

**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 <http://co.muskegon.mi.us/clerk>

**Full Board Meeting**

Tuesday, October 22, 2019

3:30 p.m.

Chairman Susie Hughes, Presiding

The Full Board Meeting of the Board of Commissioners was called to order by Chairman Susie Hughes. An invocation was given by Pastor Tim Cross, Living Word Church, 1551 Wood Street, Muskegon, MI 49442. The Pledge of Allegiance was led by Commissioner Nash and recited in unison.

**Roll Call**

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

Excused: Marcia Hovey-Wright, I. John Snider II

Also Present: Beth Dick, Finance Director/Assistant County Administrator  
Nancy A. Waters, County Clerk  
Jeanne Pezet, Deputy County Clerk  
Michael D. Homier, Corporate Counsel

2019-404 **APPROVE THE AGENDA ADDING ITEM 6. A. YMCA PRESENTATION, AND WITHDRAWING ITEM 10. B. RESOLUTION IN OPPOSITION TO SANCTUARY COUNTY DUE TO THE ABSENCE OF COMMISSIONER HOVEY-WRIGHT AND COMMISSIONER SNIDER**

Moved by Commissioner Nash, seconded by Commissioner Mahoney, to approve the agenda adding item 6. A. YMCA Presentation, and withdrawing item 10. B. Resolution in Opposition to Sanctuary County due to the absence of Commissioner Hovey-Wright and Commissioner Snider.

Voice vote

**Motion Carried**

2019-405 **APPROVE THE REGULAR AND CLOSED BOARD MINUTES OF OCTOBER 8, 2019**

Moved by Commissioner Mahoney, seconded by Commissioner Nash, to approve the Regular and Closed Board Minutes of October 8, 2019.

Voice vote

**Motion Carried**

### **YMCA PRESENTATION**

Kristen Wade, Human Resources Director, introduced Samuel Nedeau, YMCA Board Chief Volunteer Officer. Mr. Nedeau presented a resolution to Sheriff Poulin in recognition of the support his department has provided to YMCA.

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

Sheriff Poulin addressed the Board asking that his proposed 2% raise be pulled from the agenda and the funds be applied to the Sheriff's training budget. Sheriff Poulin further addressed resolutions received by Commissioners in reference to his duties. Sheriff Poulin stated that he is bound to support state laws and the Constitution when he took his oath of office.

Community Members (Tammy Barnhart, Anna Derouin, Linda Dykstra, Jim Riley, Laurel Gravlin and Mary Greve) addressed the Board in opposition to the 2% raise for Elected Officials and/or the removal of 10. B. Resolution in Opposition to Sanctuary County.

Kip Smith thanked Commissioners for supporting Chairman's Report items D. USS Silversides Submarine Museum Lecture & Film Series Monday, November 4<sup>th</sup> – 6 p.m.; E. Turkey Trail Run 5K – Gillett Nature Center Saturday, November 9<sup>th</sup> – 9 a.m. Mr. Smith also addressed Commissioner Lahring stating PA 269 2015 prohibits him from displaying campaign materials and asked that he put his hat away.

Chairman Hughes noted US Code Title 4 asks that you remove your hats while a flag is in view and asked audience members to remove their hats.

Glen Evans expressed disappointment in behavior of Commission expressing that no human is illegal. When it was noted that that item is no longer on the agenda, Mr. Evans continued verbally attacking a Commissioners. Chairman Hughes asked that Mr. Evans be physically removed from the meeting.

Additional public comments will be made at the end of the meeting since audience members agreed their comments no longer concern an agenda item.

### **COMMUNICATIONS**

The following Communications were provided to Commissioners for information and will be placed on file:

- A. Bay County Resolution: Opposition to County Commissioner "Non-Partisan" Candidate
- B. Lapeer County Board Resolution: Support of Line 5 Tunnel

### **COMMITTEE/BOARD REPORTS**

The Community Development/Strategic Planning Committee met on October 15, 2019. There were no action items presented.

2019-406 **CREATE TWO AIRPORT MAINTENANCE WORKER POSITIONS (NO-00180; \$16.633 -\$20.957/HR.) TO PROVIDE IMPROVED AIRFIELD AND LANDSIDE MAINTENANCE STAFFING. FURTHERMORE, MOVE TO UNFUND THE AIRPORT MAINTENANCE WORKER POSITION #N08002 UPON THE RETIREMENT OF THE INCUMBENT IN THE POSITION**

TR19/10-26

The Transportation Committee recommends, moved by Commissioner Wilkins, seconded by Vice Chair Foster, to create two Airport Maintenance Worker positions (NO-00180; \$16.633 - \$20.957/hr.) to provide improved airfield and landside maintenance staffing. Furthermore, move to unfund the Airport Maintenance Worker position #N08002 upon the retirement of the incumbent in the position.

Roll Call:

Yes: Gary Foster, Zack Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, Rillastine Wilkins, Susie Hughes

No: None

Excused: Marcia Hovey-Wright, I. John Snider, II

**Motion Carried**

2019-407 **APPROVE LEASE AMENDMENT NO. 6 TO LEASE GS-05P-LMI17680 BETWEEN THE COUNTY AND THE GSA-TSA, EXTENDING THE CURRENT LEASE AGREEMENT FOR A 1 YEAR/SIX MONTHS, FIRM TERM AND FURTHER AUTHORIZE THE CHAIR TO EXECUTE THE LEASE AMENDMENT**

TR19/10-27

The Transportation Committee recommends, moved by Commissioner Wilkins, seconded by Vice Chair Foster, to approve lease amendment No. 6 to lease GS-05P-LMI17680 between the County and the GSA-TSA, extending the current lease agreement for a 1 year/six months, firm term and further authorize the Chair to execute the lease amendment.

Roll Call:

Yes: Gary Foster, Zack Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, Rillastine Wilkins, Susie Hughes

No: None

Excused: Marcia Hovey-Wright, I. John Snider, II

**Motion Carried**

2019-408 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE OF \$2,873,551.09, COVERING THE PERIOD OF SEPTEMBER 20, 2019 THROUGH OCTOBER 3, 2019 FOR CHECKS AS PRESENTED BY THE COUNTY CLERK**

WM19/10-130

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice Chair Foster, to approve payment of the accounts payable of \$2,873,551.09, covering the period of September 20, 2019 through October 3, 2019 for checks as presented by the County Clerk.

Roll Call:

Yes: Gary Foster, Kenneth Mahoney, Bob Scolnik,  
Rillastine Wilkins, Susie Hughes

No: Zack Lahring, Charles Nash

Excused: Marcia Hovey-Wright, I. John Snider, II

**Motion Carried**

2019-409 **APPROVE ADOPTION OF THE 2019 APPORTIONMENT REPORT AS PREPARED AND SUBMITTED BY THE MUSKEGON COUNTY EQUALIZATION DEPARTMENT**

WM19/10-132

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice Chair Foster, to approve adoption of the 2019 Apportionment Report as prepared and submitted by the Muskegon County Equalization Department.

Roll Call:

Yes: Gary Foster, Zack Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik,  
Rillastine Wilkins, Susie Hughes

No: None

Excused: Marcia Hovey-Wright, I. John Snider, II

**Motion Carried**

2019-410 **AUTHORIZE THE SALE OF SURPLUS ITEMS THROUGH MIEDEMA AUCTIONEERING, INC.**

WM19/10-133

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice Chair Foster, to authorize the sale of surplus items through Miedema Auctioneering, Inc.

Roll Call:

Yes: Gary Foster, Zack Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik,  
Rillastine Wilkins, Susie Hughes

No: None

Excused: Marcia Hovey-Wright, I. John Snider, II

**Motion Carried**

2019-411 **AUTHORIZE A ONE YEAR EXTENSION ON THE CONTRACT WITH JONES LANG LASALLE, LLC.**

WM19/10-134

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice Chair Foster, to authorize a one year extension on the contract with Jones Lang LaSalle, LLC.

Roll Call:

Yes: Gary Foster, Zack Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, Rillastine Wilkins, Susie Hughes

No: None

Excused: Marcia Hovey-Wright, I. John Snider, II

**Motion Carried**

2019-412 **APPROVE THE RESOLUTION URGING OUR GOVERNOR TO RESTORE FUNDING TO THE DEPARTMENT OF ENVIRONMENT, GREAT LAKES AND ENERGY (EGLE) BUDGET**

WM19/10-135

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice Chair Foster, to approve the resolution urging our Governor to Restore Funding to the Department of Environment, Great Lakes and Energy (EGLE) Budget.

Roll Call:

Yes: Gary Foster, Zack Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, Rillastine Wilkins, Susie Hughes

No: None

Excused: Marcia Hovey-Wright, I. John Snider, II

**Motion Carried**

2019-413 **VOTE ON THE SALARY INCREASE OF 2% FOR ELECTED OFFICIALS SEPARATELY**

Moved by Commissioner Scolnik, seconded by Commissioner Lahring, to vote on the salary increase of 2% for Elected Officials by individual office.

County Clerk Waters addressed the Board requesting a ruling by Corporate Counsel if an elected official can refuse to accept a raise or if they have to accept the raise and then donate it after receiving it.

Commissioner Nash asked the same indicating that the raise is not to a person but to an office and next year is an election that the same people may not hold that position.

Commissioner Scolnik indicated that Commissioner Nash brought up a different point of view. Chairman Hughes suggested this motion be tabled.

Discussion ensued. Beth Dick, Finance Director/Assistant County Administrator noted this motion cannot be tables because this has to come before the Board before November 1<sup>st</sup> and the next meeting of the Board is not until November 5<sup>th</sup>.

**Commissioner Scolnik withdrew his motion.** Commissioner Scolnik noted the 2% increase for 3 years was agreed to by all employees in exchange for reducing pension benefits.

2019-414      **APPROVE A SALARY INCREASE OF 2.0% FOR THE SHERIFF, COUNTY CLERK, COUNTY TREASURER, REGISTER OF DEEDS, PROSECUTOR AND DRAIN COMMISSIONER ABOVE THEIR CURRENT SALARY TO BE EFFECTIVE THE FIRST PAY IN JANUARY 2020**

WM19/10-131

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice Chair Foster, to approve a salary increase of 2.0% for the Sheriff, County Clerk, County Treasurer, Register of Deeds, Prosecutor and Drain Commissioner above their current salary to be effective the first pay in January 2020.

Roll Call:

Yes:    Kenneth Mahoney, Charles Nash, Bob Scolnik, Rillastine Wilkins, Susie Hughes

No:     Zack Lahring, Gary Foster

Excused: Marcia Hovey-Wright, I. John Snider, II

**Motion Carried**

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

2019-415      **REVOKE THE APPOINTMENT OF ANDREW MANN TO THE BUILDING AUTHORITY**

Moved by Commissioner Mahoney, seconded by Commissioner Wilkins, to revoke the appointment of Andrew Mann to the Building Authority.

Voice vote

**Motion Carried**

B.      ~~Resolution in Opposition to Sanctuary County~~ Removed from Agenda

Chairman Susie Hughes announced the following events;

- C.      Appraisal Fair at the Muskegon Museum of Art on Saturday, October 26<sup>th</sup> from 10 a.m. to 4 p.m. (\$15 per item)  
<https://muskegonartmuseum.org/event/appraisal-fair/>
- D.      USS Silversides Submarine Museum Lecture & Film Series concludes on Monday, November 4<sup>th</sup> at 6 p.m.  
<https://web.muskegon.org/events/2019-Fall-Film-and-Lecture-Series-8896/details>
- E.      Turkey Trail Run 5K at PJ Hoffmaster Park, Gillett Nature Center, will take place on Saturday, November 9<sup>th</sup> at 9 a.m.  
<https://runsignup.com/Race/MI/Muskegon/TurkeyTrail5KatHoffmaster>

Commissioner Mahoney provided an update on the Accommodation Tax Advisory Board noting the County is on track to collect the same or better than last year and stated we will need an additional dock for the additional cruise traffic scheduled for 2020. Commissioner Mahoney noted that the new Muskegon Visitors Guide will soon be distributed throughout the Midwest.

Commissioner Scolnik reported that the Muskegon District Library Board approved the purchase of a new book mobile. He also announced that a new library will be moving to the strip mall on Apple Avenue near Mr. B's.

Commissioner Lahring reported that the Fair Board adopted a new Committee consisting of MSUE and the Public Health Department to address education and entrepreneurial opportunities at the Fairgrounds.

### **ADMINISTRATOR'S REPORT**

A. Calendar Reminder: Next Meeting is November 5<sup>th</sup>, no meeting next week

County Clerk Waters reminded everyone that November 5<sup>th</sup> is Election Day and encouraged everyone who has an election in their area to get out and vote.

2019-416 **APPROVE THE 2<sup>ND</sup> ONE YEAR RENEWAL OPTION FOR THE MEMORANDUM OF UNDERSTANDING WITH THE STATE OF MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE PROCESSING OF COUNTY CHILD CARE FUND FOSTER CARE PAYMENTS OUT OF THE LANSING ACCOUNTING SERVICE CENTER FOR THE PERIOD FROM OCTOBER 1, 2019 TO SEPTEMBER 20, 2020 AND AUTHORIZE THE COUNTY ADMINISTRATOR TO SIGN THE AGREEMENT CONTINGENT UPON THE APPROVAL OF THE BUREAU OF GRANTS AND PURCHASING OF THE STATE OF MICHIGAN AND RECEIPT OF THE FINAL DOCUMENT**

The Administrator recommends, moved by Commissioner Nash, seconded by Commissioner Mahoney, to approve the 2<sup>nd</sup> one year renewal option for the Memorandum of Understanding with the State of Michigan Department of Health and Human Services for the processing of County Child Care Fund foster care payments out of the Lansing Accounting Service Center for the period from October 1, 2019 to September 20, 2020 and authorize the County Administrator to sign the agreement contingent upon the approval of the Bureau of Grants and Purchasing of the State of Michigan and receipt of the final document.

Roll Call:

Yes: Gary Foster, Zack Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, Rillastine Wilkins, Susie Hughes

No: None

Excused: Marcia Hovey-Wright, I. John Snider, II

**Motion Carried**

## **OLD BUSINESS**

2019-417     **THAT THE COUNTY OF MUSKEGON SHALL NOT BECOME A SANCTUARY COUNTY AND THAT THE RESIDENTS OF MUSKEGON COUNTY SHALL BE OUR PRIMARY CONCERN**

Moved by Vice Chair Foster, seconded by Commissioner Lahring and Commissioner Wilkins, that the County of Muskegon shall not become a Sanctuary County and that the residents of Muskegon County shall be our primary concern.

Commissioner Nash noted this has been pulled from the agenda but would vote on it. Chairman Hughes indicated this is old business.

Commissioner Scolnik asked if this was the same wording as the resolution pulled from the agenda. Vice Chair Foster said it is not the same wording.

Commissioner Mahoney noted he was sad that the Commission is dealing with this issue that divides citizens one against another over an issue the County does not control.

Commissioner Nash agreed with Commissioner Mahoney and stated that, if everyone listened to the Sheriff, Muskegon County cannot become a Sanctuary County and further stated this is embarrassing and it needs to stop.

Commissioner Wilkins indicated that she wanted to correct the problem because we are not a Sanctuary County and we don't need it.

Chairman Hughes stated because we have two Commissioners who are not here it was too important which is why the original motion was pulled but it has come up again so it will go to a vote.

Commissioner Scolnik indicated that he did not know that the resolution was being pulled but it is a non-issue.

Commissioner Mahoney asked why we would do a resolution for a problem that doesn't exist.

Chairman Hughes noted this began out of a resolution brought before the Board by Commissioner Hovey-Wright and got blown into something totally different.

Commissioner Wilkins asked how do we get a solution and resolve the problem. Commissioner Wilkins asked to remove her second to remove the issue.

Commissioner Lahring indicated if the Board is tired of dealing with this, let's vote and be done with it.

Discussion ensued. Corporate Counsel and Chairman Hughes determined the withdrawal of support by Commissioner Wilkins ended debate and the **motion failed without vote.**

## **NEW BUSINESS**

There was no new business to come before the Board.



**PUBLIC COMMENT**

Several citizens addressed the Board in support of and/or in opposition to Muskegon becoming a Sanctuary County.

Several citizens addressed the Board in opposition to the 2% raise for the elected officials.

Larry Hart addressed the Board refusing to remove his hat as a political statement. Mr. Hart held up signs threatening to post in each Commissioner's yard when anything supporting a Sanctuary County is approved. Mr. Hart was removed from the Boardroom for threatening Commissioners.

Some attendees addressed issues of being accused of being a communist on one Commissioner's Facebook page and asked that that Commissioner be censored.

Laura Fitzpatrick, of the Muskegon County Health Project and Coalition for a Drug-free Muskegon, stated she was struck by the contrast of the unity during the pledge of allegiance to the flag followed by the comments by audience members. Ms. Fitzpatrick thanked the Board and other departments in Muskegon County for their leadership to reduce drugs for youth. Ms. Fitzpatrick also introduced Rachel McCoy, staff member from Drug-free Muskegon.

Rachel McCoy, Coalition for a Drug-free Muskegon, provided an update on events. Ms. McCoy thanked Commissioners for the approved ordinance to prohibit sale of e-cigs to minors and reminded everyone of the medication disposal program on Saturday, October 26<sup>th</sup> from 10 a.m. to 2 p.m. at the Muskegon City Fire Department and other locations around the community.

Rachel Cereska addressed the issue of the Health West deficit and misinformation posted online claiming \$10 million debt to the County when it is a running deficit due to a lag between billing the Federal and State government and being paid for those services. Ms. Cereska expressed concern that there are a lot of residents that rely on Health West and the services they provide that are not provided elsewhere.

2019-418 **GO INTO CLOSED SESSION: PURSUANT TO MCL 15.268(H): TO DISCUSS A SETTLEMENT AGREEMENT**

Moved by Commissioner Nash, seconded by Vice Chair Foster, to go into Closed Session: Pursuant to MCL 15.268(h): To Discuss a Settlement Agreement

Roll Call:

Yes: Gary Foster, Zack Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, Rillastine Wilkins, Susie Hughes

No: None

Excused: Marcia Hovey-Wright, I. John Snider, II

**Motion Carried**

Went into closed session at: 5:31 p.m.

Returned to open session at: 5:41 p.m.

2019-419 **APPROVE THE SETTLEMENT OF GRIEVANCE #03-12-19-FOPL-167 IN THE AMOUNT OF \$27,708.52**

Moved by Chairman Hughes, seconded by Commissioner Mahoney, to approve the settlement of Grievance #03-12-19-FOPL-167 in the amount of \$27,708.52.

Roll Call:

Yes: Gary Foster, Zack Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, Rillastine Wilkins, Susie Hughes

No: None

Excused: Marcia Hovey-Wright, I. John Snider, II

**Motion Carried**

2019-420 **MOVED BY COMMISSIONER MAHONEY, SECONDED BY COMMISSIONER NASH, TO ADJOURN**

Meeting adjourned at 5:42 p.m.

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Nancy A. Waters, County Clerk

NAW/jmp

To Be Approved at Full Board Meeting on Tuesday, November 12, 2019