

M u s k e g o n C o u n t y

Board of Commissioners

*Kenneth Mahoney, Chairman
Charles Buzzell
Lew Collins
James Derezinski
Marvin Engle
Bill Gill*

*Charles Nash, Vice-Chairman
Louis A. McMurray
Robert Scolnik
I. John Snider II
Roger C. Wade*

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

Full Board Meeting

October 27, 2009

3:30 P.M.

Chairman Mahoney, Presiding

The Regular Meeting of the Board of Commissioners was called to order by Chairman Mahoney. The invocation was given by Chairman Mahoney followed by the pledge of Allegiance recited in unison.

Roll Call

Present: Buzzell, Collins, Derezinski, Engle, Gill, Mahoney, McMurray, Nash, Wade

Absent: Scolnik

Excused: Snider

Also Present: County Administrator Bonnie B. Hammersley, Corporate Counsel Ted Williams, County Clerk Nancy A. Waters, Deputy County Clerk Marcia L. Wilkes, Secretary to the County Clerk Jeanne Pezet

2009-588 **APPROVE AGENDA**

Moved by Derezinski, seconded by Engle, to approve the Agenda adding the addendum and approve Minutes of Full Board of October 13, 2009, correcting motion regarding Honeywell motion 2009-581, should have been \$7.4 million not \$7.9 million.

Motion Carried

2009-589 **PRESENTATION- TRIBUTE TO DAN BONNER**

Chairman Mahoney presented a tribute to Dan Bonner, Managing Attorney, Legal Aid of Western Michigan, in recognition of the Michael Frank Award from the Michigan State Bar for providing high quality legal services to people who cannot otherwise afford representation.

2009-590 **PRESENTATION - FOLLOW-UP INFORMATION REGARDING GRANT INFORMATION QUESTIONS**

Deborah Groeneveld presented follow-up information regarding Grant Information questions from the Ways and Means Committee. Ms. Groeneveld noted MSHDA funds had been used for Land Bank homes which were not eligible for reimbursement. However, with the questioned amendment, Muskegon County would be allowed to extend the grant to keep the money and use it for additional rehabilitation work.

A second motion #166, Strengthening Communities Project Grant, which Muskegon County received one of ten grants awarded from the Federal Department of Health and Human Services. Muskegon County has been granted \$250,000 to be used over two years which can be given out in \$5,000 mini-grants to Townships, faith-based organizations or non-profits. These groups can get training to help with writing grants, with financial statements, translation services and strategic planning for their organization. By receiving this grant, Muskegon County will be eligible for additional grant funding for different projects to help people in the community.

2009-591 **COMMUNICATIONS**

Moved by Engle, seconded by Derezinski, to receive and place on file the following Communications:

- A. Barry County Resolution - Request Michigan Legislature to Adopt State-Wide Ban on Use of Residential Fertilizers Containing Phosphorus
- B. Oceana County Resolution - In Support of Oceana County Sheriff's Opposition to Current LEIN Funding Formula
- C. VanBuren County Resolution - Support of Immediate Funding for *Pure Michigan* Program

2009-592 **SUSPEND THE RULES TO ALLOW THE SHERIFF TO ADDRESS THE BOARD**

Moved by Gill, seconded by Nash, to suspend the rules to allow the Sheriff to address the Board regarding Oceana County's resolution regarding LEIN funding formula.

Motion Carried

Sheriff Roesler stated the resolution from Oceana County was well written and he would encourage Muskegon County to adopt it and take a similar stance in putting our monies aside in a fund until our questions are answered.

Vincent Michael Port addressed the Board from a Community Corrections view, emphasizing the importance of the LEIN system for the protection of the community.

Voice vote on 2009-591 COMMUNICATIONS

Motion Carried

2009-593 **DEVELOP A RESOLUTION IN SUPPORT OF MUSKEGON COUNTY SHERIFF'S OPPOSITION TO CURRENT LEIN FUNDING FORMULA**

Moved by Nash, seconded by Wade, to develop a resolution in support of Muskegon County Sheriff's opposition to current LEIN funding formula to be returned to the Board for approval.

Roll Call

Ayes: Collins, Derezinski, Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-594 **APPROVE MDOT PROJECT AUTHORIZATION 2007-0264\Z15 WITH THE MUSKEGON AREA TRANSIT SYSTEM PROVIDING FY2010 STATE SPECIALIZED SERVICES OPERATING ASSISTANCE**

TR09/10-50

The Transportation Committee recommends, moved by Gill, seconded by Collins, to approve MDOT Project Authorization 2007-0264\Z15 with the Muskegon Area Transit System providing FY2010 state specialized services operating assistance in the amount of \$65,499, and the third party contracts with Pioneer Resources, American Red Cross, and Goodwill Industries, and to authorize the Chairperson to execute the contracts.

Roll Call

Ayes: Derezinski, Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-595 **ACCEPT THE TERMS AND CONDITIONS FOR ON-SITE BUS SERVICE
AT MEIJER STORE #19**

TR09/10-51

The Transportation Committee recommends, moved by Gill, seconded by Collins, to accept the terms and conditions for on-site bus service at Meijer Store #19 and to authorize the Chair to execute the agreement.

Roll Call

Ayes: Derezinski, Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-596 **AUTHORIZE THE CHAIRPERSON TO SIGN AGREEMENTS WITH THE
CITY OF MUSKEGON HEIGHTS TO LOCATE THE MUSKEGON
TROLLEY COMPANY OFFICE FUNCTIONS AT THE CITY OF
MUSKEGON HEIGHTS CITY HALL BUILDING**

TR09/10-52

The Transportation Committee recommends, moved by Gill, seconded by Collins, to authorize the Chairperson to sign agreements with the City of Muskegon Heights to locate the Muskegon Trolley Company office functions at the City of Muskegon Heights City Hall building at the rate of \$3,120.00 per year.

Roll Call

Ayes: Derezinski, Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-597 **APPROVE A RATES AND CHARGES IMPACT STUDY PROPOSAL
BETWEEN THE COUNTY AND SIXEL CONSULTING**

TR09/10-53

The Transportation Committee recommends, moved by Gill, seconded by Collins, to approve a Rates and Charges Impact Study Proposal between the County and Sixel Consulting, in the amount of \$5,000, with the County's share to be \$500, contingent upon grant funding, for consultant services related to analyzing current Airport rates and charges and compare them to similar sized airports in the Midwest, provide an estimate of the impact of any recommended rate increases/decreases on tenancy and passenger traffic, and provide an optimal rate structure to maximize revenue while producing minimal impact on tenant loss.

Roll Call

Ayes: Derezinski, Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-598 **APPROVE AN ESSENTIAL AIR SERVICE (EAS) DEVELOPMENT
AGREEMENT BETWEEN THE AIRPORT AND SIXEL CONSULTING, INC.**

TR09/10-54

The Transportation Committee recommends, moved by Gill, seconded by Collins, to approve an Essential Air Service (EAS) Development Agreement between the Airport and Sixel Consulting, Inc., in the amount of \$28,500, with the County's share to be \$2,850, contingent upon grant funding.

Roll Call

Ayes: Derezinski, Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-599 **APPROVE THE TRANSPORTATION PLAN AND \$1,400 COST FOR THE VETERAN'S DAY EVENT TO BE HELD ON NOVEMBER 8, 2009**

TR09/10-55

The Transportation Committee recommends, moved by Gill, seconded by Collins, to approve the transportation plan and \$1,400 cost for the Veteran's Day event to be held on November 8, 2009.

Roll Call

Ayes: Derezinski, Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-600 **OFFER A RESOLUTION TO HONOR THE AIRPORT WORKERS FOR THEIR FIFTH CONSECUTIVE YEAR OF "NO DISCREPANCIES" DURING THEIR ANNUAL CERTIFICATION INSPECTION**

TR09/10-56

The Transportation Committee recommends, moved by Gill, seconded by Collins, to offer a resolution to honor the Airport workers for their fifth consecutive year of "no discrepancies" during their annual certification inspection.

Roll Call

Ayes: Derezinski, Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

Commissioner Gill noted the following motion was Tabled at committee

TR09/10-57

Move that the Board offer a resolution to commend the 14th Circuit Court and staff and the County Clerk and staff for the efforts they have made to work together in a recognition that comes from the State of Michigan Supreme Court commending their work of protecting our statutes and records provided by our state laws and rules. **Tabled until everyone has a chance to read the report.**

2009-601 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE OF \$18,184,933.49
COVERING THE PERIOD OF SEPTEMBER 26, 2009 THROUGH
OCTOBER 13, 2009**

WM09/10 - 159

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to approve payment of the accounts payable of \$18,184,933.49 covering the period of September 26, 2009 through October 13, 2009, as presented by the County Clerk.

Roll Call

Ayes: Engle, Mahoney, McMurray, Wade, Buzzell, Collins, Dereziński

Absent: Scolnik

Excused: Snider

Nays: Gill, Nash

Motion Carried

2009-602 **APPROVE THE FINANCIAL POLICIES OF MUSKEGON COUNTY AS
PRESENTED BY FINANCE AND MANAGEMENT SERVICES STAFF**

WM09/10 - 160

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to approve the Financial Policies of Muskegon County as presented by Finance and Management Services staff and authorize that they be included as part of the FY2010 Budget document.

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Wade, Buzzell, Collins, Dereziński

Absent: Scolnik

Excused: Snider

Abstain: Nash

Nays: None

Motion Carried

Commissioner Nash explained that he abstained because he has not had a chance to thoroughly review the policy.

2009-603 **APPROVE THE ALLOCATION OF \$7,400,000 OF MUSKEGON COUNTY'S TOTAL RECOVERY ZONE BOND ALLOCATION OF \$13,890,000 TO THE COUNTY OF MUSKEGON TO BE USED ON THE HONEYWELL ENERGY PROJECT IMPROVEMENTS**

WM09/10 - 161

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to approve the allocation of \$7,400,000 of Muskegon County's total Recovery Zone bond allocation of \$13,890,000 to the County of Muskegon to be used on the Honeywell energy project improvements.

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins, Derezinski

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-604 **APPROVE THE COUNTY CLERK'S OFFICE-VITAL RECORDS OFFICE AND CIRCUIT COURT RECORDS OFFICE TO NOTARIZE DOCUMENTS FOR THE PUBLIC FOR A FEE OF \$10 PER DOCUMENT**

WM09/10-162

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to approve the County Clerk's Office-Vital Records Office and Circuit Court Records Office to notarize documents for the public for a fee of \$10 per document. Documents filed with the County Clerk (Vitals Office and Circuit Court Records Office) are exempt from this fee. Notarization of those documents is part of daily business transactions. The revenue collected from the fee will be placed into a technology fund for the County Clerk's Office.

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins, Derezinski

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-605 **ADOPT THE 2009 APPORTIONMENT REPORT AS PREPARED AND
SUBMITTED BY THE MUSKEGON COUNTY EQUALIZATION
DEPARTMENT**

WM09/10-163

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to adopt the 2009 Apportionment Report as prepared and submitted by the Muskegon County Equalization Department.

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Wade, Buzzell, Collins, Derezinski

Absent: Scolnik

Excused: Snider

Nays: Nash

Motion Carried

2009-606 **APPROVE BOARD ORDINANCE TO ISSUE UP TO \$3,000,000 IN
REVENUE BONDS THROUGH THE MICHIGAN MUNICIPAL BOND
AUTHORITY OF THE MUSKEGON COUNTY WASTEWATER
MANAGEMENT SYSTEM FOR THE PURPOSE OF REBUILDING
SULLIVAN AND LAKETON STATIONS**

WM09/10-164

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to approve Board Ordinance to issue up to \$3,000,000 in revenue bonds through the Michigan Municipal Bond Authority of the Muskegon County Wastewater Management System for the purpose of rebuilding Sullivan and Laketon stations. This bond ordinance must be published in its entirety in the Muskegon Chronicle. Further, authorize the County Clerk to sign the document.

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins, Derezinski

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-607 **ACCEPT THE AMENDMENT TO GRANT #MSC - 2008-0787-HOA
COMMUNITY DEVELOPMENT BLOCK GRANT**

WM09/10-165

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to accept the amendment to Grant #MSC - 2008-0787-HOA Community Development Block Grant to ensure that all of the dollars allocated to Muskegon County are expended and to accept the current definition of emergency repairs by MSHDA.

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins, Derezinski

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-608 **ACCEPT THE GRANT AWARD OF \$250,000 FOR TWO YEARS OR
\$125,000 PER YEAR FROM THE DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

WM09/10-166

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to accept the grant award of \$250,000 for two years or \$125,000 per year from the Department of Health and Human Services for the Strengthening Communities and Government Capacity Building program.

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins, Derezinski

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-609 **AUTHORIZE THE CHAIRMAN OF THE BOARD TO SIGN ON BEHALF OF MUSKEGON COUNTY THAT THE APPLICATION BY COMMUNITY MENTAL HEALTH SERVICES OF MUSKEGON COUNTY AND WEST MICHIGAN THERAPY**

WM09/10-167

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to authorize the Chairman of the Board to sign on behalf of Muskegon County that the application by Community Mental Health Services of Muskegon County and West Michigan Therapy for funding under the Supportive Housing Program, CFDA 14.235 are consistent with Muskegon County's Consolidated Plan.

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins, Derezinski

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-610 **AUTHORIZE PUBLIC HEALTH TO ACCEPT THE FY2010 COMPREHENSIVE, PLANNING, BUDGET AND CONTRACTING AGREEMENT AND AMENDMENT #1 TO THE FY2010 CPBC AGREEMENT**

WM09/10-168

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to authorize Public Health to accept the FY2010 Comprehensive, Planning, Budget and Contracting agreement and Amendment #1 to the FY2010 CPBC agreement for \$3,292,513.00 from the Michigan Department of Community Health, with no changes to the Public Health General Fund allocation. Further authorize the Board Chair to sign the associated agreement.

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins, Derezinski

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-611 **AUTHORIZE STAFF TO PURCHASE AND HAVE INSTALLED, ONE BOSS
SNOWPLOW AND 2 CYD POLY ELECTRIC SALT BOX/SPREADER**

WM09/10 - 169

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to authorize staff to purchase and have installed, from Monroe Truck and Accessories, one Boss snowplow and 2 cyd poly electric salt box/spreader for a total cost of \$9,265 for Facilities Management truck to be used for snow removal activities with costs to be paid from fund 1010-0265.

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins, Derezinski

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

CHAIRMAN'S REPORT/COMMITTEE LIAISON REPORTS

2009-612 **PREPARE A RESOLUTION OF SUPPORT OF MSU EXTENSION**

The Chairman recommends, moved by Gill, seconded by Engle, to prepare a resolution of support of MSU Extension and what they do for Muskegon County.

Motion Carried

2009-613 **PREPARE A RESOLUTION FOR MONTAGUE EARLY ELEMENTARY FOR
BEING AWARDED THE GOLD AWARD**

The Chairman recommends, moved by Gill, seconded by Nash, to prepare a resolution for Montague Early Elementary for being awarded the Gold Award.

Motion Carried

Commissioner Wade reported they have had sales with the Land Bank so things are looking up.

Chairman Mahoney noted the MAC Legislative Update of October 9, 2009 is included in the agenda packet.

ADMINISTRATOR'S REPORT

2009-614 **AUTHORIZE DISTRICT COURT TO TERMINATE CONTRACT WITH JAMES MAREK AND APPROVE CONTRACT WITH MARY FARRELL FOR PUBLIC DEFENDER SERVICES**

The Administrator recommends, moved by Derezinski, seconded by Nash, that the Board authorize the District Court to terminate the public defender contract with James Marek and approve a contract with Mary Farrell, through its Chief Judge and Honorable Andrew Wierengo III for the remainder of the \$45,000 board approved contract through September 30, 2010 and authorize Board Chair to sign said contract.

Roll Call

Ayes: Gill, Mahoney, McMurray, Nash, Wade, Buzzell, Collins, Derezinski, Engle

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

2009-615 **APPROVE THE MOVING AND FURNITURE SUPPLY BIDS (RFB-09-1679) TO LAKESHORE OFFICE FURNITURE**

The Administrator recommends, moved by Collins, seconded by Engle, to approve the moving and furniture supply bids (RFB-09-1679) to Lakeshore Office Furniture for their combined low bid of \$20,558.00 with costs being paid from the Hall of Justice Renovation fund, 4130-4131.

Roll Call

Ayes: McMurray, Nash, Wade, Buzzell, Collins, Derezinski, Engle, Gill, Mahoney

Absent: Scolnik

Excused: Snider

Nays: None

Motion Carried

Old Business

Commissioner Derezinski inquired about Personnel Hearings. It was noted one had been postponed and the second was requested to be postponed so they will likely be rescheduled on the same date.

Commissioner Nash reminded Commissioners of the SMART meeting on November 4, 2009, to be held at the newly renovated Halmond Center. Thanked Mary Villanueva and Administrator Hammersley for their help in the arrangements for this meeting.

Commissioner Nash thanked Public Works and Wastewater staff in answering his questions.

New Business

2009-616 **USE COMMISSIONER'S FLOWER FUND TO SEND FLOWERS TO
BISHOP BURRELL'S FAMILY ON BEHALF OF THE COMMISSION**

Moved by Nash, seconded by Gill, to use Commissioner's flower funds to send flowers to Bishop Burrell's family on behalf of the Commission.

Discussion ensued.

Commissioner Derezinski Called for the vote.

Discussion continued.

2009-617 **TABLE THIS MOTION PENDING REVIEW OF FLOWER FUND RULES**

Moved by Buzzell, seconded by Engle, to table this motion pending review of flower fund rules.

Roll Call

Ayes: Buzzell, Derezinski, Engle

Absent: Scolnik

Excused: Snider

Nays: Nash, Wade, Collins, Gill, Mahoney, McMurray

Motion Failed

Roll call on motion 2009-616 USE COMMISSIONER'S FLOWER FUND . . .

Ayes: Gill, Mahoney, McMurray, Nash, Collins, Derezinski

Absent: Scolnik

Excused: Snider

Nays: Engle, Wade, Buzzell

Motion Carried

Commissioner Derezinski apologized for being out of order and asked for a review of the Flower Fund from the time he was Chair to the present. Mary Villanueva noted she will be presenting an annual report regarding the Flower Fund.

Public Participation

Don Studaven, Blue Lake Township Supervisor, expressed his disappointment in the way the previous motion was addressed by the County Commissioners.

Student, Katelyn Squires, was in attendance from Way Point Academy.

Sonia Hernandez, Schools to Careers in Transitions Coordinator at Way Point Academy, thanked County Clerk, Nancy A. Waters, and Elections Coordinator, Kimberly Grimm, for allowing Katelyn to spend the day with Clerk staff and noted this meeting was very interesting.

Sean Holder and Brian Fortune were in attendance from Mr. Nash's Political Science class.

Chairman Mahoney recognized Township Supervisors in attendance, Chris Hall, Don Studaven and Mike Thompson

Commissioner McMurray noted, even though they may have voted "no", many Commissioners contributed for Bishop Burrell's fund.

2009-618 **ADJOURN**

Moved by Engle, seconded by Nash, to adjourn.

Motion Carried

Meeting adjourned at 4:35 p.m.

Nancy A. Waters, County Clerk

NAW/jmp