

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

*Terry J. Sabo, Chairman
Marvin Engle
Susie Hughes
Jeff Lohman
Kenneth Mahoney*

*Benjamin E. Cross, Vice Chair
Charles Nash
Robert Scolnik
Rillastine R. Wilkins*

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

Regular Meeting

Tuesday, May 24, 2016
4:00 p.m.

Chairman Sabo, Presiding

The Full Board of Commissioners was called to order by Chairman Sabo.

The invocation was given by Pastor D. W. Tolbert - New Hope Missionary Baptist Church. The Pledge of Allegiance was led by Commissioner Mahoney and recited in unison.

Roll Call

Present: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

Also Present: Mark Eisenbarth, County Administrator;
Nancy A. Waters, County Clerk;
Jeanne Pezet, Administrative Secretary;
Douglas Hughes, Corporate Counsel

2016-191 **APPROVAL OF THE AGENDA**

Moved by Vice Chair Cross, seconded by Commissioner Lohman, to approve the agenda.

Voice vote **Motion Carried**

2016-192 **APPROVE THE REGULAR MEETING MINUTES OF MAY 10, 2016**

Moved by Commissioner Engle, seconded by Commissioner Wilkins, to approve the Regular meeting minutes of May 10, 2016.

Voice vote **Motion Carried**

PUBLIC COMMENT (on an agenda item)

Chairman Sabo asked Pastor Tolbert to speak about their event last week. Pastor Tolbert noted the New Hope Missionary Baptist Church had a fellowship outreach for the Jackson Hill neighborhood with food, games, classic cars, etc. It was counted as a huge success.

COMMUNICATION

The following communication item was provided to Commissioners for informational purposes: Bay County Board of Commissioners: Resolution No. 2016-122 - EPA and Army Corp of Engineers Implementation for Regulation for Defined Waters of the US Under the Clean Water Act.

COMMITTEE/BOARD REPORTS

2016-193 **ADOPT THE LICENSE AGREEMENT WITH B. BASKIN ENTERPRISES, LLC, TO PROVIDE A LICENSE FOR THE USE OF HERITAGE LANDING ON JULY 1 & 2, 2016 FOR A FESTIVAL EVENT, AND AUTHORIZE THE CHAIRPERSON OF THE COUNTY BOARD TO EXECUTE THE AGREEMENT**

CD/SP16/05-11

The Community Development/Strategic Planning Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Lohman, to adopt the License Agreement with B. Baskin Enterprises, LLC, to provide a license for the use of Heritage Landing on July 1 & 2, 2016 for a festival event, and authorize the Chairperson of the County Board to execute the agreement.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

No: None

Motion Carried

2016-194 **AUTHORIZE PUBLIC HEALTH TO REVISE ITS FEE STRUCTURE FOR BODY ART FACILITATION INSPECTION SERVICES TO REFLECT CONTRACTUAL REVENUE RECEIVED FROM MDHHS (MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES) AND INCLUDE ADDITIONAL TYPES OF LICENSES AS PROPOSED ON THE FEE SCHEDULE RETROACTIVE TO JANUARY 1, 2016**

CD/SP16/05-12

The Community Development/Strategic Planning Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Lohman, to authorize Public Health to revise its fee structure for body art facilitation inspection services to reflect contractual revenue received from MDHHS (Michigan Department of Health and Human Services) and include additional types of licenses as proposed on the fee schedule retroactive to January 1, 2016.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

No: Susie Hughes

Motion Carried

2016-195 **AUTHORIZE CREATION OF A TRANSIT PROCUREMENT SPECIALIST POSITION AT SALARY GRADE NO 00250 (\$19.649-\$24.757/HR.) AND AUTHORIZE MATS TO RECRUIT AND FILL THE POSITION**

TR16/05-10

The Transportation Committee recommends, moved by Commissioner Wilkins, seconded by Commissioner Engle, to authorize creation of a Transit Procurement Specialist position at salary grade NO 00250 (\$19.649-\$24.757/hr.) and authorize MATS to recruit and fill the position.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

No: None

Motion Carried

2016-196 **APPROVE THE SECOND AMENDMENT TO THE LEASE BETWEEN THE COUNTY OF MUSKEGON AND EXECUTIVE AIR TRANSPORT, INC., FOR A RENT REDUCTION OF \$7,247.60 FOR THE NEXT FIVE (5) YEARS TO FUND REPAVEMENT OF THE NON-FEDERALLY FUNDED PORTION OF THE AIRPORT APRON PROJECT. THE AREA TO BE REPAVED WILL BE 40 FEET IN FRONT OF THE EXECUTIVE AIR TRANSPORT, INC. HANGARS AT 105, 107, 109, AND 111 SINCLAIR DRIVE, ON THE GROUNDS OF THE MUSKEGON COUNTY AIRPORT**

TR16/05-11

The Transportation Committee recommends, moved by Commissioner Wilkins, seconded by Commissioner Engle, to approve the Second Amendment to the Lease between the County of Muskegon and Executive Air Transport, Inc., for a rent reduction of \$7,247.60 for the next five (5) years to fund repavement of the non-federally funded portion of the Airport Apron Project. The area to be repaved will be 40 feet in front of the Executive Air Transport, Inc. hangars at 105, 107, 109, and 111 Sinclair Drive, on the grounds of the Muskegon County Airport.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

No: None

Motion Carried

2016-197 **POSTPONE VOTE ON TR16/05-12 – “TO AUTHORIZE A LETTER OF SUPPORT TO REPRESENTATIVE HOLLY HUGHES, SUPPORTING HER EFFORTS TO AMEND THE CURRENT PORT AUTHORITY ACT OF 1978.” – UNTIL THE PORT AUTHORITY ACT REVISIONS ARE COMPLETE**

Moved by Vice Chair Cross, seconded by Commissioner Lohman, to postpone vote on TR16/05-12 – “To authorize a letter of support to Representative Holly Hughes, supporting her efforts to amend the current Port Authority Act of 1978.” – until the Port Authority Act revisions are complete.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

No: None

Motion Carried

2016-198 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE OF \$6,472,103.65 COVERING THE PERIOD OF APRIL 22, 2016 THROUGH MAY 5, 2016, AS PRESENTED BY THE COUNTY CLERK**

WM16/05-67

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Lohman, to approve payment of the accounts payable of \$6,472,103.65 covering the period of April 22, 2016 through May 5, 2016, as presented by the County Clerk.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

No: None

Motion Carried

2016-199 **REJECT BIDS RECEIVED FROM RFP #16-2222, AND TO REISSUE RFP FOR COMMERCIAL REAL ESTATE BROKER SERVICES**

WM16/05-68

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Lohman, to reject bids received from RFP #16-2222, and to reissue RFP for Commercial Real Estate Broker Services.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

No: None

Motion Carried

2016-200 **APPROVE APPLICATION TO THE US DEPARTMENT OF EDUCATION PERFORMANCE PARTNERSHIP PILOT PROGRAM FOR \$1,200,000.00 WITH NO MATCH REQUIREMENT**

WM16/05-69

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Lohman, to approve application to the US Department of Education Performance Partnership Pilot program for \$1,200,000.00 with no match requirement.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

No: None

Motion Carried

2016-201 **APPROVE THE GRANT APPLICATION TO MICHIGAN DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT FOR \$80,000 FOR FOOD SYSTEMS ACCESS AND SECURITY ASSESSMENTS FOR MUSKEGON COUNTY**

WM16/05-70

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Lohman, to approve the grant application to Michigan Department of Agriculture and Rural Development for \$80,000 for food systems access and security assessments for Muskegon County.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

No: None

Motion Carried

2016-202 **ADOPT THE ATTACHED RESOLUTION SETTING JUNE 14, 2016 AS THE DATE FOR THE TRUTH IN TAXATION PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING AND RECEIVING TESTIMONY REGARDING THE PROPOSED TENTATIVE LEVY OF 5.6984 MILLS FOR MUSKEGON COUNTY GENERAL OPERATING IN JULY 2016, THE PROPOSED TENTATIVE LEVY OF 0.3221 MILLS FOR LAKESHORE MUSEUM CENTER OPERATING IN DECEMBER 2016, THE PROPOSED TENTATIVE LEVY OF 0.0752 MILLS FOR DEPARTMENT OF VETERANS AFFAIRS OPERATING IN DECEMBER 2016, AND THE PROPOSED TENTATIVE LEVY OF 0.3000 MILLS FOR MUSKEGON COUNTY CENTRAL DISPATCH OPERATING IN DECEMBER 2016**

WM16/05-71

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Lohman, to approve the attached Truth In Taxation public hearing schedule and to adopt the attached resolution setting June 14, 2016 as the date for the Truth In Taxation public hearing for the purpose of discussing and receiving testimony regarding the proposed tentative levy of 5.6984 mills for Muskegon County general operating in July 2016, the proposed tentative levy of 0.3221 mills for Lakeshore Museum Center operating in December 2016, the proposed tentative levy of 0.0752 mills for Department of Veterans Affairs operating in December 2016, and the proposed tentative levy of 0.3000 mills for Muskegon County Central Dispatch operating in December 2016.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

No: None

Motion Carried

2016-203 **APPROVE A RELEASE OF RIGHT OF REVERTER ON THE PROPERTY LOCATED AT 1352 TERRACE STREET CONTAINED IN A WARRANTY DEED DATED AUGUST 31, 1945 AND RECORDED IN LIBER 501, PAGE 447, MUSKEGON COUNTY RECORDS AND AUTHORIZE THE CHAIR TO EXECUTE THE DOCUMENT**

WM16/05-72

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Lohman, to approve a Release of Right of Reverter on the property located at 1352 Terrace Street contained in a warranty deed dated August 31, 1945 and recorded in Liber 501, Page 447, Muskegon County Records and authorize the Chair to execute the document.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

No: None

Motion Carried

2016-204 **AWARD THE CONTRACT FOR THE REPLACEMENT OF THE ROOF AT THE UNION DEPOT (RFB-16-2228) TO MIHM ENTERPRISES, INC., OF 4065 38TH STREET, HAMILTON, MICHIGAN 49419, FOR THEIR LOW RESPONSIBLE BID OF \$189,605 WITH COSTS BEING PAID FROM THE PROCEEDS OF THE 2015 CAPITAL IMPROVEMENT BONDS AND THE EQUIPMENT REVOLVING FUND AND AUTHORIZE THE CHAIR TO EXECUTE THE AGREEMENT**

WM16/05-73

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Lohman, to award the contract for the replacement of the roof at the Union Depot (RFB-16-2228) to Mihm Enterprises, Inc., of 4065 38th Street, Hamilton, Michigan 49419, for their low responsible bid of \$189,605 with costs being paid from the proceeds of the 2015 Capital Improvement Bonds and the Equipment Revolving Fund and authorize the chair to execute the agreement.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

No: None

Motion Carried

2016-205 **AUTHORIZE THE SHERIFF'S OFFICE TO APPLY FOR AND ACCEPT FUNDING FROM THE DEPARTMENT OF JUSTICE BULLET PROOF VEST PARTNERSHIP PROGRAM**

WM16/05-74

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Lohman, to authorize the Sheriff's Office to apply for and accept funding from the Department of Justice Bullet Proof Vest Partnership program.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

No: None

Motion Carried

TABLED AT COMMITTEE PENDING CORPORATE COUNSEL REVIEW/OPINION
WM16/05-75 To discharge the CDBG loan and resulting lien for \$20,025 to Rebecca Passenier for her property at 1468 Frost Street, Muskegon, MI, to allow her to refinance her mortgage.

Commissioner Engle noted that Lisa Chalko, Administrative Coordinator, will be sending Commissioners a draft schedule for the 2016 Muskegon County Youth Fair. The Fair dates are July 25 - 30.

CHAIRMAN'S REPORT/COMMITTEE LIAISON REPORTS

Chairman Sabo noted the following Memorial Day Parades will be taking place in Muskegon County on Monday, May 30th (Memorial Day):

- Downtown Muskegon Parade - 9:00 a.m.
<http://visitmuskegon.org/event/downtown-muskegon-memorial-day-parade/>
- Fruitport Memorial Day Parade - 2:00 p.m.
<http://muskegonlocal.com/fruitport-old-fashioned-days-2016/>
- Lakeside Memorial Day Parade - 10:30 a.m.
<http://lakesidedistrict.com/index.php/event/item/295-lakeside-memorial-day-parade>
- White Lake Memorial Day Parade - 10:30 a.m.
<http://www.whitelake.org/event/memorial-day-parade/>

ADMINISTRATOR'S REPORT

Administrator Eisenbarth noted the upcoming Work Session about (501c3) to be held on June 14th, following Full Board.

Administrator Eisenbarth asked Lindsey Nelson, JTC Program Coordinator, and Eric Stevens, Circuit Court Administrator, to present an update on the recent Juvenile Transition Center (JTC) issue.

Ms. Nelson reported that the two detainees, ages 15 and 16 years old, who scaled and jumped the wall from the exercise area of the JTC yesterday, have not been found. A meeting is scheduled tomorrow with consultants to review security. Commissioners asked about their names and ages being released. Mr. Stevens noted all juvenile records are open to the public. It was also noted that when the juveniles are found, it will be up to the Prosecutor to determine the repercussions. Administrator Eisenbarth noted he will inform Commissioners when the detainees are apprehended.

OLD BUSINESS

There was no old business to come before the Board.

NEW BUSINESS

There was no new business to come before the

PUBLIC COMMENT

Chairman Sabo noted he had received an application for the open business position on the Community Corrections Advisory Board and would recommend appointment of Joel Engle to that position.

2016-206 **APPOINT JOEL ENGLE TO THE COMMUNITY CORRECTIONS ADVISORY BOARD WITH A TERM ENDING 12/31/2019**

The Chairman recommends, moved by Commissioner Engle, seconded by Commissioner Hughes, to appoint Joel Engle to the Community Corrections Advisory Board with a term ending 12/31/2019.

Voice vote

Motion Carried

2016-207 **GO INTO CLOSED SESSION RE: CORPORATE COUNSEL OPINION**

Moved by Commissioner Engle, seconded by Vice Chair Cross, to go into closed session Re: Corporate Counsel Opinion.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins, Terry J. Sabo

No: None

Motion Carried

Went into closed session at 4:27 p.m.

Returned to open session at 4:56 p.m.

2016-208 **MOVED BY COMMISSIONER MAHONEY, SECONDED BY COMMISSIONER HUGHES, TO ADJOURN**

Voice vote

Motion Carried

Meeting adjourned at 4:57 p.m.

Nancy A. Waters, County Clerk

NAW/jmp