

**Muskegon County
Board of Commissioners**
*Hall of Justice, 990 Terrace, 4th Floor
Muskegon, MI 49442*

*Benjamin E. Cross
James Derezinski
Marvin Engle
Susie Hughes
Kenneth Mahoney*

*Charles Nash
Terry Sabo
Robert Scolnik
Rillastine R. Wilkins*

Board Minutes may be found on the web at <http://co.muskegon.mi.us/clerk>

Regular Meeting

Tuesday, February 25, 2014
4:00 p.m.

Chairman Mahoney, Presiding

The Full Board of Commissioners was called to order by Chairman Mahoney. The invocation was given by Chairman Mahoney. The Pledge of Allegiance was recited in unison.

Roll Call

Present: Benjamin Cross, Susie Hughes, Kenneth Mahoney, Charles Nash, Terry Sabo, Robert Scolnik, Rillastine Wilkins

Excused: James Derezinski, Marvin Engle

Also Present: Bonnie B. Hammersley, County Administrator,
Nancy A. Waters, County Clerk,
Jeanne Pezet, Deputy County Clerk,
Doug Hughes, Corporate Counsel

2014-74 **APPROVAL OF THE AGENDA AS AMENDED**

Moved by Commissioner Cross, seconded by Commissioner Sabo, to approve the agenda adding two items to the Chairman's Report: 1. Appointment to Airport Advisory Committee; 2. Draft Letter to Coast Guard

Voice vote

Motion Carried

2014-75 **APPROVE THE MINUTES OF THE FULL BOARD MEETING OF TUESDAY, FEBRUARY 11, 2014**

Moved by Commissioner Wilkins, seconded by Commissioner Hughes, to approve the minutes of the Full Board meeting of Tuesday, February 11, 2014.

Voice vote

Motion Carried

PUBLIC COMMENT (ON AN AGENDA ITEM)

Randall Carroll, Lakeside Neighborhood, addressed the Board in opposition to the Smoking Ban Ordinance.

Susie Hughes noted, in reference to the next agenda item of the public hearing on the Muskegon County Recreation Plan, that the Veterans Memorial Park is within the City of Muskegon and not a part of the Muskegon County Recreation Plan but is covered within Muskegon County.

2014-76 **OPEN PUBLIC HEARING RE: CITIZEN COMMENTS ON THE MUSKEGON COUNTY RECREATION PLAN UPDATE, 2014**

Moved by Cross, seconded by Hughes, to open the Public Hearing Re: Citizen Comments on the Muskegon County Recreation Plan Update, 2014.

Voice vote. Motion Carried

There were no comments made by the Public during the Hearing.

2014-77 **CLOSE THE PUBLIC HEARING RE: CITIZEN COMMENTS ON THE MUSKEGON COUNTY RECREATION PLAN UPDATE, 2014**

Moved by Cross, seconded by Nash, to close the Public Hearing Re: Citizen Comments on the Muskegon County Recreation Plan Update, 2014.

Voice vote. Motion Carried

COMMUNICATION

- A. Bay County Resolution: 2014-13; Supporting Full Funding County Revenue Sharing in FY 2015
- B. Bay County Resolution: 2014-15; Request to Governor and Michigan Legislature to Retain Current Income Tax Rate and Direct Generated Funding Surplus to Improve Michigan Roads, Bridges and Highways
- C. Huron County Resolution: 14-17c; Supporting Full Funding County Revenue Sharing in FY 2015
- D. Huron County Resolution: 14-18c; Opposing Action by Michigan Legislature that Results in Further Reductions in Revenue to County Governments
- E. Huron County Resolution: 14-19c; Opposing HB 5210
- F. Huron County Resolution: 14-20c; Supporting SJR V and HJR CC
- G. Livingston County Resolution: 2014-02-070; Supporting Full Funding County Revenue Sharing in FY 2015

2014-78 **ACCEPT AND PLACE ON FILE COMMUNICATION ITEMS A. – G. AS PRESENTED**

Moved by Nash, seconded by Hughes, to accept and place on file Communication Items A. – G. as presented.

Voice vote. Motion Carried

COMMITTEE/BOARD REPORTS

2014-79 **APPROVE THE MUSKEGON AREA TRANSIT SYSTEM'S FY2015 APPLICATION FOR \$1,617,622 IN STATE OPERATING AND CAPITAL ASSISTANCE, TO AUTHORIZE THE RESOLUTION OF INTENT TO APPLY FOR FINANCIAL ASSISTANCE, TO NAME THE COUNTY ADMINISTRATOR AS THE TRANSPORTATION COORDINATOR, AND TO PUBLISH THE PUBLIC NOTICE**

TR14/02-03

The Transportation Committee recommends, moved by Commissioner Wilkins, seconded by Commissioner Nash, to approve the Muskegon Area Transit System's FY2015 application for \$1,617,622 in state operating and capital assistance, to authorize the Resolution of Intent to apply for financial assistance, to name the County Administrator as the Transportation Coordinator, and to publish the public notice.

Roll Call:

Yes: Benjamin Cross, Susie Hughes, Charles Nash,
Terry Sabo, Robert Scolnik, Rillastine Wilkins, Kenneth Mahoney

No: None

Excused: James Derezinski, Marvin Engle

Motion Carried

2014-80 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE OF \$15,892,071.72 COVERING THE PERIOD OF JANUARY 25, 2014 THROUGH FEBRUARY 7, 2014 AS PRESENTED BY THE COUNTY CLERK**

WM14/02-17

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Sabo, to approve payment of the accounts payable of \$15,892,071.72 covering the period of January 25, 2014 through February 7, 2014 as presented by the County Clerk.

Roll Call:

Yes: Benjamin Cross, Susie Hughes, Charles Nash,
Terry Sabo, Robert Scolnik, Rillastine Wilkins, Kenneth Mahoney

No: None

Excused: James Derezinski, Marvin Engle

Motion Carried

2014-81 **APPROVE THE FUNDING CHANGE OF BROOKHAVEN POSITION N39703 FROM 2900.0050 TO 1010.0226 (40%) & 6770.0203 (60%)**

WM14/02-18

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Sabo, to approve the funding change of Brookhaven position N39703 from 2900.0050 to 1010.0226 (40%) & 6770.0203 (60%).

Roll Call:

Yes: Benjamin Cross, Susie Hughes, Charles Nash,
Terry Sabo, Robert Scolnik, Rillastine Wilkins, Kenneth Mahoney

No: None

Excused: James Derezinski, Marvin Engle

Motion Carried

2014-82 **FILL THE PROJECT SPECIALIST/HOURLY (NF558) POSITION FOR A PERIOD OF NINE MONTHS USING FUNDS FROM THE DTE TEST AND TUNE PROGRAM AND THE MICHIGAN PATHWAYS TO BETTER HEALTH PROGRAM**

WM14/02-19

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Sabo, to fill the Project Specialist/Hourly (NF558) position for a period of nine months using funds from the DTE Test and Tune Program and the Michigan Pathways to Better Health Program.

Roll Call:

Yes: Benjamin Cross, Susie Hughes, Charles Nash,
Terry Sabo, Robert Scolnik, Rillastine Wilkins, Kenneth Mahoney

No: None

Excused: James Derezinski, Marvin Engle

Motion Carried

2014-83 **AUTHORIZE THE INCREASE IN HOURS FROM 28 HOURS PER WEEK TO 32 HOURS PER WEEK FOR SUPPORTS COORDINATOR/DD YOUTH POSITION #X86203 (NX 00150) EFFECTIVE FEBRUARY 12, 2014, WITH THE FUNDING FOR THIS POSITION STAYING IN ORG 7144**

WM14/02-20

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Sabo, to authorize the increase in hours from 28 hours per week to 32 hours per week for Supports Coordinator/DD Youth position #X86203 (NX 00150) effective February 12, 2014, with the funding for this position staying in org 7144.

Roll Call:

Yes: Benjamin Cross, Susie Hughes, Charles Nash,
Terry Sabo, Robert Scolnik, Rillastine Wilkins, Kenneth Mahoney

No: None

Excused: James Derezinski, Marvin Engle

Motion Carried

2014-84 **AUTHORIZE THE MUSKEGON COUNTY INFORMATIONAL SYSTEMS DEPARTMENT TO ENTER INTO A CONTRACT WITH PICTOMETRY INTERNATIONAL CORPORATION FOR ACQUISITION OF SPRING 2014 OBLIQUE AERIAL PHOTOGRAPHY AND ASSOCIATED DELIVERABLES FOR ENHANCEMENT INTO THE COUNTY GIS SYSTEM AND ASSOCIATED SYSTEMS AT A PRICE NOT TO EXCEED \$216,383.16 AND TO AUTHORIZE THE BOARD CHAIR TO SIGN THE CONTRACT**

WM14/02-21

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Sabo, to authorize the Muskegon County Informational Systems Department to enter into a contract with Pictometry International Corporation for acquisition of spring 2014 oblique aerial photography and associated deliverables for enhancement into the County GIS system and associated systems at a price not to exceed \$216,383.16 and to authorize the Board Chair to sign the contract.

Roll Call:

Yes: Benjamin Cross, Susie Hughes, Charles Nash,
Terry Sabo, Robert Scolnik, Rillastine Wilkins, Kenneth Mahoney

No: None

Excused: James Derezinski, Marvin Engle

Motion Carried

2014-85 **APPROVE THE PURCHASE OF THE NEW PLAYGROUND STRUCTURE FOR PIONEER PARK, INCLUDING INSTALLATION, FROM GAME TIME OF HOLLAND, MICHIGAN FOR THEIR LOW BID PRICE OF \$46,970 WITH COSTS BEING PAID FROM MDNR GRANT TF12-062 AND PARKS FUNDS 2411-0692**

WM14/02-22

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Sabo, to approve the purchase of the new playground structure for Pioneer Park, including installation, from Game Time of Holland, Michigan for their low bid price of \$46,970 with costs being paid from MDNR grant TF12-062 and Parks Funds 2411-0692.

Roll Call:

Yes: Benjamin Cross, Susie Hughes, Charles Nash,
Terry Sabo, Robert Scolnik, Rillastine Wilkins, Kenneth Mahoney

No: None

Excused: James Derezinski, Marvin Engle

Motion Carried

CHAIRMAN'S REPORT/COMMITTEE LIAISON REPORTS

2014-86 **APPOINT JESSE MIKAELSEN (STATE OF MICHIGAN) TO THE WORKFORCE DEVELOPMENT BOARD (TERM EXPIRATION 12/31/15)**

The Chairman recommends, moved by Commissioner Hughes, seconded by Commissioner Wilkins, to appoint Jesse Mikaelson (State of Michigan) to the Workforce Development Board (term expiration 12/31/15).

Voice vote.

Motion Carried

2014-87 **APPOINT GLORIA WHITE GARDNER TO THE JAIL-JUVENILE TRANSITION CENTER CITIZENS REVIEW COMMITTEE (TERM EXPIRATION 12/31/14)**

The Chairman recommends, moved by Commissioner Wilkins, seconded by Commissioner Scolnik, to appoint Gloria White Gardner to the Jail-Juvenile Transition Center Citizens Review Committee (term expiration 12/31/14).

Voice vote.

Motion Carried

Chairman Mahoney reminded Commissioners about Muskegon's St. Patrick's Day Parade: Saturday, March 15th – 11 AM

- Commissioner Pick-Up 10 AM Depot Parking Lot
- Donation of Non-Perishable Food Item

2014-88 **TO RE-APPOINT DICK DOLACK TO THE AIRPORT ADVISORY COMMITTEE (TERM EXPIRATION 12/31/14)**

The Chairman recommends, moved by Wilkins, seconded by Hughes, to re-appoint Dick Dolack/City of Norton Shores to the Airport Advisory Committee as recommended by Norton Shores City Council (term expiration 12/31/14).

Voice vote.

Motion Carried

Chairman Mahoney had distributed a draft letter to Commissioners addressed to the Coast Guard from the Muskegon Port Advisory Committee concerning barge traffic on Lake Michigan and expressing the Advisory Committees' desire to change the rules so those barges can come up the lake. (See attached)

2014-89 **AUTHORIZE THE CHAIRMAN TO SIGN A LETTER OF SUPPORT FROM THE MUSKEGON PORT ADVISORY COMMITTEE TO THE COAST GUARD CONCERNING BARGE TRAFFIC ON LAKE MICHIGAN**

Moved by Nash, seconded by Cross, to authorize the Chairman to sign a letter of support from the Muskegon Port Advisory Committee to the Coast Guard concerning barge traffic on Lake Michigan.

Voice vote.

Motion Carried

Commissioner Nash reminded everyone that this letter does not exclude others from writing their own letters of support for this action.

ADMINISTRATOR'S REPORT

The Administrator had nothing to report at this time.

OLD BUSINESS

The following item is returning for action from the Full Board Meeting on Tuesday, November 26, 2013, where it was postponed for 90 days.

2013-450 Amend the Muskegon County Smoking Pollution Ordinance as recommended (striking e-cigarettes), to take effect on January 1, 2014 for the CMH facilities and July 1, 2014 for all remaining County properties.

Discussion ensued:

Commissioner Hughes expressed opposition to the proposed changes particularly as it relates to enforcement by other municipalities and the hardship on Muskegon Citizens. The City of Muskegon Police department might be on foot in County parking lots issuing tickets.

Commissioner Wilkins also expressed opposition with charging someone smoking in their own car and the effect it would have on enforcement at the MATS building in Muskegon Heights.

Commissioner Sabo also expressed opposition, "stating we are going into an area that government should not be in". Commissioner Sabo read a letter from Muskegon County Treasurer Tony Moulatsiotis who could not attend the meeting, also in opposition (see attached).

Commissioner Cross also expressed opposition to these proposed changes.

Commissioner Nash noted he supports this motion but does have some reservations, particularly the adjustments for Heritage Landing and the parks which appears that we will make exceptions when there is money to be made but enforce the law when there is not. We can't set an ordinance and then set it aside for a day of making money.

Commissioner Scolnik noted the County owns a tiny fraction of 1% of the property in this county. Hospitals are doing this and Colleges are doing this and he thinks it's a good thing. Commissioner Scolnik stated we are sending a message that smoking is bad for you and people are still going to smoke but they will be required to walk another 30 feet.

Chairman Mahoney's personal belief is that, "We have made a commitment to being 1 in 21 and this is a one step toward that. If one person stops smoking because they cannot have a cigarette within 30 feet of the door, so be it. Not having a healthy population costs everyone here additional dollars." Chairman Mahoney noted he is in support of this amendment and will be voting with Commissioner Scolnik in favor of the amendment to this ordinance.

Commissioner Sabo reiterated that we all need to lead a healthier lifestyle but he thinks this amendment just goes too far.

Chairman Mahoney noted he does not want the perfect to destroy the good, but we do need to take one step at a time.

Commissioner Wilkins suggested this should be looked at again because it is going too far.

Roll Call on Item 2013-450 which was postponed for 90 days by Item 2013-452 at the Full Board meeting on Tuesday, November 26, 2013:

Yes: Robert Scolnik, Kenneth Mahoney

No: Benjamin Cross, Susie Hughes, Terry Sabo, Rillastine Wilkins

Abstained: Charles Nash

Excused: James Derezinski, Marvin Engle

Motion Defeated

2014-62

WM14/02-14 To award IDEO LP a contract in the amount of \$400,000 to provide strategic redesign services to assist Michigan Works! Muskegon-Oceana in preparing jobseekers for the current job market, contingent upon Corporate Counsel review of contract.

Vote on Item 2014-62 deferred from Full Board Meeting on Tuesday, February 11, 2014.

Roll Call:

Yes: Benjamin Cross, Susie Hughes, Charles Nash, Terry Sabo, Robert Scolnik,
Rillastine Wilkins, Kenneth Mahoney

No: None

Excused: James Derezinski, Marvin Engle

Motion Carried

WM14/02-17 To direct staff to hang a photo of the Commissioners, including their names, in the lobby of the Hall of Justice. (not voted on in Committee)

Voice vote.

Motion Carried

NEW BUSINESS

2014-90 **TO PREPARE A RESOLUTION IN HONOR OR GLADYS GIVAN FOR HER YEARS OF PUBLIC SERVICE AND IN HONOR OF HER 100TH BIRTHDAY**

Moved by Commissioner Wilkins, seconded by Commissioner Sabo, to prepare a Resolution in honor of Gladys Givan for her years of public service and in honor of her 100th birthday.

Voice vote.

Motion Carried

PUBLIC COMMENT

There was no public comment.

2014-91 **MOVED AND SECONDED TO ADJOURN AT 4:36 P.M.**

Voice vote

Motion Carried

Meeting adjourned at 4:36 p.m.

Nancy A. Waters, County Clerk

NAW/jp

Approved at the Full Board Meeting on Tuesday, March 11, 2014

February 25, 2014

Admiral Robert Papp, Jr.
Commandant
United States Coast Guard
2100 Second St, SW
Washington, DC 20593

Re: Coast Guard Proposed Rulemaking USCG-2013-0954

The Board of Commissioners of the County of Muskegon, Michigan is in support of proposed rulemaking (USCG-2013-0954) for the United State Coast Guard (USCG) to allow River Barges with a conditional exemption from load line requirements, onto the Calumet-St. Joseph, Calumet-Muskegon routes, as well as entry into the ports of Holland and Grand Haven.

As the State of Michigan's largest deep water port on Lake Michigan, this rulemaking change will allow the Port of Muskegon to enhance economic opportunity for Michigan manufacturers and agricultural producers. Muskegon is also strategically located in mid-Michigan and is served by several modes of transportation, allowing for easy logistical connections to the Port of Muskegon.

This rulemaking change will level the playing field, allowing the State of Michigan to directly compete with Indiana and Wisconsin for expanded barge access to Lake Michigan by granting conditional exemption from load line requirements, allowing Michigan and the Port of Muskegon to have restrictions similar to those states.

With this exemption, the agricultural industry will have an easier and more cost-competitive pathway to export markets, as well as a new pathway to import fertilizer and feed ingredients to meet production needs. Additionally, aggregate producers, alternative energy component manufacturers, utility generators, and the metal and scrap industries would have a new and cost-effective method to ship and receive products.

Finally, with advances in weather forecasting, revised regulations would ensure vessel, operator and cargo safety, making river barge operation on Lake Michigan safe and reliable.

Thank you for considering these comments in support of a conditional exemption from load line requirements for river barges on the eastern side of Lake Michigan.

Kenneth Mahoney, Commissioner
Chairman of the Board
Muskegon County Board of Commissioners

Terry Sabo, Commissioner
Chair, Port Advisory Committee
Muskegon County Board of Commissioners

February 25, 2014

Dear County Commissioners,

I, County Treasurer Tony Moulatsiotis, would like to go on record in regards to the new smoking policy that you are considering adopting.

I am and always was a NON smoker and do not like the smell of cigarettes.

I did and still own several food establishments to which smoking was not available inside the restaurants but I provided outdoor area for those that smoked.

I was delighted when the County Administrator, Jack Niemiec at that time, with the Board of Commissioners made all County Buildings nonsmoking. Signs were made letting people know that they must stay 30 feet from all front doors or they will be ticketed.

I can't remember how many times I reported people smoking by the door coming into the Hall of Justice. NOT ONE TICKET was ever given to anyone. All the tax payers' money to make and put signs up and all the meetings to do so were wasted.

All people, smokers or otherwise are not happy with government dictating and making policies about their lives.

Smoking is an addiction and I am extremely worried about OUR employees that have this habit.

NOT having designated areas or in their cars during their breaks violates their rights as citizens of this community.

We are going to have all kinds of problems when the service they provide to our taxpayers is below standards we expect. We just identified through our Functional Teams Strategic Planning the 3 major items we need to improve as a County: CUSTOMER SERVICE is listed as #1.

I have seen it in my office, when my staff that smokes does not have a chance to get their so-called "fix" of this legal drug.

I can see people sitting in their cars getting this "fix" and no one is going to issue a ticket just like before.

I am asking you to make a policy that will be affective for both smoking and nonsmoking people and not put another burden on our employees and the citizens of this beautiful Muskegon community we call home.

Respectfully yours,

Tony Moulatsiotis, Muskegon County Treasurer