

# MINUTES OF THE BOARD OF COUNTY ROAD COMMISSIONERS

Monroe, Michigan

October 24, 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 S. 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:                     Kipf                      
to approve the regular meeting agenda as presented.

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

6 **PUBLIC COMMENT**

Gail Keane -

Ms. Keane referenced the approval of the meeting minutes and questioned the reference to culvert work completed in Bedford Township. With her understanding of how the county drains work and their limits, the concern expressed was that the state has dedicated money for infrastructure. Although the local roads are the Townships responsibility, the county roads (primary roads) are under the responsibility of the Road Commission. The question presented is why the Townships are paying using AARPA funds to repair culverts versus the county paying for those. Ms. Keane reported the culverts referenced within the minutes are those that are believed to be on primary roads in Bedford Township. Additionally, Ms. Keane requested to know if the county has received funding and if that funding is being distributed evenly across the Townships. Ms. Keane stated her understanding was that the State was giving money towards infrastructure and she wanted to know how much Monroe County received.

Commissioner Stewart directed Ms. Keane to speak with the Managing Director to address the concerns and answer any questions.

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

7.1 ~~Approval of Minutes~~       Special Meeting – October 14, 2022

7.2 Journal Entries

Entry No.	Date	Description	Transfer Amount
722	10/6/2022	Vendor Checks	79590 - 79646
		Bank Service Fee	September, 2022
737	10/12/2022	Payroll Checks	66400 - 66414
		Advices	34090 - 34171
		Bank Service Fee	September, 2022

- 7.3 Approve the proposal and Professional Services Agreement with Plante & Moran, PLLC, and authorize the Managing Director to sign on behalf of the Board.
- 7.4 Approve the purchase of one (1) 2023 Western Star 47X Tandem Axle with Vector Unit under the Sourcewell contract 101221-VTR under the budget year 2022/2023 to Doheny Company for \$522,100.96.
- 7.5 Approve the purchase of one (1) 2023 GMC Sierra 2500 HD Double Cap 4-Wheel drive pickup truck for \$40,093.65 from Todd Wenzel Buick under MiDeal contract 071B7700184.

Moved by Commissioner:                   Minton                   Supported by Commissioner:                   Thayer                    
to approve the regular meeting consent agenda item numbers 7.2 through 7.5. Item number 7.1 was moved to new business as item number 10.2.

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

**8 CLOSED SESSION**

- 8.1 To review and consider the contents of an application for employment.

Moved by Commissioner:                   Minton                   Supported by Commissioner:                   Kipf                    
to enter into closed session at                   5:37pm                  

Roll Call Vote as Follows:

<u>William Kipf</u>	<u>          Yes          </u>
<u>Jack Thayer</u>	<u>          Yes          </u>
<u>James Jacobs</u>	<u>          Yes          </u>
<u>Danny Minton</u>	<u>          Yes          </u>
<u>Greg Stewart</u>	<u>          Yes          </u>

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

Moved by Commissioner:                   Thayer                   Supported by Commissioner:                   Kipf                    
to reconvene the open meeting at:                   6:30 PM                  

Roll Call Vote as Follows:

<u>William Kipf</u>	<u>          Yes          </u>
<u>Jack Thayer</u>	<u>          Yes          </u>
<u>James Jacobs</u>	<u>          Yes          </u>
<u>Danny Minton</u>	<u>          Yes          </u>
<u>Greg Stewart</u>	<u>          Yes          </u>

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

**9 UNFINISHED BUSINESS**

- 9.1 Approve the wage and benefit changes for employees with Individual Employment Agreements effective upon approval.

Commissioner Thayer stated he would like discussion. At the last meeting, he felt it was the right approach for getting data, however he did not realize that at the top of the spreadsheet provided, it indicates that the data is the maximum wages. Commissioner Thayer reported he is unsure that the Board is ready to approve this item.

Commissioner Stewart requested clarification from Ms. Hawkins-Freelain on Commissioner Thayer's comment. Ms. Hawkins-Freelain clarified the document which was being looked at.

Commissioner Thayer added that the sheet indicates the data is derived from range maximums. Additionally, all the numbers presented appear to be the top of the ranges as opposed to what they are actually paying.

Ms. Hawkins-Freelain stated Mr. Nottley's study includes a combination of the maximum wages and actual wages. Additionally, Ms. Hawkins-Freelain does not have the actual data which was submitted by each of the Road Commissions.

Ms. Regis reported the only data received was the spreadsheet in reference. Some of the counties submitted ranges and some of them did not. All that could be compared was where the MCRC stood in regards to others.

Commissioner Thayer stated he looked at the document and only saw two counties that somewhat shadow where we are in regards to road miles and funding. Those included Jackson County and St. Clair County. When counties such as Oakland, Livingston, and Kent are utilized, as Commissioner Minton indicated in the last meeting, the data becomes skewed. Commissioner Minton stated the bottom line is that it is known we are not in line with where we should be and it needs to be addressed.

Ms. Regis stated that in order to not skew the results, if counties are removed from the higher end, then counties must be removed from the lower end as well. The two highest counties cannot be the only ones to be removed. The two lowest counties would also have to be removed. Ms. Regis stated she did add Eaton county as Commissioner Minton had mentioned in the last meeting and where we compare with them. They are in the lower end of the scale; however even when Eaton was added, the numbers did not change much. In taking out the highest and lowest counties, the numbers did not change much.

Commissioner Minton stated his comment for Eaton county was that it was a comparable county to us.

Ms. Regis reported that Eaton county really is not a comparable. As far as their road miles and MTF funds, they do not compare. They have 1,674 road miles whereas we have 2,715. Their MTF funds are just over \$14 million, ours are almost \$21 million. Ms. Regis reported that this county was looked into as it was mentioned by Commissioner Minton at the last meeting.

Commissioner Minton reported that the Nottley study completed by our Road Commission which included step increases for each individual within the management team had a life scale of seven to ten years. The Board adopted this study in 2018. Commissioner Minton asked if we are now looking to deviate from this policy.

Ms. Regis stated the problem with the study is that everyone was now off the scale. The way the study was implemented, most employees did not start at the first step, they started in the middle. This put employees past the total. This past January, an average of the increases was used for management increases. Mr. Leach and Ms. Regis were off the scale and Mr. Snell was at the very last step. Additionally, 2-3% each year for a management team is very minimal.

Commissioner Minton stated one of the bargaining teams received 3% and was fine with it, but for the management team to say it is minimal. Adding that 3% to the AFSCME group and 3% to the management team are two completely separate items.

Commissioner Stewart stated he was present when the policy was put in place. He is in agreement with the problems of the categories. Instead of employees starting at the bottom and having four steps, they started in the middle and only had one or two steps. The only person who went to the lower step was the Human Resources manager. From the beginning, the study was not destined to last for a long time. Commissioner Stewart stated he was encouraged at the last meeting to work with the unions to complete a study. The problem is we have an opportunity that calls on us to make an almost immediate decision. The decision is one which is needed long term. It is obvious to the Board that there are things that need to be addressed and updated. This still does not take away from the immediacy of trying to find good qualified people to fill positions.

Commissioner Thayer stated that it is also necessary to retain employees.

Commissioner Stewart stated there is a need to make a commitment to look at these decisions long term in the future. There are many unknowns, the Board could be wrong on some items which have already been decided, but those items will be addressed when needed.

Commissioner Jacobs stated he believed the two larger percentage increases have an explanation available for why those increases exceed others. Additionally, the study that was just completed to achieve the information provided was completed by Mr. Nottley this year. Commissioner Jacobs expressed he was unsure if the counties surveyed this year were the same as those in the previous study. The study completed included AFSCME categories. The option that would make sense when paying for another study would be if it contained a specific request with counties to include. The other option would be to receive some justification on what circumstances held wages back. For example, the previous director turned down raises which would justify the larger gap in salary for the Managing Director. With the communications/public relations position, the understanding is the work tasks that are being completed and assigned now are different than those from the previous person in that position. Commissioner Jacobs stated those are good reasons to have larger increases percentage wise, especially when those categories were already behind and had a change in the scope of work. When looking back through the information presented, trying to come up with a smaller number or have another study completed would only show us that we are too conservative. Commissioner Jacobs stated the Board is not negotiating the salaries for the management team. The board has one employee, the rest are managements responsibility. Commissioner Jacobs stated he is prepared to make a motion to approve the recommendation of a budget amendment for the salaries proposed.

Ms. Hawkins-Freelain provided clarification for Commissioner Thayer. The previous wage study completed by Mr. Nottley had the same basic headings which listed the salaries as the maximum wages. This was located on the 2017 study, if there was no range available, the actual salaries were used. It is thought that this is consistent with how he prepares the information.

Commissioner Thayer stated the last few COLA payments received have increased from 5.1% in 2021 to 8.7% in 2023. This indicated to him that we are behind the times. For further insight, it is believed we would need an analyst which Commissioner Thayer did not believe we had the time to wait.

Commissioner Stewart warned that Commissioner Thayer has stated we do not have the time however there is still no movement forward.

Commissioner Thayer reiterated that we need to move forward.

**Moved by Commissioner: \_\_\_\_\_ Jacobs \_\_\_\_\_ Supported by Commissioner: \_\_\_\_\_ Kipf \_\_\_\_\_**

**to accept the recommended for salary increases as proposed by the Managing Director with the exception of the County Highway Engineer which is pending employment negotiations.**

Commissioner Stewart stated the management team has requested the Board to move forward with the individual employment agreement changes.

Commissioner Minton stated he would like to keep his thoughts to himself at this point.

Commissioner Thayer stated he felt we needed to move forward. The terminology presented includes maximum wages. Clarification was requested on if that locks in the application of the maximum wages.

Ms. Hawkins-Freelain stated the proposal on the table has the median range of those numbers listed. If the proposal as it stands is used, it would lock in at the median range

Commissioner Thayer stated he is reading that this is the median range of the maximum wage. So in essence, they took all of the maximum numbers and found the median. Which is not the number that we truly need however we do not have anything else.

Ms. Hawkins-Freelain pointed back to the prior study which was Board approved. The same classification and terminology was listed. The MCRC wages were listed as a percentage of the market range maximum. This is the same language, how the table was created was based upon those maximum ranges.

Commissioner Minton stated on the comments of the study, utilizing those numbers, this was Ottawa County who had Nottley just grab wages for all employees and put it in a spreadsheet. Commissioner Minton stated when he thinks of a study, he thinks of the one that the Road Commission previously completed which went through each job description and duties. Commissioner Minton stated he is unsure if the Ottawa County study is a true study as there are people who could be doing multiple jobs under certain titles to get certain wages. Commissioner Minton stated he was unsure if the study presented is accurate.

Ms. Regis stated the Ottawa County study was completed in the same way that our study was completed. The other counties were asked for benefit and wage information. For example, the two unions do not have ranges, they have a set rate. The only ranges provided were for Management. The majority of the counties included in the Ottawa study are the same that were included in our study. Ms. Regis reported that the study was done in the same way, the only difference is we received a summary instead of the entire package. The information provided was a courtesy because we participated in the Survey.

Commissioner Minton thanked Ms. Regis for the information and stated that was a different answer than what he thought was provided at the last meeting.

Commissioner Stewart stated he did not believe he would vote for this motion. The reasoning was because he felt what was needed was to concentrate on the individual we are looking to hire. Additionally there are longer term questions which need to be answered. Discussion tonight has consisted of many items which need to be looked at including policies which are the Boards responsibility. To make a blanket approval is not justified until some of the questions are answered.

Commissioner Kipf asked if the entire Ottawa County study could be obtained.

Ms. Regis reported that she may be able to get the entire study from Ottawa County and she would work on getting it.

**Commissioner Kipf stated he withdrew his support from the motion.**

Commissioner Kipf stated he believed that if the complete study was obtained and reviewed, it could clear up many of the questions.

Commissioner Stewart referred to legal counsel on if the motion has dissolved after the withdrawal of support.

Mr. Costello reported another member could second the motion. Without support then the motion would dissolve.

Commissioner Thayer requested the official motion on the floor be repeated.

Commissioner Jacobs stated his motion was to accept the recommended salary increases as proposed by the Managing Director with the exception of the County Highway Engineer which is pending employment negotiations and may be a different wage.

Commissioner Thayer stated he would support the motion with the understanding that the figures are the maximum and we are not obligated to implement the maximum numbers.

Commissioner Stewart added that the motion is already less than what we are looking at with the exception of the engineer.

Commissioner Minton requested clarification on the motion and if that includes everything that Ms. Hawkins-Freelain had requested previously. Including the reduction in vesting from 15 years to 8 years and 4% annual wage increases.

Commissioner Jacobs stated he was thinking of wages; however, the other items he would need more understanding on what impact those adjustments would make. Commissioner Jacobs confirmed he was speaking in regards to salary.

**Moved by Commissioner:                     Jacobs                     Supported by Commissioner:                     Thayer                      
to approve the recommendation for salary while holding the percentage increase, change in the vesting period, and short term disability for further discussion with exception of the Director of Engineering.**

<u>William Kipf</u>	<u>Yes</u>
<u>Jack Thayer</u>	<u>Yes</u>
<u>James Jacobs</u>	<u>Yes</u>
<u>Danny Minton</u>	<u>No</u>
<u>Greg Stewart</u>	<u>No</u>

**Vote:       Ayes:           3                 Nays:           2                 Excused:           0                 Motion Carried**

Commissioner Thayer stated he would motion for the Managing Director and Human Resources to be given approval to move ahead as presented with a vehicle available. The justification for the vehicle is that the employee is out of the office a substantial amount of time.

Commissioner Minton requested clarification on the exact motion so that it is clearly understood by all.

Commissioner Stewart commented that the vehicle could be used with permission however it is unknown when the employee is going to get called into work.

**Moved by Commissioner:                     Thayer                     Supported by Commissioner:                     Jacobs                      
to approve the County Highway Engineer \$118,000.00 salary with automobile to use for business matters including commutes with the understanding it is unknown when the employee will be called into the field.**

**Roll Call Vote:**

<u>William Kipf</u>	<u>Yes</u>
<u>Jack Thayer</u>	<u>Yes</u>
<u>James Jacobs</u>	<u>Yes</u>
<u>Danny Minton</u>	<u>No</u>
<u>Greg Stewart</u>	<u>Yes</u>

**Vote:       Ayes:           4                 Nays:           1                 Excused:           0                 Motion Carried**

**10 NEW BUSINESS**

**10.1 Review Encroachment Removal Policy number POL-2021-02**

Ms. Hawkins-Freelain reported a few meetings ago, the Board requested staff to review the Encroachment Removal Policy. Ms. Woodhull did notify the Board of when the 90 day extension to the current Encroachment Removal Order for Mr. Thompson would expire which is November 20, 2022. In light of the decision made a few months ago, staff have reviewed the policy and have no recommendations for adjustments. Ms. Hawkins-Freelain stated the Board was provided information within the Managing Directors Communication from the United States Postal Service as it relates to mailboxes.

Commissioner Thayer asked if the notification from the post office had been forwarded to the property Ms. Hawkins-Freelain stated this specific document was not sent to the homeowner. The information was just received a few weeks ago from the County Road Agency.

Ms. Woodhull commented that the information is included in one of our brochures which Mr. Costello sent to the homeowner with the original letter.

Mr. Costello confirmed.

Commissioner Thayer stated he felt that states things very clearly, we are not just picking on this homeowner.

Commissioner Minton stated he had hoped staff would come back with a recommendation and asked if we are prepared to start enforcing this item throughout the entire county.

Ms. Hawkins-Freelain stated we are prepared to enforce the policy as it is currently approved and written. If notification is received of an encroachment, it is our duty to assess it. Mr. Thompson identified several encroachments although he did not provide addresses. Ms. Hawkins-Freelain stated that as she has drove around, she has noticed many residents are utilizing the correct type of mailboxes and posts. However, if any issues are brought to us, then we will address them. In regards to the current encroachment, the sheriffs office would have to be utilized to make certain that this homeowner does not try to retaliate.

Commissioner Jacobs stated when reading through the policy, in the current situation, if he does not feel his mailbox is an encroachment he can write a letter of that fact which would send it to the court system to determine if it is an enforceable encroachment or not. It appears the homeowner is skipping part of the process which gives him the opportunity to have a third party address the situation. In this instance, the homeowner has not proceeded therefore the policy would allow us to continue forward with removing the structure.

Mr. Costello stated the homeowner did make multiple FOIA requests and also threatened that he would not allow the mailbox to be removed. This was the case in which the original encroachment from May of 2017 was passed by the Board and the current Board approved it again. A total of eight different commissioners have voted to remove the structure along with two different County Highway Engineers.

Commissioner Stewart asked if the document from the United States Postal Service was a policy or a

Ms. Hawkins-Freelain believed the document stated it was their practice.

Commissioner Stewart suggested that we make what the guidance from the United States Postal Service our practice as our policy. Therefore if the Postal Service changes their practice, then we would follow.

Ms. Hawkins-Freelain stated the only concern with doing so is that mailboxes are only one type of encroachment. Our policy is a full encroachment policy. Additionally, their practice is part of our brochure that is utilized to share this information with the public.

Commissioner Stewart confirmed that there is no reason to change anything within the policy because we are covered in this situation.

Ms. Hawkins-Freelain and Mr. Costello concurred.

Commissioner Jacobs stated he has concern after threats were expressed. If our staff has to go out and follow our directive for the removal, this is a concern. Although the legalities are unknown, Commissioner Jacobs felt it may be better to proceed through a court order for the removal instead of sending our staff out. This would still preserve our stance, and our liability would be covered.

Mr. Costello stated that the statue giving us the power to remove these encroachments states that this Board has the final say unless we choose to go into court to get a trespassing complaint against the property owner. This Board does not need to get permission from the court to take action.

Commissioner Stewart expressed his understanding for the concern of our staffs safety adding that this is something we should be touching base with the county sheriffs department.

Mr. Costello stated we were planning on having them present when the crew does action the removal.

Commissioner Stewart asked if there was any action needed. Ms. Hawkins-Freelain stated there should not be any needed as there were no changes recommended.

Commissioner Minton confirmed that the only action taken previously was postponing the enforcement by 90 days which is up on November 20, 2022.

10.2 Approval of special meeting minutes - October 14, 2022

Commissioner Minton requested a correction to the meeting minutes in reference to his comments regarding a 51% wage increase. The sentence stated it was unknown for any employee to receive a 51% wage increase and should have stated it was unknown for any employer to give a 51% wage increase.

Moved by Commissioner:                   Minton                   Supported by Commissioner:                   Kipf                  

Approval of special meeting minutes as presented including the change requested.

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

11 **REPORT OF OFFICERS**

Dori Hawkins-Freelain (Managing Director)

Ms. Hawkins-Freelain reported a change to our new website and requested the Board to review the site and let us know if any changes they would like.

David Leach (Superintendent of Maintenance)

Mr. Leach reported preparing for the winter season. The last new truck has arrived on site and our barns have been filled with salt. The night shift signup has been posted and received good response. Additionally all other projects are coming to an end of a good season. Bid packages are also being prepared and it is anticipated that everything will be going up. Not too many vendors are interested in extending pricing as the cost of business is increasing.

Commissioner Stewart asked if there were any major projects that were put off this season.

Mr. Leach reported there were none.

L. Camden Regis (Human Resource Director) - Nothing to report.

Philip Costello (General Counsel) - Nothing to report.

12 **PUBLIC COMMENT**

13 **COMMISSIONERS COMMENT**

Commissioner Kipf - none

Commissioner Jacobs - Commissioner Jacobs reported on his attendance at the County Road Association Commissioners seminar. Documents were distributed to the Board for informational purposes from the conference. Commissioner Jacobs reported the conference was pertinent to past conversations about strategic planning and goals. A thought held is that when developing the mission/vision goal setting for the Board, it may be appropriate to develop a committee to develop and come back with a plan for further discussion from the Board.

Commissioner Stewart stated one of the ideas held as committees is well viewed as an item which would help the Board, especially during planning. As seen tonight, planning and policies. Commissioner Stewart asked if there was any discussion on best practices.

Commissioner Jacobs stated there was some discussion which is included in the documents distributed. The best practice reported was reviewing the policies regularly. The suggestion was to build in a topic of discussion on each agenda for policies. The policy section would be the area that has the most time spent as that is the responsibility of the Board.



Commissioner Stewart stated he is a firm believer in having the best policies because you shouldn't have to be alone in figuring out what a policy is. We should be able to look at other policies; having to reinvent the wheel all the time is tedious and does not work.

Commissioner Thayer - Commissioner Thayer stated he is pleased that we have a candidate for the engineering position and he hopeful we can close the deal. Commissioner Thayer asked for a status on the Finance director. Ms. Regis reported they will be completing a second interview with a qualified candidate.

Commissioner Minton - Commissioner Minton stated there are some things he is unsure of such as when the compensation packages take effect and when the annual salary increases take effect. Congratulations was given to staff.

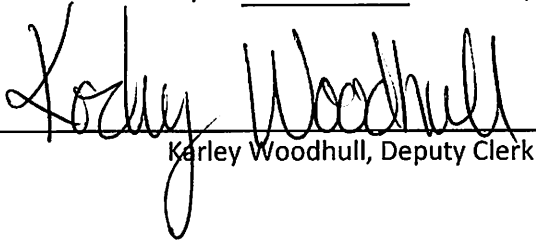
Commissioner Stewart - Attended the mourning of Mr. Phil Heath. He will be missed, he was very helpful with the Road Commission and very involved. Commissioner Stewart expressed his hope that more Township supervisors would be as involved as Mr. Heath was. Mr. Heath was a very good person who was involved in his community, do not want him to be forgotten.

14 **ADJOURNMENT**

Chairman Steward requested a motion to adjourn.

Moved by Commissioner: Minton Supported by Commissioner: Thayer  
to adjourn. The meeting adjourned at: 7:25pm

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

  
\_\_\_\_\_  
Karley Woodhull, Deputy Clerk

Monday, November 14, 2022

\_\_\_\_\_  
Date