

**Cheboygan County Board of Commissioners  
Committee of the Whole Meeting  
September 26, 2017**

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 9:30 a.m.

Roll called and a quorum present.

**PRESENT:** Commissioners Karen Johnson, Richard Sangster, Michael Newman, Cal Gouine, Roberta Matelski, John Wallace and Robert Bolinger.

**ABSENT:** None

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

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

**CITIZENS COMMENTS**

Carl Muscott citizen of Tuscarora Township commented that he was glad to see the Solid Waste Management Plan back on the agenda because there was a short discussion about it at the annual planning meeting in April and it was 20 years out of date. There were a lot of people concerned with the environment and he encouraged the Board to take their time to see what amendments would benefit Cheboygan County.

Marcia Rocheleau Beaugrand Township Supervisor commented that she previously came before the Board concerning an SUP that was granted by the Planning and Zoning Department. Since that time, she has learned that this unit, which was located in Beaugrand Township was not capable of taking this to court to oppose the SUP. When this was turned over to the Planning and Zoning Department, the township lost any kind of appeal rights. Case law was provided to them by Legal Counsel. When the SUP was granted there was reassurance from the Planning and Zoning Department that if there were any violations, it would be taken care of. On August 1<sup>st</sup>, Triple D Sanitation opened for business on the corner of Levering Road and Inverness Trail without having met any of the 25 conditions set in place when the SUP was approved. The department was notified and the township waited to see what was going to happen. After the first week of August, a letter was sent stating they had to cease their operation immediately. Nothing happened and Triple D Sanitation was still doing business. Finally, the township questioned Planning and Zoning to see how long Triple D Sanitation had and was told that Planning and Zoning needed to contact Legal Counsel. She waited for an answer and then contacted Planning and Zoning again. Then they were told that they would have to give them 30 days after the initial letter and then send them another letter with 14 more days. Finally after the 14th day, a citation would be given out and could also

be given out for each day of violation. She never received a direct answer. This was an illegal business operating and was also violating the SUP. This process was being followed because this was how it was being handled in other counties. Enforcement was lacking. When can the township expect to see this business removed from this County? It now has been over 45 days and the business has not followed through. Garbage was being taken, which makes it a transfer station, which makes it fall under the Solid Waste Management Plan. In order to stop the company from operating, there would need to be a court injunction. She questioned the effectiveness of the county's enforcement of the zoning ordinance and why the steps were not included when the ordinances were adopted. She was also curious whether legal counsel was making all the decisions and giving instructions. And why the county even needed the planning and zoning department or the Community Development Director Steve Schnell. When could Beaugrand Township expect to see this business removed from that location? The Beaugrand Township Board members were very concerned about the lack of action being taken and would like to see something happen.

Commissioner Johnson asked to be recused as a commissioner as to speak under citizens comments.

Karen Johnson citizen of Beaugrand Township addressed the Board on her concerns with the waste hauling company. On May 17, 2017, the Planning Commissioner decided that there would be a performance bond established for this company to operate. The amount of money was to be worked out between the staff and the applicant based on costs for improvements. The cost for the improvements were to cover screening, base line study, park surface and up close drain systems. The zoning administration decided to set the bond amount at \$34,000. She called their attention to Zoning Ordinance Section 21.2.4, which read, "The zoning administrator shall under no circumstances be permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out his duties as zoning administrator." Also in Section 18.9, which was in regard to the performance guaranteed indicated, "the costs to be included in the purchase construction, installation of any improvements, Architectural engineering, design and testing fees, and related professional costs as well as an amount of contingencies consistent with general acceptance for engineering or planning updates". The \$34,000 bond was minimal for what was being required. Numerous discussions were held with Mr. Lawson and Mr. Schnell and she was informed that the bond was to repair or return the property to its original condition should the company not complete the process. The county would not take steps to go onto private property and improve it back to the conditions that existed, especially after authorization was given by the owner to proceed. There was discussion with Mr. Schnell about safety concerns and her concerns were dismissed. She was absolutely appalled at the lack of integrity in order to provide safety for citizens of Cheboygan County. These buildings on site were built for residential use and were now being used for commercial use. There were life safety issues in regards to them. She encouraged the Board of Commissioner to take action today and increase the bond amount, to follow the desires of the Planning Commission and give authorize to zoning to proceed with a court injunction to stop this illegal and harmful business that has been operating since August 1, 2017.

Tim Freeman citizen of Mentor Township, a fire fighter with the Wolverine Volunteer Fire Department and the president of the Firemen's Association addressed the Board regarding the activities that have been happening on his farm and to bring clarity. Previous speakers have cited concerns and this was part of the problem. About four (4) years ago, he and his friends adopted an abandoned hiking trail that goes around Weber Lake and was called the Lost Tamarack Pathway. As a general contractor, he took it upon himself, at his own expense, to bring this trail back to useable state since the Department of Natural Resources had not been able to fund anything. It was a great experience working with the DNR. This leads to the event, which happens the third weekend in June. After clean up in the spring, friends, family and people of the community meet at his farm for an event. There have been complaints about the event taking place at the property by one of Mr. Freeman's neighbors. These concerns ranged from providing alcohol and drugs to minors and to loud music. The event charges admission and gets away with the alcohol use because it was by donation. The admission helped pay for the bands and the rental of port-a-potties. He has tried to be reasonable with this person. Mr. Schnell informed him that he had two things he needed to do, either get a special event permit from his township board or to seek a zoning change for the property. In the past 4 years, he has received a special events permit from Mentor Township. He also took steps to get a temporary campground permit through the county and the DEQ, had his water tested and all this done at his expense. His event was held in an effort to get people out to use the trail. In the past four (4) years, there has been no need to call the sheriff. Commissioner Gouine questioned if his event should be compared to the Bliss Festival. Mr. Freeman didn't want to be compared to the Bliss Festival. In order to not cause any more problems, the fall event was being moved to the Wolverine Lumberjack Park in Wolverine.

Wendy Dixon citizen of Mullett Township addressed the Board regarding the DNR stewardship at the Cheboygan Dam damaging county, watershed and waterways. People were complaining about the loss of 4-6 feet of shoreline on Burt Lake and the flooding of basements on Crooked Lake. DNR records showed gate mismanagement in 2016 causing watershed and infrastructure issues. In 2014 records found the same issue with spring run-off and the aging boat lock was jeopardized twice. Patterns of mismanagement exist year around. Basically one person was responsible for managing the dam, which impacted 1,400 square miles of upstream watershed. The DNR audits complaints, but there's no audit of the Dam Operation. In 2017 there was more lake level confusion with the Boat Lock requiring delicate care. On August 23, 2017, the DNR hosted a meeting at the Cheboygan County Building for all Local Association Group Representative from Cheboygan, Black River, and Mullett Lake to talk about the dam. Discussion on geography and history, but there was no mention made of the Boat Lock. Mrs. Dixon stated that for weeks she has tried to get answers about Draw Down explained on August 23, 2017. Things remain unsolved; leaving this area vulnerable just as flows begin to increase for the fall and the winter draw down was set to begin on October 15<sup>th</sup>. When will the DNR begin to enforce their River Flow Agreement?

## **SCHEDULED VISITORS/DEPARTMENT REPORTS**

Frances Whitney presented the NEMCSA 2016 Annual Report with a power point presentation. A refresher was given on what community action agencies were including NEMCSA. The community action agencies were established under the Economic Opportunity Act of 1964, which was President Lyndon Johnson's war on poverty. NEMCSA was one of 29 in the State of Michigan and by far, the largest geographically. There were over 1,000 community action agencies throughout the country. NEMCSA was formed in 1968 in Alpena, Michigan. So next year was their 50<sup>th</sup> anniversary and hopefully, they would be having a party planned to celebrate the accomplishment of being in the community that long. NEMCSA was formed to alleviate the causes and conditions of poverty here in Northern Michigan. They started with just a budget of \$500,000 and by 2016 the operating budget was over \$51 million dollars. NEMCSA was a private non-profit community action agency that provided assistance to an adverse age range of under privilege individuals thru federal and state funds as well as public and employment funding systems. They truly were an agency that provided assistance from cradle to grave. An abbreviated mission of the agency was to provide quality programs and services to strengthen and enhance the self-sufficiency of individuals, families and communities, focusing on those who were experiencing an economic hardship. Not all the programs were income based, but referral based. NEMCSA has 11 core counties, which provides 35 programs. Approximately 700 employees were employed with an operating budget of \$51 million. The programs were lumped into divisions: Senior Services a/k/a Region 9 Agency Area on Aging, Care Management Program, In Home Services, Foster Grandparent Program, Senior Companion Program, Retired and Senior Volunteer Program, Early Head Start, Head Start, School Success Program, Homeless Assistance Program, Emergency Food Assistance Program, and Utility and Deliverable Fuels Program. NEMCSA has been here for 50 years to help alleviate causes of poverty in Northern Michigan. According to the Federal poverty guidelines in the State of Michigan, a family of four (4) who lives on an income of \$24,250 was considered living in poverty. Currently 16.7% of the State was living in poverty. 23.5% of children and 8.8% of senior citizens. In Cheboygan County, there were 30.1% of children and 9% of senior citizens ages 60 and better living in poverty with an average overall percentage of 18.2. The percentages were similar in the 11 core county areas. NEMCSA was currently trying to prevent poverty with 50 employees that have home offices here in this county. This didn't count all of the NEMCSA employees who come here to work, but have a different home location. Then there were eight (8) separate work site locations in Cheboygan County. As of this year, there was a new current position for community outreach in this county, which she was now capable of doing. For more information please visit [www.nemcsa.org](http://www.nemcsa.org).

## **ADMINISTRATOR'S REPORT**

Administrator Jeff Lawson reported that staff continues development of the budget. A copy of budget was handed out to the Board. A detailed review of fund budgets would be presented at the October 24, 2017 meeting. Finance Director Kortz addressed the

Board regarding revenue line item/updates required; expenditure line items issues/ update required and funds that were not available.

Administrator Jeff Lawson reported that staff had communicated with representatives from both the City and Inverness Township to identify that the County would like to sponsor a mediation process to help the two units come to an agreement on providing water to the Meijer Development. The City had identified that Meijer was planning to communicate by a phone meeting with representatives of the City and Township on Tuesday. The Township had identified that a Board meeting was scheduled for tonight to discuss the proposed Utility Service Agreement. Then from the conclusion of this meeting, it would show where they were at.

Administrator Jeff Lawson reported that staff had communicated with the DNR staff concerning the request by the Cheboygan Yacht Club to purchase property adjacent to the Marina. The DNR indicated that the parcel had been purchased by the DNR and was not designated for release. The DNR identified that they would review the request of the Yacht Club to determine if any portion would meet DNR use agreement standards.

Administrator Jeff Lawson reported that the staff presented a proposal to the State for engineering services on the Gold Front and as soon as approval was received back from the State, the county could move the project forward with bidding the project out for removal.

Administrator Jeff Lawson reported that the garage kennel was completed last year at the Humane Society. The problem with all these projects had been finding architects or contractors to work with and bids coming in were way over the budget. The fencing was bid out to a contractor and then in the spring, the contractor was too busy to do the job. The summer was spent trying to find a contractor. Finally, contractor Matt Barber who was working on a different component and who normally didn't do fencing was hired and the installation should start this week. Another example was trying to find enough electricians to get a bid. One bid was received and awarded, but what they were finding was to meet the bidding guidelines of multiple bids needed, the staff had to go out looking for contractors. This puts delays on every process. Commissioner Gouine questioned a possible problem with the paint in the kennels. Mr. Lawson stated that Ms. Talaske identified that the state would like a different kind of paint and he was waiting for clarification. On the original bid that was received and awarded, the contractor went to purchase the paint, which came in over \$4,000 or \$5,000 for the seven kennels and the contractor stated that he couldn't do the job for more than \$7,000 or \$10,000. This was too expensive and the paint spec was changed to Sherwin Williams. Recommendations on what to be used was requested for kennel operations. If the state wants an epoxy used, which was too expensive, it would be cheaper to install a tile or durable vinyl product on the floor.

**OLD BUSINESS** - None

**NEW BUSINESS** - None

**BOARD MATTERS FOR DISCUSSION**

Administrator Jeff Lawson presented the Solid Waste Management Plan for discussion to the Board of Commissioner. The solid waste management plan the county was currently operating under was adopted around 2000 by NEMCOG. The process today was to review the plan and improve the clarity of the process on how to treat Type B Transfer Station. Make corrections to list the criterion that disposal areas must comply with, possibly making different review processes for transfer station. Existing criteria appears to be more appropriate for landfills. Clarify the “two-part” siting review process because there didn’t seem to be a two-part process in the plan. Review Processing Facilities and choose how they were to be reviewed because none were currently listed. Also to verify locations and reaffirm consistency of existing transfer stations, possible siting review fee update, verify the list of responsible parties and enforcement. The county Board of Commissioners would have to appoint a 14 member solid waste committee with specific representations. The Board would give preliminary direction as to what the committee was to review. Then that recommendation would come to the Board of Commissioners to be approved. It was a process with limited criteria and would possibly take the better part of one year to get through. There would be time and money involved in revising the plan and then there was the possibility of the state revising the law within the next 3 to 5 years. Mr. Schnell stated that he had talked with NEMCOG and they estimated the budget at less than \$5,000. Typically, the regional planning agency was the agency that takes on the solid waste management plan. Mr Lawson clarified that the company operating in Beaugrand Township was operating under a special use permit approved by the Planning Commission. Under the special use permit, the company was not allowed to transfer wastes like a transfer station. If this was what was being done, then this becomes an enforcement issue. Discussion was held on the time frame of the citation. Commissioner Wallace stated that legal counsel needed to be involved and he would like to sit down with legal counsel to discuss the solid waste management plan.

**Motion** by Commissioner Newman, seconded by Commissioner Johnson to outline the initial concerns with Civil Counsel at a special meeting. Motion carried with 7 yes, 0 no and 0 absent.

**CITIZENS COMMENTS**

Sheriff Dale Clarmont commented that he thought the Board could use a little bit of good news and this was a great reflection on the professionalism of your sheriff’s department. He read a letter that had been sent by Senator Gary Peters to Detective Lt. Michael Brege congratulating him on being honored with the Medal of Valor for his actions. This was the first time in the Cheboygan County Sheriff’s Department’s history that one of its deputies had been given this award.

Carl Muscott a citizen of Tuscarora Township thanked the Board for addressing the Solid Waste Management Plan and recommended that these types of businesses be placed in an industrial park. Mr. Muscott reminded the Board of the transparency of the open public meeting.

### **BOARD MEMBER COMMENTS**

Commissioner Gouine commented on attending a District #4 Health Department meeting and the Board was getting tired of all of the drywall dust on everything. If maintenance wasn't going to be done with the remodeling in a timely manner, then a private contractor could possibly be hired. Administrator Lawson stated that when the county received the building back in 2012, the Health Department did not have any funds available for any updates on the building. The amount of rent was set up and the infrastructure that was trying to be improved was based on what they could afford. The county was trying to construction manage it to keep the cost down and the sacrifice was the time element. If the project was bid out, the price would be excessive and then the rent amount would have to be negotiated in order to pay the debt off. This has taken a few years, but it needs to be done cost effectively.

Commissioner Johnson reported attending an EDC meeting and they were looking for some direction from the Board of Commissioners. She encouraged the Board of Commissioners to work towards finding some goals, defining the goals or did the Board want to look at reforming the board. Administrator Lawson stated that there was an old plan. These were people who were volunteering their time on the EDC that have ideas, but do those ideas align with the Board ideas. These ideas need to be communicated to the Board in an open discussion. Commissioner Gouine commented that everyone needs to work together for the good of the county.

Commissioner Wallace reported that there was a Senior Expo being held at the Knights of Columbus on Thursday, October 5, 2017 for all seniors. He commented that the Board needs to improve communication between the different Boards, departments and entities.

**Motion** by Commissioner Wallace, seconded by Commissioner Newman, to adjourn to the call of the Chairperson. Motion carried. Meeting adjourned at 11:27 a.m.

---

Karen L. Brewster  
Cheboygan County Clerk/Register

---

John B. Wallace  
Chairperson Board of Commissioners