



## WASHTENAW COUNTY BOARD OF COMMISSIONERS

Wednesday, November 4, 2009

### RECORD OF PROCEEDINGS

An adjourned session of the Washtenaw County Board of Commissioners was held at the Administration Building, in the City of Ann Arbor, Michigan, on Wednesday, November 4, 2009.

The meeting was called to order at 8:22 p.m. by Rolland Sizemore Jr., Chair of the Board.

**MEMBERS PRESENT:** Comms. Bergman, Gunn, Irwin, Judge, Ouimet, Peterson, Prater, Schwartz, Sizemore, and Smith.

**MEMBERS ABSENT:** Comm. Ping

**OTHERS PRESENT:** County Administrator Bob Guenzel; Deputy County Administrator, Verna McDaniel; Corporation Counsel Curt Hedger; Jerry Clayton, County Sheriff; James McFarlane, Andy Brush, Support Services; Peter Ballios, Finance; Dick Fleece, Public Health; Mark Lindke, Veterans Affairs; Tony VanDerworp, Strategic Planning; Nancy Thelen, MSU Extension; Diane Heidt, Barb Finch, Human Resources; Patricia Denig, ETCS; Bob Tetens, Parks and Recreation; Greg Dill, Marc Breckenridge, Sheriff's Office; Ken Schrader, ITS; Joanna Bidlack, Stephanie Jensen, Administration; Jason Brooks, Clerk's Office; various citizens; and members of the press.

#### Roll Call

#### Pledge of Allegiance

#### Approval of the Minutes of the Previous Meeting

Comm. Gunn seconded by Comm. Judge moved that the minutes of the October 21, 2009, meeting of the Board of Commissioners be approved. Motion carried.

#### Citizen Participation

Tom Partridge stated that he would like the Board to provide innovative leadership. He stated that he did not understand why the Board could not provide the leadership to adopt the WISD millage. He added that he would like the Board to come up with a millage to replace the millage that failed last night.

#### Commissioner Follow-Up to Citizen Participation

None

#### Communications

Comm. Gunn seconded by Comm. Bergman moved that the communications be received and dealt with as recommended. Motion carried.

**R-0199** RECEIVED: October 13, 2009. A letter to Malcolm Gill, Thyssenkrupp Materials, Inc., from Kelli Sobel, Executive Secretary, State Tax Commission, re: Offer of hearing on request for revocation of the personal property component(s) of industrial facilities exemption certificate number 2005-617, dated October 7, 2009. Received and filed.

**R-0200** RECEIVED: October 13, 2009. A postcard from the Michigan Association of Counties, re: National Save for Retirement, postmarked October 8, 2009. Received and filed.

**R-0201** RECEIVED: October 13, 2009. A letter to the County Administrator's office, from Karen Lovejoy Roe, Ypsilanti Township Clerk, re: Application for industrial facilities exemption certificate for Sensitile System, LLC, dated October 7, 2009. Received and filed.

**R-0202** RECEIVED: October 14, 2009. A letter to the Washtenaw County Board of Commissioners, from Kimberly A. Venne, Property Analyst, Oil and Gas Lease Management Unit, Mineral and Land

Management Section, Department of Natural Resources, re: List of state-owned mineral lands that are scheduled to be offered in the upcoming state of Michigan Oil and Gas Lease Auction on October 27, 2009, dated October 9, 2009. Received and filed.

**R-0203** RECEIVED: October 15, 2009. A resolution to the Washtenaw County Clerk, from the Oceana County Board of Commissioners, re: Resolution in support of Oceana County Sheriff's opposition to current lein funding formula, dated October 8, 2009. Received and filed.

**R-0204** RECEIVED: October 20, 2009. A letter to the Washtenaw County Board of Commissioners, from Ellen Schulmeister, Executive Director, Washtenaw Housing Alliance, re: Conveyance of gratitude for the time, energy and care the Board of Commissioners put into the difficult deliberations related to the County budget process, dated October 13, 2009. Received and filed, copied to each commissioner.

**R-0205** RECEIVED: October 20, 2009. A letter to the Washtenaw County Board of Commissioners, from Colin G. Campbell, President, the Colonial Williamsburg Foundation, re: Request for contribution to the Colonial Williamsburg Foundation. Received and filed.

**R-0206** RECEIVED: October 21, 2009. A newsletter from the Michigan Association of Counties, re: MAC Legislative Update, dated October 9, 2009. Received and filed.

**R-0207** RECEIVED: October 21, 2009. A newsletter from the Michigan Association of Counties, re: MAC Legislative Update, dated October 16, 2009. Received and filed.

**R-0208** RECEIVED: October 22, 2009. A letter to the Washtenaw County Board of Commissioners, from, the Home Delivery Specialist, AnnArbor.com, re: Request to have County back as a subscriber. Received and filed.

**R-0209** RECEIVED: October 26, 2009. A letter to Rolland Sizemore Jr., Chair, Washtenaw County, Board of Commissioners, from Stephen J. Gauthier, Director, Technical Services Center, Government Finance Officers Association, re: Annual financial report qualifies for a Certificate of Achievement for Excellence in Financial Reporting, dated October 20, 2009. Received and filed, copied to each commissioner.

**R-0210** RECEIVED: October 28, 2009. A letter to Rolland Sizemore Jr., Chair, Washtenaw County, Board of Commissioners, from Jean Chabut, Deputy Director, Public Health Administration, Department of Community Health, re: Provisional Approval of Dick Fleece as the Provisional Washtenaw County Health Officer, dated October 22, 2009. Received and filed, copied to Dick Fleece and each commissioner.

**R-0211** RECEIVED: October 28, 2009. A letter to the Washtenaw County Board of Commissioners, from Alan Israel, Pittsfield Township Clerk, re: Application for industrial facilities exemption certificate for Solohill Engineering, Inc., dated October 23, 2009. Received and filed.

#### **Liaison Reports**

None

#### **Report of the Chair of the Board of Commissioners**

**09-0189** Comm. Prater seconded by Comm. Gunn moved that the resolution proclaiming the Week of November 9<sup>th</sup> through November 13<sup>th</sup>, 2009 as "National Veterans Awareness Week" in Washtenaw County and proclaiming November 11<sup>th</sup>, 2009 (Veterans Day) as our official observance in Washtenaw County be adopted. Roll call vote: YEAS: 10 NAYS: 0 ABSENT: 1 (Comm. Ping). Motion carried.

#### **Special Order of Business:**

##### **Public hearing to receive comments on a proposed regulation for a Food Handler Education Program**

Kyle Mazurek, Ann Arbor Chamber of Commerce, stated that there are concerns in the business community regarding this measure. He stated that there is a concern that the cost of this program is for the purpose of revenue generation. He added that there is some question about who will actually pay this fee. He reported that the Chamber will be working on this further.

Ken Weber, Weber's Restaurant, stated that the Health Department is doing a great job. He added that restaurants and Public Health have been working together. He stated that he has some concerns about whether this program is going to be effective. He added that raising sanitation levels needs to be done in an effective way. Weber stated that the same class will be taught over and over. He added that he is unsure that the desired end result will be achieved.

Kevin Gudejko, Director of Operations for Main Street Ventures, stated that there is desire for completion of a longer course. He added that this may create a barrier to employment. He stated that he is also concerned with the enforcement of the issue.

Patrick McDevitt stated that current food regulations require a certified manager to be on staff. He reported that information taught by the certified manager will also be taught in the proposed course.

Rick Strutts, Zingerman's, stated that he would like to thank work of the Health Department on H1N1. Strutts stated that he has trained over 1,000 people and added that a two hour course is required. He reported that he sees a redundancy. He added that it is difficult to track completion of the course is difficult to track. Strutts reported that he would be willing to volunteer to come up with a regulation that fits the need. He stated that he would like to see the cost added on to his license if this is simply a revenue generator.

Andy Delony, Michigan Restaurant Association, reported that there are a number of concerns with this proposal. He stated that the Washtenaw County Health Department is very highly regarded in the State. He added that the biggest concern is that significant cost and administrative burden will be added with very little public health benefit. Delony reported that the City of Detroit measure that is similar is a revenue generator.

Tom Partridge stated that the County needs to work on a regulation that could work on the state and national level. He stated that he is concerned about limited duty permits for people with disabilities. He stated that this is discriminatory language.

#### **Reports of the Standing Committees**

Comm. Prater seconded by Comm. Peterson moved that the following reports be received and approved: Administrative Briefing, dated September 30, 2009; Ways & Means, dated October 21, 2009. Motion carried. (Complete reports are on file in the County Clerk/Register's Office.)

#### **Reports of Special Committees**

Comm. Prater seconded by Comm. Peterson moved that the following reports be received: Board of Commissioners Public Hearing, dated October 22, 2009; Concealed Weapons Licensing Board, dated September 15, 2009 and October 20, 2009; Board of Public Works, dated August 19, 2009, and September 23, 2009; Statutory Drainage Board, dated September 17, 2009. Motion carried. (Complete reports are on file in the County Clerk/Register's Office.)

#### **Other Reports**

None

#### **Report of the Treasurer**

None

#### **Appointments:**

#### **Report of the County Administrator**

#### **Resolutions:**

#### **Ways & Means – November 4, 2009**

**09-0190** Comm. Prater seconded by Comm. Peterson moved that the resolution to approve structural changes within the Office of the Sheriff to improve Central Dispatch and Emergency Management customer service be adopted. Roll call vote: YEAS: 10 NAYS: 0 ABSENT: 1 (Comm. Ping). Motion carried.

**09-0191** Comm. Prater seconded by Comm. Peterson moved that the resolution ratifying the signature of the County Administrator on the Emergency Food Assistance Program (TEFAP) agreement in the amount of \$39,700 with the Michigan Department of Education (MDE) for the period of October 1, 2008 through September 30, 2009 for ETCS; authorizing the Administrator to sign the Notice of Grant Action Award; approving the budget; authorizing the Administrator to sign delegate contracts be adopted. Roll call vote: YEAS: 10 NAYS: 0 ABSENT: 1 (Comm. Ping). Motion carried.

**09-0192** Comm. Prater seconded by Comm. Peterson moved that the resolution ratifying the signature of the County Administrator on the Emergency Food Assistance Program (TEFAP) agreement in the amount of \$17,000 with the Michigan Department of Education (MDE) for the period of October 1, 2008 through September 30, 2009 for ETCS; authorizing the Administrator to sign the Notice of Grant Action Award; approving the budget; authorizing the Administrator to sign delegate contracts be adopted. Roll call vote: YEAS: 10 NAYS: 0 ABSENT: 1 (Comm. Ping). Motion carried.

### **Ways & Means – October 21, 2009**

**09-0193** Comm. Prater seconded by Comm. Peterson moved that the resolution pledging the full faith and credit of the County of Washtenaw, within constitutional limitations, for the payment of the bonds of the Wing Drain Drainage District be adopted. \*Roll call vote: YEAS: 7 NAYS: 2 (Comms. Judge and Prater) ABSENT: 1 (Comm. Ping). Motion carried.

\*Comm. Ouimet voted yes on funding for 4-H activities, horticulture programming, agricultural innovation, and the Food Systems Economic Partnership and voted no on the remainder of the resolution.

### **Ways & Means – October 7, 2009**

**09-0194** Comm. Prater seconded by Comm. Peterson moved that the resolution approving a millage of 0.0400 of a mill pursuant to Public Act 88 of 1913 (MCLA 46.161) to promote the agricultural, industrial and tourist advantages of Washtenaw County to be levied in December, 2009 for use in calendar year 2010 be adopted. Roll call vote: YEAS: 10 NAYS: 0 ABSENT: 1 (Comm. Ping). Motion carried.

### **New Business:**

**09-0195** Comm. Prater seconded by Comm. Peterson moved that the resolution for County Commissioners opposing a veto of MSUE and MAES funding from the State of Michigan be adopted. Roll call vote: YEAS: 10 NAYS: 0 ABSENT: 1 (Comm. Ping). Motion carried.

### **Approval of Claims**

None

### **Items for Current/Future Discussion**

Comm. Judge stated that she would like the proprietors coming and speaking at the public hearing. She stated that she has some opposing views due to her own personal experience. Comm. Judge stated that her course had a huge impact. She reported that the Health Department would do a great job. She added that this is not being done as revenue generation. She stated that the only cost would be added to a restaurant would be verification by HR along with all other documents during the hiring process. Comm. Judge reported that one table spending \$100 would be one 15%.

Comm. Irwin stated that many people were in the audience that wanted to speak on this issue but had to leave. He stated that adding another regulation may be difficult. Comm. Irwin stated that food safety is working well in the County. He added that he does not feel this will have a demonstrative impact on food safety in Washtenaw County. Comm. Irwin stated that strict enforcement and work with establishments in the County will be effective. He added that he does not want to cheapen food safety scores.

Comm. Peterson stated that he agrees with Comm. Irwin. He stated that he has problems with a fee driven program. He added that many people he has spoken with in the industry feel that they have been trained through their place of employment. Comm. Peterson stated that education needs to be promoted at no cost. He stated that he would like restaurants to meet with Public Health before the resolution comes to the table.

Comm. Bergman stated that she would like to see staff time that would be spent on monitoring to be used to provide assistance to restaurants.

Comm. Ouimet stated that restaurants managed by his daughter in different locations have different variances. He added that the restaurants managed have a certain standard and they adhere to it. He added that it is always important to have discussions to monitor how things are going.

Comm. Sizemore stated that he has spoken with restaurant staff and reported that they feel it is a good idea. He stated that he is still unsure. He added that he would like to see restaurants have some say so.

Comm. Judge stated that cutting staff at the Public Health Department hinders the ability to provide free services. She stated that this is a public health issue. Comm. Peterson stated that restaurants pay taxes so they are not getting anything free.

### **Citizen Participation**

None

### **Commissioners Follow-up to Citizen Participation**

None

**Adjournment**

Comm. Gunn seconded by Comm. Prater moved to adjourn until Wednesday, November 18<sup>th</sup>, 2009, at 6:45 p.m. in the Board Room, Washtenaw County Administration Building. Motion carried.

The meeting adjourned at 9:21 p.m.

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Rolland Sizemore Jr., Chair

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Lawrence Kestenbaum, Clerk/Register

By: Jason Brooks, Deputy Clerk

Board Approved: