County Board of Commissioners

Members
Gail Patterson-Gladney, District 1
Kurt Doroh, District 2
Richard Godfrey, District 3
Mike Chappell, District 4
Randall Peat, District 5
Donald Hanson, District 6
Paul Schincariol, District 7

Contact
Board of Commissioners Chambers
219 E. Paw Paw Street
Paw Paw, MI 49079

Ph: 269-657-8253
Fax: 269-657-8252

MINUTES
May 11, 2021
4:00 PM

1. Call to Order

   A. Zoom Meeting Information

   On the above date the regular meeting of the Board of Commissioners was called to order at 4:03 by Richard Godfrey, Chairman of the Board.

   The roll was called by County Clerk Suzie Roehm with the following commissioners answering to their name and district: Gail Patterson-Gladney-District 1 (remotely from City of South Haven, Van Buren County, MI); Kurt Doroh-District 2; Richard Godfrey-District 3; Mike Chappell-District 4; Randy Peat-District 5 (remotely from Paw Paw Township, Van Buren County, MI); Donald Hanson-District 6; Paul Schincariol-District 7.

2. Additions/Deletions to the Agenda

   None.

3. Approval of Agenda

   All items on the agenda marked with '**' are part of the consent agenda. Commissioners or the public can request that items be removed from the consent agenda.

   Motion to approve the agenda as presented.
   Motion by Gail Patterson-Gladney, Second by Randall Peat, Carried
   Roll Call Vote: All Yes

4. Approval of Minutes

   A. ** Minutes - April 27, 2021

   Motion by Gail Patterson-Gladney, Second by Randall Peat, Carried

5. Public Comment

6. Presentation

A. Introduction of Rachel Lindley, Trial Court Administrator - Judge Brickley

Chief Judge Kathleen Brickley introduced the new Trial Court Administrator, Rachel Lindley.

7. Administrative Affairs Committee

A. **Palisades Community Advisory Panel

<u>ADMINISTRATIVE AFFAIRS RESOLUTION AA18/5-11-2021</u>

WHEREAS, the request is to establish a County based Community Advisory Panel (PCAP) in preparation for the closure of Palisades Power Plant, the transfer of ownership from Entergy to Holtec, and the resultant Nuclear Regulatory Commission (NRC) decommissioning process, and;

WHEREAS, the decommissioning of Palisades will begin following the plant's closure and reactor defueling in 2022 under continued regulation of the U.S. Nuclear Regulatory Commission (NRC), and;

WHEREAS, under federal law, Palisades must be decommissioned by safely removing the unit from service and reducing residual radioactivity to a level that permits release of the property for unrestricted reuse. Per the NRC, the federal government has strict rules governing nuclear power plant decommissioning, involving cleanup of radioactively contaminated plant systems and structures, and removal of the plant's spent fuel, and;

WHEREAS, these federal requirements protect workers and the public during the entire decommissioning process and once completed. By federal law, the decommissioning of a nuclear plant must be completed within 60 years of permanently ceasing operations, and;

WHEREAS, the permanent plant shutdown, reactor defueling, decommissioning, site remediation, spent fuel management and removal, and potential site reuse, among other issues at the Palisades Power Plant, are issues of public interest. In response, it is recommended that the Board of Commissioners form a Palisades Community Advisory Panel (CAP) to provide for open communication, public involvement, and education on issues related to the Palisades Power Plant shutdown and decommissioning.

WHEREAS, Minimal operational costs will be incurred to be funded through the Strategic Economic Development Fund.

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners approves the request to establish a County based Palisades Community Advisory Panel (PCAP) in preparation for the closure of Palisades Nuclear Power Plant, the transfer of ownership from Entergy to Holtec, and the resultant Nuclear Regulatory Commission (NRC) decommissioning process.

Motion by Gail Patterson-Gladney, Second by Randall Peat, Carried

B. **Brownfield Plan - The Lodge

ADMINISTRATIVE AFFAIRS RESOLUTION AA19/5-11-2021

WHEREAS, the Van Buren County Board of Commissioners, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), formally created the Van Buren County Brownfield Redevelopment Authority (BRA) (the "Authority") and have designated that all related activities shall proceed through the BRA; and
WHEREAS, the Authority, pursuant to and in accordance with Section 13 of the Act, has reviewed, adopted and recommended for approval by the Van Buren County Board of Commissioners, the Brownfield plan (the "Plan") attached hereto, to be carried out within South Haven Charter Township relating to the redevelopment project proposed as "The Lodge" by 10336 Blue Star Highway, LLC and its related entities, on the commercial property located 10336 Blue Star Highway, in said Township, (the "Site"), as more particularly described and shown in Figure 1 contained within the attached Plan; and
WHEREAS, the Van Buren County Board of Commissioners have reviewed the Plan, and have been provided a reasonable opportunity to express their views and recommendations regarding the Plan and in accordance with Sections 13(13) of the Act; andWHEREAS, the Van Buren County Board of Commissioners have noticed and held a public hearing in accordance with Section 13(10,11,12 and 13) of the Act, and provided notice to and fully inform all taxing jurisdictions (the "Taxing Jurisdictions") which are affected by the Financing Plan about the fiscal and economic implications of the proposed Financing Plan; and
WHEREAS, South Haven Charter Township has passed a resolution supporting adoption of the Plan; and
WHEREAS, the Van Buren County Board of Commissioners have made the following determinations and findings:
A. The Plan constitutes a public purpose under the Act;
B. The Plan meets all the requirements for a Brownfield plan set forth in Section 13 of the Act;
C. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; E. School taxes will be captured in accordance with the Plan; and F. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and
WHEREAS, because of its review of the Plan, the Van Buren County Board of Commissioners concur with approval of the Plan.
Now, therefore, BE IT RESOLVED that:
1. Plan Approved. Pursuant to the authority vested in the Van Buren Co unty Board of
Commissioners, by the Act, the Plan is hereby approved in the form attac

hed to this Resolution.
2. Severability. Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution nor any part thereof other than the part so declared to be invalid.
3. Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Motion by Gail Patterson-Gladney, Second by Randall Peat, Carried

C. **Brownfield Plan - Essential Storage

ADMINISTRATIVE AFFAIRS RESOLUTION AA20/5-11-2021

WHEREAS, the Van Buren County Board of Commissioners, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the “Act”), formally created the Van Buren County Brownfield Redevelopment Authority (BRA) (the “Authority”) and have designated that all related activities shall proceed through the BRA; and
WHEREAS, the Authority, pursuant to and in accordance with Section 13 of the Act, has reviewed, adopted and recommended for approval by the Van Buren County Board of Commissioners, the Brownfield plan (the “Plan”) attached hereto, to be carried out within South Haven Charter Township relating to the redevelopment project proposed by Essential Storage, LLC, on the commercial property located 05585 Blue Star Highway, in said Township, (the “Site”), as more particularly described and shown in Figure 1 contained within the attached Plan; and
WHEREAS, the Van Buren County Board of Commissioners have reviewed the Plan, and have been provided a reasonable opportunity to express their views and recommendations regarding the Plan and in accordance with Sections 13(13) of the Act; and
WHEREAS, the Van Buren County Board of Commissioners have noticed and held a public hearing in accordance with Section 13(10,11,12 and 13) of the Act, and provided notice to and fully inform all taxing jurisdictions (the “Taxing Jurisdictions”) which are affected by the Financing Plan about the fiscal and economic implications of the proposed Financing Plan; and
WHEREAS, South Haven Charter Township has passed a resolution supporting adoption of the Plan; and
WHEREAS, the Van Buren County Board of Commissioners have made the following determinations and findings:
A. The Plan constitutes a public purpose under the Act;
B. The Plan meets all the requirements for a Brownfield plan set forth in Section 13 of the Act;
C. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; E. School taxes will be

captured in accordance with the Plan; and F. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and WHEREAS, because of its review of the Plan, the Van Buren County Board of Commissioners concur with approval of the Plan.
Now, therefore, BE IT RESOLVED that:
1. Plan Approved. Pursuant to the authority vested in the Van Buren Co unty Board of
Commissioners, by the Act, the Plan is hereby approved in the form attac hed to this Resolution.
2. Severability. Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution nor any part thereof other than the part so declared to be invalid.
3. Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Motion by Gail Patterson-Gladney, Second by Randall Peat, Carried

8. Buildings and Grounds Committee

9. Finance Committee

A. Claims

CLAIMS RESOLUTION C5/5-11-2021

WHEREAS, claims in the amount of $2,085,092.98for May 2021 were submitted and reviewed.
NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners approves total claims in the amount of $2,085,092.98.

Motion by Paul Schincariol, Second by Donald Hanson, Carried
Roll Call Vote: All Yes

B. **Sale of Victims Rights K9

FINANCE RESOLUTION F24/5-11-2021

WHEREAS, the request is to approve the sale of Victim Advocate Dog, Dylan, to his handler Maggie Hostetler, and;
WHEREAS, Dylan has served the county since October of 2017. Covid had a negative impact on Dylan. He was not able to continue his training and socialization during the Covid pandemic with the closing of the courts, and;
WHEREAS, Dylan had been transferred to several different homes as employees left the office and the past elected Prosecutor retired. Because of this, Dylan is declining in his skills as a service dog. Judge Brickley denied a request to have Dylan present in the courtroom for a March 9, 2021 trial due to past negative experiences, including growling at a defendant and roaming in the courtroom, and;

WHEREAS, Retraining would be costly and is not currently available because of the pandemic
NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners approves the sale of Victim Advocate Dog, Dylan, to his handler Maggie Hostetler.

Motion by Gail Patterson-Gladney, Second by Randall Peat, Carried

10. Labor Negotiations and Contracts Committee

11. Transit Committee

12. Veteran's Services Committee

13. Public Comment

14. Closed Session

    A. Closed Session to discuss Attorney Client Privileged correspondence relating to litigation involving New Covert Generating Co.

Motion to enter into Closed Session under Section 8e of the Open Meetings Act to consult with attorneys regarding litigation involving New Covert Generating.

Motion by Kurt Doroh, Second by Mike Chappell, Carried
Roll Call Vote: All Yes

Board went into closed session at 4:15 p.m.
Board returned from closed session at 5:10 p.m.

Motion to proceed with filing a Motion for Reconsideration with the Michigan Supreme Court in the New Covert Generating case and to direct attorney to prepare a future Cost Estimate and Tax Revenue document.

Motion by Randall Peat, Second by Kurt Doroh, Carried
Roll Call Vote

Yes: **Gail Patterson-Gladney, Kurt Doroh, Richard Godfrey, Mike Chappell, Randall Peat, Paul Schincariol**
No: **Donald Hanson**

15. Board Correspondence

    A. Alger County Resolution

    B. VBISD/VBCDHD Open House

    C. Alpena County Resolution

16. Committee/Out-Board Assignments

17. Adjournment

The meeting was adjourned at 5:19 p.m.

Richard Godfrey, Chairperson

Suzie Roehm, County Clerk