

Bad Axe, Michigan
Tuesday, February 13, 2018

The regular board meeting of the Huron County Board of Commissioners was held on Tuesday, February 13, 2018, commencing at 9:30 a.m. in the Board of Commissioners office, Third Floor, Huron County Building, Bad Axe, Michigan.

PRAYER AND PLEDGE: The meeting was called to order by Chairman Khoury with The Lord's Prayer and Pledge to the Flag of the United States of America.

ROLL CALL: Commissioners present: Chairman Sami Khoury, John Nugent, John Bodis, Ron Wruble, Todd Talaski, and Steve Vaughan. Excused – Dave Peruski.

AGENDA: The agenda was reviewed. **Motion** by Vaughan, seconded by Bodis to approve the agenda as presented. Motion carried. Agenda approved.

APPROVAL OF MINUTES: **Motion** by Vaughan, seconded by Bodis to approve the Regular Board minutes of January 23, 2018. Motion carried.

COMMUNICATIONS:

- A letter from Lois Kroll, Sebewaing Village Clerk, regarding their notice of intent to conduct master planning.
- A letter from Saginaw Bay RC&D Area, thanking us for our continued support.
- From the Eaton County Board Commissioners their resolution #18-1-10 opposing HB's 5096-5098.
- From the Department of Licensing and Regulatory Affairs, the Bureau of Construction Codes hereby approves the application for the delegation of school plan review and inspection authority to the Huron County Building Department for the St. John's Lutheran School. This approval is effective January 25, 2018 through September 30, 2018.
- The National Guard Bureau is preparing an Environmental Impact Statement for the beddown of F-35A aircraft at two of five potential locations. The NGB sends an invitation to attend a public scoping meeting or to send comments.
- A letter from Wallace E. Humphrey-Phillips, P.E. requesting to be re-appointed to the Construction Code Board of Appeals.
- A letter from Charles Bumhoffer giving his resignation from the Huron County Planning Commission and Zoning Board of Appeals.
- A letter from Pamela Jo Kahler requesting to be reappointed to the Huron County Behavioral Health Board.

ANNOUNCEMENTS: Chairman Khoury announced that next week's Committee of the Whole meeting is cancelled.

PUBLIC COMMENT: (Limit of 3 minutes per person):

- Sally Kain recommends that the safety manual be given to the Planning Commission and the County should conduct our own testing.
- Robert Gaffke stated since the turbines, Huron County is being used and a moratorium needs to be enacted.

- Dr. Robert Oakes, Planning Commission member, spoke in favor of the 2 motions on today's agenda pertaining to Planning Commission members and read a statement regarding the fate of the Planning Commission.
- Bob Tenbusch, Sherman Township, stated that a moratorium is a slam dunk and spoke regarding the motions against Planning Commission members McLean and Heck. There is nothing in the Planning Commission minutes that shows they were out of order.
- Richard Stein, Sherman Township, attended the last Planning Commission meeting and Planning Commission Chairman Bernie Cregeur defended Commissioner Vaughan and swore. There are a lot of personal attacks and cronyism. Dr. Oakes stated at a previous Planning Commission meeting that Huron County has done our share regarding turbines. Everyone needs to work for the people and work together.
- Denise Rice, Lincoln Township, stated the Planning Commission members being out of line is because no one is in control of the meeting, and Corporation Counsel is also at fault and needs to be replaced. She also stated the moratorium needs to be extended.
- Don Koglin, Sheridan Township, noted that Commissioner Peruski has missed several meetings. District 2 is not being represented.
- Norm Stevens, Almer Township, spoke regarding the 2 Planning Commissioner motions and questioned the accusation of bias.
- Rita Parsch, Meade Township, supports extending the moratorium. She stated the Board of Commissioners wouldn't have appointed the Planning Commission members if they weren't worthy.
- Jim Quinn, Lake Township, is surprised when Commissioner Vaughan says the 2 Planning Commissioner motions have nothing to do with wind. He expressed his concerns with Bernie Creguer's swearing, and stated this is a witch hunt. He would like to see the bank accounts of Steve Allen and Jeff Smith. There should be a blanket moratorium for no more wind. He feels Charles Bumhoffer resigned from the Planning Commission because of Steve Allen.
- Paul Holz stated he spoke with Corporation Counsel this morning and asked how long he has practiced law. The answer was 31 years, yet everyone is questioning his experience and knowledge.
- Joni Iseler, Huron Township, stated a lot of today's speakers have not attended the Planning Commission meetings. This goes beyond wind. Brian Deering was bullied at a Planning Commission meeting. Certain Planning Commission members treat people poorly and try to be a policing unit and are overstepping their authority.
- Dennis Laceski stated the people spoke in May and the Board needs to listen and represent the people and not special interest groups. Steve Allen and Jeff Smith need to be replaced.
- Bob Schipinski supports Dr. Oakes and Commissioner Vaughan for their courage to bring this issue to the Board. The Board needs to do background checks on all applicants.
- Shelly McCarty stated that Corporation Counsel and the Building & Zoning Director are there [at Planning Commission meetings] to advise, not act. Bernie Creguer's language was wrong, and she proceeded to quote the statement Creguer made at the last Planning Commission meeting. She reminded the Board that they work for the people, and the Board should be embarrassed by the action, or lack thereof, pertaining to the Gaffke complaint.

- Ruth Noble supports Dr. Oakes and his comments.
- Robert McLean, Planning Commission Vice Chair, stated it is obvious there are wounds in the public. Huron County needs more people like Charles Bumhoffer on the Planning Commission. He spoke against Creguer's language and spoke against Dr. Oakes. He stated Dr. Oakes does not follow the rules. The problems on the Planning Commission are due to a "toxic environment".

CONSENT ACTIONS: Motion by Wruble, seconded by Bodis to approve the resolutions on the Consent Actions. Motion carried. Resolutions adopted:

CA RESOLUTION BY FINANCE COMMITTEE: #18-14C

WE, the FINANCE COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:

WHEREAS, the Huron County Department of Public Works Board was established pursuant to MCL123.732 as a seven (7) member board; and

WHEREAS, the Huron County Department of Public Works Board has requested to be a five (5) member board; now

THEREFORE, BE IT RESOLVED that the Huron County Board of Commissioners hereby reduces the Huron County Department of Public Works Board from seven (7) members to five (5).

CA RESOLUTION BY FINANCE COMMITTEE: #18-15C

WE, the FINANCE COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:

WHEREAS, it is necessary to amend the 2018 Expenditure Budget for the following General Fund 101 Departments to reflect the additional estimated expenditures; now

THEREFORE, BE IT RESOLVED to adjust the 2018 estimated Expenditure Budget for General Fund 101 as follows:

	<u>COUNTY SURVEY/REMONUMENATION</u>	
101-245-707	Per Diem	\$363
101-245-809	Contractual Services	(8,363)
101-245-814	Other Contractual Services	500
	<u>ANNEX</u>	
101-264-921	Utilities	\$3,000
	<u>VA BUILDING</u>	
101-266.01-921	Utilities	<u>1,000</u>
	Total Unbudgeted Expenditures:	(\$3,500)

TOTAL ADJUSTMENT:

	<u>CONTINGENCY</u>	
101-890-965	Appropriation	<u>\$3,500</u>

CA RESOLUTION BY FINANCE COMMITTEE: #18-16C

WE, the FINANCE COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:

WHEREAS, it is necessary to amend the 2018 Law Library Fund 269 budget to reflect the additional estimated expenditures, now

THEREFORE, BE IT RESOLVED to adjust the 2018 Law Library Fund 269 budget as follows:

<i>269-292-982</i>	<i>Books & Film</i>	<i>\$10,000</i>
<i>269-890-965</i>	<i>Contingency</i>	<i>(\$10,000)</i>

CA RESOLUTION BY LEGISLATIVE COMMITTEE: #18-17C

WE, the LEGISLATIVE COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:

WHEREAS, the Huron County Planning Commission, at their meeting of February 7, 2018, reviewed and approved the attached application(s) for Farmland Agreement under the provisions of P.A. 116 of 1974, which were made by the person(s) listed below:

*Rose Valley Dairy LLC
Lincoln Township, Section 15, 17 acres;*

*Rene & Judith Dekker
Sheridan Township, Section 27, 75.60 acres;*

*Rene & Judith Dekker
Sheridan Township, Section 36, 70 acres; and*

WHEREAS, under provisions of P.A. 116 of 1974, Farmland Agreements in townships under county zoning require approval of the County Board of Commissioners; now

THEREFORE, BE IT RESOLVED that the above application(s) as submitted for Farmland Agreement be approved.

NEW BUSINESS:

RESOLUTION BY LEGISLATIVE COMMITTEE: #18-18

WE, the LEGISLATIVE COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:

WHEREAS, on Tuesday, December 12, 2017, the Huron County Board of Commissioners discussed the process required to extend Article X. Huron County Wind Energy Conversion Facility Overlay Zoning Ordinance, Section 10 Moratorium, set to expire on January 18, 2018; and

WHEREAS, the Huron County Planning Commission conducted a public hearing, pursuant to notice, at a regular meeting held on February 7, 2018, regarding proposed "Amendment to Article X. Huron County Wind Energy Conversion Facility Overlay Zoning Ordinance [Amendment to Extend] Section 10. Moratorium" and thereafter discussed and considered the merits of the proposed amendment to the zoning ordinance; and

WHEREAS, a motion was made by Planning Commission member Carl Duda to recommend adoption of the amendment to the zoning ordinance for extension of the moratorium for one year, seconded by Planning Commission member Ken Walker, which was approved by a vote of five to two; and

WHEREAS, a copy of the proposed Zoning Ordinance Amendment, ZA 2018-01, is attached hereto; and

WHEREAS, pursuant to MCL 125.3308(1), the Planning Commission transmitted a summary of comments received at the hearing, along with the result of the motion to adopt the amendment, which was approved, to the Board of Commissioners on February 8, 2018; and

WHEREAS, this matter is before the Board of Commissioners pursuant to MCL 125.3401(5), which requires this body to consider and vote upon the adoption of the proposed zoning ordinance amendment, with or without amendments, requiring a majority vote of the members for approval; now

THEREFORE, BE IT RESOLVED that the Huron County Board of Commissioners, Huron County, Michigan, adopts zoning amendment ZA 2018-01 in Ordinance form, which revises the Huron County Zoning Ordinance, Article X, Section 10, "An Amendment To Impose A Moratorium On The Issuance Of Permits, Licenses Or Approvals For Wind Energy Systems"; by extending the moratorium with the aforementioned ordinance amendment having an effective date of March 1, 2018, a date pursuant to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended; and

BE IT FURTHER RESOLVED that the Chairman of the Board of Commissioners and the County Clerk are authorized to attest to this amendment by signing the attached Ordinance amendment ZA 2018-01.

Motion by Vaughan, seconded by Nugent to approve this resolution. Discussion followed. Roll call vote: Ayes – Vaughan, Nugent, Talaski, Bodis, Wruble, and Khoury. Nays – None. Absent – Peruski. Motion carried. Resolution adopted.

Motion by Nugent, seconded by Wruble to dispense with the reading of the 3 remaining resolutions. Discussion followed. Motion carried.

RESOLUTION BY PERSONNEL COMMITTEE: #18-19

WE, the PERSONNEL COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:

WHEREAS, there is a need to have a wage increase for the part time Ice Arena Attendants; and

WHEREAS, Peg Booms, Facilities Manager, has recommended to the Personnel Committee that the part time Ice Arena Attendants receive an increase in wages as follows:

<u>Employee</u>	<u>Current Wage</u>	<u>Proposed Wage</u>
Carl Roth	\$15.00/hr.	\$15.25/hr.
Mike Schuette	\$14.25/hr.	\$14.50/hr.
Tom Mittlestat	\$12.00/hr.	\$12.25/hr.
Derek Adkins	\$10.50/hr.	\$10.75/hr.; now

THEREFORE, BE IT RESOLVED that the aforementioned part time Ice Arena Attendants receive the indicated increase in wages, effective January 1, 2018.

Motion by Nugent, seconded Bodis to approve this resolution. Motion carried. Resolution adopted.

RESOLUTION BY PERSONNEL COMMITTEE: #18-20

WE, the PERSONNEL COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:

WHEREAS, there is a need to hire a full time employee to fill the position of Deputy Treasurer I - General in the Treasurer's office to fill a vacancy due to a retirement; and

WHEREAS, Sheryl Jahn has applied for said position in the Treasurer's office; and

WHEREAS, County Treasurer Deb McCollum has recommended to the Personnel Committee that Sheryl Jahn be hired to fill said position at Grade 110, Step 1, with a salary of \$28,244; now

THEREFORE, BE IT RESOLVED that Sheryl Jahn shall be employed effective February 13, 2018, as a full time employee to fill the above referenced position, in accordance with the pay, terms, and conditions of the AFSCME General County Unit I collective bargaining agreement, as negotiated periodically with the Huron County Board of Commissioners.

Motion by Nugent, seconded by Talaski to approve this resolution. Roll call vote: Ayes – Nugent, Talaski, Vaughan, Bodis, Wruble, and Khoury. Nays – None. Absent – Peruski. Motion carried. Resolution adopted.

RESOLUTION BY PERSONNEL COMMITTEE: #18-21

WE, the PERSONNEL COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:

WHEREAS, there is a need to hire a regular part time custodian in the Maintenance Department to fill in when the remaining custodial staff is on vacation, off sick, on leave, etc.; and

WHEREAS, Linda M. Gembarski has applied for said position in the Maintenance Department; and

WHEREAS, Peg Booms, Facilities Manager, has recommended to the Personnel Committee that Linda M. Gembarski be hired to fill said position at a rate of \$13.47 per hour, increasing per the following:

- ⇒ *to \$13.68 per hour on August 23, 2018*
- ⇒ *to \$13.89 per hour on January 1, 2019*
- ⇒ *to \$14.10 per hour on February 23, 2019*
- ⇒ *to \$14.31 per hour on January 1, 2020*
- ⇒ *to \$14.76 per hour on February 23, 2020*
- ⇒ *to \$14.98 per hour on January 1, 2021*
- ⇒ *to \$15.45 per hour on February 23, 2021*
- ⇒ *to \$15.68 per hour on January 1, 2022*
- ⇒ *to \$16.17 per hour on February 23, 2022; and*

WHEREAS, any future wage increases will be determined based on the progression established above; now

THEREFORE, BE IT RESOLVED that Linda M. Gembarski shall be employed effective February 23, 2018 as a part time employee in the Maintenance Department, in accordance with the pay, terms, and conditions of the AFSCME General County Unit I collective bargaining agreement, as negotiated periodically with the Huron County Board of Commissioners.

Motion by Nugent, seconded by Talaski to approve this resolution. Roll call vote: Ayes – Nugent, Talaski, Vaughan, Bodis, Wruble, and Khoury. Nays – None. Absent – Peruski. Motion carried. Resolution adopted.

APPOINTMENTS: None at this time.

MOTIONS:

Motion by Vaughan, seconded by Bodis to have Robert McLean, a member of the Huron County Planning Commission, investigated for misfeasance, malfeasance, or nonfeasance in office and if such charges are substantiated to have written charges prepared for a public hearing before the Huron County Board of Commissioners for the removal of said member from the Planning Commission. Discussion followed. Roll call vote: Ayes – Vaughan and Bodis. Nays – Talaski, Wruble, Nugent, Khoury. Absent – Peruski. Motion defeated.

Motion by Vaughan, seconded by Bodis to have Terry Heck, a member of the Huron County Planning Commission, investigated for misfeasance, malfeasance, or nonfeasance in office and if such charges are substantiated to have written charges prepared for a public hearing before the Huron County Board of Commissioners for the removal of said member from the Planning Commission. Discussion followed. Roll call vote: Ayes – Vaughan and Bodis. Nays – Talaski, Wruble, Nugent, Khoury. Absent – Peruski. Motion defeated.

Motion by Nugent, seconded by Bodis to approve the Family Medical Leave Request as submitted by Mitchell L. Holdwick. Motion carried.

Motion by Nugent, seconded by Vaughan to approve the Family Medical Leave Request as submitted by Cristine N. Koglin. Motion carried.

Motion by Nugent, seconded by Talaski to approve the Family Medical Leave Request as submitted by Jessica L. Testolin-Reinke. Motion carried.

REPORTS:

Khoury attended: Jan. 23 – regular board meeting. Jan. 30 – Legislative Committee meeting with Corporation Counsel and Planning Commission member Robert McLean. Feb. 1 – Personnel Committee meeting. Feb. 12 – Brookfield Township meeting.

Bodis attended: Jan. 23 – Finance Committee meeting with Allan Gray regarding farm lease; Finance Committee meeting to review bills; regular board meeting; Finance Committee meeting with Treasurer Debra McCollum; meeting with Circuit Court Judge. Jan. 24 – Road Commission board meeting; DHHS board meeting; Medical Care Facility board meeting. Feb. 5 – Bad Axe City Council meeting. Feb. 9 – GST Works Governing Board meeting.

Commissioner Wruble asked about accepting the resignation of Planning Commission member Charles Burnhoffer. Discussion followed.

APPROVAL OF BILLS: **Motion** by Wruble, seconded Talaski to approve monthly bills as submitted. Motion carried.

Health Department	\$542,522.55
Board Bills Approved – 2017	72,425.63
Board Bills Approved – 2018	47,440.51
Paid Without Presentation – 2018	<u>494,988.26</u>
Total	\$1,157,376.95

FINAL PUBLIC COMMENT:

- Dr. Robert Oakes is sorry to see the vote pertaining to the 2 Planning Commission motions and gave his estimation of what will happen next. The Board passed the buck to

- the Planning Commission to take the political heat. The Board is going to have trouble getting applicants for the Planning Commission, and he is “terrible discouraged”.
- Jim Quinn, Lake Township, commended Commissioner Wruble on his educational thoughts and noted that Dr. Oakes just commented that change is difficult. The people need to be represented. Mr. Quinn questioned why Steve Allen attends the Planning Commission meetings. This is just a witch hunt. It’s Bernie’s responsibility to make sure things run smoothly, and he should be removed for his language. Mr. Quinn suggests removing Steve Allen and putting Jeff Smith “in his place” too.
 - Robert Gaffke thanked everyone for their comments regarding the complaint resolution process, which is broken. The Board has been misled by Steve Allen and the wind developers for years. The Board needs to fix the problems. Mr. Gaffke questioned who is holding Steve Allen and Jeff Smith accountable for allowing him to speak at Planning Commission meetings for 7 months. The people have spoken on wind and it’s over.
 - Dennis O’Neil agrees with Dr. Oakes that a dysfunctional Planning Commission will never last. Mr. O’Neil then spoke in reference to last week’s Planning Commission meeting.
 - Bob Tenbusch stated Mr. O’Neil is out of line. Everyone needs to calm down and give it time. Mr. Tenbusch thanked the Board for what they do.
 - Paul Holz reminded the Board that not everyone voted; not everyone could vote. When people speak, they lead through interpretation.
 - Rita Parsch understands that people only voted for the wind overlay district.
 - Bernie Creguer stated he apologized for his language last week and he apologized again. He explained his frustration. Mr. Creguer stated that it’s “B.S.” that he’s on a witch hunt. Mr. Creguer stated he presented his frustrations to Commissioner Nugent when Nugent was still on the Planning Commission. The more time spent on issues from non-County-zoned people, the less time that can be spent on issues presented by County-zoned residents. Mr. Creguer apologized again for swearing.
 - Don Koglin stated that this meeting is the first time where he has seen the Board debate and feels the Board voted correctly.
 - Shelly McCarty asked for the allegations against Mr. McLean. She stated that Steve Allen asserted himself into the discussion on the motion 5 times. That is the problem with the Planning Commission meetings. Ms. McCarty asked that it be noted in the minutes that Mr. Dennis O’Neil called her a bitch.
 - Norm Stevens stated people here have attended Almer Township meetings and were a great help and he’s here to repay the favor.
 - Robert McLean stated we’ve got problems and wounds. Let’s recognize, fix, and move on. The Board needs to encourage Charlie to come back. Mr. McLean pointed out that 2 Planning Commission members have never said “hi” to him. People need to get passed their personal problems and need communication to work together.
 - Sally Kain still wants the safety manual.
 - Sandy Kociba commended Commissioner Nugent. This should have been handled in-house, not publicly.
 - Jeff Smith, Building & Zoning Director, updated the Board regarding the investigation for complaint resolution process is ongoing, but is getting no cooperation from the

complainants. He has been performing random testing and collecting data. The complainants need to cooperate. Everyone needs to remember everything is built under the 2010 ordinance.

- Steve Allen spoke with respect to removing Planning Commission members. The law says it has to be done at a public meeting. All of the allegations that were referred to was information gleaned from public meetings.
- Randy Miller asked those attending the meeting to please remember this is a place of business when leaving, and please leave peacefully.
- Bernie Creguer stated he has scolded Mr. McLean at Planning Commission meetings about getting thrown under the bus. Mr. Creguer discussed the township meeting where Commissioner Vaughan and Kevon Martis both gave differing definitions of the same word. Mr. Creguer stated that if people are going to put stuff on Facebook, put the whole thing out there.

FINAL BOARD COMMENT

- Commissioner Nugent announced there will be a Personnel Committee meeting after this meeting.
- Chairman Khoury reminded everyone that there is no meeting next week.
- Commissioner Vaughan stated it's Fat Tuesday.
- Commissioner Nugent noted that as painful as today was, it was positive. There is an issue, and we just need to work through it.

11:41 a.m.

Meeting adjourned.

Sami Khoury, Chairman
Board of Commissioners

Jodi M. Essenmacher
Deputy County Clerk