

THE REQUIRED FORMS AND SUBMIT THEM AS REQUIRED. SECONDED BY SOUTAS-LITTLE.

Bunek stated as long as this does not affect our budget he is in support, since it doesn't add additional taxes.

AYES – 5 (Wessell, Bunek, Rentenbach, Rushton, Soutas-Little)

NO –0 ABSENT -1 (Lautner) RECOMMENDATION CARRIED.

Prosecutor – Ordinance Designating State Construction Code Violations as Municipal Civil Infractions:

Prosecutor Joe Hubbell and Building Official Steve Haugen were present. They are asking the Board to allow them to designate our state Construction Code, so to allow them to proceed as municipal civil infractions under their discretion. The state code would still be in effect, it would still provide for misdemeanors, but this would allow our County Building Authority and the County Prosecutor to proceed where they see appropriate to proceed with a civil infraction, which is a lesser offense.

Chairman Rentenbach inquired about fines, and how they would be determined. Hubbell responded it would depend whether or not it was a first or second offense. A fine for a repeated offense should be no less than \$200.00, plus costs. For an individual that doesn't pull the right permit, it gives the County the ability to address the issues we encounter daily in a discretionary manner. This just gives us more of an option to proceed as civil infraction vs. a misdemeanor. People are more apt to follow the rules.

Commissioner Bunek asked Hubbell, if this does not put the burden of proof on you, then who does it fall on? Hubbell responded the burden of proof does fall on him. Commissioner Soutas-Little has had some concerns about passing the resolution. Does the resolution impact Sugar Loaf, since it is already in process? Hubbell stated that it is not going to impact in the sense. What it could impact is how we are going to precede, with a civil infraction vs. a misdemeanor. His intent is to go forth with a civil infraction. What Hubbell would like to do with Sugar Loaf is to fix the problem.

MOTION BY WESSELL TO RECOMMEND TO THE BOARD OF COMMISSIONERS TO APPROVE THE RESOLUTION AND ORDINANCE TO DESIGNATE STATE CONSTRUCTION CODE VIOLATIONS AS MUNICIPAL CIVIL INFRACTIONS. SECONDED BY SOUTAS-LITTLE.

Discussion. Commissioner Bunek questioned the daily fines of \$500.00. He stated this seems excessive and he cannot support with these kinds of numbers. Haugen responded he doesn't need this resolution to issue infractions. He has the authority to issue misdemeanors; this is an option to put people in a non-criminal situation, this doesn't mean that it's going to be charged on a daily basis, but it can be. He doesn't need this ordinance to do his job and what the state allows him to do already. What he has now is the authority to write a misdemeanor, not a civil infraction. This gives them a better avenue to pursue without putting someone in a criminal case right away.

Commissioner Rushton stated that when the general public (in her district) heard about this, her phone "lit up". She cannot repeat some of the comments that she received, in regards to "what the government wants to do". If someone has ten violations, those fines can add up with each passing day. Haugen responded that it doesn't necessarily work that way. Rushton stated, but it could work that way, and that is why she has a problem with this.

Haugen continued, he already has the authority to do that, and with the way it stands now, a misdemeanor can carry jail time. Rushton stated, there are a lot of people in the community that do not support this, and she is finding it very hard to support this.

Commissioner Wessell realizes that most people are frustrated with the slow pace of the Sugar Loaf issues. Here we have two people trying to avoid a situation like this in the future, with a tool to do this, we should support this. Rushton stated she disagrees, as Haugen just stated that he doesn't need this ordinance to do his job.

Commissioner Soutas-Little stated that her phone "lit up" as well, but from the opposite, as most of the comments she heard were from people that are fed up with 18 years of Sugar Loaf issues, and see this as the beginning of a solution. Hubbell stated that when many of the violations that took place, Sugar Loaf was under different ownership.

Commissioner Soutas-Little stated that if there was something that we could share with our township boards that would allow them to understand what it is they are trying to do, it would be most helpful.

Commissioner Bunek said he cannot support writing rules for one property owner. Rules should be written for all people, not just one property owner at a time.

Commissioner Rushton appreciates the relationship Haugen and Hubbell have and that they are working together on this, but the problem is, once an ordinance is in place, it is tough to get them "off the books", as they are perpetual.

Hubbell stated he isn't crazy about just passing ordinances because they are a good idea; he is trying to pass ordinances that are constitutional and will help us do our job. It's always about discretion. Haugen said this resolution makes it a lesser offense, which helps out the County, and also helps out the Prosecutor, since it doesn't "bog down" the court system. Basically, it is easier to issue a civil infraction, vs. misdemeanor.

Chairman Rentenbach asked if this tool is a time and also a money saver. Haugen replied yes, it would be in a lot of ways.

Commissioner Wessell stated it sounds to me that you are offering a tool to help us to protect the property rights of people who live by individuals that are violating the law

and ordinances. Haugen said, yes that is correct. Wessell said he doesn't know why we wouldn't want to support this, we owe it to our constituents to protect their private property rights and the investments they have from people who live next to them that do not live by the code.

AYES – 3 (Wessell, Rentenbach, Soutas-Little)

NO – 2 (Bunek, Rushton) ABSENT – 1 (Lautner) RECOMMENDATION FAILS.

FLOW (For the Love of Water – Commissioner Soutas-Little:

Commissioner Soutas-Little discussed briefly the issue at hand with Pipeline 5 in the Mackinac Straits, and hoped to shed some light on the facts instead of speculation. Soutas-Little introduced Rick Kain, a chemical engineer that holds many accreditations world-wide, having done work with FEMA, The Department of Justice, as well as management for a top-ten chemical company.

Kain discussed the various other pipelines around the country, the materials they are made of, and what they transport. He also spoke about potential worse case scenarios, if there were to be a break in the pipeline, how destructive it would be to the surrounding areas. Kain also explained the pipeline shut off valves and how they work. If the inventory of everything inside the line goes into the water, and the response in getting to the spill goes perfectly, there is approximately a 2 hour response time to get to it; with about 2.5 to 3 million gallons spilling into the Great Lakes. About 1 million of that spill could wash up on the shores of Leelanau County, wrapping around to the shore of Alpena. He also discussed what the cleanup efforts would entail. Kain stated that if there is a decision to shut down the pipeline, we need to stick with it and impose a timeline to get it done. The worst case scenario would be in this area, Leelanau County, not in the Straits.

Commissioner Soutas-Little asked about how much of our area could be affected? Kain said that is really hard to speculate, since the drills the Coast Guard conducts are typically done in ideal conditions, not in the dark, and not during windy conditions. Soutas-Little inquired about the probability of a spill happening. Kain stated that there are some issues we should be worried about. The line is definitely corroded, and his thoughts are, that the Pipeline is in very bad shape. He then gave examples of pipeline spills that have happened around the country. Kain stated, we need to have a response plan in order.

Commissioner Wessell stated, some of the concern on this Board is that the Pipeline is not a County responsibility. Does it help that we have 30+ municipal governments in the state of Michigan that have signed on resolutions? And why would a county government want to sign on to a resolution? Kain responded, it is a public trust. It shows them that you are looking out for this. Having you sign on to this is one bigger stake in the ground in getting this Pipeline shut down.

RESOLUTION

NO:

LEELANAU COUNTY

DATE:

X

RESOLUTION AUTHORIZING ADOPTION OF AN ORDINANCE TO DESIGNATE VIOLATIONS OF THE STATE CONSTRUCTION CODE TO BE MUNICIPAL CIVIL INFRACTIONS

WHEREAS, Leelanau County, through its Construction Code Authority, is responsible for administering and enforcing the State Construction Code; and

WHEREAS, the County is authorized by the State Construction Code Act to adopt an ordinance designating violations of the State Construction Code as municipal civil infractions; and

WHEREAS, the County desires to adopt an Ordinance designating violations of the State Construction Code in Leelanau County as municipal civil infractions, a copy of which Ordinance is attached as an exhibit and incorporated by reference.

THEREFORE BE IT RESOLVED that the Leelanau County Board of Commissioners hereby adopts the Leelanau County Ordinance To Designate Violations of the State Construction Code To Be Municipal Civil Infractions, attached hereto.

BE IT FURTHER RESOLVED that the Leelanau County Clerk is directed to cause notice of the adoption of the Leelanau County Ordinance To Designate Violations of the State Construction Code To Be Municipal Civil Infractions to be published in a newspaper of general circulation in Leelanau County.

BE IT FURTHER RESOLVED that the Leelanau County Ordinance To Designate Violations of the State Construction Code To Be Municipal Civil Infractions shall take effect following publication in a newspaper of general circulation in Leelanau County.

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MOVED:

SECONDED:

CARRIED: