

GRAND TRAVERSE COUNTY
BOARD OF COMMISSIONERS

Regular Meeting
January 16, 2019

Chairman Hentschel called the meeting to order at 8:03 a.m. at the Governmental Center.

OPENING CEREMONIES OR EXERCISES

The Pledge of Allegiance to the Flag of the United States of America was recited.

PRESENT: Gordie LaPointe, Ron Clous, Addison Wheelock, Jr., Brad Jewett,
Bryce Hundley, Betsy Coffia and Rob Hentschel

APPROVAL OF MINUTES

Minutes of December 19, 2018 – Regular Meeting

Minutes of December 26, 2018 – Special Meeting

Minutes of January 2, 2018 – Organizational Meeting

Moved by Wheelock, seconded by Clous to approve the minutes as presented. Motion carried.

PUBLIC COMMENT

Sue McCraven made comments about the ESLA DNR Resolution

Ron Reimink Freshwater Solutions, LLC made comments about the ESLA, DNR Resolution

Andrea Garing requested BOC support her request to have DHHS video tape their meetings.

Scott Blair opposed to Invocation Policy

Harry Dorman opposed to Invocation Policy

Brenda Rusch opposed to Invocation Policy

Stan Verheul supports Odgers for TADL Board and opposed to Invocation Policy and morning meetings

Kay Keating opposed to Invocation Policy

Bonnie Spanier supports Odgers for TADL Board

Dave Petrove spoke about Democracy

Carol Shuckra opposed to Invocation Policy, morning meetings and adding additional items to the agenda.

Matthew French supports Invocation Policy

Steve Horne opposed to Invocation Policy and morning meetings.

Ted Iorio opposed to Invocation Policy and morning meetings

Ann Rogers opposed to morning meetings

Barb Willing supports Invocation Policy and morning meetings

Linda Pepper opposed to morning meetings

Eric Dryer opposed to morning meetings

Marie Mallar opposed to Invocation Policy

Matthew Schoech spoke about our Republic form of government

Jason Gillman spoke about the TADL agreement and the process of appointing board members

John Coleman opposed to morning meetings

Susan Odgers spoke about her appointment to the TADL Board

APPROVAL OF AGENDA

Add: Commissioner Wheelock Conflict of Interest notice under New Business

Rearrange order under Old Business: 10b, Discussion of Board Rules and 10c Invocation Policy

Remove from agenda (postpone indefinitely): 11a, Code of Ethics/Conflict of Interest Policy

Moved by Wheelock, seconded by LaPointe to approve the agenda as amended.

Roll Call Vote: Yes 6, No 1

Nay: Hentschel

CONSENT CALENDAR

The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item on the consent calendar be removed and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected.

If any item is not removed from the consent calendar, the action noted (receive & file or approval) is approved by a single Commission action adopting the consent calendar.

A. RECEIVE AND FILE

1. Northwestern Regional Airport Commission minutes of November 20, 2018 – *Removed from Consent Calendar.*

2. Department of Health & Human Services Board meeting minutes of November 27, 2018
3. Grand Traverse Conservation District – December 2018 report – *Removed from Consent Calendar.*
4. Road Commission – January report
5. Tradewinds letter dated January 8, 2019

B. APPROVALS

1. **Resolution 2-2019**
Commission on Aging
Acceptance of \$25,000 donation
Dave P. Sheetz Foundation
2. **Resolution 3-2019**
Boards & Committees
Brownfield Redevelopment Authority
Appointment of John Peck
3. **Resolution 4-2019**
Emergency Management
CodeRED Emergency Alert System
Annual Maintenance Renewal
4. December 2019 Claims – *Removed from Consent Calendar.*
5. Michigan Department of Natural Resources Common Merganser Control Program – *Removed from Consent Calendar.*
6. **Resolution 5-2019**
Central Dispatch/911
West Safety Solutions Inc
911 Call Handling System
Annual Maintenance Contract Renewal

ACTION ON THE CONSENT CALENDAR

After the County Clerk read the Consent Calendar for the record, the following items were removed:

b-5	Page 93	By Commissioner LaPointe
a-1	Page 16	By Commissioner Hundley
a-3	Page 24	By Commissioner Clous
b-4	Page 69	By David Petrove

Moved by Coffia, seconded by Jewett to approve the Consent Calendar minus items b-5, a-1, a-3 and b-4. Motion carried.

ITEMS REMOVED FROM CONSENT CALENDAR

b-5 Michigan Department of Natural Resources Common Merganser Control Program (The Program)

An amended Resolution was distributed. Corrections to the Resolution include reflecting a six year period from 2019 through 2024, the permit is for Elk and Skegemog Lakes and the relocation method used will be a trap and release method.

Sue McCraven Elk-Skegemog Lakes Association (ESLA) Board and Ron Reimink Freshwater Solutions LLC, spoke about the Merganser Control Program and answered Commissioners' questions.

Wendy Hirschenberger, Health Officer, and Dan Thorell, Environmental Health Director, answered Commissioners' questions.

Resolution 6-2019

Michigan Department of Natural Resources (DNR)
Common Merganser Control Program

Moved by LaPointe, seconded by Clous to approve Resolution 6-2019. Motion carried.

Commissioners took a break at 9:46 a.m.

Commissioners returned to regular session at 9:55 a.m.

a-1 Northwestern Regional Airport Commission minutes of November 20, 2018

Moved by Hundley, seconded by Clous to Receive and File the Northwestern Regional Airport Commission minutes of November 20, 2018. Motion carried.

a-3 Grand Traverse Conservation District – December 2018 Report

Commissioner Clous requested that the Drain Commissioner give a report of his activities to the Board of Commissioners in the future.

Moved by Clous, seconded by Jewett to Receive and File the Grand Traverse Conservation District – December 2018 Report. Motion carried.

b-4 December 2019 Claims

Dean Bott, Finance Director, answered David Petrove's questions regarding "Confidential" expenditures.

Resolution 7-2019

Finance
December 2018 Claims

Moved by LaPointe, seconded by Wheelock to approve Resolution 7-2019. Motion carried.

SPECIAL ORDERS OF BUSINESS

None

DEPARTMENT ACTION ITEMS**a. Parks & Recreation**

- 1) Request to Execute a Recreational Trail Easement for the Boardman Lake Loop Trail Project.

Kristine Erickson, Parks and Recreation Director, explained request for the easement for the Boardman Lake Loop Trail Project.

Resolution 8-2019
Parks & Recreation
Boardman Lake Loop Trail
Recreational Trail Easement

Moved by LaPointe, seconded by Clous to approve Resolution 8-2019.
Motion carried.

b. Facilities

- 1) Jail – Completion of Observation Cells and Meeting Rooms

Joe Berry, Facilities Director, and Todd Ritter, Jail Administrator, explained the jail remodeling project.

Tom Bensley, Sheriff, spoke about the need for additional modifications to the jail in the future.

Resolution 9-2019
Jail
Hallmark Construction
Jail Upgrades

Moved by Clous, seconded by Jewett to approve Resolution 9-2019.
Motion carried.

- 2) Law Enforcement Center – Security Camera Installation

Todd Ritter, Jail Administration, was available to answer Commissioners' questions.

Resolution 10-2019
Law Enforcement Center
Engineered Protection Systems, Inc (EPS)
Security Camera Installation

Moved by Wheelock, seconded by Clous to approve Resolution 10-2019.
Motion carried.

3) Lawn Care Contract
Joe Berry, Facilities Director, indicated that only one vendor replied to the RFP.

Commissioner Wheelock disclosed that he does occasional work for Johnson Outdoors.

Resolution 11-2019
Facilities
Johnson Outdoors
Lawn Care Contract

Moved by Coffia, seconded by Clous to approve Resolution 11-2019.
Motion carried.

c. **Veterans Affairs**

1) Vehicle Purchase Request

Mike Roof, Veterans Affairs Director, explained the request for a new vehicle to be used by the Veterans Affairs' staff.

Resolution 12-2019
Veterans Affairs
Bill Marsh
Vehicle Purchase

Moved by Wheelock, seconded by Clous to approve Resolution 12-2019.
Roll Call Vote: Yes 6, No 1
Nay: Hentschel

d. **IT**

1) Advance Public Safety, APS by Central Square Technology Software Licenses/Maintenance & Support Renewal

Ming Mays, IT Director, explained the request for the license/maintenance & support renewal with APS.

Resolution 13-2019
IT
Advance Public Safety (APS) Software by
Central Square Technology
APS Software Licenses/Maintenance and
Support Renewal

Moved by Wheelock, seconded by Hundley to approve Resolution 13-2019.
Motion carried.

2) ImageSoft and OnBase by Hyland Software Licenses/Maintenance & Support Renewal

Ming Mays, IT Director, explained the request for the licenses/maintenance and support renewal with Hyland Software.

Resolution 14-2019

IT

Hyland Software Inc

ImageSoft and OnBase Licenses/Maintenance and
Support Renewal

Moved by Wheelock, seconded by Hentschel to approve Resolution 14-2019.
Motion carried.

e. **Administration/Finance**

1) MERS Defined Benefit Pension Payment for 2019

Nate Alger, County Administrator, indicated that this payment to MERS was the 2019 budgeted amount.

Resolution 15-2019

Finance

MERS 2019 Payment

Moved by Wheelock, seconded by Coffia to approve Resolution 15-2019.
Roll Call Vote: Yes 7

OLD/UNFINISHED BUSINESS

a. **AVST Voicemail System Maintenance Renewal**

Ming Mays, IT Director, indicated that this is a one year renewal for call handling.

Resolution 16-2019

IT

ConvergeOnce

AVST Voicemail System Renewal

Moved by Wheelock, seconded by Clous to approve Resolution 16-2019.
Motion carried.

b. **Invocation Policy**

Commissioner Coffia provided a proposed amendment to the original Invocation Policy, renamed Policy for a Moment of Silence, which was included in the agenda packet.

Motion to not have an Invocation Policy

Moved by Wheelock, seconded by Coffia to not have an Invocation Policy.

Roll Call Vote: Yes 3, No 4

Nay: LaPointe, Clous, Jewett, and Hentschel

Motion failed.

Motion to include Commissioner Coffia's amendment to the Invocation Policy

Moved by LaPointe, seconded by Coffia to approve Commissioner Coffia's amended Invocation Policy, renamed Policy for a Moment of Silence. Commissioner LaPointe withdrew his motion.

Motion to approve original Invocation Policy

Moved by LaPointe, seconded by Clous to approve the original Invocation Policy included in the agenda packet.

Motion to include Commissioner Coffia's amendment to Invocation Policy

Moved by Hundley, seconded by Coffia to amend Commissioner LaPointe's motion to approve the original Invocation Policy to be the amended Invocation Policy, renamed Policy for a Moment of Silence, provided by Commissioner Coffia.

Chairman Hentschel denied the request to add the amendment to the motion.

Commissioner Coffia appealed to the entire board to allow adding Commissioner Hundley's motion for an amendment to Commissioner LaPointe's motion.

Motion appealing the decision of the Chair not to include the amendment

Moved by Coffia, seconded by Hundley – Shall the decision of the chairman be sustained?

Roll Call Vote: Yes 3, No 3, Abstain 1

Nay: Hundley, Coffia and Wheelock

Abstain: Hentschel

Tie Vote

Kit Tholen, Deputy Civil Counsel, explained that a tie vote sustains the decision of the Chairperson, and loses the appeal, per 12.2 of the Board Rules.

PUBLIC COMMENT

Ann Rogers indicated that if the original Invocation Policy is passed, it will be contested.

David Petrove opposed to Invocation Policy

Stan Verheul opposed to Invocation Policy

Katy Bean-Larson opposed to Invocation Policy

Ted Iorio opposed to Invocation Policy

Vote on motion to approve the original Invocation Policy

Vote on the motion made by LaPointe, seconded by Clous to approve the original Invocation

Policy, Resolution 17-2019, included in the agenda packet.

Roll Call Vote: Yes 4, No 3

Nay: Wheelock, Hundley, and Coffia

Resolution 17-2019
Policies and Procedures
Invocation Policy

c. Board Rules of Order

Chris Forsyth, Deputy Administrator, indicated that he had drafted the Board Rules of Order based on the suggested changes from the Organizational Meeting.

Commissioners went through the Board Rules which are listed in the packet on pages 185 to 205 and voted on changes that were made in blue or red ink and the additions included by Commissioners (See file for copy of proposed changes):

Page 185 – OK

Page 186 – Section 2.3 Moved by Coffia, seconded by Clous to accept changes written in blue and to remove “or an Elected County Official” and change cancellation of a study session to be 48 hours prior to the meeting. Motion carried.

Page 187 – Section 2.8 – Moved by Coffia, seconded by Jewett to accept changes written in blue and to change “by the time of 10:00 p.m.” to “beyond 4 hours from call to order”. Motion carried.

Page 188 – Section 4.1 - Moved by Coffia, seconded by Jewett to accept changes written in blue. Motion carried.

Page 189 – Section 5.2 - Moved by Hundley, seconded by Coffia to accept changes written in red. Motion carried.

Page 190 - 191 – Section 5.4a Moved by Clous, seconded by Wheelock, to accept changes in blue (continued on page 191). Motion carried.

Page 190 - 191 – Section 5.4e - Moved by Wheelock, seconded by Coffia to remove 5.4e (continued on page 191). Roll Call Vote: Yes 5, No 2, Nay Clous and Hentschel.

Page 192 – OK

Page 193 – 195 – OK

Page 196 – Section 10.3.3 – Moved by Hundley, seconded by Clous to accept changes in blue and red. Motion carried.

Page 197 – Section 10.3.6 – Moved by LaPointe, seconded by Clous to accept the changes in blue. Motion carried.

Page 198 – Section 10.3.11 – Moved by Clous, seconded by Jewett to accept the changes in blue and red. Motion carried.

Page 199 – OK

Page 200 – Section 11.3 – Moved by Clous, seconded by Wheelock to accept the changes in red. Motion carried.

Page 201 – OK

Page 202 - 203 – Section 14(1-4) - Moved by Clous, seconded by Coffia to accept the changes in blue (continued on page 203). Motion carried.

Page 204 to 205 - OK

Moved by Wheelock, seconded by Jewett to allow staff to make additional formatting and spelling corrections to the Board Rules of Order. Motion carried.

Staff will bring the amended Board Rules back to the Board for final approval.

Commissioners took a break at 12:40 p.m.

Commissioners returned to regular session at 12:43 p.m.

d. Motion to Rescind Appointment to Traverse Area District Library (TADL) Board
Kit Tholen, Deputy Civil Counsel, summarized the legal memo he provided to the Commissioners regarding the motion made on January 2, 2019 to rescind the appointment of Susan Odgers to the TADL Board that was made on December 19, 2018.

Motion to take legal counsel's advice regarding invalidating appointment of Odgers to TADL Board

Moved by Jewett, seconded by Clous to take the advice of legal counsel that the Board pass a resolution which declares that the December 19, 2018 purported appointment of Ms. Odgers was ineffective, has no effect, and is invalid. This resolution should cite to the two Judge Rodgers opinions so that the public is directed to the guiding principles and the standing position of the 13th Circuit Court on this issue.

Kit Tholen, Deputy Civil Counsel, indicated that if they rescind the TADL appointments made on December 19, 2018, it will rescind both Susan Odgers and Stephanie Mathewson's appointments. The appointment, ratification or rescission of each applicant should be handled separately.

Commissioner Jewett withdrew his motion.

Motion to appoint Stephanie Mathewson to TADL Board

Moved by Wheelock, seconded by Coffia to appoint Stephanie Mathewson to the TADL Board for the partial term ending 12/31/2021.

PUBLIC COMMENT

Stan Verheul made comments about the appointment process for the TADL Board

Tom Mair indicated that the TADL agreement may not have been accepted by the Library of the State of Michigan.

David Petrove made comments about TADL appointments.

Ann Rogers made comments about TADL appointments.

John Nelson made comments about the TADL appointments.

Motion carried.

Motion to take legal counsel's advice regarding invalidating appointment of Odgers to TADL Board

Moved by Jewett, seconded by Clous to take the advice of legal counsel that the Board pass a resolution which declares that the December 19, 2018 purported appointment of Ms. Odgers was ineffective, has no effect, and is invalid. This resolution should cite to the two Judge Rodgers opinions so that the public is directed to the guiding principles and the standing position of the 13th Circuit Court on this issue.

PUBLIC COMMENT

Tom Mair made comments about the Commissioners' process regarding trying to rescind the appointment of Susan Odgers.

Jason Gillman made comments about the TADL Memorandum of Understanding

Ann Rogers supports appointment of Susan Odgers to the TADL Board

Geraldine Green supports appointment of Susan Odgers to the TADL Board

David Petrove supports appointment of Susan Odgers to the TADL Board

Mike Vickery indicated that Jason Gillman is speaking as a private citizen and does not represent the TADL Board

Bonnie Spanier made comments about the TADL board appointments

Stan Verheul supports appointment of Susan Odgers to the TADL Board

Tom Mair made comments about rescinding a vote made by a previous Board.

Motion to Amend motion invalidating Odgers previous appointment to TADL to include this Board appointing Odgers to the TADL Board

Moved by Coffia, seconded by Hundley to amend Commissioner Jewett's motion to include that this Board take the unanimous recommendation of the Ad Hoc committee that interviewed the candidates, and appoint Susan Odgers to the TADL Board for a 4 year term.

PUBLIC COMMENT

Jason Gillman requested the Commissioners vote separately on the original motion and the amendment to the motion.

Bonnie Spanier made comments about the TADL appointment.

David Petrove made comments about the TADL appointment.

Vote on Commissioner Coffia's Amendment to include appointing Odgers to the TADL Board
Vote on Commissioner Coffia's amendment to Commissioner Jewett's motion regarding declaring the appointment of Ms. Odgers ineffective, has no effect, and is invalid to include that this Board take the unanimous recommendation of the Ad Hoc committee that interviewed the candidates, and appoint Susan Odgers to the TADL Board for a 4 year term.

Roll Call Vote on Amendment: Yes 4, No 3

Nay: Clous, Jewett and Hentschel

Motion invalidating previous Board's appointment of Odgers to TADL Board plus the amendment to have this Board appoint Odgers to the TADL Board

Moved by Jewett, seconded by Clous to take the advice of legal counsel that the Board pass a resolution which declares that the December 19, 2018 purported appointment of Ms. Odgers was ineffective, has no effect, and is invalid. This resolution should cite to the two Judge Rodgers opinions so that the public is directed to the guiding principles and the standing position of the 13th Circuit Court on this issue. In addition, this Board take the unanimous recommendation of the Ad Hoc committee that interviewed the candidates, and appoint Susan Odgers to the TADL Board for a 4 year term.

Roll Call Vote: Yes 6, No 1

Nay: Hentschel

NEW BUSINESS

a. **Code of Ethics/Conflict of Interest Policy – *Removed from agenda***

b. **Resolution in Appreciation of Funding Received (Schmidt and Inman)**

Resolution 18-2019

Expression of Gratitude to Michigan

Senator Wayne Schmidt and

Representative Larry Inman

For their Efforts in Securing State Funds for

Grand Traverse County

Moved by LaPointe, seconded by Jewett to approve Resolution 18-2019.
Motion carried.

c. **Conflict of Interest Notice – Commissioner Wheelock**

Commissioner Wheelock indicated that he will be doing work for the Sheriff's Office.

No County facilities or employees will be used to fulfill this work by Wheelock and Sons Welding, Inc.

PUBLIC COMMENT

Mike Vickery made comments about the TADL Memorandum of Understanding.

Ann Rogers indicated that a lot of the work done at this meeting should have been done at a study session.

Linda Colbert opposed to the morning meetings.

COMMISSIONER/DEPARTMENT REPORTS

Nate Alger, County Administrator, requested they add a February 13th Study Session to discuss the Ethics and Conflict of Interest since a MERS representative would be attending on the January 23rd Study Session to talk about the pension obligation.

Commissioner Wheelock indicated that Northwest Michigan Orchard and Vineyard show was in process at the Grand Traverse Resort.

NOTICES

January 23, 2019 – Study Session

February 6, 2019 – Regular Meeting

February 13, 2019 – Study Session

CLOSED SESSION

None

Meeting adjourned at 2:45 p.m.

Bonnie Scheele County Clerk

Rob Hentschel, Chairman

APPROVED: _____
(Date) _____
(Initials) _____