

## **BAY COUNTY BOARD OF COMMISSIONERS**

**JANUARY 17, 2017**

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A SPECIAL SESSION ON TUESDAY, JANUARY 17, 2017, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN TOM HEREK AT 5:10 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COMMISSIONERS MICHAEL DURANCZYK, ERNIE KRYGIER, VAUGHN J. BEGICK, KIM COONAN, TOM RYDER, MICHAEL LUTZ AND THOMAS HEREK

OTHER MEMBERS: CYNTHIA A. LUCZAK, BAY COUNTY CLERK  
DIANE YAWORSKI, SECRETARY TO THE COUNTY CLERK  
ROBERT J. REDMOND, FINANCIAL ANALYST  
DEANNE C. BERGER, BOARD COORDINATOR

ALSO PRESENT: TIFFANY JERRY, PERSONNEL AND EMPLOYEE RELATIONS DIRECTOR  
JAN HISTED, FINANCE OFFICER  
AMBER DAVIS-JOHNSON, CORPORATION COUNSEL  
DEBRA RUSSELL, ADMINISTRATIVE SERVICES DIRECTOR  
JON MORSE, BUILDING AND GROUNDS  
MIKE BRISTOW, BAY COUNTY, BANGOR TOWNSHIP RESIDENT  
ANDREA LABEAN, DIRECTOR OF CRIMINAL DEFENSE  
VARIOUS ELECTED OFFICIALS  
VARIOUS DEPARTMENT HEADS  
NEWS MEDIA

INVOCATION: THE INVOCATION WAS GIVEN BY THE BAY COUNTY CLERK, CYNTHIA A. LUCZAK.

PLEDGE OF ALLEGIANCE:

### **CITIZENS INPUT**

MIKE BRISTOW: CITIZEN, BAY COUNTY, HERE TO SPEAK ABOUT BAYSIDE PARK AND CONSPIRACY THEORY. IN 1924-1925 THE BUMP FAMILY GAVE 27 ACRES TO BANGOR TOWNSHIP STRICTLY FOR A PARK, CAN BE VERIFIED PER DEED AND ABSTRACT, LAND PUT IN A PERPETUAL TRUST. IN 1934, OPERATION TO CONVERT TO A PARK. IN 1960 COURT CASES, CIRCUIT COURT AFFIRMED A PARK, NO COMMERCIAL USE. MICHIGAN SUPREME COURT, AFFIRMED LOWER

COURT DECISION. NO BAY COUNTY OFFICIAL HAS THE POWER, AS AN ELECTED OFFICIAL, OR ELECTED BODY, TO OVERRULE THE MICHIGAN SUPREME COURT. A 1970'S AERIAL MAP FROM MICHIGAN STATE UNIVERSITY, YOU WILL SEE A RETENTION BASIN THAT IS BUILT IN THAT PARK IN 1978. PER OUR DRAIN COMMISSIONER, THERE WAS NO TOP TO THE PARK, PAPERWORK FROM A TRUCKING COMPANY OUT OF AU GRES MICHIGAN THAT STATES, "QUOTE ON DREDGING SPOIL CAP AND HYDRO SEEDING". BANGOR TOWNSHIP DID NOT PAY AND THEY WENT TO COURT TO GET THE MONEY, THE ATTORNEY WAS PATRICK WINTER. THERE IS NO CONSPIRACY. CONSPIRACY IS SOMETHING BASED ON I WISH, THIS IS FACT. ANYBODY IN THIS COUNTY BUILDING COULD LOOK IT UP. ISSUE WITH POWER OF DOMINANCE, YOU CAN TAKE OVER ONCE YOU GET INTO THE CORRECT POSITION, YOU MISS USE YOUR RIGHT. CONTAMINATION IN THE PARK, THE SPOILS CANNOT BE PUT IN THE PARK, IF THERE WAS CONTAMINATION TO WHAT DEGREE. THINGS WILL NOT BE PROVEN IN THESE CHAMBERS, THEY WILL BE PROVEN IN A COURT OF LAW.

COMM. KRYGIER: WITH THE RESEARCH DONE WITH THE PARK DO YOU FEEL THE DEQ WANTS TO TAKE THE PROPERTY THAT IS ADJACENT?

MIKE BRISTOW: BOARD MEETING NOVEMBER 9, 1999, BANGOR TOWNSHIP MEETING; USE OF THE LAND IN VIOLATION OF DEED RESTRICTION PER LEGAL OPINION. MUST BE USED FOR RESIDENTIAL PARK AND RECREATION PURPOSES. THE COUNTY EXECUTIVE MEET WITH TOWNSHIP SUPERVISOR AND AGREED TO LEVEL RETAINING BERMS AT NO COST TO THE TOWNSHIP. RESIDENCE REQUESTED THE LAND REVERT TO THE ORIGINAL TOPOGRAPHY. HEREBY GRANT BAY COUNTY DRAIN COMMISSION PERMISSION TO LEVEL ALL DEPOSIT SPOILS. FEDERAL, STATE, COUNTY, LOCAL MUNICIPALITIES AS WELL AS TOWNSHIP, THERE IS A SHARED RESPONSIBILITY. IN 1978 THERE WAS WATER BLOCKED FROM FLOWING, THE LAWS ARE VERY STRICT AND VERY DIRECT. THE DITCHES WERE FILLED AND THE WATER RUN OFF WAS BACKED UP. THAT IS A STATE LAW THAT YOU ARE NOT ALLOW TO LET WATERS FROM SURROUNDING AREA DUMP ONTO OTHERS LAND. YOU CANNOT BUILD HIGHER THAN YOUR NEIGHBOR UNLESS YOU PUT EASEMENT TO LET THE WATER FLOW. BELIEVE THERE IS A PLAN. 3 TYPES OF PLANS, SHORT TERM; LONG TERM; TYPE YOU RETIRE ON, NEVER ENDING. DOCUMENTS SHOW A WISH LIST FROM THE FEDERAL GOVERNMENT. IN REQUESTING DOCUMENTS, RECEIVED 8 PAGES FROM KILDEE'S OFFICE, 6 PAGES FROM THE DEQ AND OVER 2000 FROM MY OWN RESEARCH. BELIEVE THERE IS A PLAN.

THE CONSPIRACY IS NOT HERE, THERE IS A LONG THOUGHT OUT PLAN HERE. WHAT WE ARE FACING IS NOT GOOD. THE DRAIN COMMISSIONER IS GREAT AT DIGGING DITCHES, HE'S GOT A PRETTY BIG DITCH RIGHT HERE. WITH HIM CONTINUALLY WANTING TO COMMENT, HE MIGHT BE REMINDED THAT ANYTHING HE SAYS WILL BE USED AGAINST HIM WHEN IT IS TIME.

### **RESOLUTIONS FOR CONSIDERATION**

RES. 2017-14: COMM. RYDER MOVED TO ADOPT RES. 2017-14 BAY COUNTY BOARD OF COMMISSIONERS, FOLLOWING A PUBLIC HEARING HELD ON TUESDAY, JANUARY 17, 2017, APPROVED THE FOLLOWING:

1. THE BAY COUNTY DIVISION ON AGING ("DOA") SHALL BE DESIGNATED AN ACT 139 DEPARTMENT FROM A DIVISION OF THE HEALTH DEPARTMENT UNDER THE AUTHORITY OF THE COUNTY EXECUTIVE FOLLOWING A PUBLIC HEARING AS REQUIRED BY MCL 45.564 (a) AND (b); AND

2. COUNTY EXECUTIVE SHALL APPOINT A DEPARTMENT ON AGING DIRECTOR; AND

3. RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED.

IT WAS SUPPORTED BY COMM. COONAN PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2017-15: COMM. DURANCZYK MOVED TO ADOPT RES. 2017-15 BAY COUNTY BOARD OF COMMISSIONERS SUPPORTS THE EFFORTS FOR THE CIRCUIT COURT TO PURSUE GRANT FUNDING THROUGH AN APPLICATION FOR AN ADULT DRUG COURT DISCRETIONARY GRANT - ENHANCEMENT GRANT. THE ENHANCEMENT GRANT BEING SOUGHT WILL SUPPLEMENT THE GRANT BAY COUNTY NOW RECEIVES THROUGH THE STATE COURT ADMINISTRATIVE OFFICE. THE ENHANCEMENT GRANT, IF AWARDED, WOULD BE IN THE AMOUNT OF \$400,000 SPREAD OVER THREE YEARS. BAY COUNTY WAS CURRENTLY AWARDED ROUGHLY \$85,000 WHICH COVERS THE COST OF A PART TIME CASE MANAGER, DRUG TESTING AND SOME TREATMENT. THESE INCREASED FUNDS WOULD ALLOW THE COURT TO INCREASE THE POPULATION SERVED IN BAY COUNTY'S DRUG COURT DRAMATICALLY, ADD NEW SERVICES, AND EMPLOY A FULL TIME CASE MANAGER. IT WAS SUPPORTED BY COMM.

RYDER AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2017-16: COMM. RYDER MOVED TO ADOPT RES. 2017-16 BAY COUNTY BOARD OF COMMISSIONERS GOES ON THE RECORD URGING OUR LEGISLATORS TO IMMEDIATELY COMMENCE THE PROCESS OF REVISION THE MEDICARE PRESCRIPTION DRUG BILL OF 2003 TO ALLOW NEGOTIATING LOWER DRUG PRICES AND THE IMPORTATION OF IDENTICAL, CHEAPER DRUGS FROM CANADA AND ELSEWHERE. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

CYNTHIA LUCZAK: BAY COUNTY CLERK, READ RES. 2017-16 INTO THE RECORD IN ITS ENTIRETY.

RES. 2017-17: RES. 2017-17 BAY COUNTY BOARD OF COMMISSIONERS HAS SET A HEARING ON FEBRUARY 21, 2017, IN RE TO: NOVEMBER 7, 2016, THE CHARTER TOWNSHIP OF HAMPTON ADOPTED A "GOLF CART RESOLUTION" ALLOWING FOR THE USE OF GOLF CARTS ON PUBLIC ROADS, ONLY A ONE MILE RADIUS SURROUNDING THE BAY COUNTY GOLF COURSE IS ALLOWED AND EACH GOLF CART MUST BE REGISTERED AT THE HAMPTON TOWNSHIP ADMINISTRATIVE OFFICES.

RES. 2017-18: COMM. RYDER MOVED TO ADOPT RES. 2017-18 BAY COUNTY BOARD OF COMMISSIONERS AUTHORIZED THE BOARD CHAIR FOLLOWING LEGAL REVIEW/APPROVAL, TO SIGN ALL DOCUMENTATION REQUIRED TO OBTAIN A PERIODIC REAUTHORIZATION DETERMINATION FROM THE USDA FOOD AND NUTRITION SERVICE TO RECEIVE SNAP BENEFITS IF NEEDED. THE UNITED STATES DEPARTMENT OF AGRICULTURE'S FOOD AND NUTRITION SERVICE HAS THE AUTHORITY TO REQUIRE ENTITIES WHO ACCEPT SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) BENEFITS TO COOPERATE IN PERIODIC REAUTHORIZATION DETERMINATIONS AS SET FORTH IN 7 CFR 278.l(j) AND (n). ALTHOUGH THE COUNTY CURRENTLY DOES NOT RECEIVE SNAP BENEFITS FOR THIS PURPOSE, IT IS IMPORTANT TO REMAIN IN COMPLIANCE. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2017-19: COMM. RYDER MOVED TO ADOPT RES. 2017-19 BAY COUNTY BOARD OF COMMISSIONERS CONCURRED WITH THE APPOINTMENT OF ANDREA LABEAN AS THE DIRECTOR OF CRIMINAL DEFENSE AND

WAIVED THE COUNTY'S PERSONNEL POLICY TO ALLOW THE NEWLY HIRED DIRECTOR OF CRIMINAL DEFENSE TO BE COMPENSATED AT THE PN11 ONE (1) YEAR STEP (\$73,340.80). IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

A. LABEAN: NEWLY NAMED DIRECTOR OF CRIMINAL DEFENSE, ANDREA LABEAN; THANKED BOARD FOR THE OPPORTUNITY AND LOOKING FORWARD TO NEW POSITION.

RES. 2017-20: COMM. DURANCZYK MOVED TO ADOPT RES. 2017-20 BAY COUNTY BOARD OF COMMISSIONERS AND BAY COUNTY EXECUTIVE OFFER THEIR CONGRATULATIONS TO BAY SHORES SENIOR CARE AND REHAB CENTER ON ACHIEVING 5 STAR STATUS AND OFFER BEST WISHES IN THEIR EFFORTS TO PROVIDE CONTINUED QUALITY CARE TO THEIR PATIENTS. IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

**UNFINISHED BUSINESS**

THERE WAS NO UNFINISHED BUSINESS.

**NEW BUSINESS**

THERE WAS NO NEW BUSINESS.

**MISCELLANEOUS**

THERE WERE NO MISCELLANEOUS ITEMS.

**ANNOUNCEMENTS**

COMM. KRYGIER: TO DISCUSS BAYSIDE PARK, THERE WILL BE A PUBLIC MEETING ON THE 31<sup>ST</sup> OF JANUARY AT THE BANGOR TOWNSHIP HALL, BEGINNING AT 6:00 PM.

**CLOSED SESSION**

THERE WAS NO REQUEST FOR A CLOSED SESSION

**RECESS/ADJOURNMENT**

MOTION 10:        COMM. DURANCZYK MOVED TO ADJOURN THE SPECIAL SESSION BOARD SESSION OF JANUARY 17, 2017. IT WAS SUPPORTED BY COMM. RYDER THE MEETING CONCLUDED AT 5:40 P.M. BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

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TOM HEREK, CHAIRMAN  
BOARD OF COMMISSIONERS

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CYNTHIA A. LUCZAK, COUNTY CLERK  
BOARD OF COMMISSIONERS

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DIANE K. YAWORSKI  
SECRETARY TO THE CLERK  
BOARD OF COMMISSIONERS