

GENESEE COUNTY ROAD COMMISSION

BOARD MEETING

OCTOBER 02, 2018

MINUTES

CALL TO ORDER

Chairperson Kautman-Jones called the meeting of the Genesee County Board of Road Commissioners to order at 10:01 a.m. The meeting was held in the Board Room of the Genesee County Road Commission, 211 W. Oakley, Flint, Michigan 48503-3995.

ROLL CALL

Present: Shirley Kautman-Jones, Chairperson
John Mandelaris, Vice Chairperson
Robert Johnson, Commissioner
David M. Arceo, Commissioner
Cloyce Dickerson, Commissioner

Others Present: Fred Peivandi, Eric Johnston, Donna Poplar, Anthony Branch, Randy Dellaposta, Stephanie Jaeger, Coetta Adams, Genesee County Road Commission Staff; Attorney Tom Derderian, Michael Kluck & Associates; Attorney Mischa Boardman, Attorney Devin Sullivan, Zausmer, August & Caldwell, P.C.; Bryant Nolden, Genesee County Board of Commissioners; Arthur Woodson, Pegge Adams, Bobbie Walton, Margaret Perry, Genesee County residents; Vicki Bachakes, Secretary of the Board of Road Commissioners

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Kautman-Jones.

APPROVAL OF AGENDA

October 02, 2018 – Agenda

Motion by Vice Chairperson Mandelaris to add a closed session at the end of the agenda per request of our attorney to consider material exempt from discussion or disclosure by state or federal statute per MCL 15.268(h), MCL 15.243(1)(g) “information or records subject to the attorney-client privilege”; AND MCL 15.268(c) “for strategy and negotiation session connected

with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.” Vice Chairperson Mandelaris requested the following person to be present at the closed session: the five members of the Board, the Secretary, Attorney Derderian, and Attorneys Boardman and Sullivan.

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Mr. Johnson, to approve the agenda for October 02, 2018, with the addition of the closed session as requested by Vice Chairperson Mandelaris.

MOTION CARRIED.

APPROVAL OF MINUTES

August 28, 2018 – Board Meeting

ACTION TAKEN – Motion by Mr. Arceo, seconded by Mr. Mandelaris, to approve the minutes of the August 28, 2018 Board Meeting.

MOTION CARRIED.

September 11, 2018 – Board Meeting

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Mr. Johnson, to approve the minutes of the September 11, 2018 Board Meeting.

MOTION CARRIED.

MEETINGS, PRESENTATIONS, HEARINGS, AND INFORMATION

Tuesday, October 09, 2018

Annual Safety Day Training – Holiday Inn Gateway Centre, 5353 Gateway Centre, Flint MI; 1st Session – (Maintenance Department) – 7:00 a.m. – 11:00 a.m.; 2nd Session – (All other Departments) – 11:30 a.m. – 3:30 p.m.

Tuesday, October 16, 2018

9:00 a.m. – Roads & Bridges Advisory Committee Meeting
10:00 a.m. – Board Meeting

Monday, October 22, 2018

GCRC closed (non-essential operations) in observance of Veterans Day

PUBLIC ADDRESS THE BOARD

Commissioner Bryant Nolden said that he met with Chairperson Kautman-Jones and Manager-Director Peivandi and a few other staff members about three weeks ago regarding an employee issue. He subsequently received some information from the same employee with concerns about that employee's supervisor. The employee should have taken their issue to their union steward instead of contacting the County Board members. Nothing can be done about this issue by the County Board of Commissioners. The County Board only appoints the Road Commissioners. Commissioner Nolden requested a copy of the job description for the potential Deputy Director but has not received it yet. Commissioner Nolden would appreciate a response in writing.

Ms. Bobby Walton, Davison Township resident, announced her candidacy for County Board of Commissioners. Ms. Walton believes that public participation in government makes it better. Ms. Walton provided information on a different kind of rebar that is manufactured in Michigan and helps extend the life of roads and bridges. Ms. Walton provided a copy of a letter from MDOT expressing their support for use of this rebar. Ms. Walton is interested in using science and in creating more jobs in Michigan.

Mr. Arthur Woodson, Flint resident, has three issues to address. First, he asked for clarification of the reason to enter into executive session. Secondly, he said that City of Flint did not have the Veterans Preference Act on their employment applications and that violated Federal law. Mr. Woodson wondered if the Road Commission had the Veterans Preference Act on its applications. Lastly, Mr. Woodson finds it to be an issue that Mr. Anthony Branch was one of the two interim Manager-Directors when Mr. John Daly resigned but yet the Road Commission is thinking about spending extra money to hire a Deputy Director.

Manager-Director Peivandi introduced Mr. Eric Johnston as GCRC's Director of Engineering. Mr. Johnston has 26 years of experience in civil engineering project design and management. He has extensive experience in bridge design and construction. Mr. Johnston is a graduate of Michigan Technological University, is a licensed professional engineer in the states of Michigan and Ohio, is a long time resident of Genesee County and will be a great asset to the organization.

Manager-Director Peivandi introduced GCRC's new legal counsel from Zausmer, August & Caldwell, P.C., Attorney Mischa Boardman and Attorney Devin Sullivan.

Public comments were closed at 10:16 a.m.

CORRESPONDENCE

INCOMING

None.

OUTGOING

None.

INTERNAL

None.

INFORMATION

None.

BOARD OF ROAD COMMISSIONERS' DECISIONS

DISCUSSION

Bid Results and Award of Contract – Holly Road Repair, Grand Blanc Township – In a memorandum dated September 25, 2018, staff requested Board approval of the low bid of \$234,735.00 submitted by Zito Construction for the repair of Holly Road between I-75 and Cook Road in Grand Blanc Township. (Copy of memorandum and bid tabulation filed with official minutes.)

ACTION TAKEN – Motion by Mr. Johnson, seconded by Mr. Arceo, to accept the low bid of \$234,735.00 submitted by Zito Construction for the repair of Holly Road between I-75 and Cook Road in Grand Blanc Township and award and sign the contract after staff has received and reviewed the contract, bonds and insurance submitted by Zito Construction.

MOTION CARRIED.

GCRC General Legal Counsel Representation Terms and Conditions – In a memorandum dated September 25, 2018, staff requested Board approval of the terms and conditions under which the firm of Z|A|C, Zausmer, August & Caldwell, P.C. will act as GCRC's attorney. (Copy of memorandum and letter of understanding filed with official minutes.)

Vice Chairperson Mandelaris asked if Attorney McKone has been advised of the new general legal counsel. Chairperson Kautman-Jones said that Attorney McKone is still working on the pending cell tower legal issue.

ACTION TAKEN – Motion by Mr. Arceo, seconded by Mr. Mandelaris, to approve the terms and conditions under which the firm of Z|A|C, Zausmer, August & Caldwell, P.C. will act as GCRC's attorney and further that the Manager-Director, Chairperson and Vice Chairperson sign the original documents.

MOTION CARRIED.

MERS Health Care Savings Program Resolution and Agreements – In a memorandum dated September 24, 2018, staff requested Board adoption of the MERS Health Care Savings Program Participation Agreement for all full time non-union employees hired after November 01, 2014 and approve the Finance Director to make wire transfers each payday into the MERS accounts established by Participation Agreement adoption. (Copy of memorandum and agreement filed with official minutes.)

Chairperson Kautman-Jones asked for clarification that action was taken in 2014 that existing employees would continue with the old health insurance and that new employees would be placed in the new health care savings program. Ms. Coetta Adams said that there is one employee that was hired after November 01, 2014 but before the health care savings program was established and will need to be made whole. Future changes for the unions will take place with contract negotiations.

ACTION TAKEN – Motion by Mr. Johnson, seconded by Mr. Mandelaris, to adopt the MERS Health Care Savings Program Participation Agreement for all full time non-union employees hired after November 01, 2014 and to approve the Finance Director to make wire transfers each payday into the MERS accounts established by Participation Agreement adoption.

MOTION CARRIED.

2018 Special Road Assessment Tax Rolls (SAD) – In a memorandum dated September 19, 2018, staff requested Board approval for the 2018 Special Road Assessment Tax Rolls. Included on the list is the tax roll for SAD #W366 for Ottawa Hills Subdivision. (Copy of memorandum and list filed with official minutes.)

Chairperson Kautman-Jones asked if this would be the last SAD tax roll for GCRC. Staff answered yes.

ACTION TAKEN – Motion by Mr. Johnson, seconded by Mr. Mandelaris, to approve and sign the 2018 Special Assessment Tax Rolls.

MOTION CARRIED.

Issuance of a Purchase Order to Michigan CAT – In a memorandum dated September 12, 2018, staff requested Board approval for the issuance of a Purchase Order to Michigan CAT for Vendor Management Inventory of CAT Parts (VMI Item #57) in an amount not to exceed \$35,000.00. (Copy of memorandum filed with official minutes.)

Mr. Randy Dellaposta said that with the VMI program, GCRC does not own any of the parts on the shelf until GCRC uses them.

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Mr. Johnson, to approve the issuance of a purchase order to Michigan CAT for Vendor Management Inventory of CAT Parts (VMI Item #57) in an amount not to exceed \$35,000.00.

MOTION CARRIED.

Issuance of a Purchase Order to Sonitrol Tri-County – In a memorandum dated September 18, 2018, staff requested Board approval for the issuance of a Purchase Order to Sonitrol Tri-County for security and fire protection monitoring in an amount not to exceed \$36,528.00. (Copy of memorandum filed with official minutes.)

ACTION TAKEN – Motion by Mr. Arceo, seconded by Mr. Dickerson, to approve the issuance of a purchase order to Sonitrol Tri-County for security and fire protection monitoring in an amount not to exceed \$36,528.00.

MOTION CARRIED.

Renewal of Purchase Orders to Wirt Saginaw Stone Dock (Item #6) and Ace-Saginaw Paving Company (Item #47) – In a memorandum dated September 18, 2018, staff requested Board approval for the issuance of Purchase Orders to Wirt Saginaw Stone Dock for 23A Limestone (Item #6) in an amount not to exceed \$500,000.00 and to Ace-Saginaw Paving Company for Bituminous Base & Topping Mixture (Item #47) in an amount not to exceed \$1,658,500.00. (Copy of memorandum filed with official minutes.)

ACTION TAKEN – Motion by Mr. Johnson, seconded by Mr. Dickerson, to approve the issuance of purchase orders to Wirt Saginaw Stone Dock for 23A Limestone (Item #6) in an amount not to exceed \$500,000.00 and to Ace-Saginaw Paving Company for Bituminous Base & Topping Mixture (Item #47) in an amount not to exceed \$1,658,500.00.

MOTION CARRIED.

Issuance of Purchase Orders to Ace-Saginaw Paving Company (Item #9) and CHOP (Item #45) – In a memorandum dated September 17, 2018, staff requested Board approval for the issuance of Purchase Orders to Ace-Saginaw Paving Company for 36A Hot Mix Asphalt (Item #9) in an amount not to exceed \$1,000,000.00 and to CHOP for Tree Removal (Item #45) in an amount not to exceed \$250,000.00. (Copy of memorandum filed with official minutes.)

Chairperson Kautman-Jones asked if the \$250,000 for tree removal is divided amongst the 17 Townships. Mr. Anthony Branch stated that each Township is allocated \$14,000 and the remainder will be used by GCRC on primary and local roads.

ACTION TAKEN – Motion by Mr. Johnson, seconded by Mr. Dickerson, to approve the issuance of purchase orders to Ace-Saginaw Paving Company for 36A Hot Mix Asphalt (Item #9) in an amount not to exceed \$1,000,000.00 and to CHOP for Tree Removal (Item #45) in an amount not to exceed \$250,000.00.

MOTION CARRIED.

Ratification of Vouchers Totaling \$4,146,484.81 – (Copies filed with official minutes.)

Voucher #V-40397

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Mr. Johnson, to ratify Voucher #40397 in the amount of \$141,240.15.

VOTE ON MOTION:

Yes: Dickerson, Johnson, Arceo, Mandelaris, Kautman-Jones

No: None

MOTION CARRIED.

Voucher #V-40398

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Mr. Johnson, to ratify Voucher #40398 in the amount of \$1,411,346.02.

VOTE ON MOTION:

Yes: Dickerson, Johnson, Arceo, Mandelaris, Kautman-Jones

No: None

MOTION CARRIED.

Voucher #V-40399

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Mr. Johnson, to ratify Voucher #40399 in the amount of \$2,408.85.

VOTE ON MOTION:

Yes: Dickerson, Johnson, Arceo, Mandelaris, Kautman-Jones

No: None

MOTION CARRIED.

Voucher #V-40400

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Mr. Johnson, to ratify Voucher #40400 in the amount of \$1,117,277.64.

VOTE ON MOTION:

Yes: Dickerson, Johnson, Arceo, Mandelaris, Kautman-Jones

No: None

MOTION CARRIED.

Voucher #V-40401

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Mr. Johnson, to ratify Voucher #40401 in the amount of \$442,259.48.

VOTE ON MOTION:

Yes: Dickerson, Johnson, Arceo, Mandelaris, Kautman-Jones

No: None

MOTION CARRIED.

Voucher #V-40402

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Mr. Johnson, to ratify Voucher #40402 in the amount of \$369,450.39.

VOTE ON MOTION:

Yes: Dickerson, Johnson, Arceo, Mandelaris, Kautman-Jones

No: None

MOTION CARRIED.

Voucher #V-40403

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Mr. Johnson, to ratify Voucher #40403 in the amount of \$662,502.78.

Vice Chairperson Mandelaris questioned check number 104155 to Vogt's Flowers. Staff responded that it was for flowers for the funeral of an employee's mother. Chairperson Kautman-Jones questioned if that was an appropriate use of funds. Commissioner Dickerson asked for Attorney Derderian's opinion. Attorney Derderian said that it is probably not something permitted under Act 51. Ms. Coetta Adams said that there is employee vending machine revenue that can be used to pay the invoice to Vogt's Flowers.

VOTE ON MOTION:

Yes: Dickerson, Johnson, Arceo, Mandelaris, Kautman-Jones

No: None

MOTION CARRIED.

CONSENT

Removal of Equipment from GCRC records – In a memorandum dated September 19, 2018, staff informed the Board that the following equipment will be removed from GCRC records:

<u>Equip #</u>	<u>Equipment Type</u>	<u>Reason</u>
633	2011 GMC Sierra Pick-up Truck	Damaged-Unrepairable

(Copy of memorandum filed with official minutes.)

ACTION TAKEN – Motion by Mr. Johnson, seconded by Mr. Dickerson, to approve the removal of Equipment Item No. 633 from GCRC records.

MOTION CARRIED.

Public Highway Institutional Control for Knight Enterprises, Flint Township – In a memorandum dated September 25, 2018, staff requested Board approval to authorize the Manager-Director to sign the Public Highway Institutional Control Form for the Knight Station #K-317 in Flint Township. (Copy of memorandum and form filed with official minutes.)

Vice Chairperson Mandelaris questioned if the location listed on the application should be changed to reflect the fact that the property is in Flint Township. Staff will get clarification on the form.

ACTION TAKEN – Motion by Mr. Johnson, seconded by Mr. Dickerson, to authorize the Manager-Director to sign the Public Highway Institutional Control Form for the Knight Station #K-317 in Flint Township.

MOTION CARRIED.

Request for Work – Milling and Paving, Clar-Eve Drive, Forest Township – In a memorandum dated September 24, 2018, staff requested Board approval to perform milling and paving on Clar-Eve Drive in Forest Township. Forest Township will be paying 100% of the \$22,000.00 total cost. (Copy of memorandum and cost estimate form filed with official minutes.)

ACTION TAKEN – Motion by Mr. Johnson, seconded by Mr. Dickerson, to authorize the Road Commission to perform milling and paving on Clar-Eve Drive with Forest Township paying 100% of the total cost.

MOTION CARRIED.

Request for Work – Aggregate Resurfacing, Florine Avenue, Mt. Morris Township – In a memorandum dated September 24, 2018, staff requested Board approval to perform aggregate resurfacing on Florine Avenue between Clio Road and the dead end in Mt. Morris Township. (Copy of memorandum and cost estimate form filed with official minutes.)

ACTION TAKEN – Motion by Mr. Johnson, seconded by Mr. Dickerson, to authorize the Road Commission to perform aggregate resurfacing on Florine Avenue between Clio Road and the dead end in Mt. Morris Township with the funding as follows:

Mt. Morris Township	\$3,850.74
GCRC (Mt. Morris Twp. Supplemental Funds)	<u>\$2,674.26</u>
Total Project Cost	\$6,525.00

MOTION CARRIED.

MANAGER-DIRECTOR REPORT

Mr. Randy Dellaposta updated the Board on the Kipp Road tower lease negotiations. Attorney McKone has been working diligently and now has a solid lease document. Mr. Dellaposta's recommendation is to approve the final document at the next Board meeting and have Goodrich Tower LLC move forward with incurring an insurance bond. The document is a 10 year lease with Goodrich Tower LLC and would include a 10 year insurance bond for \$500,000. The 965 foot tower is at the north end of GCRC's 79 acre property on Kipp Road. The 911 Consortium currently uses the tower and there is language in the lease agreement to protect that usage. The land lease document protects the best interest of GCRC. Goodrich Tower LLC will have an easement to access the tower from Kipp Road that they will have to maintain.

Chairperson Kautman-Jones explained that Goodrich Tower LLC wants a consensus of the Board before they purchase the 10 year bond, which is required to finalize the deal.

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Mr. Johnson, to move forward with the lease agreement as described for approval by the Board at a future meeting.

MOTION CARRIED.

COMMISSIONER'S CONCERNS

Commissioner Dickerson referred to Commissioner Nolden's complaint and stated that GCRC Commissioners received the same complaint from that employee. GCRC Supervisors that have complaints should file grievances instead of sending letters to County Commissioners or to Road Commissioners. Every time Commissioner Dickerson receives complaints, they are always against African-American employees.

Vice Chairperson Mandelaris asked if check number 104155 to Vogt's Flowers has already been issued. Ms. Coetta Adams said that the check has been released but that she can write a check from the vending revenue to replace the funds. Chairperson Kautman-Jones said that a policy is needed for these types of expenditures.

Chairperson Kautman-Jones would like staff to consider participating in a drive to collect food for school children so that they have food to eat over the holiday period when school is closed. The Food Bank of Eastern Michigan has been contacted but have not replied yet. GCRC would need to look for an organization of a similar staff size to compete against. Participation is voluntary and the food would be collected in November. Ms. Donna Poplar said that when a Board member makes suggestions, it is perceived that staff has to participate because the request is coming from the Chairperson. Staff would be needed to coordinate the food drive and Ms. Poplar's department is short-staffed and would not be available for coordination efforts. Chairperson Kautman-Jones offered to spearhead the efforts. Manager-Director Peivandi offered to check with Mr. Branch and with the Engineering Department for staff availability. Chairperson Kautman-Jones will wait to hear back from the Food Bank.

CLOSED SESSION

ACTION TAKEN – Motion by Mr. Mandelaris, seconded by Mr. Dickerson, to rescind the previous motion to enter into closed session so that the list of people to be present in the closed session could be restated.

MOTION CARRIED.

ACTION TAKEN – Motion by Mr. Mandelaris, seconded by Mr. Dickerson, to enter into closed session per request of our attorney to consider material exempt from discussion or disclosure by state or federal statute per MCL 15.268(h), MCL 15.243(1)(g) “information or records subject to the attorney-client privilege” [Ronnie Dunn v. GCRC lawsuit, Kevin Ross v. GCRC lawsuit]; AND MCL 15.268(c) “for strategy and negotiation session connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.” [Operating Engineers Union] The following person to be present at the closed session: the five members of the Board, the Secretary, and Attorney Derderian.

MOTION CARRIED.

Closed session called to order at 11:02 a.m.

Open session called to order at 12:01 p.m.

ACTION TAKEN – Motion by Ms. Kautman-Jones, seconded by Mr. Dickerson, that a meeting be held to include Chairperson Kautman-Jones, Vice Chairperson Mandelaris, Attorney Tom Derderian, and Manager-Director Peivandi to discuss issues from the closed session.

MOTION CARRIED.

ADJOURNMENT

Chairperson Kautman-Jones, without objection, adjourned the meeting at 12:02 p.m.

JOHN J. GLEASON
Clerk/Register

Vicki Bachakes, Secretary of the
Board of County Road Commissioners

/vb

10/02/18