff Lawson reported on Community Mental Health's request for additional costs for services in the jail. It was identified that they would like to have a video conference call with all the counties in the region to talk about the cost. Preliminary formulas were provided to look at. On the high side, it looks like \$15,000 in additional funding. In looking at that program, it looks like it was a one day a week service to the jail. Staff was going to analysis the cost and the benefits. The Sheriff has identified that this was very important to the jail and inmate population.

Administrator Jeff Lawson reported on the Trial Court Funding Commission Interim Report given to him by County Clerk/Register Karen Brewster. In 2017, there was a Michigan Supreme Court case of People v Cunningham that analyzed court fees. The State of Michigan created a commission to study court funding relating to costs across the state. This was the interim report that was recently published. A copy will be provided to the Board. This covers areas of recommendations for stability in court funding; the state providing court technology needs; future uniform assessments and centralized collections; a move toward a uniform employment system and to establish a transition plan for the new court funding model. Staff will start to look at this and discussions with the courts would need to be scheduled to look at how the structure of the fees, structure of the court system and court employees might change in the future.

Administrator Jeff Lawson reported on the Marina Crew. The Marina Crews have been back to work for about one week and was preparing for the opening of the session on May 1st. The Harbor Master has identified that there might be some potential ice damage due to the heavy winter this year with a lot of ice being pushed up under the dock facilities. Staff should know in the next couple of weeks of any damage.

Administrator Jeff Lawson reported on the Cheboygan Animal Shelter Project. The contractor has removed the concrete and finished all of the demolition of the last phase of the kennel project. The new floor was poured last Friday and the contractor started installation of the block work for each of the kennel walls. A mechanical contractor has been hired and will be doing the installation of the heating and cooling.

Administrator Jeff Lawson reported on the Cheboygan Senior Center. RFP's would be sent out for seal coating of the parking lot. Over the last couple of years, we have been asked to look at the draining system on the west side of the parking lot, which has no place to go so it ponds on the asphalt and could cause problems. The installation of drainage system might have to be installed.

Administrator Jeff Lawson reported on the Black River Dam study. There has been no contact with the Federal Energy Regulatory Commission. Staff was participating in the discussion. The FERC has been meeting with other groups and he would expect in another month to hear back from them regarding getting together for a unified meeting to set a course to get some kind of conclusion. Grant Township Supervisor Gil Archambo stated that he has not heard anything. He stated that he knows that there would be a meeting planned and he would like to attend that meeting when it does happen. It looks like the dam operators have done a lot better job this year of controlling it because they have so many eyes on it. Administrator Lawson stated that they have weekly discussions and a lot of emails were being set between the groups monitoring the water levels.

OLD BUSINESS

Administrator Jeff Lawson presented Resolution #19-06 Support HB 4227 – The Creation of a “Committee of Michigan’s Mining Future”. This resolution is to voice support to create a Committee of Michigan’s Mining Future to enhance the talent supply and demand needs of the Upper Peninsula.

Motion by Commissioner Sangster, seconded by Commissioner Gouine, to approve

CHEBOYGAN COUNTY RESOLUTION 19-06 SUPPORTING HB 4227 THE CREATION OF A "COMMITTEE ON MICHIGAN'S MINING FUTURE"

WHEREAS, the mining industry is a vital economic contributor, not just for Upper Peninsula, but for the State of Michigan, and

WHEREAS, it is in the best interest of the Upper Peninsula counties and the State of Michigan to strengthen and develop sustainable mining practices for the future, and

WHEREAS, it is of vital importance to enhance the talent supply and demand needs of the Upper Peninsula through strategic focus on talent retention and attraction to build a strong workforce for mining in the Upper Peninsula, and

WHEREAS, it is the intention of House Bill 4227 to create a Committee on Michigan's Mining Future to ensure a comprehensive plan focused on ferrous, non-ferrous, and aggregate mining industry needs such as infrastructure, transportation, energy, applied research, environmental quality, government policies, taxation, rural development, mining legacy cleanup funds, and communications and public outreach, and

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WHEREAS, the proposed committee would be comprised of fifteen members with governor-appointed representatives from diverse areas of industry, state departments, environmental groups, tribal members and labor groups to meet the challenges and take advantage of the opportunities for the future.

THEREFORE, BE IT RESOLVED, that the Cheboygan County Board of Commissioners supports House Bill 4227 in the interest of strengthening and developing the future of Michigan mining practices, and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to all counties in Michigan, the Upper Peninsula Commission for Area Progress (UPCAP), the Michigan Townships Association, the Michigan Association of Counties, Upper Peninsula legislators and Governor Whitmer.

and authorize the Chair to sign. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

NEW BUSINESS

Commissioner John Wallace presented the Cheboygan County Fire Association Firefighter Training. The Cheboygan County Fire Association would like to use the Fairgrounds Midway area for firefighter training on May 4, 2019. All participants would be required to sign a waiver of liability form. Firefighters are covered by liability insurance and workman's comp of the sponsoring fire agency.

Motion by Commissioner Tryban, seconded by Commissioner Warfield, to approve the lease agreement as presented and authorize the Chair to sign. A roll call vote was taken. Motion approved 7 yes, 0 no and 0 absent.

Administrator Jeff Lawson presented the Fairgrounds Event Agreement for Cheboygan Junior Chiefs/Kiwanis. The Cheboygan Junior Chiefs would like the use of the grandstands, restrooms, and concession for a Burnout Competition on the evening of June 15, 2019.

Motion by Commissioner Sangster, seconded by Commissioner Gouine, to approve the Fairgrounds event agreement as presented and authorize the Chair to sign. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Administrator Jeff Lawson presented the Indigent Defense Compliance Plan/Grant Application. Act No. 93 of 2013 established the Michigan Indigent Defense Commission to develop a system to provide indigent defendants in criminal cases with effective assistance of counsel. In 2017, the Michigan Department of Licensing and Regulatory Affairs approved the first four standards for the indigent criminal defense system. The standards are: Standard 1 – Provide continued Training and Education to indigent defense attorneys; Standard 2 – Initial Interview – Defendant must be provided opportunity to have an initial interview with defense counsel; Standard 3 – Investigation and Experts – Defense counsel may seek licensed investigators or seek expert witnesses to defend client if applicable; and Standard 4 – Counsel at First Appearance – Defense counsel must be appointed to provide assistance to defendant as soon as defendant's liberty is restricted by the court as well as counsel provided at other critical stages of the case. The County must apply for Compliance Plan and Cost Analysis Renewal for approval by the MIDC to receive funding for 2019-2020. The County must provide base cost funding in the amount of \$144,515. All cost to provide indigent defense above the base cost will be paid by the State of Michigan upon approval of the unit's indigent defense plan in the amount of \$208,208.

Motion by Commissioner Newman, seconded by Commissioner Sangster, to approve the Cheboygan County Indigent Defense Compliance Plan/Grant Application for submittal to the Michigan Indigent Defense Commission and authorize the Chair to sign. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

BOARD MEMBER MATTERS FOR DISCUSSION

Commissioner Wallace encouraged the full Board to attend the May 15th Annual Tri County C.C.E. Central Dispatch Authority 9-1-1 Board of Directors Meeting to be held at the North Central Michigan College, Petoskey, Michigan.

Commissioner Sangster encouraged the Board to review the Committee of the Whole/Planning Session Minutes from the last several years, to review the past goals. Then the Board would be able to grade themselves on their abilities and see what they have been able to move forward with. Commissioner Wallace agreed that they should look at past goals to see where they were at.

Commissioner Warfield would like to discuss the possibility of a resolution in opposition of the potential utility personal property taxes. The Equalization Director supplied the Board with a report and it does show the potential loss of revenue to the County totaling \$833,647.84. It was the consensus of the Board to approve a resolution. Staff was to prepare a resolution for the next Board Meeting.

CITIZENS COMMENTS

Louis Vallance citizen of Grant Township commented on the counties drainage issues, which affects property values. He was concerned with the front entrance of the Cheboygan County Building, which was deteriorating. He suggested that No Smoking signs be purchased and placed on the SRR buses as to follow Federal and State Laws. He thanked the Board and everyone for the 300 jobs that will be coming into the community. Make Cheboygan better than what it was now. Get County services a little bit more in line with other municipalities.

John Kurczewski commented on the 5G information packet that was put together by Jamie Chimner, which had a lot of information in it. If anyone was interested in getting a copy, he had extras.

Cynthia Curtis citizen of City of Cheboygan commented on the 5G technology. There was a state law that said we have to have this 5G encroachment on our property. As you know, there were a lot of laws that haven't been right. She urged the Board to approve a resolution in opposition of allowing the wireless industry to push this unto us. When these laws were passed in state legislature the opposition was approximately 100 to 15 with the people who were in support of it being only the industries and not the people who were actually affected.

Commissioner Wallace commented on a CD given to him for review from Retired Engineer Chuck Leady, which was on Electric Magnetic.

BOARD MEMBER COMMENTS

Commissioner Sangster commented that Mr. Leady had also given him a CD. He had asked Mr. Leady to take an EMR reading of the pole next to his church and it was apparent that it was pretty heavy duty coming off of this pole. This certainly has some good points about it. John Kurczewski commented that at Mr. Leady's request, he would be taking another reading.

Commissioner Gouine commented that approximately 5 years ago, Tim Mason Maintenance Director asked him to take a look at the columns in front of the County Building because of the salt

deterioration. He suggested buying some 6 inch sand stone and just glue them right to the columns. Commissioner Wallace commented that this was part of the deferred maintenance program that hasn't been done in a long time, but the Administrator was finally getting a hold of and was finally improving the County Building to back where it needs to be.

Commissioner Newman commented on if there had been any communication on the solar farm. Grant Township Supervisor Gil Archambo commented that there has been no communication with the Zoning Department, but there had been an amendment to the zoning ordinance. The person that was in charge Andrew McKee has left the company, but before he left, he set the guideline for him as how this whole thing would transpire and the next step was for them to make application for their permit. Administrator Lawson commented that this was probably part of the EDC type conversation. He asked the Board for approval to make contact with the developer one every month or once every other month to follow up on some of these things. It was the consensus of the Board to approve Administrator Lawson to make contact with them.

Commissioner Warfield complimented and congratulated Sheriff Clarmont for bringing the Jails 2018 Year End Budget under budget.

Commissioner Tryban commented about receiving an email from Rick Martin and she planned to bring the information and his concerns up today.

Commissioner Wallace commented on data generated from three sessions of "From Decisions to Actions" in 2017-2018, which was handed out by Charlie Brown Program Coordinator. This program was a great compliment to SAYPA.

Motion by Commissioner Sangster, seconded by Commissioner Newman to adjourn to the call of the chairperson. Motion carried with 7 yes, 0 no and 0 absent. Meeting adjourned at 11:31 a.m.

Karen L. Brewster
County Clerk/Register

John B. Wallace
Chairperson