

MINUTES OF THE BOARD OF COUNTY ROAD COMMISSIONERS

Monroe, Michigan

August 22, 2022

1 At a Regular Meeting of the Board of County Road Commissioners at their offices located at the Monroe County Road Commission (MCRC) 840 A. Telegraph Road, Monroe, Michigan, the meeting was called to order by Chairman Stewart at 5:30pm.

2 **ROLL CALL** by the Deputy Clerk as follows:

William Kipf	Present
Jack Thayer	Present
James Jacobs	Present
Danny Minton	Present
Greg Stewart	Present

A quorum being present, the Board proceeded to transact business.

3 The **PLEDGE OF ALLEGIANCE** was lead by Commissioner Stewart.

4 **AN OPENING MOMENT OF SILENCE OR PRAYER** was lead by Commissioner Stewart.

5 **REGULAR MEETING AGENDA APPROVAL**

Moved by Commissioner: Minton Supported by Commissioner: Thayer
to approve the regular meeting agenda as presented.

Vote: Ayes: 5 Nays: 0 Excused: 0 Motion Carried

6 **PUBLIC COMMENT**

Ernest Thompson - Mr. Thompson stated he is present tonight regarding the removal of his mailbox. He has received several letters but has never been told why or what the issue is.

Commissioner Stewart informed Mr. Thompson that he will have time to speak on this topic when the topic is reached in accordance with the agenda.

Bob Bucala - Mr. Bucala reported severe drainage issues in the area of 5664 Oakville Waltz. He has submitted several service requests and the concern has not been addressed. There is a cross tile running from the north side to the south side of the road approximately five driveways east of his address which is heaved out of the ground and unusable. The drainage ditches are remaining water filled. Mr. Bucala reported this cross tile as being on the map since 1921 and it is believed to be that old or older.

Commissioner Stewart informed Mr. Bucala that the MCRC operations staff are present at the meeting tonight and have his contact information to follow up with his concern.

7 **CONSENT AGENDA (with immediate effect)**

7.1 Approval of Minutes July 25, 2022 Regular Meeting

7.2 Journal Entries

Entry No.	Date	Description	Transfer Amount
522	7/27/2022	Vendor Checks 79263 - 79316	\$ 403,019.39
539	8/2/2022	Payroll Checks 66277 - 66292	\$ 297,018.08
		Advices 33667 - 33753	
561	8/10/2022	Vendor Checks 79317 - 79376	\$ 719,800.62
		Bank Service Fee July, 2022	
574	8/16/2022	Payroll Checks 66293 - 66310	\$ 299,573.04
		Advices 33754 - 33839	

		Bank Service Fee	July, 2022			
575	8/17/2022	Vendor Checks	79377	-	79405	\$ 809,528.12

7.3 Township Contracts

Township	Project #	Road	Location	Work Type
Bedford	504.002.220215	Various	Bedford Estates Sub	Crack fill
Bedford	504.002.220214	Various	Enchanted Subdivision	Crack fill
Bedford	504.002.220211	Various	Giant Oak Subdivision	Crack fill
Bedford	504.002.220213	Various	Springbrook Subdivision	Crack fill
Bedford	504.002.220212	Various	Stonegate Subdivision	Crack fill
London	504.010.221010	Gramlick	Near 11001	Tree Removal

- 7.4 Approve the Resolution for the posting of a weight limit on the existing structure carrying Sigler Road over Swan Creek between Swan Creek Road and Armstrong Road in Ash Township.
- 7.7 Approve invoice number 22815S from the Monroe County Drain Commissioner for the Schafstahl Drain Culvert in the amount of \$76,631.82.
- 7.8 Approve invoice number 2218 from the Monroe County Drain Commissioner for the emergency culvert replacement at the Springbrook Drain carrying Chamberlain Road in the amount of \$25,118.45.
- 7.9 Approve invoice number 22815 from the Monroe County Drain Commissioner for Yensch Road culverts in the amount of \$116,172.14.
- 7.10 Approve the Dedicated Highway & Utility Easement for the sum of \$6,360.00 with LRN Investments, LLC, for land parcel number 5815-027-025-00 in Whiteford Township and rescind the previously approved Dedicated Highway & Utility Easement for the same consideration and parcel number with Nicholas C. Liaros, Trustee of the Lloyd and Alice Nolfo 2012 Family Irrevocable Trust.
- 7.11 Authorize Gerken Paving, Inc. to pave St. Anthony Road over the Bay Creek culvert for the amount of \$30,580.00, and authorize the Managing Director to sign on behalf of the Board.
- 7.12 Approve the write off of outstanding accounts receivable from 2019-2020 related to accident billings, permits and inspections totaling \$2,512.98.
- 7.15 Approve the Dedicated Highway & Utility Easement for the sum of \$10,892.00 with Linda Vesey-Connors, Manger of Vesey Family, LLC, for land parcel number 5815-027-024-00 in Whiteford Township.

Moved by Commissioner: Minton Supported by Commissioner: Jacobs

to approve the regular meeting consent agenda with items 7.5, 7.6, 7.13, 7.14 removed for discussion.

Vote: Ayes: 5 Nays: 0 Excused: 0 Motion Carried

7.5 Approve the Dedicated Highway & Utility Easement for the sum of \$9,900.00 with Richard Becker, President of the Michigan Materials and Aggregates Company, for land parcel number 5815-025-045-00 in Whiteford Township.

7.6 Approve the Dedicated Highway & Utility Easement for the sum of \$8,704.00 with Tyrone Nofziger, Executive Vice President of Stoneco, for land parcel number 5815-036-014-00 in Whiteford Township.

Regarding items 7.5 and 7.6, Commissioner Minton asked if these properties were owned by the businesses listed or if they were personal properties. Mr. Snell responded they are owned by businesses; however, with what is required by the Register of Deeds, a person who is authorized to grant the easement on behalf of the business must be listed on the document.

- 7.13 Authorize the Managing Director to enter into an three (3) year agreement with Knight Technology Group for the purpose of Road Commission network backup and recovery software.

Commissioner Minton requested the cost of the backup. Ms. Hawkins-Freelain stated the cost is approximately \$1,100 per month which is under her signing authority. The reason the item is on the agenda for the Board is for the approval to enter into the three year agreement. The agreement will upgrade our backup system to current technological standards.

- 7.14 Award the janitorial services contract to R&J Cleaning Service, Inc. for a one-year contract with up to three additional one-year extensions beginning September 21, 2022 at the quoted prices.

Commissioner Minton requested additional information on this item as no cost was included. Ms. Hawkins-Freelain stated that the current janitorial company has not been performing satisfactorily. The MCRC sought quotes from various individuals and the chosen janitorial company is a local Monroe organization which had good references. The cost per month is within her signing authority and the Board approval is to enter into a multi-year contract.

Moved by Commissioner: Minton Supported by Commissioner: Thayer
to approve the regular meeting consent agenda items 7.5, 7.6, 7.13, 7.14.

Vote: Ayes: 5 Nays: 0 Excused: 0 Motion Carried

8 UNFINISHED BUSINESS

9 NEW BUSINESS

- 9.1 Encroachment at 2525 E. Labo Carleton, MI 48117

Mr. Costello reported the Road Commission was alerted to a mailbox structure at this location approximately five years ago. At that time it was determined to be an encroachment and the Board issued an Encroachment Removal Order. It was recently discovered that the mailbox structure had not been removed. Additional visits to the property were made by MCRC staff to ensure the structure was still present. The property owner was notified by mail of MCRC findings. A response to the letter was received from an attorney. When follow up was completed with the Attorney, the MCRC was advised that the attorney no longer represents the property owner. At that time, follow up was completed with the homeowner and the MCRC Right-of-Way brochure was provided. The property owner expressed that he disagrees with MCRC findings which is what brought the encroachment in front of the Board for determination. If it is decided by the Board that the encroachment is to be removed, the order will allow the homeowner 30 days to remove the structure. If it is not removed by the homeowner, the MCRC will remove the structure. In this case, the structure is a masonry mailbox and recent photographs are available to assist if needed.

Commissioner Stewart commented that the first time this encroachment was presented, he believed information was provided to the property owner regarding the reasoning and MCRC policy and thought the issue had been settled as this is an easement area which must be controlled.

Mr. Costello reported the reason the structure is considered a hazard is because of the placement of the structure and the roadway speed limit of 45 mph. The placement does not leave any room for error if a motorist were to move onto the shoulder of the road. In addition, if a motorist were to strike the structure, the components of the structure would separate and enter through a windshield causing bodily harm.

Commissioner Minton asked if this was the same property owner.

Mr. Costello reported that there is a new property owner. The previous owner had intense relationships with the MCRC. Mr. Thompson's attorney implied that was the reason the encroachment was pursued prior as a emotional reaction. Additionally, the MCRC has since created a new system to log encroachments and complete follow up. Under the new system, the Managing Director, County Highway Engineer, and Superintendent of Maintenance must all review a encroachment to determine if it interferes with drainage, utility facilities, road construction and maintenance, or public safety. The structure in question is 14 feet from the centerline of the road.

Commissioner Minton stated he is sure MCRC staff are not out looking for these issues, but when they are brought to our attention, they must be addressed. Commissioner Thayer added that if someone hits the structure and gets injured or killed, the county is then liable.

Commissioner Stewart commented that this is a long time issue and not an emotional item. Any changes to how these items are reviewed was in part a result of this specific encroachment. In addition, it was desired to strengthen our review process and keep things safe. Commissioner Stewart asked the property owner if he would like to provide comment.

Mr. Thompson commented that within a quarter mile of his home there are various structures which would be in violation including 6x6 posts, concrete posts, metal poles and boulders. The previous property owner (Eric) had informed Mr. Thompson that this issue was settled years ago and with many other brick mailbox structures, it was not understood why he has to remove his mailbox. In addition, there is a mailbox structure located on Grafton Road which has shingles on it and is closer to the road than his structure. Mr. Thompson stated that someone at the MCRC had an issue with Eric and he would like to know where it originated from adding that the MCRC is picking a fight. Mr. Thompson estimated 250 violations in the Carleton area.

Discussion was held by the commissioners regarding the Encroachment policy.

Moved by Commissioner: Minton Supported by Commissioner: Thayer
to approve the encroachment removal order as presented.

Vote: Ayes: 5 Nays: 0 Excused: 0 Motion Carried

9.2 Board of Road Commissioners Appointment - Term Expiration for Commissioner Stewart

Commissioner Minton stated that Commissioner Stewarts' term of office is up at the end of this year. If Mr. Stewart would like to be reappointed, he would support the decision.

Moved by Commissioner: Minton Supported by Commissioner: Kipf
to support the reappointment of Mr. Stewart to the County of Monroe Board of County Road
Commissioners, in writing with signatures to the County of Monroe Board of Commissioners.

Vote: Ayes: 5 Nays: 0 Excused: 0 Motion Carried

10 REPORT OF OFFICERS

Dori Hawkins-Freelain (Managing Director) - Ms. Hawkins-Freelain reported Fermi drills began last week. Various staff have been appointed to attend the drills.

In reference to the news of the departure of Mr. Snell, Commissioner Minton asked if there was anything we could do to convince him to stay. Adding that Mr. Snell is a well respected employee not only to the organization but amongst his peers. As an employee who has been elected and appointed to various boards and positions, this will be a major loss for the Road Commission. Commissioner Minton wished Mr. Snell well adding that it will be tough to lose someone of his talent but it is known that he will go on to do great things.

Ms. Hawkins-Freelain stated that discussions were held with Mr. Snell and his departure is not necessarily a monetary issue but more so for quality of life. Mr. Snell's last official day will be September 15, 2022 but he is willing to assist beyond that date to aid in the transition.

Matthew Snell (County Highway Engineer) - Mr. Snell gave appreciation for the boards kind words. The engineering department is quite busy with several micro surface projects finished up, bridge decks being sealed, and the Summit Street Bridge rehab going well. Mr. Snell stated that although it is not his last meeting, he appreciated all of the support from the Board throughout his time at the MCRC.

David Leach (Superintendent of Maintenance) - Mr. Leach reported the Yench Road paving project is getting completed. In addition, the MCRC is aware of the drainage issues reported during public comment by Mr. Bucala in the Oakville Waltz corridor. The MCRC has been trying to secure funding from a program through Congressman Walburgh's office which ended up not being awarded to the MCRC. This type of project will take millions of dollars to complete and it is the hope that we will be able to receive funding to improve this area as a whole. If the funding does not come through then the MCRC will need to start working on small bits of the area one section of a time.

Discussion was held on drainage issues within the county, the development of a drainage plan similar to the Five Year Road Plan, and funding to support drainage projects.

L. Camden Regis (Human Resource Director) - Excused

Philip Costello (General Counsel) - As a follow up to the encroachment removal decision, Mr. Thompson indicated to Mr. Costello that no one was going to be removing his mailbox. The MCRC can be sued as a body, but there is no right to appeal to court for the decision made today.

Commissioner Minton requested an update on the Karst property.

Ms. Hawkins-Freelain reported that in the last conversation held with the Board she indicated she was not interested in donating the property after an evaluation of the parcel came back as quite valuable. In addition, with the findings that the property is not truly a sink hole, it was not found to be appropriate to donate the property.

Commissioner Kipf indicated there were homes built to the east and west of the property so it would be thought that the parcel would be buildable however a geological survey should be completed for a correct determination.

Discussion was held regarding the Karst property, future possible uses including leasing the land, exchange of County self-help funding for the property, and other various items.

11 PUBLIC COMMENT - None

12 COMMISSIONERS COMMENT

Commissioner Kipf - Mr. Kipf wished Mr. Snell the best of luck in his next chapter.

Commissioner Jacobs - Mr. Jacobs stated he enjoyed working the Fair booth and getting to know some of the staff. In addition, Mr. Jacobs expressed appreciation to Mr. Snell.

Commissioner Thayer - Mr. Thayer stated Mr. Snell's departure will be a great loss and wished him well.

Commissioner Minton - Nothing to Report.

Commissioner Stewart - Mr. Stewart invited Mr. Snell to lunch and gave his appreciation.

13 CLOSED SESSION

13.1 Periodic Evaluation of the Managing Director

Moved by Commissioner: Minton Supported by Commissioner: Thayer
to enter into closed session at 6:57pm with a short five minute break.

Roll Call Vote as Follows:

William Kipf Yes
Jack Thayer Yes
James Jacobs Yes
Danny Minton Yes
Greg Stewart Yes

Motion Carried

Vote: Ayes: 5 Nays: 0 Excused: 0 Motion Carried

Moved by Commissioner: Minton Supported by Commissioner: Thayer
to reconvene the open meeting at 7:40pm

Roll Call Vote as Follows:

William Kipf Yes
Jack Thayer Yes
James Jacobs Yes
Danny Minton Yes
Greg Stewart Yes

Motion Carried

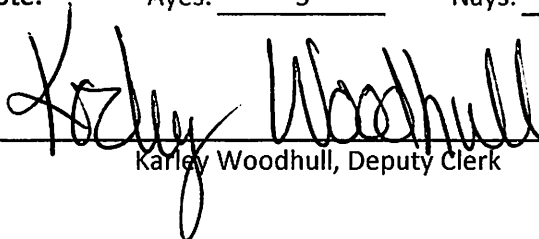
Vote: Ayes: 5 Nays: 0 Excused: 0 Motion Carried

14 ADJOURNMENT

Chairman Stewart requested a motion to adjourn.

Moved by Commissioner: Minton Supported by Commissioner: Kipf
to adjourn. The meeting adjourned at: 7:41pm

Vote: Ayes: 5 Nays: 0 Excused: 0 Motion Carried


Karley Woodhull, Deputy Clerk

September 12, 2022
Date