

****APPROVED MINUTES****

Mason, Michigan
January 11, 2010

The Board of Ingham County Road Commissioners met for its Organizational meeting on Monday, January 11, 2010, at 6:00 p.m. in the Board Room of the Ingham County Road Commission's Austin E. Cavanaugh Administration Building located at 301 N. Bush Street, Mason, Michigan.

Present: Joseph A. Guenther, Member, Shirley M. Rodgers, Member, James G. Dravenstatt-Moceri, Member, Thomas M. Mitchell, Member, and Norman L. Gear, Member.

Also Present: William M. Conklin, Managing Director, Deborah L. Bellows, Secretary to the Board, Tina M. Henry, Director of Finance, James M. Benjamin, Director of Operations, and Robert H. Peterson, Director of Engineering.

Others Present: Will Comstock, Western District employee, Daniel J. Chapman, Engineering Department employee, and Dale E. Arnett of Leslie.

Commissioner Guenther called the meeting to order and led with the Pledge of Allegiance.

AGENDA ITEM #4 – ELECTION OF OFFICERS FOR 2010.

Moved by Commissioner Mitchell and Supported by Commissioner Dravenstatt-Moceri, that Joseph A. Guenther be nominated Chair of the Board of Ingham County Road Commissioners for the year 2010. 5 yes, 0 no. Motion carried unanimously.

Moved by Commissioner Gear and Supported by Commissioner Mitchell, that Shirley M. Rodgers be nominated Vice Chair of the Board of Ingham County Road Commissioners for the year 2010. 5 yes, 0 no. Motion carried unanimously.

AGENDA ITEM #5 – CONSENT AGENDA.

Moved by Commissioner Rodgers and Supported by Commissioner Mitchell, that the following items be approved under consent:

1. Agenda Item #8, Minutes.
2. Agenda Item #9 and #9A, routine and special permits.
3. Agenda Item #11A and #11B, accounts payable.
4. Agenda Item #13B, revised local road agreement with White Oak Township.
5. Agenda Item #13C, revised local road agreement with Williamstown Township.

5 yes, 0 no. Motion carried unanimously.

Agenda Item #8 – Minutes.

Moved by Commissioner Rodgers and Supported by Commissioner Mitchell, that the minutes of the meeting of December 21, 2009, be approved as presented. 5 yes, 0 no. Motion carried unanimously.

Agenda Item #9 – Routine and Special Permits.

Moved by Commissioner Rodgers and Supported by Commissioner Mitchell, that routine and special permits be approved as follows:

09-0524	09-0525	09-0529	10-0003	10-0004	10-0005
10-0006	09-0522	09-0523	09-0526	09-0527	09-0528
10-0001	10-0002				

Permit #10-0001 applied for by Capitol City Baptist School for the purpose of conducting a 5k walk/run for Christian Education to be held February 27, 2010, from 10:00 am until 11:15 am. The event is sanctioned by Delhi Township.

5 yes, 0 no. Motion carried unanimously.

Agenda Item #11A&B – Accounts Payable.

Moved by Commissioner Rodgers and Supported by Commissioner Mitchell, that the accounts payable for the two week period of December 6-21, totaling \$200,944.49, and the two week period of December 22, 2009, through January 7, 2010, totaling \$146,267.03, be approved. 3 yes, 0 no. Motion carried unanimously.

Agenda Item #13B – Revised Local Road Agreement with White Oak Township.

RESOLUTION APPROVING REVISED LOCAL ROAD AGREEMENT WITH WHITE OAK TOWNSHIP.

RESOLUTION #001-10

Moved by Commissioner Rodgers and Supported by Commissioner Mitchell, that the Board approves a revised Local Road Agreement with White Oak Township for improvements on Swan Road.

Agenda Item #13C – Revised Local Road Agreement with Williamstown Township.

RESOLUTIN APPROVING REVISED LOCAL ROAD AGREEMENT WITH WILLIAMSTOWN TOWNSHIP.

RESOLUTION #002-10

Moved by Commissioner Rodgers and Supported by Commissioner Mitchell, that the Board approves a revised Local Road Agreement with Williamstown Township for Micro-Surfacing on the streets in the Baan Gan Aka Subdivision.

AGENDA ITEM #6A – COUNTY HIGHWAY ENGINEER & SECRETARY TO THE BOARD POSITIONS.

Moved by Commissioner Mitchell and Supported by Commissioner Gear, that Robert H. Peterson shall serve as the County Highway Engineer and Deborah L. Bellows shall serve as the Secretary to the Board for the calendar year 2010. 5 yes, 0 no. Motion carried unanimously.

Board Questions: Commissioner Rodgers expressed her confusion with Ms. Bellows being appointed the Secretary to the Board as she thought Ms. Bellows was retiring this month. Chair Guenther stated that as a result of recent conversations he has had with Ms. Bellows, she has agreed to extend her retirement to the end of April. Commissioner Rodgers asked that Ms. Bellows provide a rescission letter providing the new retirement date.

AGENDA ITEM #6B – SETTING THE MEETING TIMES.

RESOLUTION TO COMPLY WITH PROVISIONS OF THE OPEN MEETINGS ACT OF 1976, P.A. 267, AS AMENDED, AND SET DATES, TIME, LOCATION, MEETING RULES AND REGULATIONS OF THE BOARD OF INGHAM COUNTY ROAD COMMISSIONERS' MEETINGS FOR 2010.

RESOLUTION #003-10

Moved by Commissioner Mitchell and Supported by Commissioner Rodgers. 5 yes, 0 no. Resolution carried unanimously.

WHEREAS, it is necessary for this Board to adopt an annual resolution to comply with the provisions of the Open Meetings Act of 1976, P.A. 267, as amended, and set dates, time, location and meeting rules and regulations of Board of Ingham County Road Commissioners' meetings for 2010, pursuant to the provisions of said Act;

THEREFORE, BE IT RESOLVED that this Board adopts the following meeting dates for 2010, time, location and amended meeting rules and regulations, pursuant to provisions of the Open Meetings Act, Public Act 267 of the Public Acts of 1976, as amended:

January 19 (Tuesday due to holiday)	July 6 (Tuesday due to holiday)
February 1	July 19
February 15	August 2
March 1	August 16
March 15	August 30
March 29	September 13
April 12	September 27
April 26	October 11
May 10	October 25
May 24	November 8
June 7	November 22
June 21	December 6
	December 20

I. All regularly scheduled meetings shall begin at 6:00 P.M. and shall be held in the Board Room of the Ingham County Road Commission's Austin E. Cavanaugh Administration Building located at 301 N. Bush

Street, P.O. Box 38, Mason, Michigan 48854-0038; telephone number 517/676-9722 or 1-800-968-9733; or at some other time and location at the discretion of the Board, which said time and location change will be advertised and posted in advance for the public's information.

II. All meetings of this Board shall be open to the public and all persons shall be permitted to attend any meeting; except a closed meeting may be held in accordance with Sections seven and eight, as required by the Open Meetings Act of 1976, Public Act 267, as amended.

III. This Board authorizes the Secretary, or his/her designee, to post all required notices of regular, rescheduled or special meetings of this Board, or any other postings, as required by the Open Meetings Act of 1976, Public Act 267, as amended.

IV. The Secretary, or his/her designee, shall be responsible for preparation, distribution and storage of all minutes of this Board, as required by the Open Meetings Act of 1976, Public Act 267, as amended.

V. The minutes of open meetings shall be available for public inspection at the office of the Secretary and/or the Deputy Secretary, Ingham County Road Commission, 301 N. Bush Street, P.O. Box 38, Mason, Michigan 48854-0038, and shall be available to the public at a reasonable copying cost, as required by the Open Meetings Act of 1976, Public Act 267, as amended.

VI. To provide the public its right to address this Board during any regular or special meeting, any member of the public may address the Board for up to three (3) minutes per individual as scheduled on the agenda at the beginning of each meeting, and up to three (3) minutes at the end of the meeting at the time scheduled on the agenda for public comment; except that any comment on an item scheduled for a public hearing shall be made only at that time pursuant to Section VIII hereof. At the discretion of the Chair, this time may be extended by granting an additional one (1) minute. During an agenda item, members of the public may not address the Board unless recognized by the Chair. To accommodate public comment, the Board Chair, at his/her discretion, may combine an agenda item into the public comment portion of the meeting in order to facilitate input from the public.

VII. To provide the public its right to address this Board during scheduled public hearings, any member of the public may address the Board for up to five (5) minutes per individual, when recognized by the Chair. All comments are to be directed to the Chair. Comments are to be specific and address only the subject of the public hearing, otherwise the speaker may be ruled out of order at the discretion of the Chair.

VIII. The Chair may call to order any person who is ruled out of order or who otherwise disrupts the orderly conduct of business at meetings, including speaking without being recognized, interrupting speakers, the Chair, Board members or staff, exceeding designated time limits, failure to be germane to the issue at hand, use of vulgarities, or otherwise being disruptive. A person may be prohibited from speaking again at the same meeting, may be asked to leave the premises or may be removed from the meeting at the discretion of the Chair and/or may be subject to arrest.

IX. Members of the public desiring to speak to the Board may be required to identify themselves before speaking, as required by the Open Meetings Act of 1976, Public Act 267, as amended.

X. The Ingham County Road Commission will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at meetings to individuals with disabilities, at all public meetings and public hearings upon ten (10) days notice to the Ingham County Road Commission prior to the date set for the public hearing or meeting. Individuals with disabilities requiring auxiliary aids or services should contact the ADA Coordinator for the Ingham County Road Commission.

AGENDA ITEM #6C – RENEWAL OF THE ACTING MANAGING DIRECTOR POSITION.

RESOLUTION APPROVING THE ACTING MANAGING DIRECTOR POSITION FOR 2010.

RESOLUTION #003-10

Moved by Commissioner Mitchell and Supported by Commissioner Dravenstatt-Moceri. 5 yes, 0 no. Resolution carried unanimously.

WHEREAS, the Board of Ingham County Road Commissioners believes that it is in the best interest of the Road Commission to establish the position of Acting Managing Director and duties therefore in the event the Managing Director is unavailable for any reason; and

WHEREAS, the Managing Director has recommended that the Director of Engineering, the Director of Operations, or the Finance Director serve as Acting Managing Director in the event the Managing Director is unavailable.

THEREFORE, BE IT RESOLVED that the Director of Engineering or, if not available, the Director of Operations, or, if not available, the Finance Director shall serve as Acting Managing Director in the event the Managing Director is absent.

BE IT FURTHER RESOLVED that all four individuals shall not, without prior approval of the Chair, simultaneously schedule the same vacation time off.

BE IT FURTHER RESOLVED that the Acting Managing Director(s) shall be paid an additional \$4.00 per hour starting with the first day when acting in this capacity when the Managing Director is gone for three days or more.

BE IT FURTHER RESOLVED that this resolution shall expire on the date of the Organizational meeting of January 2011.

AGENDA ITEM #6D – APPOINT BOARD MEMBER TO SERVE ON THE TCRPC FOR 2010.

Moved by Commissioner Rodgers and Supported by Commissioner Mitchell, that Commissioner James G. Dravenstatt-Moceri is hereby appointed to represent the Ingham County Road Commission and serve on the Tri-County Regional Planning Commission for 2010. 5 yes, 0 no. Motion carried unanimously.

Board Comment: Chair Guenther stated in the future this appointment should be made for a two year term because the first year on the Tri-County Board is mostly a learning process.

AGENDA ITEM #10 – MANAGING DIRECTOR REPORTS.

A. Mr. Conklin invited the Board to attend the Engineers and Architects Legislative "Meet & Greet", to be held January 22, 2010, from 8:00 a.m. to 9:30 a.m. at Kelley Cawthorne on Capitol Avenue. The sponsors of the function are ACEC, AIA, and MSPE.

AGENDA ITEM #12 – PROPOSED 2011-2014 TIP PROJECTS.

Director of Engineering Bob Peterson reviewed his recommendation for the proposed 2011 through 2014 Transportation Improvement Program (TIP) projects. The applications for the projects are due January 15th. He stated that the list for 2011 through 2013 remains the same as previously approved by the Board, the major change is the list for 2014.

Commissioner Dravenstatt-Moceri asked about the noted 2011 project to resurface Mt. Hope Road between Hagadorn Road and Okemos Road, stating he thought this was going to be done in 2010. Mr. Peterson said that we have two Mt. Hope projects in the TIP; one to receive 2010 funds and the other for 2011 funds. Our plan is to package them together and build them in 2010. However, we have to overcome some coordination issues with MSU and drain crossing issues before we can proceed to a letting and the start of construction.

Managing Director Conklin stated that Delhi Township has requested CMAQ funding for one or more of the proposed roundabouts at the triangle. He said that they have chosen not to show this yet on the TIP. A written report of the feasibility will be in soon and he wants to see the report before applying for CMAQ funding. Mr. Conklin said the TIP can be amended if it is decided that one or more of the roundabouts will be sought for this funding.

Chair Guenther stated for the Holt and Cedar area, he expects to see the “peanut” shaped roundabout design. He stated without that corner working, nothing else will. Chair Guenther stated that he hoped staff would make a presentation to the Board once the reports are in for the proposed roundabouts in Holt. Mr. Peterson stated before much of anything can be done, they need the numbers from the modeling. He said this is crucial information needed before we can get the proposed roundabout projects programmed for the TIP. He said that existing and proposed operational values have to be determined so that funding applications can be generated, and we just do not have that information.

Commissioner Rodgers stated the last she knew, modeling was not required in order for projects to be on the illustrative list. She said she believes proposed projects need to be placed on the illustrative list in order for the public to know what is being contemplated by road agencies.

RESOLUTION APPROVING THE 2011-2014 TRANSPORTATION IMPROVEMENT PROGRAM PROJECTS.

RESOLUTION #004-10

Moved by Commissioner Mitchell and Supported by Commissioner Rodgers. 5 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED that upon recommendation of the Director of Engineering, the Board approves the proposed 2011-2014 Transportation Improvement Program (TIP) projects, which are to be submitted to the Tri-County Regional Planning Commission by January 15, 2010:

2011:

Mt. Hope Road - Hagadorn to Okemos (<i>combine with 2010 project</i>)	Urban STP
Waverly Road - Miller Rd to Jolly Road (<i>reconstruct</i>)	Urban STP
Waverly Road - Grand River bridge to Lansing Rd. (<i>pavement rehab</i>)	Urban STP
Park Lake Road & Burcham Drive (<i>modern roundabout</i>)	CMAQ

2012:

Cedar Street - Dallas Avenue to Aurelius Road (<i>resurface</i>)	Urban STP
Washington Road - Holt Road to Willoughby Road (<i>resurface</i>)	Urban STP
Willoughby Road - Washington Road to Beryl Street (<i>resurface</i>)	Urban STP
Willoughby Road Bridge over Sycamore Creek (<i>replace</i>)	Local Bridge
Waverly Road & Willow Street (<i>signal modernization</i>)	CMAQ
Waverly Road & Michigan Avenue (<i>signal modernization</i>)	CMAQ

2013:

Lake Lansing Rd. - Sleepy Hollow Dr. to Marsh Rd. (<i>resurface</i>)	Urban STP
Kipp Road - US-127 to Dexter Trail (<i>resurface</i>)	Urban STP
Haslett Road - Okemos Road to Marsh Road (<i>resurface</i>)	Urban STP
Zimmer Road - Grand River Avenue to Haslett Road (<i>resurface</i>)	Rural STP

2014:

Michigan Avenue - Waverly Road to City Limits (<i>resurface</i>)	Urban STP
Lake Lansing Road - I-69 BL to Lac du Mont Drive (<i>reconstruct</i>)	Urban STP
Countywide Chip Seal (<i>28 miles of ICRC force account work</i>)	Rural STP
Zimmer Road - Red Cedar River to Sherwood Road (<i>reconstruct</i>)	Small Urban

AGENDA ITEM #13A – JOLLY AND OKEMOS ROADS SPEED STUDY RESULTS.

Managing Director Conklin reviewed the results of the speed studies recently conducted on Okemos Road and Jolly Road. He stated that looking at the 85th percentile speeds for Okemos Road, the posted speeds are being met. The Michigan State Police will have no grounds to recommend lowering any of the speed limits on Okemos Road.

Chair Guenther stated it doesn't appear to matter what the speed limit is on Jolly Road, they all seem to be going about the same speed. Mr. Conklin stated that the Michigan State Police are inclined to leave the current speed limit on Jolly Road alone. There will be a meeting on January 20th at Okemos High School with the State Police, Road Commission, and Meridian Township officials to discuss the result of the speed study on Jolly Road and the recommendation of the Michigan State Police. Chair Guenther stated he would encourage the implementation of a school speed zone.

Commissioner Rodgers stated it was an accident and resulting fatality of a high school student that has prompted all of the public outcry for a lower speed limit on Jolly Road. She said the accident happened at night so even if there would have been a school speed zone at this location, it would not have been operating that late in the day. Commissioner Rodgers stated she is not opposed to lowering the speed

limit, nor is she opposed to the implementation of a school speed zone area near the high school, but how do we accommodate that, especially since this fatality did not occur during school times or on an evening of a football game. She wondered how we control behavior beyond those normal school or school function times, and even if we did do something, it would not address this fatality and how it happened.

Mr. Conklin stated since the statute places the Road Commission at the table with the township and the State Police, and given the amount of public opinion on both sides of the issue, he would recommend that the Board take a neutral stance on the issue of whether to lower the speed limit on Jolly Road.

Moved by Commissioner Dravenstatt-Moceri and Supported by Commissioner Rodgers, that the Board assume a neutral stance on the issue of whether to lower the speed limit on Jolly Road in the vicinity of Okemos High School. 2 yes, 2 no, 1 abstain. Motion failed.

Chair Guenther stated that the numbers show that it is not unjustifiable to request a lower speed limit of 50 mph. Most of the 85th percentile speeds are averaging around 50. There is no reason to have a speed limit of 55 mph in this area. Chair Guenther said he would not stand neutral on the issue. Commissioner Mitchell said that there is one section of Jolly Road that is already at 45 mph. Chair Guenther commented that drivers in that speed area are going slower than in the 50 mph area. He suggested the speed limit be a uniform 50 mph the entire length and that the local policing agency step up patrols.

Commissioner Mitchell asked if the school speed zone has to be requested through the Road Commission. Mr. Conklin said yes, the Road Commission makes the decision, but the school district pays the cost of material, installation and all utility costs. Chair Guenther stated that his chief concern is that for some reason the speed limit on Jolly Road is at least 50 mph in most areas along the road, except in front of the High School, where it is 55 mph.

When asked for his opinion, Director of Engineering Bob Peterson stated that it really doesn't matter what the speed limit is, the real issue is enforcement of the posted speed limit. Commissioner Dravenstatt-Moceri agreed, saying if law enforcement doesn't make its presence known, motorists will not slow down. Commissioner Gear stated law enforcement patrols Hulett Road, not Jolly Road.

AGENDA ITEM #7 – MEET WITH LEGAL COUNSEL/CLOSED SESSION.

Moved by Commissioner Mitchell and Supported by Commissioner Gear, that the Board enter closed session at 6:45 p.m. for the purpose of discussing Attorney-Client Privileged communications from its legal counsel, George Brookover, regarding the Cook & Thorburn Drain Assessment Appeal and the MIOSHA citation settlement. Roll call vote: Commissioner Guenther, yes, Commissioner Mitchell, yes, Commissioner Dravenstatt-Moceri, yes, Commissioner Gear, yes, Commissioner Rodgers, yes. 5 yes, 0 no. Motion carried unanimously.

The Board returned to open session at 7:40 p.m.

RESOLUTION AUTHORIZING LEGAL COUNSEL TO FILE A TIMELY APPEAL OF THE DECISION OF THE BOARD OF REVIEW OF THE COOK & THORBURN COUNTY DRAIN.

RESOLUTION #005-10

Moved by Commissioner Rodgers and Supported by Commissioner Dravenstatt-Moceri. 5 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED that the Board hereby authorizes its legal counsel, George Brookover, to file a timely appeal on its behalf of the decision made by the Board of Review of the Cook & Thorburn County Drain drain assessment.

RESOLUTION AUTHORIZING LEGAL COUNSEL TO TAKE ALL NECESSARY LEGAL ACTION TO INTERVENE IN EXISTING INGHAM COUNTY CIRCUIT COURT LAWSUIT #09-1732-CZ.

RESOLUTION #006-10

Moved by Commissioner Rodgers and Supported by Commissioner Gear. 5 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED that the Board hereby authorizes its legal counsel, George Brookover, to take all necessary legal action to intervene in existing Ingham County Circuit Court lawsuit #09-1732-CZ.

AGENDA ITEM #15 – BOARD COMMENTS.

A. Commissioner Rodgers wished everyone a Happy New Year. She stated next week she would be meeting with the Chair of the House Appropriations Committee and would be discussing the need to do something with road funding. Commissioner Rodgers also announced she had recently been elected Vice President of the Lansing School Board.

B. Commissioner Dravenstatt-Moceri reported that on January 4th, he and Commissioner Mitchell attended the caucus meeting of the County Board of Commissioners. They took the latest newsletter and passed it around. Commissioner Dravenstatt-Moceri stated that Commissioner Vic Celentino commended the Road Commission and staff for the “behind the scenes” work on Waverly Road that helped make it a successful project.

Commissioner Dravenstatt-Moceri also stated that he was approached by Commissioner Laura Davis regarding Midway Elementary School in Holt and a committee that has been formed to raise funds to blacktop a walk around the school. Their goal is to raise \$20,000 for the construction of this walk. He said that Commissioner Davis invited Road Commission staff to attend an upcoming meeting in late spring. The school is interested in having the Road Commission do the work instead of the expense of hiring a contractor. Commissioner Dravenstatt-Moceri asked if that would be something we could do. They would present an official request at this meeting in the spring. Director of Operations Jim Benjamin stated that the Road Commission’s paver is ten feet wide and we could certainly do the work for them, but all costs would have to be borne by the school.

C. Commissioner Gear said that he has seen the Managing Director on television several times in the last month and wanted to say that he thinks he's doing a fine job representing the Road Commission with the media.

D. Commissioner Mitchell discussed the Road Commission's policy on winter maintenance and expressed the real need for a gas tax increase. We need something, and soon.

E. Chair Guenther stated the new commissioners have been on board now for a year. He stated that all of them have done a great job this year and all three bring their own fields of expertise to this Road Commission.

No public comment was offered. The meeting adjourned at 7:55 p.m.

Joseph A. Guenther, Chair

Deborah L. Bellows, Board Secretary