

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

March 24, 2009

3:41 P.M.

Chairman Kenneth 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, Scolnik, Snider, Wade

Absent: None

Also Present: Interim County Administrator Jim Elwell, Corporate Counsel Doug Hughes, County Clerk Nancy A. Waters

2009-150 **APPROVE AGENDA**

Moved by Derezinski, seconded by Engle, to approve the Agenda adding to the Chairman's Report, Item C. Preservation Board Appointments and D. Airport Advisory Board Appointments.

Motion Carried

2009-151 **APPROVE THE MINUTES OF THE FULL BOARD OF MARCH 10, 2009**

Moved by Engle, seconded by Wade, to approve the minutes of the Full Board of March 10, 2009.

Motion Carried

2009-152 **OPEN PUBLIC HEARING - MICHIGAN NATURAL RESOURCES TRUST
FUND GRANT - PIONEER PARK**

Moved by Derezinski, seconded by Engle, to open the Public Hearing regarding Michigan Natural Resources Trust Fund Grant - Pioneer Park.

Motion Carried

John Warner, Deputy Director of Public Works, presented an overview of the project at Pioneer Park that would be completed with the Grant monies.

2009-153 **CLOSE PUBLIC HEARING**

There being no further comments, it was moved by Snider, seconded by Engle, to close the Public Hearing.

Motion Carried

2009-154 **RECEIVE AND PLACE ON FILE THE COMMUNICATION**

Moved by Engle, seconded by Collins, to receive and place on file the following Communication Items:

- A. Lake County Resolution #03/09/2009 1186
- B. Ogemaw County Resolution of 2/26/2009

Motion Carried

2009-155 **AUTHORIZE STAFF TO SOLICIT BIDS FOR GYPSY MOTH SPRAYING
FOR 2359 ACRES FOR 2009**

CD/SP09/03-08

The Community Development/Strategic Planning Committee recommends, moved by Collins, seconded by Snider, to authorize staff to solicit bids for gypsy moth spraying for 2359 acres for 2009.

Roll Call

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

Nays: None

Motion Carried

2009-156 **AUTHORIZE STAFF TO PURCHASE 45 NEW FIRE RINGS FOR BLUE LAKE PARK AND MEINERT PINES CAMPGROUND**

CD/SP09/03-09

The Community Development/Strategic Planning Committee recommends, moved by Collins, seconded by Snider, to authorize staff to purchase 45 new fire rings from Premarc Corporation for a cost of \$5,049.90 for Blue Lake Park and Meinert Pines Campground with costs being paid from parks fund 2080-0691.

Roll Call

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

Nays: None

Motion Carried

2009-157 **AUTHORIZE STAFF TO REAPPLY TO MDNR FOR THE MICHIGAN NATURAL RESOURCES TRUST FUND GRANT**

CD/SP09/03-10

The Community Development/Strategic Planning Committee recommends, moved by Collins, seconded by Snider, to authorize staff to reapply to MDNR for the Michigan Natural Resources Trust Fund grant in the amount of \$291,000 for the Pioneer Park project which includes a new bathroom building, converting 10 campsites to ADA compliant and adding some ADA compliant playground equipment with \$194,000 in match funds coming from parks funds.

Roll Call

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

Nays: None

Motion Carried

2009-158 **ACCEPT THE REVISION TO ARTICLE IV, SECTION 4.01 COUNTY AUTHORITY BOARD COMPOSITION OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE MICHIGAN LAND BANK FAST TRACK AUTHORITY AND THE TREASURER OF THE COUNTY OF MUSKEGON**

CD/SP09/03-11

The Community Development/Strategic Planning Committee recommends, moved by Collins, seconded by Snider, to accept the revision to Article IV, Section 4.01 County Authority Board Composition of the Intergovernmental Agreement between the Michigan Land Bank Fast Track Authority and the Treasurer of the County of Muskegon, Michigan creating the Muskegon County Land Bank Authority dated November 22, 2006 with the County of Muskegon as a signatory to the Agreement.

(Continued)

2009-158 **ACCEPT THE REVISION TO ARTICLE IV, SECTION 4.01 COUNTY AUTHORITY BOARD COMPOSITION OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE MICHIGAN LAND BANK FAST TRACK AUTHORITY AND THE TREASURER OF THE COUNTY OF MUSKEGON**

Roll Call

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

Nays: None

Motion Carried

2009-159 **APPROVE OPERATION OF A 2009 TROLLEY ROUTE PROGRAM**

TR09/03-10

The Transportation Committee recommends, moved by Gill, seconded by Engle, to approve operation of a 2009 Trolley Route Program as proposed.

Roll Call

Ayes: Derezinski, Engle, Mahoney, McMurray, Nash, Scolnik, Snider, Wade, Buzzell, Collins

Nays: Gill

Motion Carried

2009-160 **AUTHORIZE THE MUSKEGON AREA TRANSIT SYSTEM TO PUBLISH THE PUBLIC NOTICE REQUESTING \$625,152 IN THE FY2009 FEDERAL OPERATING ASSISTANCE APPLICATION**

TR09/03-11

The Transportation Committee recommends, moved by Gill, seconded by Engle, to authorize the Muskegon Area Transit System to publish the public notice requesting \$625,152 in the FY2009 Federal Operating Assistance application and to authorize staff to execute the electronic grant application if there is no request for public hearing.

Roll Call

Ayes: Derezinski, Engle, Mahoney, McMurray, Nash, Scolnik, Snider, Wade, Buzzell, Collins

Nays: Gill

Motion Carried

TR09/03-12 Removed from agenda at Committee.

2009-161 **APPROVE THE EXTENSION OF SEVEN (7) T-HANGAR LEASE AGREEMENTS AT MUSKEGON COUNTY AIRPORT**

TR09/03-13

The Transportation Committee recommends, moved by Gill, seconded by Engle, to approve the extension of seven (7) T-Hangar Lease Agreements at Muskegon County Airport expiring in the second quarter of 2009 as follows: Terry Grevious, \$190/month; Scott Kelley, \$190/month; Larry Duthler, \$180/month; Jim Fishel, \$170/month; Doug Parker, \$170/month; Fred Riplo, \$170/month; and Richard Smith, \$160/month.

Roll Call

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

Nays: None

Motion Carried

2009-162 **APPROVE THE DRAFT AIRPORT ADVISORY COMMITTEE BY-LAWS**

TR09/03-14

The Transportation Committee recommends, moved by Gill, seconded by Engle, to approve the draft Airport Advisory Committee By-Laws previously submitted to the Transportation Committee and have the Board appoint committee members.

Roll Call

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

Nays: None

Motion Carried

2009-163 **APPROVE OPTION A FOR USE OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDS**

TR09/03-15

The Transportation Committee recommends, moved by Gill, seconded by Engle, to place motion item TR09/03-12 back on the agenda and approve Option A for use of the American Recovery and Reinvestment Act of 2009 funds:

To authorize the Muskegon Area Transit System to submit plans, publish public notices, and complete Federal Transit Administration applications to secure American Recovery and Reinvestment Act of 2009 funds for local transit capital projects as outlined in recommended Option A, and to authorize staff to execute the related electronic grant applications if there is no request for public hearing.

(Continued)

2009-163 **APPROVE OPTION A FOR USE OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDS**

Option A:

<u>Amount</u>	<u>Activity</u>
\$600,000	- FY2009-11 Preventive Maintenance (offsets 2009-11 formula funds)
\$100,000	-Gap funding for recent bus purchase (offsets 2009 formula funds)
\$40,000	-Operations/Maintenance Support Equipment (offsets 2009 formula funds)
\$40,000	-Support Vehicle Replacement (offsets 2010 formula funds)
\$750,000	-Two Heavy Duty Buses (completes 1993-vintage fleet replacement)
<u>\$513,038</u>	-Farebox Equipment (upgrade for fare validation and data collection capabilities)
\$2,043,038	

Note: Option A will offset \$780,000 in formula assistance expenses over two to three years. These funds, with the addition of sustainable match funds, can become part of a solution to offer enhanced transit services in the community. The farebox equipment project will allow for improved data collection capabilities, increased revenue through validated fare transactions, and a variety of possibilities for electronic fare payment. The cost of the farebox equipment upgrade is preliminary and some amount of additional funds may be needed from other capital sources to fully implement the upgrade.

Roll Call

Ayes: Derezinski, Engle, Mahoney, McMurray, Nash, Scolnik, Snider, Wade, Buzzell, Collins

Nays: Gill

Motion Carried

2009-164 **HAVE THE COUNTY ADMINISTRATOR DRAFT A LETTER TO OUR LEGISLATORS OPPOSING THE FAA PROPOSAL TO CONSOLIDATE SEVERAL WEST MICHIGAN RADAR FACILITIES**

TR09/03-16

The Transportation Committee recommends, moved by Gill, seconded by Engle, to have the County Administrator draft a letter to our legislators opposing the FAA proposal to consolidate several west Michigan radar facilities, including Muskegon, into a new facility being built in Kalamazoo.

Roll Call

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

Nays: None

Motion Carried

2009-165 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE COVERING THE PERIOD OF FEBRUARY 25, 2009 THROUGH MARCH 10, 2009**

WM09/03-30

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to approve payment of the accounts payable of \$6,174,549.24 covering the period of February 25, 2009 through March 10, 2009, as presented by the County Clerk.

Roll Call

Ayes: Engle, Mahoney, McMurray, Nash, Scolnik, Snider, Wade, Buzzell, Collins, Derezinski

Nays: Gill

Motion Carried

2009-166 **ACCEPT JAMES M. ELWELL'S RESIGNATION FROM THE MICHIGAN COUNTY BUILDING AUTHORITY AND THE FOREIGN TRADE ZONE EFFECTIVE MARCH 27, 2009 AND APPOINTMENT BONNIE B. HAMMERSLEY, COUNTY ADMINISTRATOR**

WM09/03-31

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to accept James M. Elwell's resignation from the Michigan County Building Authority and the Foreign Trade Zone effective March 27, 2009 and appointment Bonnie B. Hammersley, County Administrator to these positions effective March 30, 2009.

Roll Call

Ayes: Engle, Mahoney, McMurray, Nash, Scolnik, Snider, Wade, Buzzell, Collins, Derezinski

Nays: Gill

Motion Carried

2009-167 **APPROVE THE BUDGET AMENDMENTS**

WM09/03-32

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to approve the budget amendment to move budgeted revenues of \$76,620 and budgeted expenditures of \$76,638 from the Community Corrections Case Management budget (2640-0374) to the Jail Population Coordinator budget (2640-0370) as detailed on the scheduled and further move the approval of a funding transfer of the Jail Population Coordinator position (X45901) from (2640-0374) to (2640-0370).

Roll Call

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

Nays: None

Motion Carried

2009-168 **AUTHORIZE THE 60TH DISTRICT COURT TO ENTER INTO THE
COMPUTER SOFTWARE LICENSE AGREEMENT WITH 54A DISTRICT
COURT**

WM09/03-33

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to authorize the 60th District Court to enter into the Computer Software License Agreement with 54A District Court in the amount of \$4,500 and authorize the Board Chair to execute and sign said agreement.

Roll Call

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

Nays: None

Motion Carried

2009-169 **WAIVE THE HIRING FREEZE AND ALLOW THE SHERIFF'S OFFICE TO
FILL THE VACANT CLERK II POSITION**

WM09/03-34

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to waive the hiring freeze and allow the Sheriff's Office to fill the vacant Clerk II position #G20083.

Roll Call

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

Nays: None

Motion Carried

2009-170 **APPROVE THE ONE-YEAR EXTENSION OF THE AGREEMENT FOR THE
PARTNERSHIP IN NEIGHBORHOOD SAFETY PROGRAM**

WM09/03-35

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to approve the one-year extension of the agreement for the Partnership in Neighborhood Safety Program between the Townships of Laketon, Fruitland and Whitehall, the Muskegon County Sheriff and the Board of Commissioners, and authorize the Board Chair to sign the document, contingent upon the approval of each of the townships.

Roll Call

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

Nays: None

Motion Carried

2009-171 **APPROVE THE CONSENT DECREE, SETTLEMENT AGREEMENT AND
COOPERATION AGREEMENT REGARDING EVA AMAYA**

WM09/03-36

The Ways and Means Committee Recommends, moved by Collins, seconded by Engle, to approve the Consent Decree, Settlement Agreement and Cooperation Agreement regarding Eva Amaya as presented by Corporate Counsel.

Roll Call

Ayes: Engle, Mahoney, McMurray, Nash, Scolnik, Snider, Wade, Buzzell, Collins, Derezinski

Nays: Gill

Motion Carried

CHAIRMAN'S REPORT/COMMITTEE LIAISON REPORTS

Chairman Mahoney reported as Liaison to the District Library Board regarding the well-attended open house in Muskegon Township.

Commissioner Wade reported on his attendance of the West Michigan Shoreline Regional Development Commission and thanked County Clerk Waters for reminding him about the airport tower situation. The Board of the WMSRDC will be preparing letters of support for the Muskegon County Airport.

Commissioner Scolnik reported that the Museum Board has plans to support the sesquicentennial with a couple displays at a some of the area summer events.

Vice-Chairman Nash reporter on attendance at the SMART Committee where County Clerk Waters was inducted as an honorary member. Also, Muskegon Area First has several projects in the works and that the NACO Washington trip may result in bringing businesses and jobs to Muskegon County. Commissioner Nash noted he would be distributing information to Commissioners. Commissioner Nash suggested the County investigate having a Grant Writer position for the County.

Commissioner Engle gave an update on Road Commission Stimulus Plan projects.

Commissioner Snider reported attendance at the Community Corrections Advisory Board and wanted to assure Commissioners that Muskegon County does have a teather program in place and it is working very well. Commissioner Snider asked that Vice-Chair Nash look into getting Muskegon Area reports distributed to all Commissioners.

Chairman Mahoney noted the MAC Legislative Updates of March 6 and 13, 2009 were included in agenda packets.

2009-172 **REAPPOINT L. ANNE NELSON TO THE JURY COMMISSION**

The Chairman recommends, moved by Engle, seconded by Snider, to reappoint L. Anne Nelson to the Jury Commission, term 5/1/09 - 4/30/2015.

Motion Carried

2009-173 **RE-APPOINT DIANA JANCEK AND FRANK COBB TO THE COUNTY AGRICULTURAL PRESERVATION BOARD**

The Chairman recommends, moved by Engle, seconded by Collins, to re-appoint Diana Jancek and Frank Cobb to the County Agricultural Preservation Board.

Motion Carried

2009-174 **APPROVE APPOINTMENT OF COMMISSIONER COLLINS AND COMMISSIONER SCOLNIK TO THE AIRPORT ADVISORY BOARD**

The Chairman recommends, moved by Derezinski, seconded by Engle, to approve appointment of Commissioner Collins (term to expire 12/2009) and Commissioner Scolnik (term to expire 12/2010) to the Airport Advisory Board. It was further noted that Commissioner Gill will be a member by virtue of being Chairman to the Transportation Committee.

Motion Carried

Chairman Mahoney recognized Egelston Township Supervisor, Mike Thompson, in the audience.

ADMINISTRATOR'S REPORT

2009-175 **APPROVE THE ADOPTION OF THE RESOLUTION SUPPORTING THE PROPERTY ACQUISITION UNDER THE MICHIGAN NATURAL RESOURCES TRUST FUND PROGRAM FOR THE ACQUISITION OF THE MUSKEGON YMCA PROPERTY**

The Administrator recommends, moved by Snider, seconded by Engle, to approve the adoption of the Resolution supporting the Property Acquisition under the Michigan Natural Resources Trust Fund program for the acquisition of the Muskegon YMCA property committing to a local match of \$300,000 from the County of Muskegon and authorizing the County Board Chairman to sign the grant application, and to submit the application to the Department of Natural Resources.

(Continued)

2009-175 **APPROVE THE ADOPTION OF THE RESOLUTION SUPPORTING THE PROPERTY ACQUISITION UNDER THE MICHIGAN NATURAL RESOURCES TRUST FUND PROGRAM FOR THE ACQUISITION OF THE MUSKEGON YMCA PROPERTY**

Roll Call

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

Nays: None

Motion Carried

2009-176 **SUPPORT THE APPLICATION TO THE NATIONAL OCEANIC AND ATMOSPHERIC ASSOCIATION BY THE WEST MICHIGAN REGIONAL SHORELINE REGIONAL DEVELOPMENT COMMISSION TO RESTORE THE MUSKEGON LAKE SHORELINE**

The Administrator recommends, moved by Snider, seconded by Engle, to support the application to the National Oceanic and Atmospheric Association by the West Michigan Regional Shoreline Regional Development Commission to restore the Muskegon Lake Shoreline.

2009-177 **SUSPEND THE RULES FOR COMMENTS**

Moved by Engle, seconded by Buzzell, to suspend the rules for comments.

Motion Carried

Judy Kell addressed the Board regarding Muskegon Lake Restoration Project.

Voice Vote on item 2009-176

Motion Carried

2009-178 **TO CONTINUE WITH MERCER HEALTH & BENEFITS AS BROKER THROUGH 2009 AND GO OUT FOR BIDS FOR BROKER SERVICES FOR**

The Administrator recommends, moved by Scolnik, seconded by Engle, to follow recommendation of Deborah Groeneveld, Human Resources Director, to continue with Mercer Health & Benefits as broker for Life, Long Term Disability and Medical Coverage through 2009 and go out for bids in the fall for broker services for 2010.

Motion Carried

Interim Administrator Jim Elwell read a statement noting that Sunday, March 29, 2009 at 11:59 p.m. will end his time as Interim Administrator for Muskegon County. Mr. Elwell thanked Commissioners for the opportunity and privilege to serve the County that has served him well throughout his 35+ years of employment in a different capacities. Mr. Elwell noted that there is a transition program and he will be available to assist the incoming Muskegon County Administrator, Bonnie B. Hammersley.

Mr. Elwell thanked the Board, Elected Officials, Department Heads for their cooperation and assistance with a special thanks to the entire Muskegon County staff for stepping up and maintaining a high level of productivity.

Chairman Mahoney thanked Mr. Elwell for his assistance in his new duties as Chairman to the Board of Commissioners.

Old Business

None.

New Business

None.

Public Participation

Cindy Ackerman and Jennesa Stroud addressed the Board regarding the Scenic Drive resurfacing project urging preservation of the tree canopy.

Brian Chapman addressed the Board thanked Mr. Scolnik for bringing the successful Platters concert to Muskegon to help fund the Sesquicentennial project. Mr. Chapman displayed a piece of artwork of bushed aluminum which was a representation of the shape of Muskegon County. Mr. Chapman urged Commissioners to invite the Governor and State Representative in the Senate and Congress to join in the celebration and cake cutting on June 20, 2009.

Meeting adjourned at 5:05 p.m.

Nancy A. Waters, County Clerk