Full Board Meeting - REVISED

REVISED
Muskegon County
Board of Commissioners
Hall of Justice, 990 Terrace, 4th Floor
Muskegon, MI 49442

Susi 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, February 12, 2019
REVISED

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. The Invocation was given by Pastor Nate Parsekian of Shores Community Church, Lake Harbor Road, Norton Shores. The Pledge of Allegiance was led by Commissioner Snider and recited in unison.

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

Also Present: Mark E. Eisenbarth, Administrator
Nancy A. Waters, County Clerk
Jeanne Pezet, Interim Elections Coordinator
Doug Hughes, Corporate Counsel

2019-58
APPROVE THE AGENDA MOVING COMMITTEE REPORTS, ITEM C. WAYS AND MEANS TO ITEM A. AND ITEM A. COURTS AND PUBLIC SAFETY TO ITEM C. DUE TO TIME CONSTRAINTS

Moved by Vice Chair Foster, seconded by Commissioner Wilkins, to approve the agenda moving Committee Reports, item C. Ways and Means to item A. and item A. Courts and Public Safety to item C. due to time constraints.

Voice vote
Motion Carried

2019-59
APPROVE THE FULL BOARD MINUTES OF JANUARY 29, 2019

Moved by Vice Chair Foster, seconded by Commissioner Wilkins, to approve the Full Board Minutes of January 29, 2019.

Voice vote
Motion Carried

PUBLIC COMMENT (on an agenda item)

There was no public comment on an agenda item.
COMMITTEE/BOARD REPORTS


WM19/02-11 The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to approve payment of the accounts payable of $27,764,380.35, covering the period of January 12, 2019 through January 24, 2019 for checks and December 1, 2018 through December 31, 2018 for P-Card and EFT payments, as presented by the County Clerk.

Roll Call:

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

No: None

Motion Carried

2019-61 APPROVE THE CONTINUATION OF THE LOCAL SURCHARGE RATE OF $0.42 AND TO PROVIDE PROPER NOTIFICATION OF THIS TO THE STATE 9-1-1 COMMITTEE, CONTINGENT UPON A SUCCESSFUL SURCHARGE CAMPAIGN

WM19/02-12 The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to approve the continuation of the local surcharge rate of $0.42 and to provide proper notification of this to the State 9-1-1 Committee, contingent upon a successful surcharge campaign.

Roll Call:

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

No: None

Motion Carried
APPROVE 9-1-1 BALLOT LANGUAGE AND TO SUBMIT TO THE COUNTY CLERK FOR PLACEMENT ON THE MAY 2019 BALLOT

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to approve 9-1-1 ballot language and to submit to the County Clerk for placement on the May 7, 2019 ballot:

**9-1-1 Muskegon Central Dispatch Surcharge**

“To provide dedicated capital funding for Muskegon Central Dispatch 9-1-1 for equipment directly related to the delivery of 9-1-1 services which includes; replacing outdated emergency radio equipment, including over 1700 mobiles and portables for all fire, police and local ambulances in Muskegon County, five new radio towers, computers, wireless data backup, and related 9-1-1 costs, shall Muskegon County be authorized to assess a monthly surcharge not to exceed $2.75, against landlines, wireless and VoIP services to users capable of accessing 9-1-1 services within Muskegon County for a period of thirteen (13) years, beginning July 1, 2019 and ending June 30, 2032?”

Discussion ensued.

**Roll Call @ 3:43 p.m.**

Yes: Marcia Hovey-Wright, Kenneth Mahoney, Bob Scolnik, I. John Snider, II, Susie Hughes

No: Gary Foster, Zach Lahring, Charles Nash, Rillastine Wilkins  

Motion Carried

APPROVE A SALARY RANGE ADJUSTMENT, EFFECTIVE 3/29/19, FOR THE SEASONAL MARINE OFFICER CLASSIFICATION TO TS-00200, $9.45/HR- $9.95/HR

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to approve a salary range adjustment, effective 3/29/19, for the Seasonal Marine Officer classification to TS-00200, $9.45/hr-$9.95/hr.

**Roll Call:**

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

No: None  

Motion Carried
2019-64 **AUTHORIZE THE ADOPTION OF THE RESOLUTION ALLOWING THE COUNTY OF MUSKEGON TREASURER TO BORROW UP TO TWELVE MILLION DOLLARS ($12,000,000) AGAINST THE ANTICIPATED 2018 DELINQUENT REAL PROPERTY TAXES**

WM19/02-15
The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to authorize the adoption of the resolution allowing the County of Muskegon Treasurer to borrow up to twelve million dollars ($12,000,000) against the anticipated 2018 delinquent real property taxes.

Roll Call:

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

No: None

Motion Carried

2019-65 **AUTHORIZE THE ADOPTION OF THE RESOLUTION TO WAIVE THE MONTHLY INTEREST CHARGE OF 1% AND THE ADMINISTRATIVE FEE OF 4% FOR THE PERIOD MARCH 1ST TO APRIL 30TH FOR 2018 DELINQUENT TAXES (FIRST YEAR OF DELINQUENCY) FOR A SENIOR CITIZEN, PARAPLEGIC, HEMIPLEGIC, QUADRIPLEGIC, ELIGIBLE SERVICEMAN, ELIGIBLE VETERAN, ELIGIBLE WIDOW, TOTALY AND PERMANENTLY DISABLED PERSON, OR BLIND PERSON IN ACCORDANCE WITH SECTIONS 211.59 AND 211.51 OF THE GENERAL PROPERTY TAX ACT 206 OF 1893, AS AMENDED**

WM19/02-16
The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to authorize the adoption of the resolution to waive the monthly interest charge of 1% and the administrative fee of 4% for the period March 1st to April 30th for 2018 delinquent taxes (first year of delinquency) for a senior citizen, paraplegic, hemiplegic, quadriplegic, eligible serviceman, eligible veteran, eligible widow, totally and permanently disabled person, or blind person in accordance with sections 211.59 and 211.51 of the General Property Tax Act 206 of 1893, as amended.

Roll Call:

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

No: Zach Lahring

Motion Carried
2019-66 APPROVE AND ADOPT THE VETERANS ADVISORY COMMITTEE BY-LAWS AND AUTHORIZE THE BOARD CHAIR TO SIGN

HS19/02-01
The Human Services Committee recommends, moved by Commissioner Nash, seconded by Vice Chair Foster, to approve and adopt the Veterans Advisory Committee By-Laws and authorize the Board Chair to sign.

Roll Call:

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

No: None

Motion Carried

2019-67 AUTHORIZE PUBLIC HEALTH TO ACCEPT $5,431 FROM MUSKEGON COMMUNITY HEALTH PROJECT AND SUBCONTRACT WITH COALITION FOR COMMUNITY DEVELOPMENT TO PROVIDE COMMUNITY LEVEL TECHNICAL SUPPORT AND TRAINING TO HELP EMPOWER THE NEIGHBORHOOD GROUPS AND/OR REPRESENTATIVES IN THE RESILIENCE ZONE; AND TO REFER/LINK THEM TO EXISTING COMMUNITY RESOURCES

HS19/02-02
The Human Services Committee recommends, moved by Commissioner Nash, seconded by Vice Chair Foster, to authorize Public Health to accept $5,431 from Muskegon Community Health Project and subcontract with Coalition for Community Development to provide community level technical support and training to help empower the neighborhood groups and/or representatives in the Resilience Zone; and to refer/link them to existing community resources.

Roll Call:

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

No: None

Motion Carried
2019-68  **AUTHORIZATION PUBLIC HEALTH TO ACCEPT $78,000 FROM THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICE’S WIC DIVISION AND TO CREATE AND FILL TWO (2) HOURLY BREASTFEEDING PEER COUNSELOR POSITIONS AT PAY SCALE NO-00060 ($12.536 - $15.29 HOURLY)**

HS19/02-03
The Human Services Committee recommends, moved by Commissioner Nash, seconded by Vice Chair Foster, to authorization Public Health to accept $78,000 from the Michigan Department of Health and Human Service’s WIC Division and to create and fill two (2) hourly Breastfeeding Peer Counselor positions at pay scale NO-00060 ($12.536 - $15.29 hourly).

Roll Call:

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

No: None

**Motion Carried**

2019-69  **AUTHORIZE THE FOLLOWING VENDORS AS SOLE SOURCE SUPPLIER OF VACCINES IN FY 2019 FOR PUBLIC HEALTH: SANOFI PASTEUR, GLAXOSMITHKLINE, MERCK, AND PAXVAX, AND ALLOW IMMEDIATE RELEASE OF PAYMENT**

HS19/02-04
The Human Services Committee recommends, moved by Commissioner Nash, seconded by Vice Chair Foster, to authorize the following vendors as sole source supplier of vaccines in FY 2019 for Public Health: Sanofi Pasteur, GlaxoSmithKline, Merck, and PaxVax, and allow immediate release of payment.

Roll Call:

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

No: None

**Motion Carried**

2019-70  **AUTHORIZE THE SHERIFF’S OFFICE TO REPLACE ONE (1) 2013 FWD FORD FUSION FROM EMERGENCY SERVICES WITH THE ASSOCIATED COST COVERED BY INSURANCE REIMBURSEMENT AND BY THE SALE PROCEEDS FROM THE SHERIFF’S FLEET VEHICLES**

CPS19/02-05
The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Wilkins, to authorize the Sheriff’s Office to replace one (1) 2013 FWD Ford Fusion from Emergency Services with the associated cost covered by insurance reimbursement and by the sale proceeds from the Sheriff’s fleet vehicles.

Roll Call:

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

No: None

**Motion Carried**
2019-71  APPROVE THE ACCEPTANCE OF THE STATE OF MICHIGAN, DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS BUREAU, 2019 MEDICAL MARIJUANA OPERATIONS AND OVERSIGHT FUNDING IN THE AMOUNT OF $50,923 FOR THIS GRANT PERIOD

CPS19/02-06
The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Wilkins, to approve the acceptance of the State of Michigan, Department of Licensing and Regulatory Affairs Bureau, 2019 Medical Marijuana Operations and Oversight funding in the amount of $50,923 for this grant period.

Roll Call:
Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Susie Hughes
No: None

Motion Carried

2019-72  APPROVE THE NEGOTIATED TRADE OF AN ALUMINUM BOAT WITH THE SHERIFF’S OFFICE AND FACILITIES MANAGEMENT AND TO ALLOW THE SHERIFF’S OFFICE TO USE FUNDS FROM THE MARINE SAFETY FUND BALANCE TO OUTFIT THE BOAT WITH A MOTOR AND EQUIPMENT AT A COST OF APPROXIMATELY $6,600.00; AND AMEND THE BUDGET ACCORDINGLY

CPS19/02-07
The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Wilkins, to approve the negotiated trade of an aluminum boat with the Sheriff’s Office and Facilities Management and to allow the Sheriff’s Office to use funds from the Marine Safety Fund Balance to outfit the boat with a motor and equipment at a cost of approximately $6,600.00; and amend the budget accordingly.

Roll Call:
Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Susie Hughes
No: None

Motion Carried
APPROVE THE SHERIFF’S REQUEST TO RECLASSIFY JOB CLASSIFICATIONS FOR THE ADMINISTRATIVE ANALYST, X04007, (NX-00220) TO A SHERIFF OPERATIONS SUPERVISOR (NX-00290) AND THE SHERIFF ADMINISTRATIVE SECRETARY, N73501, (NO-00195) TO AN ADMINISTRATIVE ANALYST (NX-00220) POSITION AT A COST OF APPROXIMATELY $4,800.00 FOR FISCAL YEAR 2019

The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Wilkins, to approve the Sheriff’s request to reclassify job classifications for the Administrative Analyst, X04007, (NX-00220) to a Sheriff Operations Supervisor (NX-00290) and the Sheriff Administrative Secretary, N73501, (NO-00195) to an Administrative Analyst (NX-00220) position at a cost of approximately $4,800.00 for Fiscal Year 2019.

Roll Call:

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

No: None

Motion Carried

APPROVE AND AUTHORIZE THE SHERIFF TO SIGN THE THIRD AMENDMENT TO THE CONTRACT BETWEEN THE MUSKEGON COUNTY SHERIFF AND CORRECTIONAL CARE SOLUTIONS TO PROVIDE MEDICAL SERVICES IN THE JAIL, TO INCLUDE AN INCREASE OF $105,000, AT A DATE EFFECTIVE OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2022; AND AMEND THE BUDGET ACCORDINGLY

The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Wilkins, to approve and authorize the Sheriff to sign the third amendment to the contract between the Muskegon County Sheriff and Correctional Care Solutions to provide medical services in the jail, to include an increase of $105,000, at a date effective October 1, 2018 through September 30, 2022; and amend the budget accordingly.

Roll Call:

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

No: None

Motion Carried
CHAIRMAN’S REPORT/COMMITTEE LIAISON REPORTS

2019-75  APPROVE THE REAPPOINTMENT OF LISA GROSSENBACHER – HOTELS/MOTELS TO THE ACCOMMODATIONS TAX ADVISORY COMMITTEE (ATAC) (SHORELINE INN) WITH A TERM ENDING 12/31/21 AND THE REAPPOINTMENT OF KERRY RATTINGER TO THE SOLID WASTE PLANNING COMMITTEE (SOLID WASTE MANAGEMENT SLOT) WITH A TERM ENDING 12/31/20

The Chairman recommends, moved by Commissioner Mahoney, seconded by Vice Chair Foster, to approve the reappointment of Lisa Grossenbacher – Hotels/Motels to the Accommodations Tax Advisory Committee (ATAC) (Shoreline Inn) with a term ending 12/31/21; and the reappointment of Kerry Rattinger to the Solid Waste Planning Committee (Solid Waste Management Slot) with a term ending 12/31/20.

Voice vote  Motion Carried

2019-76  APPROVE THE APPOINTMENTS OF COMMISSIONER MAHONEY, VICE CHAIR FOSTER, AND COMMISSIONER WILKINS TO THE MUSKEGON COUNTY BOARD RULES COMMITTEE

The Chairman recommends, moved by Vice Chair Foster, seconded by Commissioner Lahring, to approve the appointments of Commissioner Mahoney, Vice Chair Foster, and Commissioner Wilkins to the Muskegon County Board Rules Committee.

Voice vote  Motion Carried

Chairman Hughes recommended Commissioners review the County Board Rules on the County’s Board of Commissioners web page: http://www.muskegoncounty.net/DocumentCenter/View/177/Rules-of-the-Muskegon-County-Board-of-Commissioners

Commissioners were asked to contact members of the Board Rules Committee if they see anything that might need to be updated.

ADMINISTRATOR’S REPORT

Administrator Eisenbarth asked Mr. Bob Lukens, Community Development Director, to provide an update on the Convention Center. Mr. Lukens noted a meeting took place last week via phone and skype to discuss the potential connection between the Convention Center and the Walker Arena. Currently there are two ramps between the two buildings and they are asking the two architecture companies to put the ramps under an enclosed roof so people would not have to walk outside. There was active discussion about how that could be done without incurring additional costs.

Commissioner Lahring asked if there has been any progress with an environmental study of the existing soil conditions. Mr. Lukens answered, that topic had not been discussed at the meeting.
2019-77  **AUTHORIZE TO ACCEPT $5 MILLION FROM THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION (MEDC) FOR ENVIRONMENTAL REMEDIATION EFFORTS RELATED TO MUSKEGON LAKE AND AUTHORIZE THE COUNTY ADMINISTRATOR TO SIGN**

The Administrator recommends, moved by Commissioner Nash, seconded by Vice Chair Foster, to authorize to accept $5 million from the Michigan Economic Development Corporation (MEDC) for environmental remediation efforts related to Muskegon Lake and authorize the County Administrator to sign. (See attached)

Commissioner Lahring asked if this could cost the County additional money. Administrator Eisenbarth responded that there would not be any additional costs for the County.

Roll Call:

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

No:  None

**Motion Carried**

Administrator Eisenbarth asked Mr. Rich Warner, Muskegon County Emergency Services Manager, to discuss the power outage.

Rich Warner, Muskegon County Emergency Services Manager, reported that on Friday, February 8th, there were nearly 16,000 people without power in Muskegon County. The Emergency Operations Center (EOC) was activated via telephone to assist a Montague area home for the elderly to evacuate approximately 100 people who had been without power and heat for 36 hours. Two 24 hour shelters were open, one at the Salvation Army and one at the Methodist Church in Montague and there were a handful of warming shelters open 10 – 12 hours a day. The EOC participants included: Red Cross, Salvation Army, State of Michigan, Consumers Energy, Fire Chief Bob Gagnon, Rich Warner, Bob Grabinski, Shawn Grabinski, Chad Lawton, Jim Norton, and Rhona Colbert. Mr. Warner credited the volunteers for their swift action in getting people moved, providing cots, blankets, etc.

Discussion ensued.

Vice Chair Foster asked Mr. Warner to pass on to the EOC the appreciation of the Muskegon County Commissioners. Administrator Eisenbarth also thanked the Police and Fire personnel that worked so hard serving the community during the outage over the weekend.

Administrator Eisenbarth asked Ms. Kathy Moore, Public Health Director, to provide information about the Public Meeting regarding PFAS.

Kathy Moore, Public Health Director, and Matt Farrar, Public Works Director, reported on the public meeting scheduled for next Tuesday, February 19th, at 6:00 p.m. noting everyone is invited.

**OLD BUSINESS**

There was no old business to come before the Board.
NEW BUSINESS

There was no new business to come before the Board.

PUBLIC COMMENT

Ms. Shawn Grabinski, 911 Managing Director, thanked the Board for their input and comments and noted that she and two of the Fire Chiefs have been campaigning for the surcharge. They have taken the comments/questions received and are working toward answering those questions for the citizens. Ms. Grabinski played a clip of the daily average radio communication with public safety personnel (static, inaudible message) Ms. Grabinski indicated this was typical communication and this was from the fire department on a fire scene asking for additional resources.

Chairman Hughes asked if it is true that while someone is talking to someone on the radio, no one else can get through. Ms. Grabinski explained that is correct; they only have one police channel and one fire channel for 15 fire departments throughout the county. Ms. Grabinski noted that last Thursday, Central Dispatch handled over 1100 calls during the day time, stating that some of the calls didn’t go over the radio because it was necessary to make sure it was essential for medical emergency and structure fires.

Chairman Hughes recognized Heide Tice, Fruitport Charter Township Supervisor; Leighann Mikesell, City of Muskegon Public Works Director; Whitehall Police Chief Roger Squires; Muskegon Charter Township Fire Chief David Glotzbach, and Undersheriff Ken Sanford.

2019-78  GO INTO CLOSED SESSION PURSUANT TO MCL15.268(E) TO DISCUSS PENDING LITIGATION, CASE NUMBERS 1:17-CV-1136, 16-000694-CB AND 15-50122-AA

Moved by Commissioner Mahoney, seconded by Commissioner Snider, to go into Closed Session Pursuant to MCL15.268(e) to discuss pending litigation, Case numbers 1:17-CV-1136, 16-000694-CB and 15-50122-AA

Roll Call:

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

No: None  Motion Carried

Went into closed session at 4:15 p.m.

Returned to open session at 4:42 p.m.
2019-79  **APPROVE LITIGATION COUNSEL’S RECOMMENDATION FOR FEDERAL CASE # 1:17-CV-1136 AND FOR ADMINISTRATION TO SIGN THE NECESSARY DOCUMENTS**

Moved by Commissioner Mahoney, seconded by Commissioner Snider, to approve Litigation Counsel’s recommendation for Federal Case # 1:17-CV-1136 and for Administration to sign the necessary documents.

Roll Call:

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

No:None

Motion Carried

2019-80  **APPROVE CORPORATE COUNSEL’S RECOMMENDATION REGARDING CASE #6-000694-CB**

Moved by Commissioner Snider, seconded by Commissioner Mahoney, to approve Corporate Counsel’s recommendation regarding Case #6-000694-CB.

Roll Call:

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

No:Charles Nash

Motion Carried

2019-81  **MOVED BY COMMISSIONER MAHONEY, SECONDED BY COMMISSIONER NASH, TO ADJOURN.**

Meeting adjourned at 4:45 p.m.

Nancy A. Waters, Muskegon County Clerk

NAW/jmp

To Be Approved at Full Board Meeting on Tuesday, March 12, 2019
REQUEST FOR BOARD CONSIDERATION-COUNTY OF MUSKEGON

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<tr>
<th>COMMITTEE</th>
<th>BUDGETED</th>
<th>NON-BUDGETED</th>
<th>PARTIALLY BUDGETED</th>
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<td>Full Board</td>
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REQUESTING DEPARTMENT: Administration
COMMITTEE DATE: February 12, 2019
REQUESTOR SIGNATURE: Mark Eisenbarth

SUMMARY OF REQUEST (GENERAL DESCRIPTION, FINANCING, OTHER OPERATIONAL IMPACT, POSSIBLE ALTERNATIVES)

During the Michigan Legislature's 2018 end-of-year session, $2 million was authorized to fund the Food Forward FARM for the food processing initiative, Muskegon Heights was awarded $3 million for the Sherman corridor improvements, the City of Muskegon was awarded $4 million for industrial park expansion, and Muskegon County was awarded $5 million for the 120 acres of contaminated property situated along the south shoreline of Muskegon Lake. Liable party obligations have been met, but existing contamination poses significant obstacles to the safe redevelopment of the property for proposed mixed-use purposes. Contaminants present on the property represent human exposure concerns associated with the proposed redevelopment and threaten the integrity of Muskegon Lake.

Administration is requesting authorization to accept $5 million from the Michigan Economic Development Corporation (MEDC) for environmental remediation efforts related to Muskegon Lake.

SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES)

Move to authorize to accept $5 million from the Michigan Economic Development Corporation (MEDC) for environmental remediation efforts related to Muskegon Lake and authorize the County Administrator to sign.

ADMINISTRATIVE ANALYSIS (AS APPLICABLE)

<table>
<thead>
<tr>
<th>HUMAN RESOURCES ANALYSIS:</th>
<th>FINANCE &amp; MANAGEMENT ANALYSIS:</th>
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<tr>
<th>CORPORATE COUNSEL ANALYSIS:</th>
<th>ADMINISTRATOR RECOMMENDATION:</th>
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<td>MEC</td>
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If motion originates from a Statutory Board, Authority or Advisory Committee, please provide the date the motion was approved by that Board/Authority/Committee

AGENDA DATE: 2/12/19
AGENDA NO.: 2/18/19
BOARD DATE: 2/18/19

Revised 2/8/19
Michigan Enhancement Grant Application Form

Official Grantee: Muskegon County
Grantee Address: 990 Terrace Street, Muskegon, MI 49442
Grantee Primary Contact: Mark Eisenbarth
Grantee Tax ID #: 
Phone: 231-724-6520 Email: Eisenbarthma@Muskegoncounty.net

Instructions: This form and the proposed budget are due to MEDC by February 15, 2019. If a response is not received as required additional approval from State Budget Office may be required.

1. Please describe the public purpose of the project, demonstrating it is consistent with PA 618 of 2018, Section 759.

Muskegon County is supporting economic development activities related to 120-acres of contaminated property situated along the south shoreline of Muskegon Lake. Environmental remediation is required to prepare this land for future mixed-use development, which will improve the conditions of Muskegon Lake, enable safe reuse of former industrial property, and stimulate private investment in the community.

2. Fill out the anticipated dollar amount for each respective category of the budget, using the excel budget form provided. Please note the general administrative expense cannot exceed 10% of the grant amount.

3. Anticipated timeframe for each cost identified in the budget. (Project must be completed no later than January 31, 2021.)

Environmental Remediation Efforts - Spring 2019 through Winter 2020
General Administration - Spring 2019 through Winter 2020
4. I acknowledge that I will be required to submit quarterly progress reports and a final report including:

   i. A summary of the Grant Activities performed over the immediately prior calendar quarter;
   ii. An accounting of Grantee’s actual expenditure of all funds on the Project over the immediately prior quarter, including the breakdown of Grantee’s actual use of Grant funds on the Project within each applicable category of the Budget, and corresponding copies of supporting documentation of such expenditures, such as receipts, general ledgers, or other evidence of expenditure activity statements;
   iii. the Grantee’s estimated percentage of completion of the Project; and
   iv. Any other information deemed relevant by Grantee to support the Grant Activities actually performed.

5. If the Grantee is also a recipient of grant funds under one or more of a prior grant agreement authorized by any of PA 268 of 2016, PA 107 of 2017 and/or PA 207 of 2018, Grantee must first certify in writing to the Grant Administrator that all such grant funds disbursed thereunder have been expended as required under the applicable prior grant agreement, before any Grant funds from PA 618 of 2018 may be disbursed to Grantee.

6. Identify authorized signer(s).

NOTICE: Please be advised any portion of the grant funds paid to grantee and not spent or not spent in accordance with the grant agreement must be returned to the MEDC.

This Grant Application Form is not a legally binding agreement and should not be viewed as such. Moreover, the Grant Application Form does not embody all of the terms and conditions of the grant agreement and neither the MEDC nor the grantees will be bound until there is an executed grant agreement that sets forth all the terms and conditions.

Authorized Signature: __________________________ Date: ____________
Michigan Enhancement Grant Project Budget

Please enter the major cost elements of the project, selecting from the drop down list options. If you select an activity with a "." please add a few additional words of description in the "Other/Additional Notes" column. You will be asked to report based on these budget categories. It is recommended that the budget have between 2-5 line items. Keeping the budget at a fairly high-level minimizes the need to amend the budget if the project costs deviate slightly from the plan. The "Local" and "Other" columns are optional. **Six line items is the maximum allowed.**

<table>
<thead>
<tr>
<th>1. Grantee: Muskegon County</th>
<th>2. Project Title: Windward Pointe</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Project Cost Elements</td>
<td>4. Funding Sources</td>
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<tr>
<td>Activities</td>
<td>Other/Additional Notes</td>
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<tr>
<td>Environmental</td>
<td>$</td>
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<tr>
<td>General Admin Costs Necessary to Implement the Project (staff costs, etc.):</td>
<td>$</td>
</tr>
<tr>
<td>Total</td>
<td>$ 5,000,000.00</td>
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Windward Pointe Project Summary

Background and Redevelopment Vision
In July 2016, Pure Muskegon LLC (PM) purchased the 120-acre former Sappi Paper Mill located at 2400 Lakeshore Drive in Muskegon, Muskegon County, Michigan ("Property"). PM is comprised of a dedicated group of local business and community leaders that have come together to drive a major transformational brownfield redevelopment project, Windward Pointe, in the City of Muskegon, Muskegon County, Michigan. It is the vision of PM and the City of Muskegon that the former industrial property be revitalized into a unique mixed-use residential, commercial and community destination offering public access opportunities to Muskegon Lake and providing a major economic development catalyst for the City of Muskegon, North Muskegon, Muskegon County and the greater West Michigan Region. Windward Pointe is expected to create substantial measurable economic benefit in the form of construction, direct and indirect jobs, and significantly increased taxable property values for the applicable taxing jurisdictions, as well as health and safety benefits to the community by addressing real and potential health risks posed by the former industrial use of the Property.

Site History and Environmental Concerns
The Property has been utilized for industrial purposes from approximately 1874 to 2009. Most of the industrial use consisted of paper production operations, which commenced around 1900 and ceased in 2009 when the Sappi paper plant was shut-down. From 2011 to 2018, demolition activities were conducted to remove blighted and functionally obsolete structures from the Property, and environmental investigations were completed to evaluate soil and groundwater conditions. An administrative agreement between the Michigan Department of Environmental Quality (MDEQ), previous Property owners, and PM was executed to address liable party obligations related to known contamination and facilitate PM's acquisition of the Property.

Liable party obligations have been met, but existing contamination poses significant obstacles to the safe redevelopment of the Property for proposed mixed-use purposes. Contaminants present on the Property represent human exposure concerns associated with the proposed redevelopment and threaten the integrity of Muskegon Lake.

Michigan Enhancement Grant
To assist with advancing the Windward Pointe project forward, a Michigan Enhancement Grant has been appropriated toward environmental remediation efforts on the Property. Use of these grant funds for this purpose will position the Property for safe redevelopment and continue the ongoing efforts to protect Muskegon Lake from the adverse environmental impact of past industrial uses.

Other Funding Resources Leveraged
The City of Muskegon and its Brownfield Authority have partnered with and supported the efforts of PM in several ways, including the adoption of a Brownfield Plan amendment for Windward Pointe in March 2017, approval of two Act 381 Work Plans, securing a $1 million MDEQ Brownfield Grant to demolish two smokestacks, and allocation of over $100,000 in federal EPA Brownfield Assessment grant funds to help fund Due Care investigations.