

MUSKEGON COUNTY BOARD OF COMMISSIONERS FULL BOARD

via Zoom and in-person at: Michael E. Kobza Hall of Justice, 990 Terrace Street, Muskegon, MI 49442

July 27, 2021 - 4:00 p.m.

AGENDA



Robert Scolnik, Chairman
Charles Nash, Vice-Chairman

Connect to Zoom from your computer, tablet or smartphone at:

<https://zoom.us/j/96729681389?pwd=eEJlZmg4YXNSM253NWkxM0QvdmZUdz09>

Phone: (312) 626-6799

Meeting ID: 967 2968 1389

Passcode: 743031

Cell phones may mute & unmute by dialing *6
Raise and lower hand to speak by dialing *9

To raise your digital hand from your PC or
MAC, at the bottom of the window on the right
side of the screen, click the button labeled
"Raise Hand"

View the meeting on Facebook at:

<https://www.facebook.com/MuskegonCountyMI>

- 1) Call to Order
- 2) Invocation: Commissioner Kim Cyr
- 3) Pledge of Allegiance
- 4) Roll Call
- 5) Approval of Agenda
- 6) Approval of the Special Full Board meeting Minutes of July 15, 2021
- 7) Public Comment (on an agenda item)
- 8) Presentation: Dr. Joyce deJong, Muskegon County Medical Examiner
- 9) Committee/Board Reports
 - A) Community Development & Strategic Planning
 - B) Ways & Means
- 10) Chairman's Report/Committee Liaison Reports
- 11) Administrator's Report
 - To enter into the Termination Agreement between the County of Muskegon and Executive Air Transport, Inc, effective July 31, 2021, at 11:59 p.m., and authorize the Board Chair to sign the agreement.
- 12) Unfinished Business

Public Comment

Persons may address the Commission during the time set aside for Public Comment or at any time by suspension of the rules. All persons must address the commission and state their name for the record. Comments shall be limited to **two (2) minutes** for each participant, unless time is extended prior to the public comment period by a vote of a majority of the commission.

- 13) New Business
- 14) Public Comment
- 15) Final Board Comments
- 16) Closed Session pursuant to MCL 15.268(c) For strategic and negotiation sessions connected with the negotiations of a collective bargaining agreement if either party requests a closed hearing.
- 17) Adjourn to the call of the Chair

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE MUSKEGON COUNTY BOARD OF COMMISSIONERS AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The County of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting upon 24-hours' notice to the County of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the County of Muskegon by writing or calling: Administration, 990 Terrace Street, Muskegon, MI 49442 (231) 724-6520

*The Community Development/Strategic Planning Committee Summary Sheet
Vice-Chairman Susie Hughes*

The Community Development/Strategic Planning Committee met on July 20, 2021, it was recommended and I move:

- CDSP21/07 - 17 To approve the sale of Lot 15 in the County's Business Park North for \$5,000 per acre to D & J Sewer Cleaning, and authorize the Chair to sign the purchase agreement contingent on Corporate Counsel approval, and further authorize the Public Works Director to sign the Notice of Probable Sale to EPA and EGLE and the closing documents.
- CDSP21/07 - 18 To authorize staff to contract with Lisa Vela of Five Star Real Estate to sell proposed lots 25 and 26 of Business Park North contingent on corporate counsels' approval of the contract and further authorize the Chair to sign the agreement.
- CDSP21/07 – 19 To present a Proclamation in recognition of Holton's 150th Anniversary Celebration.

*Ways & Means Summary Sheet
Chairman Kim Cyr*

The Ways & Means Committee met on July 20, 2021. It was recommended and I move:

- WM21/07 - 74 To approve payment of the accounts payable of \$3,313,058.68 covering the period of June 23, 2021 through July 8, 2021 for checks as presented by the County Clerk.
- WM21/07 - 75 To approve the Wolf Lake Resolution, authorizing the preliminary lake level study and further authorizing Corporate Counsel and the Water Resources Commissioner to cause a preliminary lake study and take the matter to Muskegon County Circuit Court to formalize the established lake level of Wolf Lake pursuant to MCL 324.30704 contingent upon the Water Resources Commissioner signing the agreement.
- WM21/07 – 76 To have all Committee and Board Meetings start at 3:00 p.m.

Muskegon County Full Board

Request for Board Approval

Requestor: Mark Eisenbarth

Full Board Date: 2021-07-27

Requesting Department: Administration

Budget:



Agenda Number:

Suggested Motion: *(State the following exactly as it should appear in the minutes.)*

Move to enter into the Termination Agreement between the County of Muskegon and Executive Air Transport, Inc., effective July 31, 2021, at 11:59 p.m., and authorize the Board Chair to sign the agreement.

Summary of Request: *(General description of financing, other operational impact, possible alternatives.)*

At a special full board meeting held on July 15, 2021, the Board of Commissioners authorized the Agreement for Lease of Premises and Providing of Fixed Base Operator Services for the Muskegon County Airport. To complete the execution of this agreement, it is necessary to enter into a Termination Agreement (see attached) with Executive Air Transport terminating the ground lease and FBO agreement. The Termination Agreement will take effect at 11:59 p.m. on July 31, 2021.

<p>Kristen Wade, HR Director Analysis Required? No</p>	<p>Beth Dick, Finance Director/Management Analysis:</p> <p><input checked="" type="checkbox"/> </p>
<p>Michael Homier, Corporate Counsel Analysis Required? Yes <i>Michael Homier</i></p>	<p>Mark Eisenbarth, County Administrator Recommendation:</p> <p><input checked="" type="checkbox"/> </p>

TERMINATION AGREEMENT

Muskegon County, a Michigan municipal corporation, of 990 Terrace Street, Muskegon, Michigan 49442 (“County”) and Executive Air Transport, Inc., a Michigan corporation, of 103 Sinclair Drive, Muskegon, Michigan 49441 (“Executive Air”), agree as follows:

1. County and Executive Air are parties to a certain Ground Lease Agreement (the “Lease”) dated April 1, 2015 pertaining to premises at 103 Sinclair Drive and 107 Sinclair Drive. County and Executive Air agree that the Lease shall terminate effective at 11:59 p.m. on July 31, 2021. Executive Air shall pay to County any sums due under the Ground Lease within thirty (30) days after the effective date of the termination.
2. County and Executive Air are parties to a certain Agreement for Lease of Premises and providing a Fixed Base Operating Services (the “FBO Agreement”) dated April 1, 2015. County and Executive Air agree that the FBO Agreement will terminate effective at 11:59 p.m. on July 31, 2021. Executive Air shall pay to County any sums due under the FBO Agreement within thirty (30) days after the effective date of the termination.
3. This Agreement shall be effective only if County and ARR Aviation MKG, LLC, enter into a new FBO Agreement and Lease in place of the Lease and the FBO Agreement.

MUSKEGON COUNTY

By: _____
Robert Scolnik
Its: Board Chair

EXECUTIVE AIR TRANSPORT, INC.

By: _____
Terry Boer
Its: President