

-GENESEE COUNTY ROAD COMMISSION

BOARD MEETING

April 25, 2023

MINUTES

CALL TO ORDER

Chairperson Elkins 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:

Timothy Elkins, Chairperson
Cathy Lane, Vice Chairperson
Reggie Smith, Commissioner
Chris Gehringer, Commissioner

Absent:

Joe Massey, Commissioner (excused)

Others Present: Fred Peivandi, Randy Dellaposta, Anthony Branch, Tracy Khan, Kylie Dontje, Kendra Love-Brezzell (Genesee County Road Commission Staff), Gayle Cummings (MCRCSIP Administrator), Attorney Andrew Cascini (Henn Lesperance PLC), Attorney D. Adam Tountas, (Smith, Haughey, Rice & Roegge, PC), Jerry Nedus, Shawna Snow, (Genesee County residents), Linda Kossak, Secretary of the Board of Road Commissioners

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Elkins.

APPROVAL OF AGENDA

April 25, 2023 – Amended Agenda

ACTION TAKEN – Motion by Mr. Gehringer, seconded by Mr. Smith, to approve the amended agenda for April 25, 2023 with the addition of a fourth closed session (Poplar v GCRC update) and rescheduling the May 16, 2023 board meeting to May 23, 2023.

VOTE ON MOTION:

Yes: Lane, Smith, Gehringer, Elkins
No: None.
Absent: Massey

MOTION CARRIED.

APPROVAL OF MINUTES

April 04, 2023 - Board Meeting Minutes

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Gehringer, to approve the board meeting minutes for April 04, 2023.

VOTE ON MOTION:

Yes: Elkins, Lane, Smith, Gehringer
No: None
Absent: Massey

MOTION CARRIED.

MEETINGS, PRESENTATIONS, HEARINGS, AND INFORMATION

Tuesday, April 25, 2023

1. Closed Session to discuss the Jackson v GCRC litigation per MCL 15.268(1) (e).
2. Closed session to discuss the Branch v GCRC litigation per MCL 15.268 (1) (e).
3. Closed Session for negotiation and strategy with legal counsel connected with the collective bargaining agreement regarding the Technical, Professional, and Officeworkers Association of Michigan (TPOAM) union pursuant to MCL 15-268(c); 15-267(1).
4. Closed session to discuss the Poplar v GCRC litigation per MCL 15.268 (1) (e).

Tuesday, May 02, 2023

10:00 a.m. – Board Meeting

12:00 p.m. – Commissioner’s Training with Wendy Hardt, MCRC SIP

Tuesday, May 23, 2023

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

10:00 a.m. – Board Meeting

Chairperson Elkins introduced the new board members Commissioner Gehringer and Commissioner Smith to GCRC Labor Attorney Andrew Cascini.

PUBLIC ADDRESS THE BOARD

None.

CORRESPONDENCE

INCOMING

None.

OUTGOING

None.

INTERNAL

Posting of Load Restrictions on Elms Road Bridge over the Flint River, Mt. Morris Township – In a memorandum dated April 17, 2023, staff advised the Board that GCRC posted load restrictions on the Elms Road Bridge over the Flint River and further, directed the GCRC Sign Shop to update signage denoting the revised maximum truckloads. (Copy filed with official minutes.)

INFORMATION

None.

BOARD OF ROAD COMMISSIONERS’ DECISIONS

DISCUSSION

Local Road Agreement for Roadway Rehabilitation to the Pinnacle Shores Subdivision; Pinnacle Shores, Pinnacle Shores #2 and Pinnacle Shores #3, Fenton Charter Township – In a memorandum dated April 17, 2023, staff requested the Board approve the local road agreement with Fenton Charter Township for the Pinnacle Shores Subdivision in Fenton Charter Township. (Copy of memorandum and agreement filed with official minutes.)

Fenton Charter Township (Construction)	\$ 780,000.00
GCRC (Engineering & Inspection)	<u>\$ 195,000.00</u>
Total project cost	\$ 975,000.00

Commissioner Lane asked if Fenton Charter Township would be using a Special Assessment District for this project. Staff stated that yes this is a SAD project. Commissioner Gehringer asked if the township was aware of their portion of the costs for this project. Staff answered that the township is aware of their portion of the costs.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Gehringer, to approve the local road agreement with Fenton Charter Township for the Pinnacle Shores Subdivision; Pinnacle Shores, Pinnacle Shores #2 and Pinnacle Shores #3 in Fenton Charter Township and further, authorizes both the Chairperson and Vice Chairperson to sign the agreement on behalf of the Genesee County Road Commission.

VOTE ON MOTION:

- Yes: Gehringer, Elkins, Lane, Smith
- No: None
- Absent: Massey

MOTION CARRIED.

Approval of Fabrication Inspection for the Torrey Road Bridge over Swartz Creek, Mundy Township – In a memorandum dated April 17, 2023, staff requested the board approve the issuance of a blanket Purchase Order for Quality Assurance Fabrication Inspection for the Torrey Road Bridge over Swartz Creek project, Mundy Township. (Copy filed with official minutes.)

ACTION TAKEN – Motion by Mr. Gehringer, seconded by Mr. Smith, to approve the issuance of a blanket Purchase Order to SME for Quality Assurance Fabrication Inspection in an amount of \$18,025.00 for the Torrey Road Bridge over the Swartz Creek in Mundy Township.

VOTE ON MOTION

Yes: Elkins, Lane, Smith, Gehringer

No: None.

Absent: Massey

MOTION CARRIED.

Resolution of Support for Road Commission participation in the proposed Perry Road Phase 2 Trail – In a memorandum dated April 05, 2023, staff requested the Board approve the Resolution of Support for the Genesee County Road Commission’s role as lead agency for the proposed Perry Road Phase 2 Trail project. (Copy filed with official minutes.)

Commissioner Gehringer stated that the language is not clear who pays for the maintenance of this project once it is completed. Managing Director Peivandi states that it does say the Genesee County Parks & Recreation Commission will be maintaining the facility but agrees the language should have been clearer.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Gehringer, to approve the Resolution of Support for the Genesee County Road Commission’s role as lead agency with the Michigan Department of Transportation for the proposed Perry Road Phase 2 Trail project. The Trail proposes to connect Grand Blanc East Middle School with the Perry Road Phase 1 Trail and existing Trailway infrastructure. The GCRC will own the constructed facility and enter into a maintenance agreement with Genesee County Parks and Recreation to maintain the facility in perpetuity.

VOTE ON MOTION

Yes: Lane, Smith, Gehringer, Elkins

No: None.

Absent: Massey

MOTION CARRIED.

Second (2nd) Addendum to Land Lease Agreement with the Linden Sportsmen Club – In a memorandum dated April 11, 2023, staff requested the Board approves and authorizes the Chairperson to sign the 2nd addendum to the land lease agreement with Linden Sportsmen Club (LSC), located at 7028 Silver Lake Road, Linden MI. (Copy filed with official minutes.)

ACTION TAKEN – Motion by Mr. Smith, seconded by Ms. Lane, to approve and authorize the Chairperson to sign the 2nd addendum to the land lease agreement with LSC (Linden Sportsmen

Club), located at 7028 Silver Lake Road, Linden, MI. On September 10, 2002, the GCRC Board and the LSC entered into a land lease pertaining to property north of the Shiawassee River at 7028 Lake Road (Linden Garage Facility). The term was for 20 years, expiring on September 10, 2022, On September 07, 2022 the Board and LSC executed a Lease Addendum (1st Addendum) on a month to month basis while both parties worked to negotiate the long-term lease agreement.

- Extends the land lease agreement for an additional 10 years.
- Annual rent for the lease agreement is \$4,400 per year, due and payable on or before the 11th day of May during the term of the Lease Agreement.

VOTE ON MOTION:

Yes: Smith, Gehringer, Elkins, Lane
 No: None
 Absent: Massey

MOTION CARRIED.

Amendment to Purchase Order Nos. 85461, 85635, 8537, 85622 and 85628 for the Fleet, Maintenance & Facilities Department - In a memorandum dated April 18, 2023, staff requested the board approve the amendment to Purchase Orders. (Copy filed with official minutes.)

<u>PO Number</u>	<u>Vendor</u>	<u>Increase</u>	<u>Total Amount of PO</u>
#85461	C& S Motors	\$60,000	\$220,000
#85635	D&K	\$10,000	\$ 25,000
#85537	Yunex	\$10,000	\$ 25,000
#85622	Flint New Holland	\$20,000	\$ 70,000
#85628	Carrier & Gable	\$65,000	\$265,000

Chairperson Elkins commented that some of these increases are astronomical and asked if we have alternative sources we can use. Director Love-Brezzell answered that in some instances we do have alternative resources. However, for some suppliers such as C&S Motors we do not. Commissioner Smith asked if these increases develop over the fiscal year, Director Love-Brezzell said it is throughout the year but for some of the increases it is because we are buying additional supplies at the higher prices.

Commissioner Gehringer asked if there is any way to negotiate these prices down. Staff answered that when we have a price increase, we meet with the vendors and explain how hard it is to buy at these higher prices. We try and build relationships with our vendors over time.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Gehringer, to approve the amendment of Purchase Order Nos. 85461, 85635, 8537, 85622 and 85628 for the Fleet, Maintenance & Facilities Department to cover increased expenses due to labor and inventory shortages and fuel increases.

VOTE ON MOTION:

Yes: Gehringer, Elkins, Lane, Smith
 No: None

Absent: Massey

MOTION CARRIED.

ACT 51 Annual Financial Report Fiscal Year 2022 – In a memorandum dated April 05, 2023, staff requested the Board approve the ACT 51 Annual Financial Report for fiscal year 2022. . (Copy filed with official minutes.)

Commissioner Lane inquired about the amount that was spent in Grand Blanc Township on page 21 of the report. Is this primarily for the Dort Highway Extension? Finance Director Khan said yes, the construction part is for the Dort Highway Extension project.

Commissioner Gehringer asked who qualifies the depreciation rate. Finance Director Khan said the State of Michigan on the Schedule C rate gives us the year and depreciation value based on the equipment. The rate is also programmed into our software and computes it automatically. Commissioner Gehringer asked for clarification on those items listed as ‘other’, staff stated that they would get back to him with those answers.

ACTION TAKEN – Motion by Mr. Smith, seconded by Mr. Gehringer, to approve the ACT 51 Annual Financial Report and further, authorize the Chairperson to sign the attest form and direct the Finance Director to submit the report to the State of Michigan prior to May 01, 2023.

VOTE ON MOTION:

Yes: Elkins, Lane, Smith Gehringer
No: None
Absent: Massey

MOTION CARRIED.

Michigan County Road Commission Self-Insurance Pool (MCRCSIP) Annual 2023 Renewal Invoice – In a memorandum dated April 05, 2023, staff requested the board approve the annual payment to MCRCSIP for liability insurance. (Copy of memorandum and invoice filed with official minutes.)

Chairperson Elkins stated that MCRCSIP will refund Road Commissions when there are excess funds available at the end of the policy year. Last year the GCRC received a refund of \$64,375. Mr. Elkins added that MCRCSIP provides a great service at a reasonable cost to us.

ACTION TAKEN – Motion by Mr. Gehringer, seconded by Ms. Lane, to approve the annual payment to MCRCSIP in the amount of \$711,025 for general, auto and trunkline liability insurance for policy year beginning April 01, 2023 prior to the May 01, 2023 due date.

VOTE ON MOTION:

Yes: Lane, Smith, Gehringer, Elkins
No: None
Absent: Massey

MOTION CARRIED.

Ratification of Voucher Nos. #40911, #40912 and #40913 totaling \$1,065,969.94 – (Copies filed with official minutes.)

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Gehringer, to ratify the following Vouchers totaling \$1,065,969.94:

- Voucher #40911 in the amount of \$308,065.75
- Voucher #40912 in the amount of \$502,366.60
- Voucher #40913 in the amount of \$255,537.59

VOTE ON MOTION:

- Yes: Smith, Gehringer, Elkins, Lane
- No: None
- Absent: Massey

MOTION CARRIED.

CONSENT

Employment Agreement for Managing Director – In a memorandum dated April 19, 2023, staff requested the Board of County Road Commissioners enter into discussions regarding the Managing Director’s Employment Agreement. (Copy of memorandum filed with official minutes.)

Chairperson Elkins said that Mr. Peivandi’s employment agreement (contract) expires on July 29, 2023. His contract states that he or we must give 90 days’ notice if we will be renewing his contract. The motion to renew Mr. Peivandi’s contract is for one year. Commissioner Smith stated that being new to this board, he would like to see the Managing Director’s contract before it is approved. Chairperson Elkins answered that he has a copy he will give the board members today, recommending that we approve extending his contract for one year. Chairperson Elkins said that we have an obligation to give 90 days’ notice before the deadline. After we approve extending his contract, we ask that the board authorize the Chairperson and Vice Chairperson to negotiate the details of his employment agreement contract. Then at that point, we will bring the contract back to the whole board and make modifications if they are needed.

Commissioner Smith asked if this is standard practice, for only the Chairperson and Vice Chairperson to negotiate the contract. Mr. Elkins answered that it is easier to negotiate with the Chairperson and Vice Chairperson then to bring back to the whole board to modify the details if it is needed.

ACTION TAKEN – Motion by Mr. Elkins, seconded by Ms. Lane, to extend the Managing Director’s employment agreement for one year and authorize the Chairperson and Vice Chairperson to negotiate the details of a new employment agreement contract, bringing back to the whole board for discussion before finalizing the employment agreement contract.

VOTE ON MOTION:

Yes: Gehringer, Elkins, Lane, Smith
No: None
Absent: Massey

MOTION CARRIED.

Work Request for Aggregate Resurfacing on Lovejoy Road from Duffield Road to Sheridan Road, Argentine Township – In a memorandum dated April 11, 2023, staff requested the Board approve the work request for aggregate resurfacing on Lovejoy Road from Duffield Road to Sheridan Road, Argentine Township, with the funding as follows:

Argentine Township	\$46,231.87
GCRC	<u>\$46,231.88</u>
Total project cost	\$92,463.75

(Copy filed with official minutes.)

ACTION TAKEN – Motion by Mr. Smith, seconded by Mr. Gehringer, to approve the work request for aggregate resurfacing on Lovejoy Road from Duffield Road to Sheridan Road in Argentine Township.

VOTE ON MOTION:

Yes: Elkins, Lane, Smith Gehringer
No: None
Absent: Massey

MOTION CARRIED.

Work Request for Aggregate Resurfacing on Pleasant Drive and Harper Drive in Argentine Township – In a memorandum dated April 11, 2023, staff requested the Board approve the work request for aggregate resurfacing on Pleasant Drive and Harper Drive in Argentine Township. The township will be paying 100% of the aggregate resurfacing project.

Argentine Township	\$15,167.75
GCRC	<u>\$ 0</u>
Total project cost	\$15,167.75

(Copy filed with official minutes.)

Commissioner Lane asked if Argentine Township has used up all of their allocation funds. Staff stated that they would check on this and get back to her.

ACTION TAKEN – Motion by Mr. Gehringer, seconded by Ms. Lane, to approve the work request for aggregate resurfacing on Pleasant Drive and Harper Drive, Argentine Township.

VOTE ON MOTION:

Yes: Smith, Gehringer, Elkins, Lane
No: None
Absent: Massey

MOTION CARRIED.

Fiscal Year 2025 Federal Safety Project Applications – In a memorandum dated April 18, 2023, staff requested the Board approve the funding for the GCRC local match for the 2025 Federal Safety Project applications. (Copy filed with official minutes.)

- Davison Road at Irish Road - Signal Modernization and ADA Improvements
- Carpenter Road at Belsay Road - Ground Mounted Solar Beacons
- Wilson Road approaches at Clio Road - Reconstruct and add center turn lane
- Seymour Road at Whitney N’yly 1,100’ – Reconstruct horizontal curves, high friction surface
- Irish Road from Court Street to McDermitt – Widen to 5 lanes, add center turn lane and resurface
- Owen Road from Silver Crest Drive to Jennings Road – Widen to 3 Lanes, add center turn lane and resurface

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Smith, to approve the funding for the GCRC local match for the projects listed and further, authorize the engineering department to implement local match into the fiscal year 2025 budget should the individual projects be selected.

VOTE ON MOTION:

- Yes: Smith, Gehringer, Elkins, Lane
- No: None
- Absent: Massey

MOTION CARRIED.

CLOSED SESSIONS

Chairperson Elkins asked for a motion to go into the first closed session to discuss the Jackson v GCRC litigation.

ACTION TAKEN - Motion by Ms. Lane, seconded by Mr. Smith, to go into closed session to discuss the Jackson v GCRC litigation per MCL 15.268 (1)(e).

VOTE ON MOTION

- Yes: Elkins, Lane, Smith, Gehringer
- No: None
- Absent: Massey

MOTION CARRIED.

At 10:55 a.m., the Board of County Road Commissioners entered into closed session.
At 11:25 a.m., the Board of County Road Commissioners reconvened into open session.

Chairperson Elkins asked for a motion to go into the closed session to discuss the Branch v GCRC litigation.

ACTION TAKEN - Motion by Ms. Lane, seconded by Mr. Smith, to go into closed session to

discuss the Branch v GCRC litigation per MCL 15.268 (1)(e).

VOTE ON MOTION

Yes: Lane, Smith, Gehringer, Elkins
No: None
Absent: Massey

MOTION CARRIED.

At 11:26 a.m., the Board of County Road Commissioners entered into closed session.

At 11:31 a.m., the Board of County Road Commissioners entered into open session.

Chairperson Elkins asked for a motion to go into the closed session for negotiation and strategy with legal counsel connected with the collective bargaining agreement for the TPOAM union.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Smith, to go into closed session for negotiation and strategy with legal counsel connected with the collective bargaining agreement regarding the Technical, Professional, and Officeworkers Association of Michigan (TPOAM) union pursuant to MCL 15.268(c); 15.267(1).

VOTE ON MOTION

Yes: Gehringer, Lane, Elkins, Smith
No: None
Absent: Massey

MOTION CARRIED.

At 11:32 a.m., the Board of County Road Commissioners entered into closed session.

At 11:54 a.m., the Board of County Road Commissioners entered into open session.

Chairperson Elkins asked for a motion to go into the closed session to discuss the Poplar v GCRC litigation.

ACTION TAKEN - Motion by Ms. Lane, seconded by Mr. Smith, to go into closed session to discuss the Poplar v GCRC litigation per MCL 15.268 (1)(e).

VOTE ON MOTION

Yes: Elkins, Lane, Smith, Gehringer
No: None
Absent: Massey

MOTION CARRIED.

At 11:55 a.m., the Board of County Road Commissioners entered into closed session.

At 12:07 p.m., the Board of County Road Commissioners entered into open session.

MANAGING DIRECTOR REPORT

Diversity, Equity and Inclusion Training, May 8, 2023 at the Regional Technology Center at Mott Community College – Deputy Managing Director Randall Dellaposta informed the Board that GCRC would be hosting a Diversity, Equity and Inclusion (DEI) training program for all employees on Monday, May 08, 2023. The training sessions will be held at the Regional Technology Center at Mott Community College. There are two sessions, and if the Board is interested, they can attend either session. Each session will be three hours long; there is a morning session (8:00 a.m. to 11:00 a.m.) and afternoon session (1:00 p.m. to 4:00 p.m.).

Health Care Administrator Presentation – Mr. Peivandi informed the Board that Angela Garner, from Brown & Brown, GCRC's third party health administrator will be giving a presentation at the May 02, 2023 Board Meeting with updates to our health benefits for employees.

Honoring former Road Commissioners for their Service – We will be honoring our two former Road Commissioners at the next board meeting, Cloyce Dickerson and John Mandelaris for their honored service to the Genesee County Road Commission.

COMMISSIONER'S CONCERNS

MCRCSIP Code of Conduct - Vice Chairperson Lane commented that MCRCSIP has updated their Code of Conduct in their booklet and the GCRC will be updating their Code of Conduct as well.

Dust Control on McWain Road, Grand Blanc Township - Ms. Lane commented that a resident contacted her about the dust conditions on McWain Road in Grand Blanc Township. Staff stated that we used Perma-Zyme on this roadway last year and we went back and applied calcium chloride as well, but we will look into this section of roadway.

Chairperson Elkins stated to better serve the Road Commission; the Board will be forming sub-committees. Each sub-committee will consist of two board members.

- Metro Garage Building Committee, Commissioner Elkins and Commissioner Gehringer
- Human Resource Employee Handbook Committee, Commissioner Lane and Commissioner Smith
- Relationships with Townships Committee, Commissioner Massey and Commissioner Elkins (and five township supervisors)

The Metro Garage Building Committee will consist of him and Commissioner Gehringer for the Metro District garage project. Commissioner Gehringer has extensive experience in the construction industry.

The Human Resource Employee Handbook Committee will consist of Commissioner Lane and Commissioner Smith. Both have experience in this area.

The Township Committee will consist of him and Commissioner Massey. Chairperson Elkins explained that he and Commissioner Massey would be looking into issues behind the scenes such as quotes, invoices, and performance of work on the job sites explaining that the townships are our

customers. We would like them to help us with the issues we are dealing with.

Chairperson Elkins added that this Board is making an impact and will get a lot accomplished in the next few years. We are here as a Board to discuss benefits, pensions and policy in order to make a positive impact on the Road Commission.

ADJOURNMENT

Chairperson Elkins, without objection, adjourned the meeting at 12:35 p.m.

Domonique Clemons
Clerk/Register

Linda B. Kossak, Secretary of the
Board of County Road Commissioners
lbk – 4/25/2023