

## Commissioner Minutes of March 10, 2009

*The Gladwin County Board of Commissioners met in a Special Public Session March 10, 2009. The meeting was called to order at 8:30 a.m. to discuss the County ORV ordinance by Chairman Whittington. The purpose of the meeting was to allow public discussion of the proposed ordinance before it was voted on in Regular Session.*

Motion by Commissioner Reid, supported by Commissioner Smith, to go into *Public Hearing to discuss the ORV ordinance*. Ayes carried, **motion passed**.

*Chairman Whittington asked the Board members if they had any questions or comments before public comments began. No comments at this time.*

### **Public Comments –**

**Dennis Perry**, Hay Township Supervisor, asked what set of circumstances did the Gladwin County Road Commission act under in only opening some of the roads in the County. Mr. Perry continued to comment that he was not notified to obtain Hay Township's point of view, and that he was very displeased in the handling of this matter by the Road Commission.

**Keith Edick**, Gladwin County Road Commissioner, explained the process of putting together a map of open roads, noting that this process was not done secretly; it was handled in a regular posted Board meeting with the Engineer and Foreman of the Road Commission. Mr. Edick commented that the preliminary map was done by the Road Commission as an act of public safety and Townships had the opportunity to be a part of that process.

**Dennis Perry**, asked where the open meeting notice was posted stating that they were working through the ORV process, stating nobody knew about it and the townships have the same concern for safety. It was replied by Mr. Edick that the meeting notice was only posted at the Road Commission.

**Larry Shangle**, Billings Township, made comment on the road closures not working through the Jones Road area.

**Doug Horstead**, commented that if the road closures are for public safety it is a poor excuse, noting that the roads are used by mopeds, bikes, Amish buggies, etc.

**Larry Grell**, Billings Township, noted that if the Road Commission Board members are elected by the residents, and they are not willing to work with the Townships, it may be time for a change in the elected Board members to the Road Commission.

**Ralph VanderBush**, Hay Township, asked if the map prepared is now "concrete". Commissioner Reid commented that he had sat down with Mr. Sohlden from the Road Commission after the February 19<sup>th</sup> meeting and an additional 30 miles had been opened.

*Commissioner Reid noted that when the Board adopts this ordinance to open all the County roads, the Road Commission still has the right to close up to 30% of the Roads.*

**Ken Johnson**, Bourret Township, asked if there would be a new map printed after the outcome of this meeting, noting that the ordinance should allow road access to all public trails.

**Mark Sohlden**, Road Commission, then asked the Board to review the written comments that he had provided to them as changes to the proposed ordinance. Mr. Sohlden reviewed the list of items with the Board. *Commissioner Reid* commented that PA 240 clearly reflects the State Law, and the ordinance follows and reflects to that State Law. *Commissioner Reid* further noted that he is disgusted with the lack of communication, and Mr. Sohlden bringing these suggestions to today's meeting. *Commissioner Reid* commented that he takes offense to Mr. Sohlden trying to "distort" State Laws, but does respect that they have questions to the passing of the ordinance.

**Commissioner Posey** questioned why the focus on ORV damage to the roads when there are many things that use the roads that cause damage.

**Ralph Vanderbush** commented on the need to pass the ordinance and break the communication barrier between the County Board and the Road Commission.

**Mark Sohlden** stated that this has been ongoing and only the County at Large can pass this ordinance, noting that the Road Commission wants to be involved. *Mr. Sohlden* commented that he is more than willing to work and meet with the Townships, but his emphasis was to look at the County as a whole for the best fit. *Dennis Perry* asked what efforts the Road Commission made to include the Townships, citing several occasions that he had tried to reach Mr. Sohlden to speak with him with no returned call. *Mr. Perry* stated that this discussion should have happened months ago, and that the trails need to be uniform from Township to Township.

**Frank Saliccioli** questioned if Weber Road and James Robertson had been opened. *Commissioner Reid* stated that yes they are now open.

**Tony Marshall**, Bourret Township Supervisor, stated that there needs to be better coordination between the agencies to address the enforcement issue. Mr. Marshall commented that the Road Commissioner and Commissioner Carl have worked very well with his township.

**Vincent Berry**, Secord Township Supervisor, commented that there needs to be a commerce created between the agencies, and questioned why Secord Dam and Three Rivers Road were closed.

**Richard McGovern**, Tobacco Township, commented on several of the road closures creating a "land lock", and the ability of the Road Commission to backstep so well, noting that they are "typical politicians".

**Ray Peck**, Hay Township, commented that he is an avid runner, and believes that ORV's will not do any further damage than the large trucks create on the roads. Mr. Peck stated that he believes that this excuse is just another way for the Road Commission to "blow smoke".

**Jim Heiple**, Beaverton City, noted that he is very excited to see the ORV ordinance adopted and asked that roads need to be open to allow riders a "destination to travel" to prevent road damage and other problems.

**Larry Shangle**, commented on only a small section of Jones Road that was opened.

**Ron Lindberg** asked about the effect date of the ORV ordinance. Commissioner Reid noted that the ordinance would be in effect upon publication in the paper.

**Sheriff Shea** approached the Board commenting that even he had *not received a finalized map; and he was the responsible party that would have to be enforcing the ordinance, which would be limited at best.* The Sheriff asked that the Board consider time for the distribution of the maps and ordinance to the Public so that everyone could be better educated, noting that tomorrow is too soon to implement the ordinance. Sheriff Shea commented on the need to educate the youth of the County and provide training courses.

**Craig Dassey** stated that he has been an "illegal" rider for years, and would like to legally be able to move from one location to another.

**Dick Shellenbarger**, DNR, *stated as an agency they are opposed to the ORV legislation for three reasons: 1) The issue has evolved from connectivity to stimulate open destinations. 2) There has been a long history of abuse trying to contain this activity; and containment has never been achieved. 3) There are safety issues such as narrowness of roads and sight lanes. Mr. Shellenbarger noted that he felt the Road Commission has received a lot of undue criticism by faulting them for doing their "safety" jobs. Discussion on five year plan to track complaints, injuries, crime, etc.*

**Bill Bryan** noted that the trail system in Gladwin County is only 2.5 hours of riding; whereas in other counties you are able to ride for hours and not come to the end of the trail. Mr. Bryan feels that enforcement should pull the rights to ride from those who abuse the privilege, and not punish those who are safety conscious.

*Motion by Commissioner Carl, supported by Commissioner Smith, to close the Public Hearing. Ayes carried, motion passed.* The Board then took a short recess. Meeting called back to order at 9:20 a.m.

*The Gladwin County Board of Commissioners met in regular session March 10, 2009. The meeting was called to order at 9:20 a.m. by Chairman Whittington. The Pledge of Allegiance was recited. Roll call found all Commissioners present.*

**Agenda** – There were no additions or corrections to the agenda.

The **Regular Board Minutes of February 24, 2009** were then considered. Motion by Commissioner Walters, supported by Commissioner Reid, to approve the minutes as presented. Ayes carried, **motion passed**.

The **semi-monthly Finance report totaling \$32,418.28** was then considered for approval. Motion by Commissioner Rhode, supported by Commissioner Carl, to approve the bills for payment as presented. Ayes carried, **motion passed**.

The **ORV ordinance** was then brought before the Board for consideration. Motion by Commissioner Reid, supported by Commissioner Posey, to adopt the ordinance as prepared. Roll call vote as follows: Walters – yes, Carl – yes, Rhode – yes, Reid – yes, Posey – yes, Smith – yes, Whittington – yes. 7 yes, 0 no. Ayes carried, **motion passed**.

#### **Public Comments –**

Sheriff Shea spoke to the Board on his concern of his staff and their abilities to enforce on a one day notice. The Sheriff asked again that the Board give a two week time frame to allow the residents to get the information needed. Commissioner Reid noted that all the roads are open as of now, and the residents know that. Sheriff Shea commented that the only economic impact with this ordinance would be through the emergency rooms and funeral homes, and that the residents need to have the importance of safety pressed upon them. Commissioner Smith then made a motion to have the ordinance be placed in effect on April 1, 2009 to allow time to have the information circulated to the public.

Discussion. **Motion died for lack of support.**

**Bill Shellenbarger**, DNR, informed the Board, and public, as an agency point of emphasis there would be *no riding on the State “two-tracks” or the forest roads*. Discussion.

**Lauren Essenmacher**, Council on Aging, came before the Board with an *update of current events*. Discussion. Several of the Board members thanked Ms. Essenmacher for her work in various programs. Further comments on how to circulate program information to the public.

**Ron Taylor**, Animal Control Supervisor, presented to the Board his **2008 annual report**. Discussion on various cases throughout the year that Animal Control handled with Judge Allen. Commissioner Walters provided Mr. Taylor with a copy of a cat ordinance from Roscommon County. Commissioner Carl asked about issues with horses and livestock.

**Katy Becker**, City County Transit, came before the Board with a resolution for 5311 operating assistance funds. Discussion. Motion by Commissioner Rhode, supported by Commissioner Carl, to adopt the resolution as presented. Roll call vote as follows: Carl – yes, Rhode – yes, Reid – absent (excused himself to make communications with the newspaper), Posey – yes, Smith – yes, Whittington – yes, Walters – yes. 6 yes, 0 no, 1 absent. Ayes carried, **resolution 2009-006 declared adopted**.

**Frank Starkweather**, EDC, came before the Board and presented them with a four page document for the *2009 CEDS Capital Improvement Plan*. Discussion on the various projects contained within the report. Commissioner Carl asked that a copy of the minutes be forwarded to each township for their review. Mr. Starkweather stated that he would forward the communication to the Board Secretary for distribution. *Motion by Commissioner Rhode, supported by Commissioner Carl, to approve the four page updated document entitled “2009 CEDS Capital Improvement Plan” as the official 2009 CEDS plan for Gladwin County. As part of the motion a copy of the plan, with the approved minutes, to be sent to EMCOG and the EDC. Ayes carried, motion passed.* Mr. Starkweather then shared with the Board some “news items” updates.

Commissioner Reid then voiced some concern over a few items that needed to be covered in relation to the Road Commission proposed open/closed roads. Commissioner Reid noted that he felt the roads should be listed in the paper for the public’s information. Commissioner Carl noted that any publication should state “subject to change”. Mike Bruabaker, 911, voiced his concern over the calls that would be coming into the center, and asked if there was any information he could have in preparation to that. Discussion.

*Chairman Whittington then ordered a five minute recess.*

The meeting was called back to order at 10:30 by Chairman Whittington.

**Bev Pryzstas**, MSU, brought an update for the Farm Show to the Board, noting that there are many vendors and it should be a “full house”. Ms. Pryzstas provided the Board with a list of session times and activities.

***Committee Reports:***

**Commissioner Smith reported:**

On attending the Library Board meeting on the 24<sup>th</sup>, noting that they have added hours to the Beaverton Branch.

On the Data meeting on the 3<sup>rd</sup>.

On attending the Finance meeting on the 6<sup>th</sup>.

On the Tobacco township meeting last night.

On the Pace program scheduled for this Thursday, noting that it is a candy making class. Commissioner Smith informed the Board that in April Mike Jankoviak will be doing a class on the history of Drive in Movies.

**Commissioner Posey reported:**

On attending the Grout township meeting on the 2<sup>nd</sup>, noting ORV discussion.

On the Data meeting on the 3<sup>rd</sup>. Discussion on the preparation work for the implementation of the **paperless policy**. Commissioner Posey stated that she has been receiving the reports early for review, and she has enjoyed it. Discussion. *Motion by Commissioner Posey, supported by Commissioner Reid, to implement the proposed "paperless policy" effective April 1, 2009. Ayes carried, **motion passed.***

On attending the Beaverton township meeting last night, noting that it was brief.

**Commissioner Walters reported:**

On attending the Fair Board meeting on the 9<sup>th</sup>, noting that the Fair begins June 22<sup>nd</sup>.

On the Veterans meeting, and those individuals who had passed and should be recognized: Thomas Slusher – Vietnam, Eugene Raymond – Korean, Robert Friedle – Vietnam, Dale Chapin Jr. – Vietnam, Garnet Martin – WWII.

Commissioner Walters then informed the Board that the *DNR tower* would be deeded to the County, as the consumers account has already been assumed by the County effective February 24<sup>th</sup>. Discussion on uses of the tower, and the utilization by Emergency Management.

**Commissioner Carl reported:**

On attending the Central Michigan District Health Department meeting on the 25<sup>th</sup>.

On the Planning Commission meeting on the 4<sup>th</sup>.

On attending the Personnel meeting on the 5<sup>th</sup>.

Commissioner Carl then thanked Commissioner Reid for presenting the ORV ordinance, noting that he was very professional.

That next month he would be on vacation.

**Commissioner Reid reported:**

That the article and ORV ordinance would be in the paper tomorrow and that the roads that are closed would be listed in the article. Discussed topics of public safety concern. Commissioner Reid commented that there are several print shops in town that should be contacted to price the signs for the townships. Commissioner Smith stated that EDC should work with the businesses to price the

signs. Sheriff Shea stated that the County needs to implement a “uniform logo” for the signs that should be publicized in the newspaper. Discussion.

That Gina Conrad, Gypsy Moth, has been very involved in the preparation of the ORV road maps. Discussion of the **sale price of maps, and the location where they can be sold.** *Motion by Commissioner Smith, supported by Commissioner Reid, to sell the maps for \$4.00 each at the County Clerk's Office.* Proceeds from the map sales are to be deposited into the GIS revenue line. Ayes carried, **motion passed.**

Commissioner Reid then thanked Rick Ghent, Carmen, and Chairman Whittington, for assisting with the RETAFF process and all the hard work they put into gathering bids and compiling reports. Commissioner Reid then went over a list of renovations, repairs, and energy saving projects with the Board. Discussion. Commissioner Whittington thanked Commissioner Reid for all of his work in this project.

Commissioner Reid noted that the Board had received a letter from their attorney sighting there would be no further appeal on the Dam matter.

The Board then reviewed a bid from **Valley Roofing for \$1,600.00 to repair a section of the roof that was no longer under warranty.** Discussion of bid process and obtaining only one bid. *Motion by Commissioner Reid, supported by Commissioner Posey, to repair the roof using Valley Roofing for \$1,600.00.* Cost to come from 101-265-930.000. Ayes carried, **motion passed.**

The Board then gave permission to Commissioner Reid to attend a court proceeding in Kalamazoo with Sheriff Shea March 24<sup>th</sup> and act as their representative for financial purposes; with all financials being brought to the Board for approval.

**Commissioner Rhode reported:**

On attending the Sports Complex meeting on the 24<sup>th</sup>.

On the 25<sup>th</sup> attended EDC in the afternoon, and Central Michigan Health Board meeting in the evening.

On attending the Gladwin City Counsel meeting on the 2<sup>nd</sup>.

On the Central Michigan Health Finance meeting on the 4<sup>th</sup>.

On attending the Personnel meeting on the 5<sup>th</sup>.

On the Finance meeting on the 6<sup>th</sup>.

On attending the Central Michigan Health Finance meeting on the 9<sup>th</sup>, noting that they will be keeping the 2009 appropriations the same as last year.

### **Finance Matters:**

1. The committee met with the **Road Commission on the Indirect Costs for 2008** and present billings. The cost agreed to by the committees was based on a formula for 4 hours per week for the 52 weeks a year at a structured rate of pay. **Total billable cost for 2008 is \$4,223.23.** *Motion by Commissioner Rhode, supported by Commissioner Carl, to approve the billing for indirect costs as presented.* Ayes carried, **motion passed.**
2. Michael Brubaker, 911 Director, came to the committee to ask that the **2009 maintenance agreement with Radio North be renewed.** Total cost of **\$25,800.00** to be paid from the 282 wireless fund. *Motion by Commissioner Rhode, supported by Commissioner Reid, to renew the maintenance contract as presented.* Discussion. Ayes carried, **motion passed.**
3. **Jerry Wells**, Electrical Inspector, has requested **payout for his unused vacation, sick and personal time upon his March 31, 2009 retirement.** *Motion by Commissioner Rhode, supported by Commissioner Carl, to pay the balance of hours under union contract, and upon verification of the payroll department.* Ayes carried, **motion passed.**
4. **Bev Przystas**, MSU, has requested that she and **Glenda Bair** be allowed to **attend the Washing DC trip with the 4-H students.** Total cost of **\$650.00** to be paid for from 101-257-860.000. *Motion by Commissioner Rhode, supported by Posey, to approve the travel request.* Ayes carried, **motion passed.**
5. *Motion by Commissioner Rhode, supported by Commissioner Carl,* to allow the **Clerk and Treasurer to bill the 2009 Indirect Costs** per the figures provided in the 2007 MAXIMUS report. Ayes carried, **motion passed.**
6. *Motion by Commissioner Rhode, supported by Commissioner Smith,* to allow the **Treasurer to build revenue and expense lines within the Land Bank fund.** Ayes carried, **motion passed.**
7. In the event that funding becomes low in the General Fund, the committee is asking for a motion to allow the Treasurer to **borrow from the 275 fund this year with the borrowed balance to be repaid by the General Fund to the 275 fund by 12-31-2009.** Commissioner Posey questioned where the appropriations stood, and how the County was doing with cash flow. *Motion by Commissioner Rhode, supported by Commissioner Reid, to approve the request with all funds being repaid from the General Fund to the 275 fund by 12-31-2009.* Ayes carried, **motion passed.**

Commissioner Reid then noted that there will need to **be two revenue lines established for receipt of ORV infraction payments.** 50% of the revenue to the County and the other 50% to the Road Commission. *The Clerk and Treasurer will create those line items and have them for the next Board meeting.*

Commissioner Carl questioned if the Road Commission ever responded to the letter sent to them by the Board. Carmen Chavez commented that no response was received.

Chairman Whittington then commented that he was asked by the Finance committee to remind **Board members and Department Heads to be considerate and frugal with their spending until the cash flow situation is alleviated.** Commissioner Reid commented that the Board needs to watch their spending on training requests, noting that the Washington DC trip for MSU was nice to send them, but not necessary to fund.

*Motion by Commissioner Carl, supported by Commissioner Walters, to receive and file various reports and correspondence. Ayes carried, **motion passed.***

**Public Comments – none**

*Motion by Commissioner Reid, supported by Commissioner Posey, to adjourn. Ayes carried, **motion passed.** Meeting adjourned at 11:35 until March 24, 2009, unless otherwise directed.*

Laura Brandon  
County Clerk

Terry Whittington  
Chairman