

February 11, 2014

The regular meeting of the Mason County Board of Commissioners was held at 7:00 p.m. in the Commissioners' Room located in the Mason County Courthouse in the City of Ludington.

The meeting was called to order by Chairman Lange.

Roll call was taken. Present: J. Lenius, B. Carpenter, C. Lange, C. VanderWall,
M. Nichols, J. Andersen, T. Posma
Absent: None.

Invocation was given by Chairman Lange. Pledge to the flag followed.

Motion by B. Carpenter and seconded by M. Nichols to approve the agenda with the addition of a resolution supporting fully funding revenue sharing. Motion carried.

Motion by J. Lenius and seconded by B. Carpenter to approve the minutes of the January 14, 2014 regular meeting. Motion carried.

Correspondence:

Chairman Lange read an e-mail from Brandy Henderson, Executive Director/CEO of the Ludington Area Convention & Visitors Bureau asking the Board of Commissioners to write a letter of support for the USDA grant application of Michigan's Great Outdoors, a six county marketing collaborative promoting tourism in Mason, Manistee, Wexford, Lake, Newaygo and Oceana counties. Motion by J. Lenius and seconded by C. VanderWall to send a letter of support for Michigan's Great Outdoors USDA grant application. Motion carried.

Public Comment:

Evelyn Bergaila of Riverton Township stated she had been in the audience the previous week for a Circuit Court hearing on the Consumers Energy versus Mason County appeal of the Zoning Board of Appeals decision regarding the wind turbine sound study. Consumers Energy requested a stay of the mitigation plan required by the county and was denied. Ms. Bergaila questioned who made the decision to allow the wind turbines to operate while the appeal is being heard in Circuit Court. Administrator Knizacky responded by stating the attorney was defending the county's position that a mitigation plan needed to be presented by Consumers Energy and granting a stay for the filing of the plan was not warranted. Ms. Bergaila questioned what leverage the county had to force Consumers Energy to comply with the zoning ordinance.

Commissioner Lenius reported on recent West Michigan Regional Shoreline Development Commission (WMRSDC) actions which included a clarification of the personnel working on the Prosperity Initiative, announcing that he was elected Chairman of the WMRSDC Board for 2014 and that the next meeting will be held at West Shore Community College on March 24th.

Motion by Public Safety and Courts Committee Chairman J. Lenius and seconded by B. Carpenter to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, Mason County Sheriff Cole is seeking authorization to sell and dispose of the attached surplus county assets; and

WHEREAS, the Public Safety & Courts Committee is recommending board approval of this request.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason authorizes Mason County Sheriff Cole to sell and dispose of the attached surplus county assets.

Moved for your approval.

Motion carried. (Signed) J. Lenius

Commissioner Carpenter reported that District Health Department #10 has received full accreditation.

Commissioner VanderWall reported he was involved in the interviews for the Michigan State University Extension Education Coordinator and a candidate had been unanimously recommended for a possible March 1st date of employment.

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Motion by Building, Planning, Drains, and Airport Committee Chairman C. VanderWall and seconded by J. Lenius to approve the following resolution:

HONORABLE COMMISSIONERS

Community A: Free Soil Township

Community/Entity B: County of Mason

WHEREAS, Community A (check the appropriate statement) currently participates desires to participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, "the Stille-Derossett-Hale Single State Construction Code Act", Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3; and

WHEREAS, by the action dates of this document or an existing historical agreement dated 12/16/13 Community/Entity B affirms/agrees on behalf of Community A to function as the designated enforcing agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all development with Community A's political boundaries; and

WHEREAS, Community A and Community/Entity B enforce floodplain regulation of the construction code act, and Community A wishes to ensure that the administration of that code complies with requirements of the NFIP; and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. Community A and Community/Entity B agree that the Community/Entity B's officially designated enforcing agency for the construction code act, Building Official, be directed to administer, apply, and enforce on Community A's behalf the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding, and

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- b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the Community/Entity B shall implement the following applicable codes according to their terms:
 - i) Appropriate portions and referenced codes and standards of the current Michigan Residential Code.
 - ii) Appropriate portions and referenced codes and standards of the current Michigan Building Code.
 - iii) Appendix G of the current Michigan Building Code.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps, and
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed.
2. Community A and Community/Entity B assure the Federal Insurance Administrator (Administrator) that they intend to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure Community A's compliant participation in the program.
 3. Community A further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRM's by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

FURTHER BE RESOLVED, both communities declare their understanding that, until this resolution is rescinded or Community A makes another provision to enforce the construction code act:

1. The Community/Entity B must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and
2. For Community A to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

Community A: Free Soil Township Date Passed: 12/16/2013

Officer Name: Gregg Surma Title: Township Supervisor

Signature: /S/ Gregg Surma Date: 12/16/2013

Witness Name: Lynda Papes Title: Township Clerk

Signature: /S/ Lynda Papes Date: 12/16/2013

Community/Entity B: County of Mason: Date Passed: 2/11/2014

Officer Name: Charles Lange Title: Board Chairman

Signature: _____ Date: 2/11/2014

Witness Name: Fabian L. Knizacky Title: County Administrator

Signature: _____ Date: 2/11/2014

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Motion by M. Nichols and seconded by J. Andersen to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, under Public Act 390, the County of Mason is required to maintain a current Emergency Operations Plan or Emergency Action Guidelines (EAGs). According to the State’s new plan development guide (Publication 201a), the Board of Commissioners is required to review and the Chairman sign the EAGs every four years; and

WHEREAS, Public Safety & Courts Committee and Emergency Management Coordinator Reimink are recommending a policy that the Emergency Management Coordinator will bring any changes made to the EAG’s between the four year review periods to the Public Safety & Courts Committee for review and determination whether the changes are material enough to be sent to the full board prior to the four year review period.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the above policy as recommended by the Public Safety & Courts Committee and Emergency Management Coordinator Reimink.

Moved for your approval.

Motion carried. (Signed) M. Nichols

Commissioner Andersen reported she had learned by attending the most recent Michigan Works meeting that former employees of Harrington Tool Company would be receiving benefits through Michigan Works.

At a regular meeting of the Mason County Board, Mason County, Michigan, held at the County seat of said County on the 11th day of February , 2014, at 7:00 o’clock P.M. Eastern Standard Time.

PRESENT: Joseph Lenius, Commissioner; Bill Carpenter, Commissioner; Charles Lange, Commissioner; Curt VanderWall, Commissioner; Mary Nichols, Commissioner; Janet Andersen, Commissioner; and Thomas Pasma, Commissioner

ABSENT: None.

The following resolution was offered by Commissioner Andersen and seconded by Commissioner Thomas Pasma.

WHEREAS, on December 23, 2013 the County Board received a request from Raymond and Audrey Keith for approval to have a certain parcel released from Farmland Development Rights Agreement number 53-28790-123115 which was executed in accordance with the provisions of PA 116 of 1974, commonly known as the Farmland and Open Space Preservation Act (“The Act”); and

WHEREAS, the County Board has reviewed this request and DETERMINED that AT LEAST ONE STRUCTURE LOCATED ON THE PARCEL WAS PRESENT PRIOR to the original execution of said agreement; and

WHEREAS, the parcel proposed for release from the agreement is two acres or less in size OR applicant provided documentation for larger than two-acre parcel; and

WHEREAS, the county board finds that the request for release of the particular parcel is acceptable;

NOW THEREFORE BE IT RESOLVED BY THE MASON COUNTY BOARD AS FOLLOWS:

(1)That the County Board hereby approves the request to release the following described piece of property from said Farmland Development Rights Agreement,

The S 330’ of the E 330’ of the NE ¼ of the SW ¼ of Section 10 T19N R17W and

(2)That the County Board hereby certifies that at least one structure located on the certain piece of property was present prior to the original execution of said Farmland Development Rights Agreement.

(3)That the county clerk is hereby directed to transmit certified and sealed copies of this resolution to the person making the request and to the Farmland Unit of the MI Dept. of Agriculture.

ADOPTED: YEAS: Joseph Lenius, Commissioner; Bill Carpenter, Commissioner; Charles Lange, Commissioner; Curt VanderWall, Commissioner; Mary Nichols, Commissioner; Janet Andersen, Commissioner; and Thomas Pasma, Commissioner

NAYS: None.

State of Michigan)
)ss.

County of Mason)

I, the undersigned, the duly qualified and acting County Clerk for Mason County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the County Board of said County at a regular meeting held on the 11th day of February, 2014.

Signed: _____

Printed/typed: Jim Riffle County Clerk

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Motion by Finance, Personnel, and Rules Committee Chairman T. Posma and seconded by J. Andersen to approve the following resolution:

HONORABLE COMMISSIONERS

The Finance, Personnel, and Rules Committee has audited the County's claims dated January 16, 2014 totaling \$405,595.25, and January 30, 2014 totaling \$332,693.11; and

The Finance, Personnel, and Rules Committee found these claims to be in order and asks the Board to approve these claims.

Moved for your approval.

Motion carried. (Signed) T. Posma, C. Lange

Motion by T. Posma and seconded by B. Carpenter to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, the Michigan Office of Land Survey and Remonumentation desires that the Board of Commissioners of the County of Mason appoint a Remonumentation Peer Group; and

WHEREAS, the Building, Planning, Drains, and Airport Committee is recommending approval of the appointment of Mr. James Nordlund, Mr. Rex Pope, Surveyor John Schulke, and Mr. Noah Penn to the Remonumentation Peer Group and Mr. Dennis Dunlap as an alternate.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the appointment of Mr. James Nordlund, Mr. Rex Pope, Surveyor John Schulke, and Mr. Noah Penn to the Remonumentation Peer Group and Mr. Dennis Dunlap as an alternate and further directs the Board Chair to sign the related contracts on their behalf.

Moved for your approval.

Motion carried. (Signed) T. Posma

Motion by Chairman Lange and seconded by J. Lenius to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, the Finance, Personnel, and Rules Committee has reviewed the transfers for February 11, 2014.

THEREFORE, we, your Finance, Personnel, and Rules Committee, request your approval of the following transfers:

Jail Operations	\$116,000.00
Airport Operations	\$ 34,750.00
Property & Liability Insurance	\$ 40,000.00

Moved for your approval.

Motion carried. (Signed) C. Lange

Motion by Chairman Lange and seconded by B. Carpenter to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, In the Governor's recommendation for the FY 2015 budget, counties are scheduled to receive 100% full funding of revenue sharing totaling \$211,134,899; and

WHEREAS, This will bring counties to the level of revenue sharing agreed upon in 2004 for the 2005 FY; and

WHEREAS, The attached spreadsheet details the full funding allocations for FY 2015 for each county; and

WHEREAS, This marks the first time in fourteen years that the administration has recommended full funding for county revenue sharing; and

WHEREAS, Counties have worked diligently for the past decade by leading the effort to reform, consolidate, and right size government in an effort to increase efficiency and adjust declining revenues; and

WHEREAS, Revenue sharing is more than just a pot of money to be allocated in whole or in part to counties but is a statutory promise made to counties in exchange for giving up local taxing authority and for a more recent change in local taxing administration; and

WHEREAS, Revenue sharing is used by counties to pay for the multitude of state mandated services including the courts, the jails, the constitutional officers, elections and the public health system and, coupled with the recent reductions in property values and increased mandated state service delivery, counties are stretched to the financial limit.

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THEREFORE BE IT RESOLVED, That the Board of Commissioners of the County of Mason would like to thank Governor Snyder for fully funding county revenue sharing payments fiscal year 20 15; and

BE IT FURTHER RESOLVED, That the Board of Commissioners of the County of Mason call upon the state legislature to live up to their promise and adopt the Governor’s recommendation for fully funding county revenue sharing in FY 2015; and

BE IT FINALLY RESOLVED, that copies of this resolution be forwarded to Governor Snyder, State Senator Hansen, State Representative Franz, and the Michigan Association of Counties. Moved for your approval.

Adopted this 11th day of February, 2014.

Clerk Riffle reviewed the December 2013 and the January 2014 Clerk’s Report and answered questions.

Administrator Knizacky stated that 2015 Preliminary Budget requests would be going out to all departments and asked that any commissioner who had input regarding the advance or reduction of any services to provide that information to him or a Finance, Personnel, & Rules Committee member. Administrator Knizacky also asked for any input from the board as the process begins for an update to the Employee Handbook.

Public comment:

- Aldon Maleckas of Custer Township stated that in his research of sound studies related to wind turbine noise he has found that sound studies need to have sites attended during the study in order to verify and document the sound being registered is from the turbine and not other sources.

- Evelyn Bergaila of Riverton Township stated she felt that the wind turbines should be shut down until there has been a mitigation plan approved and it is proven the turbines are compliant with the sound requirements of the zoning ordinance which is the law.

Any Unfinished Business: None.

With no other business, the meeting was adjourned at 7:42 p.m.

JIM RIFFLE, COUNTY CLERK

CHARLES LANGE, BOARD CHAIRMAN