

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

*Susie Hughes, Chairman*  
*Marcia Hovey-Wright*  
*Zach Lahring*  
*Kenneth Mahoney*  
*Charles Nash*

*Gary Foster, Vice Chair*  
*Robert Scolnik*  
*I. John Snider II*  
*Rillastine R. Wilkins*

*Board Minutes may be found on the web at <https://www.co.muskegon.mi.us/AgendaCenter/Board-of-Commissioners-2>*

**Electronic/WebEx Full Board Meeting**

Tuesday, April 28, 2020

3:30 p.m.

Chairman Susie Hughes, Presiding

The Electronic/WebEx Full Board Meeting of the Board of Commissioners was called to order by Chairman Susie Hughes via WebEx. An Invocation was given by Commissioner Nash. The Pledge of Allegiance was recited in unison.

**Roll Call**

Present: Gary Foster, Marcia Hovey-Wright, Susie Hughes, Zach Lahring,  
Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins

Absent: None

Due to technical difficulties, the attendance for I. John Snider II was not recorded.

Also present: Mark Eisenbarth, County Administrator  
Beth Dick, Finance Director/Assistant County Administrator  
Nancy A. Waters, County Clerk  
Linda Sue Schutter, Deputy Clerk  
Michael D. Homier, Corporate Counsel  
Sean Summerville, Information Systems  
Ivan Phillips, Information Systems Director

2020-161 **APPROVAL OF THE AGENDA AS AMENDED BY CHAIRMAN HUGHES BY REMOVING ITEM 12-C AND MOVING ITEM 13 UNTIL AFTER THE CLOSED SESSION**

Moved by Commissioner Nash, seconded by Vice-Chair Foster, to approve the agenda as amended by Chairman Hughes by removing Item 12-C and moving Item 13 until after the closed session.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, Susie Hughes

No: None **Motion Carried**

Due to technical difficulties, the votes for I. John Snider II, Rillastine R. Wilkins were not recorded.

2020-162 **APPROVE THE MINUTES OF APRIL 14, 2020**

Moved by Commissioner Hovey-Wright, seconded by Vice-Chair Foster, to approve the minutes of April 14, 2020.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider, Rillastine R. Wilkins, Susie Hughes

No: None **Motion Carried**

**PRESENTATION: DIRECTOR OF PUBLIC HEALTH KATHY MOORE – COVID-19**

Kathy Moore, Director of Public Health, updated the Board with COVID-19 statistics. As of April 27, 2020, there have been 244 positive cases with 15 deaths. Many of the deceased also had underlying conditions. The State has a new 24-hour turnaround guideline from for tracing.

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

Kip Smith addressed the Board in support of Item 12-A.

Tony Barnes, Dalton Township Supervisor, is disappointed that hazard pay for Muskegon County Sheriff's Department and first responders was not on the agenda.

## **COMMUNICATIONS**

The following Communication was presented to Commissioners for informational purposes and placed on file:

- A. Delta County Board of Commissioners resolution declaring the Shoreline of the Great Lakes in the State of Michigan a disaster area.

## **COMMITTEE/BOARD REPORTS**

2020-163 **AUTHORIZE THE SALE OF THE 2002 CHEVY MALIBU VIN# 1G1ND52J92M948471 THROUGH MIEDEMA AUCTIONEERING, INC.**

WM20/04 – 29 (Public Works)

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Snider, to authorize the sale of the 2002 Chevy Malibu VIN# 1G1ND52J92M948471 through Miedema Auctioneering, Inc.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider, Rillastine R. Wilkins, Susie Hughes

No: None **Motion Carried**

2020-164 **TO DELAY THE OPENING OF THE COUNTY'S PARK FACILITIES, INCLUDING THE CAMPGROUNDS AND CABINS AT PIONEER, MEINERT AND BLUE LAKE PARKS, AND THE CONCESSION STAND AT TWIN LAKE PARK, AND ALL COUNTY PARK RESTROOM, PLAYGROUND, AND LODGE/SHELTER FACILITIES THROUGH MAY 15, 2020, OR A TIME DETERMINED BY STATE AND LOCAL PUBLIC HEALTH OFFICIALS THAT THESE FACILITIES ARE DEEMED SAFE TO OCCUPY**

WM20/04 – 30 (Parks)

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Snider, to delay the opening of the county's park facilities, including the campgrounds and cabins at Pioneer, Meinert and Blue Lake Parks, and the concession stand at Twin Lake Park, and all county park restroom, playground, and lodge/shelter facilities through May 15, 2020, or a time determined by state and local public health officials that these facilities are deemed safe to occupy.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider, Rillastine R. Wilkins, Susie Hughes

No: None **Motion Carried**

2020-165 **APPROVE THE RESOLUTION ADOPTING THE 2020 EQUALIZED VALUATION FOR MUSKEGON COUNTY AS DETERMINED AND SUBMITTED BY THE MUSKEGON COUNTY EQUALIZATION DEPARTMENT**

WM20/04 – 31 (Equalization)

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Snider, to approve the resolution adopting the 2020 equalized valuation for Muskegon County as determined and submitted by the Muskegon County Equalization Department.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider, Rillastine R. Wilkins, Susie Hughes

No: None **Motion Carried**

2020-166 **AUTHORIZE THE MUSKEGON AREA TRANSIT SYSTEM TO PUBLISH THE PUBLIC NOTICE REGARDING THE FY2020 FEDERAL TRANSIT ADMINISTRATION CARES ACT OPERATING ASSISTANCE APPLICATION AND TO AUTHORIZE STAFF TO EXECUTE THE ELECTRONIC GRANT APPLICATION**

WM20/04 – 32 (MATS)

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Snider, to authorize the Muskegon Area Transit System to publish the public notice regarding the FY2020 Federal Transit Administration CARES Act Operating Assistance application and to authorize staff to execute the electronic grant application.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider, Rillastine R. Wilkins, Susie Hughes

No: None **Motion Carried**

2020-167 **WAIVE THE PURCHASING POLICY REQUIREMENT TO OBTAIN THREE QUOTES AND APPROVE PAYMENT OF SPECTRUM INVOICE #62319 IN THE AMOUNT OF \$5,594.87 FOR TESTING OF BALLOT PROGRAMMING AND EQUIPMENT TO BE REIMBURSED BY THE STATE BUREAU OF ELECTIONS**

WM20/04 – 33 (County Clerk)

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Snider, to waive the purchasing policy requirement to obtain three quotes and approve payment of Spectrum Invoice #62319 in the amount of \$5,594.87 for testing of ballot programming and equipment to be reimbursed by the State Bureau of Elections.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider, Rillastine R. Wilkins, Susie Hughes

No: None **Motion Carried**

2020-168 **APPROVE THE MUTUAL TERMINATION, RELEASE AND QUIT CLAIM OF SOLAR ENERGY LEASE AND AUTHORIZE THE COUNTY BOARD CHAIR TO SIGN SAME**

WM20/04 – 34 (Wastewater)

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Snider, to approve the *Mutual Termination, Release and Quit Claim of Solar Energy Lease* and authorize the County Board Chair to sign same.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider, Rillastine R. Wilkins, Susie Hughes

No: None **Motion Carried**

2020-169 **AUTHORIZE PUBLIC HEALTH TO EXPAND DEPARTMENTAL FURLOUGHS BEYOND THE INDIVIDUAL VOLUNTEERS IN ORDER TO OFFSET THE PROJECTED DEFICIT AND STAY IN COMPLIANCE WITH EXECUTIVE ORDER 2020-42**

WM20/04 – 35 (Public Health)

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Snider, to authorize Public Health to expand departmental furloughs beyond the individual volunteers in order to offset the projected deficit and stay in compliance with Executive Order 2020-42.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider, Rillastine R. Wilkins, Susie Hughes

No: None

**Motion Carried**

2020-170 **AUTHORIZE THE FURLOUGH INDEFINITELY OF THE MATS PARATRANSIT OPERATOR HOURLY POSITIONS G57503, G57504, G57510, G57511, AND G57513, AND MATS BUS OPERATOR HOURLY POSITIONS G13001, G13003, G13004, G13022, G13024, G13025, G13033, G13035, AND G13037, WITH THIS ACTION TO TAKE EFFECT APRIL 25, 2020**

WM20/04 – 36 (Transit)

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Snider, to authorize the furlough indefinitely of the MATS Paratransit Operator Hourly positions G57503, G57504, G57510, G57511, and G57513, and MATS Bus Operator Hourly positions G13001, G13003, G13004, G13022, G13024, G13025, G13033, G13035, and G13037, with this action to take effect April 25, 2020.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider, Rillastine R. Wilkins, Susie Hughes

No: None

**Motion Carried**

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

Commissioner Lahring reported on the Fairgrounds Committee. They are postponing the artisan farmer's market for right now, but the fair is still scheduled with limited participation.

Commissioner Mahoney reported on the Museum Committee. They applied for a forgivable loan for their staff of 26. They are trying to develop a re-entry plan for the museum.

2020-171 **APPOINT CHAUNCY WILLIAMS TO THE LAKESHORE MUSEUM BOARD WITH A TERM THROUGH 12/31/2022**

Moved by Commissioner Wilkins, seconded by Commissioner Mahoney, to appoint Chauncy Williams to the Lakeshore Museum Board with a term through 12/31/2022.

Voice Vote

**Motion Carried**

**ADMINISTRATOR'S REPORT**

2020-172 **APPROVE AND AUTHORIZE THE BOARD CHAIRPERSON AND COUNTY CLERK TO SIGN THE RESOLUTION TO DECLARE A STATE OF EMERGENCY WITHIN MUSKEGON COUNTY DUE TO THE COVID-19 PANDEMIC THROUGH MAY 15, 2020**

Admin Item 12-A

Administrator Mark Eisenbarth recommended, moved by Commissioner Nash, seconded by Vice-Chair Foster, to approve and authorize the Board Chairperson and County Clerk to sign the resolution to declare a state of emergency within Muskegon County due to the COVID-19 pandemic through May 15, 2020.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider, Rillastine R. Wilkins, Susie Hughes

No: None

**Motion Carried**

2020-173 **OPT OUT OF THE PROPOSED VILLAGE OF RAVENNA, HAYMEADOW NEIGHBORHOOD IMPROVEMENT AUTHORITY TAX INCREMENT FINANCING DISTRICT FOR 10 YEARS**

Admin Item 12-B

Administrator Mark Eisenbarth recommended to approve an opt position, moved by Chairman Hughes, seconded by Commissioner Wilkins, to opt out of the proposed Village of Ravenna, Haymeadow Neighborhood Improvement Authority Tax Increment Financing District for 10 years.

Discussion ensued.

Roll call:

Yes: Charles Nash, Susie Hughes

No: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Robert Scolnik, I. John Snider, Rillastine R. Wilkins

**Motion Failed**

2020-174 **OPT IN TO THE PROPOSED VILLAGE OF RAVENNA, HAYMEADOW  
NEIGHBORHOOD IMPROVEMENT AUTHORITY TAX INCREMENT  
FINANCING DISTRICT FOR 10 YEARS**

It was moved by Vice-Chair Foster, seconded by Commissioner Hovey-Wright, to opt in to the proposed Village of Ravenna, Haymeadow Neighborhood Improvement Authority Tax Increment Financing District for 10 years.

Discussion ensued.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney,  
Robert Scolnik, I. John Snider, Rillastine R. Wilkins

No: Charles Nash, Susie Hughes

**Motion Carried**

**OLD BUSINESS**

Vice-Chair Foster moved that the Sheriff's request for hazard pay be brought forth again. Motion failed for lack of second.

**NEW BUSINESS**

Vice-Chair Foster moved, supported by Commissioner Wilkins, to have the summer portion of the Senior Millage take effect with lawn care. Commissioner Mahoney indicated that this is in process, but it has to go to committee. Vice-Chair Foster withdrew his motion, Commissioner Wilkins withdrew her second.

Commissioner Lahring requested a work session of the Board to ride on the MATS bus system for a few hours. Chairman Hughes indicated that one would be set up, but the Commissioners would not be ordered to attend.

**PUBLIC COMMENT**

Kip Smith addressed the Board informing them that today is Workers Memorial Day. He indicated that there are still many hazards that are unregulated, such as for Corrections Officers, and they should be receiving Hazard Pay.

Michael Poulin, Muskegon County Sheriff, addressed the Board regarding Item B of the Administrator's report. Sheriff Poulin wanted to clear up misinformation regarding lack of Sheriff's service to Ravenna. Sheriff Poulin indicated that the Muskegon County Sheriff's Office handled 252 calls of service in Ravenna Township last year.



## **FINAL BOARD COMMENTS**

Commissioner Hovey-Wright had concerns regarding the County's income and budget due to closure. Beth Dick, Director of Finance, responded that they are working on budget amendments. The voluntary furloughs will help offset budget issues.

Commissioner Mahoney suggested that each Commissioner contact their Federal representatives to urge them to include counties that are on the front line of the impact of COVID-19 in the stimulus budget.

## **CLOSED SESSION**

2020-175 **GO INTO CLOSED SESSION TO CONSULT WITH THE COUNTY'S ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH INFORMATION SYSTEMS INTELLIGENCE, LLC V COUNTY OF MUSKEGON, ET AL, MUSKEGON COUNTY CIRCUIT COURT CASE NO. 16-000694-CB [INGHAM COUNTY DOCKET NO. 16-1260-VJ], THE DISCUSSION OF WHICH IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL FINANCIAL EFFECT ON THE LITIGATION OR SETTLEMENT POSITION OF THE COUNTY**

Moved by Vice-Chair Foster, seconded by Commissioner Nash, to go into Closed Session regarding consulting with the County's Attorney regarding trial or settlement strategy in connection with Information Systems Intelligence, LLC v County of Muskegon, et al, Muskegon County Circuit Court Case No. 16-000694-CB [Ingham County Docket No. 16-1260-vj], the discussion of which in an open meeting would have a detrimental financial effect on the litigation or settlement position of the County.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Susie Hughes

No: Zach Lahring

**Motion Carried**

Went into closed session at 4:58 p.m.

Returned to open session at 5:13 p.m.

2020-176 **MOVED BY COMMISSIONER NASH, SECONDED BY VICE-CHAIR FOSTER TO RETURN TO OPEN SESSION**

Voice vote.

**Motion Carried**

2020-177 **TO APPROVE THE ATTACHED RESOLUTION AUTHORIZING ISSUANCE OF 2020 JUDGMENT BONDS (LIMITED TAX GENERAL OBLIGATION) AND AUTHORIZE THE COUNTY CLERK AND THE CHAIR TO SIGN SAID RESOLUTION**

Admin Item 12-C tabled from April 14, 2020 (Finance). No action taken.

Corporate Counsel Michael Homier went over the Board Rules regarding calling a special meeting: Board Rule 1, Section 5 states that such a meeting may be called by at least 1/3 of the commissioners, in writing addressed to the County Clerk, specifying the time, date, place and purpose of the meeting. The County Clerk in coordination with the Administration Office will provide notice to the public of the time, date, and place 18 hours prior to the meeting via email or in writing via a website.

Chairman Hughes asked Corporate Counsel Homier if they could have a closed session with an open session afterwards. Counsel Homier's response was yes; however, pursuant to Executive Order 59 the Board will have to determine the location of the meeting so that the public can attend by electronic means.

2020-178 **APPROVE POSTPONING CLOSED SESSION UNTIL FRIDAY, MAY 1, 2020, AT 3:30 P.M. IF THE MEETING CAN BE HELD SECURELY AND PURSUANT TO BOARD RULE 1, SECTION 5 AND THE OPEN MEETINGS ACT**

Chairman Hughes recommends, Commissioner Nash moved, seconded by Commissioner Hovey-Wright, to approve postponing the closed session until Friday, May 1, 2020, at 3:30 p.m. if the meeting can be held securely and pursuant to Board Rule 1, Section 5 and the Open Meetings Act.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Susie Hughes

No: None

**Motion Carried**

2020-179 **MOVED BY COMMISSIONER HOVEY-WRIGHT, SECONDED BY  
COMMISSIONER NASH TO ADJOURN**

Meeting adjourned at 5:18 p.m.

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Nancy A. Waters, County Clerk

NAW/lss

To Be Approved at the next Full Board Meeting.