

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

*Benjamin E. Cross, Chairman  
Marvin Engle  
Gary Foster  
Susie Hughes  
Kenneth Mahoney*

*Charles Nash, Vice Chair  
Robert Scolnik  
I. John Snider II  
Rillastine R. Wilkins*

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

**Full Board Meeting**

Tuesday, March 14, 2017

3:33 p.m.

Chair Benjamin E. Cross, Presiding

The Full Board of Commissioners meeting was called to order by Chair Cross. The invocation was given by Pastor Steve Derdowski from Port City Church. The Pledge of Allegiance was led by Commissioner Foster and recited in unison.

**Roll Call**

Present: Benjamin E. Cross, Marvin Engle, Gary Foster, Susie Hughes,  
Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II,  
Rillastine R. Wilkins

Also Present: Mark Eisenbarth, County Administrator  
Nancy A. Waters, County Clerk  
Jeanne Pezet, Administrative Secretary  
Susan Franklin, Corporate Counsel

2017-95 **APPROVAL OF THE AGENDA**

Moved by Commissioner Mahoney, seconded by Commissioner Foster, to approve the agenda.

Voice vote **Motion Carried**

2017-96 **APPROVE THE MINUTES OF THE FULL BOARD MEETING OF FEBRUARY 28, 2017**

Moved by Commissioner Hughes, seconded by Commissioner Engle, to approve the minutes of Full Board Meeting of February 28, 2017.

Voice vote **Motion Carried**

**PUBLIC COMMENT (on an agenda item)**

Eric Grimm, addressed the Board saying it is Sunshine Week and urged transparency.

**COMMITTEE/BOARD REPORTS**

2017-97      **AUTHORIZE THE BOARD CHAIR, THE SHERIFF AND COUNTY CLERK TO SIGN A CONTINUATION OF THE OPERATING AGREEMENT WITH THE MUSKEGON COUNTY SHERIFF'S OFFICE TO REIMBURSE FOR MENTAL HEALTH SERVICES FROM HEALTH WEST FOR FISCAL YEAR 2017**

CPS17/03-08

The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Hughes, to authorize the Board Chair, the Sheriff and County Clerk to sign a continuation of the Operating Agreement with the Muskegon County Sheriff's Office to reimburse for mental health services from Health West for Fiscal Year 2017.

Roll Call:

Yes:    Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash,  
         Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No:     None

**Motion Carried**

2017-98      **APPROVE THE SHERIFF'S OFFICE ACCEPTING THE MEMORANDUM OF UNDERSTANDING (17-MU-11090400-038) AND THE HURON-MANISTEE NATIONAL FOREST COOPERATIVE LAW ENFORCEMENT AGREEMENT (16-LE-11090400-017) BETWEEN THE MUSKEGON COUNTY SHERIFF'S OFFICE AND THE USDA, FOREST SERVICE AND AUTHORIZE THE BOARD CHAIR TO SIGN**

CPS17/03-09

The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Hughes, to approve the Sheriff's Office accepting the Memorandum of Understanding (17-MU-11090400-038) and the Huron-Manistee National Forest Cooperative Law Enforcement Agreement (16-LE-11090400-017) between the Muskegon County Sheriff's Office and the USDA, Forest Service and authorize the Board Chair to sign.

Roll Call:

Yes:    Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash,  
         Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No:     None

**Motion Carried**

2017-99 **ACCEPT THE FY2017 OFF-ROAD VEHICLE (ORV) LAW ENFORCEMENT GRANT IN THE AMOUNT OF \$8,100.00 FROM THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND AUTHORIZE THE SHERIFF SIGN THE AGREEMENT**

CPS17/03-10

The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Engle, to accept the FY2017 Off-Road Vehicle (ORV) Law Enforcement Grant in the amount of \$8,100.00 from the Michigan Department of Natural Resources and authorize the Sheriff sign the agreement.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

**Motion Carried**

2017-100 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE OF \$4,260,012.13 COVERING THE PERIOD OF FEBRUARY 10, 2017, THROUGH FEBRUARY 23, 2017, FOR CHECKS AND JANUARY 1, 2017 THROUGH JANUARY 31, 2017 FOR P-CARDS, AS PRESENTED BY THE COUNTY CLERK**

WM17/03-25

The Ways and Means Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Hughes, to approve payment of the accounts payable of \$4,260,012.13 covering the period of February 10, 2017, through February 23, 2017, for checks and January 1, 2017 through January 31, 2017 for P-Cards, as presented by the County Clerk.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

**Motion Carried**

2017-101 **APPROVE THE RECLASSIFICATION OF THE ECONOMIC DEVELOPMENT COORDINATOR POSITION TO AN ECONOMIC DEVELOPMENT MANAGER AT WAGE TABLE/GRADE NX-00390, \$33.169/HR - \$42.175/HR AND APPOINT JONATHAN WILSON TO THE POSITION AT STEP 4, \$38.308/HR, EFFECTIVE MARCH 15, 2017**

WM17/03-26

The Ways and Means Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Hughes, to approve the reclassification of the Economic Development Coordinator position to an Economic Development Manager at wage table/grade NX-00390, \$33.169/hr - \$42.175/hr and appoint Jonathan Wilson to the position at Step 4, \$38.308/hr, effective March 15, 2017.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

**Motion Carried**

2017-102 **ACCEPT THE REVISIONS TO THE "SALE OF COUNTY REAL PROPERTY POLICY" (POLICY #91-392)**

WM17/03-27

The Ways and Means Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Hughes, to accept the revisions to the "Sale of County Real Property Policy" (policy #91-392).

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

**Motion Carried**

2017-103 **APPROVE THE COLLECTION OF THE LOCAL 9-1-1 SURCHARGE AT AN INCREASE TO THE MAXIMUM RATE OF \$0.42 AS ALLOWED BY MICHIGAN PUBLIC SERVICE COMMISSION U-15489 FOR THE TIME PERIOD JULY 1, 2017 TO JUNE 30, 2018, AND TO PROVIDE PROPER NOTIFICATION OF THIS TO THE STATE 9-1-1 COMMITTEE**

WM17/03-28

The Ways and Means Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Hughes, to approve the collection of the local 9-1-1 surcharge at an increase to the maximum rate of \$0.42 as allowed by Michigan Public Service Commission U-15489 for the time period July 1, 2017 to June 30, 2018, and to provide proper notification of this to the State 9-1-1 Committee.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

**Motion Carried**

2017-104 **SUPPORT THE TREASURER'S OFFICE SUBMISSION OF A LEAD HAZARD REDUCTION GRANT APPLICATION TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO PROVIDE LEAD HAZARD MITIGATION SERVICES TO LOW-INCOME FAMILIES THROUGHOUT MUSKEGON COUNTY; AUTHORIZE THE ASSISTANT COUNTY ADMINISTRATOR TO SIGN THE RELEVANT APPLICATION DOCUMENTS ON BEHALF OF THE COUNTY AND AUTHORIZE THE GRANTS COORDINATOR TO ADVERTISE A PUBLIC COMMENT PERIOD FOR THE CONSOLIDATED PLAN WHEN THE FINAL DRAFT IS READY**

WM17/03-30

The Ways and Means Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Hughes, to support the Treasurer's Office submission of a Lead Hazard Reduction Grant application to the US Department of Housing and Urban Development to provide lead hazard mitigation services to low-income families throughout Muskegon County; authorize the Assistant County Administrator to sign the relevant application documents on behalf of the County and authorize the Grants Coordinator to advertise a public comment period for the Consolidated Plan when the final draft is ready.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

**Motion Carried**

2017-105 **TO APPROVE THE ADDITION OF A NEW POSITION LAND BANK SECRETARY-HOURLY AT A PAY RANGE OF NO-00080 (\$12.652-\$15.805/HR), THAT BRITTANY VANDERLAAN BE APPOINTED TO THIS POSITION AT STEP 1 AND THAT THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY BOARD OF COMMISSIONERS AND THE MUSKEGON COUNTY LAND BANK BE AMENDED TO REFLECT THIS CHANGE AUTHORIZING THE BOARD CHAIR TO SIGN THE AMENDMENT**

WM17/03-31

The Ways and Means Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Hughes, to approve the addition of a new position Land Bank Secretary-Hourly at a pay range of NO-00080 (\$12.652-\$15.805/hr), that Brittany VanderLaan be appointed to this position at step 1 and that the Intergovernmental Agreement between the County Board of Commissioners and the Muskegon County Land Bank be amended to reflect this change authorizing the Board Chair to sign the amendment.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

**Motion Carried**

MOTION DEFEATED:

WM17/03-29

To approve the County of Muskegon to enter into the Third Amendment with The Hinman Company, effective January 1, 2017, upon Corporate Counsel review and approval.

## **CHAIRMAN'S REPORT/COMMITTEE LIAISON REPORTS**

Chairman Cross reminded everyone that the St. Patrick's Day Parade is this Saturday, March 18<sup>th</sup>; Commissioners will be riding the trolley, meeting at 10:30 a.m. with the parade beginning at 11 a.m., Downtown Muskegon (Non-perishable food items being collected) (See link for details: <http://visitmuskegon.org/event/st-patricks-day-parade-2/> )

Chairman Cross announced that Lynn Esparsa, Administrative Secretary to the County Administrator, has accepted a position with DEQ and will work her last day with Muskegon County tomorrow, March 15<sup>th</sup>. Commissioners and audience provided Ms. Esparsa with a standing ovation wishing her well in her new endeavor.

Commissioner Wilkins reported that the SMART Meeting that was held in Muskegon County last week was very successful.

Commissioner Hughes provided an update on the Zephyr refinery.

## **ADMINISTRATOR'S REPORT**

Administrator Eisenbarth noted that a Request for Proposals has been posted for the Hall of Justice Cafeteria/Vending. Those interested may bid on either the Cafeteria Service or the Vending Service or both.

## **OLD BUSINESS**

Commissioner Snider commended Edward L. Garner, President/CEO and Darryl Todd, Business Development Specialist with Muskegon Area First Economic Development who presented at the Work Session regarding Economic Development in Muskegon, on reaching out.

Commissioner Wilkins asked if monetary donations may be made instead of food items for the parade on Saturday. Comments indicated that money is always welcome.

## **NEW BUSINESS**

Chairman Cross provided a timeline for the Freedom of Information Act Denial Appeal of Mr. Eric Grimm:

|               |   |
|---------------|---|
| Jan 4, 2017   | Request for video recording               |
| Jan 8, 2017   | Request denied                            |
| Feb. 17, 2017 | Appeal filed                              |
| Feb. 23, 2017 | Emailed a Copy of Appeal to Commissioners |
| March 6       | Reviewed the email                        |

Discussion ensued regarding FOIA and the Courts. Corporate Counsel noted Judiciary are outside of the scope of FOIA so would be denied even if there were such a recording as requested. However, the video he was requesting does not exist.

2017-106     **UPHOLD THE DENIAL OF THE FOIA REQUEST OF MR. ERIC GRIMM**

Moved by Commissioner Hughes, seconded by Commissioner Nash, to uphold the denial of the FOIA request of Mr. Eric Grimm.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash,  
Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

**Motion Carried**

**PUBLIC COMMENT**

Commissioner Nash stated he likes the new jail because he is hearing a lot of people saying they don't want to stay there and that is a good thing.

Commissioner Nash noted he is hearing great things about our airport.

Commissioner Mahoney reported that the Airport Manager, Jeffrey Tripp, is working to get early morning flights for business people.

Commissioner Wilkins said the Manager at the Airport is doing a great job.

2017-107     **MOVED BY COMMISSIONER NASH, SECONDED BY COMMISSIONER MAHONEY, TO ADJOURN**

Voice vote.

**Motion Carried**

Meeting adjourned at 3:58 p.m.

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Nancy A. Waters, County Clerk

NAW/jmp

Approved at the Full Board Meeting on Tuesday, April 11, 2017