

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, December 8, 2015
4:00 p.m.

Chairman Sabo, Presiding

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

The invocation was given by Muskegon Correction Facility Institutional Chaplain Carl Burgess. The Pledge of Allegiance was led by Commissioner Hughes and recited in unison.

Roll Call

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

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

2015-480 **APPROVAL OF THE AGENDA**

Moved by Commissioner Cross, seconded by Commissioner Hughes, to approve the agenda removing Human Services Committee Items 32,33,34, and 35.

Voice vote

Motion Carried

2015-481 **APPROVE THE REGULAR AND CLOSED SESSION MEETING MINUTES OF NOVEMBER 24, 2015**

Moved by Commissioner Engle, seconded by Commissioner Lohman, to approve the Regular and Closed Session meeting minutes of November 24, 2015.

Voice vote

Motion Carried

PUBLIC COMMENT (on an agenda item)

Laura Fitzpatrick, of Mercy Health - Health Project and Coalition for a Drug free Muskegon, thanked the Board for their bravery and leadership in passing the Tobacco Ordinance.

COMMUNICATIONS

There were no communication items to come before the Board.

COMMITTEE/BOARD REPORTS

2015-482 **ACCEPT AND SIGN THE FY15 BYRNE JAG-WEMET GRANT (MSP #JAG 70834 WEMET-16) IN THE AMOUNT OF \$12,250.00; AND AMEND THE BUDGET ACCORDINGLY**

CPS15/12-54

The Courts and Public Safety Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Wilkins, to accept and sign the FY15 Byrne JAG-WEMET grant (MSP #JAG 70834 WEMET-16) in the amount of \$12,250.00; and amend the budget accordingly.

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

2015-483 **APPROVE THE SHERIFF'S OFFICE ACCEPTING 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 TO HAVE THE BOARD CHAIR SIGN THIS AGREEMENT**

CPS15/12-55

The Courts and Public Safety Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Wilkins, to approve the Sheriff's Office accepting 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 to have the Board Chair sign this 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

2015-484 **AUTHORIZE BOARD CHAIR TO SIGN THE AGREEMENT WITH THE WEST MICHIGAN HAZARDOUS MATERIALS ASSOCIATION EFFECTIVE FROM OCTOBER 1, 2015 TO SEPTEMBER 30, 2017**

CPS15/12-56

The Courts and Public Safety Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Wilkins, to authorize Board Chair to sign the agreement with the West Michigan Hazardous Materials Association effective from October 1, 2015 to September 30, 2017.

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

2015-485 **ACCEPT THE MICHIGAN ARMY NATIONAL GUARD CERTIFICATE OF APPRECIATION (NORTHERN EXPOSURE EXERCISE JUNE 2015)**

CPS15/12-57

The Courts and Public Safety Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Wilkins, to accept the Michigan Army National Guard Certificate of Appreciation (Northern Exposure Exercise June 2015).

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

2015-486 **APPROVE HEALTHWEST BOARD'S REQUEST FOR AN EXCEPTION TO THE COUNTY OF MUSKEGON FINANCIAL POLICY NO. 2010-536, INCLUDING THE BUDGETARY APPROVAL POLICY AND THE POSITION CONTROL POLICY IN ORDER FOR HEALTHWEST ADMINISTRATION TO BE ABLE TO ADD NEW CLASSIFICATIONS OF WORK, RECLASSIFY AND CHANGE THE TITLE OF POSITIONS (EXCLUDING UNION POSITIONS) AND TO MOVE POSITIONS FROM ONE ORGANIZATION TO ANOTHER WITHOUT OBTAINING THE APPROVAL OF THE MUSKEGON COUNTY BOARD OF COMMISSIONERS; THE CHANGES WILL HAVE NO IMPACT ON THE COUNTY GENERAL FUND, NOR IMPACT THE COUNTY IN ANY OTHER WAY**

HS15/12-36

The Human Services Committee recommends, moved by Commissioner Hughes, seconded by Commissioner Lohman, to approve HealthWest Board's request for an exception to the County of Muskegon Financial Policy No. 2010-536, including the Budgetary Approval Policy and the Position Control Policy in order for HealthWest Administration to be able to add new classifications of work, reclassify and change the title of positions (excluding union positions) and to move positions from one organization to another without obtaining the approval of the Muskegon County Board of Commissioners; the changes will have no impact on the County General Fund, nor impact the County in any other way.

Commissioner Nash expressed concern with loosening the reigns with this motion and the precedent it creates that may come back to haunt us.

Chairman Sabo asked Julia Rupp, Director of HealthWest, to explain this change.

Julia Rupp, Director of HealthWest, noted this change will 1. excludes union positions and 2. anything that impacts the budget would still come back to the Board. All changes will also be reviewed and approved by Human Resources and Administration.

Administrator Eisenbarth noted this is a trial. He further noted HealthWest has their own Board as does Brookhaven where other departments do not. Administrator Eisenbarth stated he will work to keep the Board informed about HealthWest. Commissioner Hughes noted, as a liaison on the HealthWest Board, she will also work to keep the rest of the Board as informed as she can.

Chairman Sabo stated he felt better about approving this motion with the additional information.

Roll Call:

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

No: Charles Nash

Motion Carried

2015-487 **APPROVE AND ADOPT COUNTY ORDINANCE ENTITLED POSSESSION OF TOBACCO PRODUCTS BY MINORS PROHIBITING THE SALE AND POSSESSION OF TOBACCO PRODUCTS, INCLUDING ALL VAPOR PRODUCTS, TO AND/OR BY MINORS AND THE SELLING OR FURNISHING OF TOBACCO PRODUCTS TO A MINOR**

HS15/12-37

The Human Services Committee recommends, moved by Commissioner Hughes, seconded by Commissioner Lohman, to approve and adopt County ordinance entitled Possession of Tobacco Products by Minors prohibiting the sale and possession of tobacco products, including all vapor products, to and/or by minors and the selling or furnishing of tobacco products to a minor.

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

2015-488 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE OF \$10,879,503.00 COVERING THE PERIOD OF NOVEMBER 7, 2015 THROUGH NOVEMBER 20, 2015, AS PRESENTED BY THE COUNTY CLERK**

WM15/12-168

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Cross, to approve payment of the accounts payable of \$10,879,503.00 covering the period of November 7, 2015 through November 20, 2015, 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

2015-489 **SUPPORT THE RESOLUTION TO ACCEPT THE DNR LAND AND WATER CONSERVATION FUND GRANT AGREEMENT FOR IMPROVEMENTS TO DEREMO ACCESS SITE; TOTAL GRANT BEING \$60,000 - \$30,000 GRANT AWARD AND \$30,000 BUDGETED MATCH (\$15,000 MONETARY AND \$15,000 IN-KIND CONSTRUCTION AND ENGINEERING)**

WM15/12-169

The Ways and Means Committee recommends, moved by Commissioner Nash, seconded by Commissioner Cross, to support the Resolution to accept the DNR Land and Water Conservation Fund grant agreement for improvements to Deremo Access Site; total grant being \$60,000 - \$30,000 grant award and \$30,000 budgeted match (\$15,000 monetary and \$15,000 in-kind construction and engineering).

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

CHAIRMAN'S REPORT/COMMITTEE LIAISON REPORTS

Chairman Sabo reminded everyone that the Toys for Tots Challenge continues through this Friday, December 11th. Anyone wishing to make a donation may do so in the Administrator's office.

Chairman Sabo asked anyone with recommendations for future Work Session topics to please let Administration know. Commissioner Mahoney suggested investigating revenue enhancing programs.

Chairman Sabo announced that there will be an open house for Muskegon Heights Police Department Chief Lynn Gill, Retirement Thursday, December 17th - 2 to 4 p.m., at Muskegon Heights City Hall

2015-490 **PREPARE A RESOLUTION IN RECOGNITION OF POLICE DEPARTMENT CHIEF LYNN GILL'S 25 YEARS OF SERVICE**

Moved by Commissioner Wilkins, seconded by Commissioner Nash, to prepare a Resolution in recognition of Police Department Chief Lynn Gill's 12 years of service.

Voice vote

Motion Carried

Commissioners wished everyone happy holidays.

ADMINISTRATOR'S REPORT

2015-491 **APPROVE THE AGREEMENT FOR LEGAL SERVICES OF INDEPENDENT CONTRACTOR BETWEEN THE COUNTY OF MUSKEGON AND WILLIAMS HUGHES, PLLC FOR THE PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2018**

The Administrator recommends, moved by Commissioner Cross, seconded by Commissioner Lohman, to approve the agreement for legal services of independent contractor between the County of Muskegon and Williams Hughes, PLLC for the period of January 1, 2016 through December 31, 2018.

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

Administrator Eisenbarth, in an effort to recognize and give a shout out to members of the Muskegon County team, Connie Maxim-Sparrow and Jonathan Wilson were chosen to attend the NACo Coal Innovation Challenge Workshop, to get some ideas about what to do with ports that are closing due to coal and came back with some great ideas.

Commissioner Hughes suggested this be a future Work Session.

OLD BUSINESS

Commissioner Engle noted recycling has been a big topic lately and that recycling also includes finding new uses for old items, and suggested using plastic grocery bags for trash can liners so when they are disposed of in a landfill, they are filled and the wind does not blow them away.

Commissioner Lohman noted there is another meeting tomorrow regarding a comprehensive recycling program county-wide. Commissioner Lohman also asked about the item that was pulled aside regarding grants for festivals

Administrator Eisenbarth noted he is working with Bob Lukens, Community Development Director, on the grants for festivals will return to the Board in the coming weeks.

Commissioner Nash suggested getting the word out about the Tobacco Ordinance which was passed so the Community is aware. Administrator Eisenbarth agreed to prepare a press release about the Tobacco Ordinance. Corporate Counsel Hughes noted both the City of Norton Shores and Muskegon Charter Township have passed similar resolutions.

Commissioner Hughes suggested a resolution of support for any municipalities that pass a similar ordinance.

2015-492 **SEND THE MUSKEGON COUNTY TOBACCO ORDINANCE TO ALL COUNTY MUNICIPALITIES AND ALL 82 MICHIGAN COUNTIES**

Moved by Commissioner Hughes, seconded by Commissioner Mahoney, to send the Tobacco Ordinance to all County Municipalities and all 82 Michigan Counties.

Commissioner Engle inquired about enforcement. Administrator Eisenbarth noted the goal is to begin with education.

Voice vote

Motion Carried

NEW BUSINESS

Commissioner Nash expressed concern about the issue of sharing prescription medications that many people may not realize that this is a felony for both the person providing and the person receiving the medication. Granted, there are some that do this intentionally but people need to be informed that this is a serious issue and could ruin their lives.

PUBLIC COMMENT

Rich Houtteman, Public Affairs Manager for the Lakeshore for Consumers Energy, introduced himself. Noted there will be a public open house for the Cobb project coming in January 2016 and they will be leaving it better than they found it. Mr. Houtteman also brought information for seniors and payment assistance.

Commissioner Scolnik asked if all infrastructure will remain at the Cobb site. Mr. Houtteman noted only the infrastructure that makes sense will remain.

Demario Phillips introduced himself as a candidate for County Commissioner District 1.

Laura Fitzpatrick, Public Health Advisory Board, agreed that the prescription drug issue is important and they will assist to get the word out. One way is the Medication Disposal program which has received tremendous support from County staff and leadership.

2015-493 **MOVED BY COMMISSIONER WILKINS, SECONDED BY COMMISSIONER NASH, TO ADJOURN**

Voice vote

Motion Carried

Meeting adjourned at 4:35 p.m.

Nancy A. Waters, County Clerk

NAW/jmp

Preliminary Minutes
To be approved at the Full Board Meeting on Tuesday, December 22, 2015