



MINUTES
County Board of Commissioners
Van Buren County

January 26, 2021

4:00 PM

Board of Commissioners Chambers - 219 East Paw Paw Street

1. CALL TO ORDER

1.

On the above date the regular meeting of the Board of Commissioners was called to order at 4:03 p.m. 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; and 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.

Roll Call Vote: All Yes

Motion by Mike Chappell, Second by Gail Patterson-Gladney, Carried

4. APPROVAL OF MINUTES

A. ** Minutes - January 12, 2021

Motion by Mike Chappell, Second by Gail Patterson-Gladney, Carried

5. PUBLIC COMMENT

The following Mattawan residents spoke in opposition to the proposed Mattawan Village Wastewater Treatment Facility that would discharge into Hayden Creek:

- Jake Jedynak
- Priscilla Woodhams
- Derek Rouse

Tyler Augst, MSUE, provided his contact information to the Board.

6. PRESENTATION

7. ADMINISTRATIVE AFFAIRS COMMITTEE

A. Road Commission - Appointment

ADMINISTRATIVE AFFAIRS RESOLUTION AA1/1-26-2021

WHEREAS, the Van Buren County Board of Commissioners is responsible for making appointments to the Van Buren County Road Commission, and;

WHEREAS, the request is to accept the resignation of Mr. Geoffrey Moffat and to appoint Mr. Todd Hackenberg to fill the vacancy, and;

WHEREAS, Mr. Moffat's term expires December 31, 2024. The appointment of Mr. Hackenberg would be to fill this term.

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners approves the appointment of Mr. Todd Hackenberg to the Van Buren County Road Commission for a term to expire December 31, 2024.

Roll Call Vote:

Yes: Doroh, Chappell, Peat, Hanson, Schincariol, Godfrey

No: Patterson-Gladney

Motion by Kurt Doroh, Second by Mike Chappell, Carried

B. Declaration of a State of Emergency - Extension

ADMINISTRATIVE AFFAIRS RESOLUTION AA2/1-26-2021

WHEREAS, on March 10, 2020, the County of Van Buren, Michigan was informed that in response to the novel coronavirus, COVID-19, a state of emergency was declared by the Governor of the State of Michigan; and

WHEREAS, on March 13, 2020, the County of Van Buren, Michigan was informed that in response to the novel coronavirus, COVID-19, a national state of emergency was declared by the President of the United States; and

WHEREAS, the Van Buren/Cass District Health Department was partially activated on March 2, 2020, and fully activated on March 17, 2020; and

WHEREAS, the Van Buren County Emergency Operations Center was partially activated on March 25, 2020, in support of Public Health in acquiring resources to deal with the pandemic, and has since been demobilized; however, the Van Buren County Emergency Operations Center remains ready to assist and may be partially or fully activated consistent with the Emergency Operations Plan which has been functioning since March 25, 2020 as necessary; and

WHEREAS, any widespread outbreak within the County of Van Buren could hinder and/or cease most daily operations within the entire County and overwhelm Emergency Medical Services, hospitals and urgent care facilities; and

WHEREAS, as a result of the requirements placed on the local health department personnel (including, but not limited to, education, enforcement, contact tracing, planning, testing and vaccination deployment), additional staff, volunteers, services, supplies/equipment and afforded liability protection may be needed to continue to protect public health; and

WHEREAS, Michigan Department of Health and Human Services (MDHHS) and Michigan Occupational Safety and Health Administration (MIOSHA) rules and orders exist requiring, or advising of, preventive measures to be in place to protect public health, including limitations on gatherings and use of remote technologies; and

WHEREAS, public bodies within Van Buren County have complied with orders or have voluntarily elected to meet virtually and may elect to continue such practice under this Declaration to protect public health consistent with the Open Meetings Act as amended; and

WHEREAS, in the absence of a current State of Michigan declared State of Emergency, it is necessary to declare a local State of Emergency.

THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners, in accordance with Section 10 of 1976 PA 390, as amended, and the Open Meetings Act, as amended, hereby declares that a "local state of emergency" exists within our jurisdiction as of November, 24 2020 and that local resources and funding are being utilized to the fullest possible extent, and the Emergency Operations Plan will be partially or fully implemented as this pandemic necessitates.

BE IT FURTHER RESOLVED that this Declaration which was scheduled to expire on January 31, 2021, will be extended until and expire on December 31st, 2021, unless otherwise extended or repealed by the Board of Commissioners.

Roll Call Vote:

Yes: Patterson-Gladney, Doroh, Chappell, Peat, Schincariol, Godfrey

No: Hanson

Motion by Gail Patterson-Gladney, Second by Mike Chappell, Carried

C. **CivicClerk - Agenda/Minutes Software

ADMINISTRATIVE AFFAIRS RESOLUTION AA3/01-26-2021

WHEREAS, the request is to utilize another platform from CivicPlus, their agenda setting platform, CivicClerk to replace our current platform, Novus, and;

WHEREAS, Clerk Roehm and the Administration Department are pleased with the upgrades CivicClerk has to offer, and;

WHEREAS, the first year of CivicClerk with their implementation costs is \$8,239 and starting year two, \$7,144.20 annually.

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners approves the request to purchase CivicClerk and authorizes the Board Chair to sign on its behalf.

Motion by Mike Chappell, Second by Gail Patterson-Gladney, Carried

8. BUILDINGS AND GROUNDS COMMITTEE

A. **Recreation Plan Update

BUILDINGS & GROUNDS RESOLUTION BG1/01-26-2021

WHEREAS, a plan which addresses the future use and development of parks, recreation areas, open spaces and greenways has been developed Van Buren County with the assistance of the County Planning Commission and the Southwest Michigan Planning Commission, and;

WHEREAS, the planning process included public input opportunities such as Planning Commission meetings, a survey and a public comment period, and;

WHEREAS, the plan has been developed to meet the recreational needs (based on data and public input) of the County; and

WHEREAS, the County held a public 30-day public comment period and a public hearing to take comment of the plan; and

WHEREAS, the County Planning Commission has recommended the plan to the County Board for adoption; and

NOW, THEREFORE BE IT RESOLVED, The Van Buren County Board of Commissioners hereby adopts the Van Buren County Community Park, Recreation, Open Space and Greenway Plan 2021-2026.

Motion by Mike Chappell, Second by Gail Patterson-Gladney, Carried

9. FINANCE/AUDITING COMMITTEE

A. Village of Paw Paw Commercial Rehabilitation District

FINANCE RESOLUTION F2/01-26-2021

WHEREAS, pursuant to PA210 of 2005, on January 11th, 2021 Village of Paw Paw established a Commercial Rehabilitation District ("District") within the village upon written request of a commercial business enterprise being SLATE STONE LLC; and

WHEREAS, in so doing the Village Council of the Village of Paw Paw after notice and a public hearing was held determined that the District meets the requirements as set forth in sections 2(b) and 3 of PA210 of 2005; and

WHEREAS, written notice of the Resolution was forwarded to Van Buren County by certified mail pursuant to MCL 207.843(4) and Van Buren County has 28 days to reject the establishment of the District; and

WHEREAS, Van Buren County desires to support the establishment of the District and waive its right to reject the Village of Paw Paw's establishment of the District as provided under MCL 207.843(5).

NOW, THEREFORE BE IT RESOLVED, by Van Buren County that the following described parcel(s) of land situated in the Village of Paw Paw, Van Buren County, and State of Michigan, to wit: 547-224,223 535-315 923-910 1385 13-3-14 COM AT PT ON FORMER CEN L OF S KALAMAZOO ST 1194' NLY OF E & W 1/4 L, TH N 88 DEG 23' 33" W 33' TO BEG OF DES, TH N 88 DEG 23' 33" W

179', TH N 0 DEG 08' 27" E 99', TH N 88 DEG 23' 33" W 85', TH N 0 DEG 08' 27" E TO SLY L OF COMMERCIAL AVE, TH S 88 DEG 56' 33" E ALG SAME 252.55', TH S 25 DEG 32' 33" E 19.93' TO W L OF S KALAMAZOO ST, TH S 1 DEG 04' 33" E ON SAME 129' TO BEG UNPLATTED VILLAGE OF PAW PAW. Also known as Tax ID 80-47-583-030-00;

638-533+535 216-62 1387 13-3-14 BEG ON 1/8 L AT PT S 0 DEG 08' 27" W 118.3' FROM CEN OF NW 1/4, TH S 88 DEG 23' 33" E 185', TH N 0 DEG 08' 27" E 99', TH N 88 DEG 23' 33" W 85', TH N 0 DEG 08' 27" E TO SLY L OF COMMERCIAL AVE, TH WLY ALG SD S L 100' TO N & S 1/8 L, TH S 0 DEG 08' 27" W ON SAME TO BEG UNPLATTED VILLAGE OF PAW PAW. Also known as Tax ID 80-47-583-032-00;

819-48 843-722 1390-F1C 13-3-14 BEG ON S L COMMERCIAL AVE AT INTER OF N & S 1/8 L IN NW 1/4, TH S 143.3', TH N 89 DEG 20' W 150', TH N TO S L SD AVE, TH S 89 DEG 05' E 150' TO BEG UNPLATTED VILLAGE OF PAW PAW. Also known as Tax ID 80-47-583-052-00;

1390-F1D 13-3-14 BEG ON S L OF COMMERCIAL AVE AT PT N 89 DEG 05' W 150' FROM N & S 1/8 L IN NW 1/4, TH N 89 DEG 05' W 50', TH S 144.4', TH S 89 DEG 20' E 50', TH N TO BEG UNPLATTED VILLAGE OF PAW PAW. Also known as Tax ID 80-47-583-053-00;

1390-F16 13-3-14 791-91 791-90 996-303-302 1064-299 BEG ON S L OF COMMERCIAL AVE AT PT N 89 DEG 05' W 200' FROM N & S 1/8 L IN NW 1/4, TH S 144.4', TH N 89 DEG 20' W 100', TH N 144.9' TO S L SD AVE, TH S 89 DEG 05' E 100' TO BEG UNPLATTED VILLAGE OF PAW PAW. Also known as Tax ID 80-47-583-055-00;

1390-F1B 13-3-14 593-556 1031-979 BEG ON S L COMMERCIAL AVE AT PT N 89 DEG 05' W 300' FROM N & S 1/8 L IN NW 1/4, TH S 144.9', TH N 89 DEG 20' W 79' TH N 145.3' TO S L SD AVE, TH S 89 DEG 05' E 79' TO BEG UNPLATTED VILLAGE OF PAW PAW. Also known as Tax ID 80-47-583-051-00;

1241-A3-14 COM AT INTER OF E & W 1/4 L & FORMER CEN L OF S KALAMAZOO ST, TH N 1 DEG 04' 33" WALG CEN L 1675', TH N 88 DEG 55' 27" E 52' TO E L OF S KALAMAZOO ST & PT OF BEG DES, TH N 1 DEG 04' 33" WALG SD E L 145', TH N 88 DEG 55' 27" E 28', TH N 64 DEG 35' 27" E TO WLY SH OF E BRANCH PAW PAW RIVER, TH SELY ALG SD SH L TO PT N 88 DEG 55' 27" E OF BEG, TH S 88 DEG 55' 27" W TO BEG UNPLATTED. Also known as Tax ID 80-47-161-006-00;

760-406 703-05 1241-B 3-14 COM AT PT 1675' N 1 DEG 4' 33" W FROM INTER OF FORMER CEN L KALAMAZOO ST & E & W 1/4 L, TH N 88 DEG 55' 27" E 52' TO BEG DES, TH S 1 DEG 4' 33" E ALG SD ST 155.35', TH S 83 DEG 57' 30" E 80.51', TH S 72 DEG 22' 30" E 178', TH N 1 DEG 4' 33" W 222.42', TH S 88 DEG 55' 27" W 248.49' TO BEG UNPLATTED. Also known as Tax ID 80-47-161-007-00,

be and here is established as a Commercial Rehabilitation District pursuant to the provisions of PA 210 of 2005 to be known as Gateway Commercial Rehabilitation District No. 1806 and Van Buren County supports the District's establishment and hereby waives its right to reject the Village's establishment of the District.

Roll Call Vote: All Yes

Motion by Paul Schincariol, Second by Mike Chappell, Carried

B. Charter Township of South Haven Commercial Rehabilitation District

FINANCE RESOLUTION F3/01-26-2021

WHEREAS, pursuant to PA210 of 2005, on December 9th, 2020 South Haven Charter Township established a Commercial Rehabilitation District ("District") within the Township upon written request of a commercial business enterprise being MAHI LODGING INC.; and

WHEREAS, in so doing the Township Board of South Haven Charter Township after notice and a public hearing was held determined that the District meets the requirements as set forth in sections 2(b) and 3 of PA210 of 2005; and

WHEREAS, written notice of the Resolution was forwarded to Van Buren County by certified mail pursuant to MCL 207.843(4) and Van Buren County has 28 days to reject the establishment of the District; and

WHEREAS, Van Buren County desires to support the establishment of the District and waive its right to reject South Haven Charter Township's establishment of the District as provided under MCL 207.843(5).

NOW, THEREFORE BE IT RESOLVED, by Van Buren County that the following described parcel(s) of land situated in South Haven Charter Township, Van Buren County, and State of Michigan, to wit:

75-D2 11-1-17 1103-47 1153-838 *** W 205 FT OF N 660 FT OF E 1/2 E 1/2 NE 1/4 NE 1/4. ALSO DESC AS COM AT NE COR; TH S89D15'05" W 125.79 FT FOR POB; TH CONT S89D15'05" W 205

FT; TH S00D50'46" W 660 FT; TH N89D15'05" E 205 FT; TH N00D50'46" E 660 FT TO POB. ***
SPLIT ON 10/07/2020 FROM 80-17-011-029-00; FOR 2021,
be and here is established as a Commercial Rehabilitation District pursuant to the provisions of PA
210 of 2005 to be known as Commercial Rehabilitation District No. 1 and Van Buren County supports
the District's establishment and hereby waives its right to reject the Township's establishment of the
District.

Roll Call Vote: All Yes

Motion by Paul Schincariol, Second by Gail Patterson-Gladney, Carried

C. **Economic Development Corporation Strategic Development Fund

FINANCE RESOLUTION F4/01-26-2021

WHEREAS, the request is to establish an Economic Development Strategic Fund using allowable administrative expenses from the Community Development Block Grant - Economic Development Revolving Loan Fund, and;
WHEREAS, The County's Revolving Loan Fund is rooted in the State of Michigan's Community Development Block Grant (CDBG) program, which is funded by the US Department of Housing and Urban Development (HUD), and;
WHEREAS, HUD/CDBG allows for 18% of loan payments to be used for reimbursing program administration expenses. Eligible expenses include: Salaries of staff, travel costs, program administration, rental or purchase of equipment, insurance, utilities, office supplies, and rental and maintenance (but not purchase) of office space, and;
WHEREAS, Historically, Van Buren County has taken a minimal reimbursement, deciding to leave money in the fund to benefit businesses, and instead choosing to only be reimbursed for "hard" expenses such as public hearing notices and legal/closing costs. This means many "soft" eligible expenses have not been reimbursed to the county. Once approved for reimbursement by the state, the County can utilize the authorized dollars at its discretion.
WHEREAS, the proposal is to utilize the "soft" eligible dollars for the development of a "County Strategic Fund". Once populated, the fund will be managed by the County's Economic Development Corporation Board.
NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners approve the request to establish an Economic Development Strategic Fund and to place eligible reimbursed administrative expenses from the Revolving Loan Fund into this Fund.

Motion by Mike Chappell, Second by Gail Patterson-Gladney, Carried

D. **Homeland Security Grant Renewal

FINANCE RESOLUTION F5/01-26-2021

WHEREAS, the request is for approval of the 2020 Homeland Security Grant Program Agreement, and;
WHEREAS, this is the next grant award in the continuation of the Homeland Security Grant program. This grant award covers the period of September 1, 2020 to May 31, 2023. This grant award will be allocated and purchasing will be approved by the 5th District Regional Planning Board. There are no changes from previous approved grant awards or procedures, and;
WHEREAS, Signed grant agreement documents are requested to be back to the State of Michigan no later than Friday, January 29, 2021, and;
WHEREAS, Total Federal Funds Obligated to Van Buren County (Sub recipient), acting as the Fiduciary Agent on behalf of and as part of the Region 5 Board, are \$688,788.00.
NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners approve the request of approval of the 2020 Homeland Security Grant Program and authorizes the Board Chair to sign on its behalf.

Motion by Mike Chappell, Second by Gail Patterson-Gladney, Carried

E. **Jail Remote Video Arraignment/Meeting Rooms

FINANCE RESOLUTION F6/01-26-2021

WHEREAS, the request is to approve the purchase of five single and two double video arraignment/meeting rooms including polycom units for the Jail, and;

WHEREAS, there are safety and efficiency needs to improve our capabilities to conduct remote arraignments and private attorney-client meetings in the jail. The installation of the proposed booths will address this not just for the COVID situation but also in the future after some of the present restrictions are removed, and;

WHEREAS, the pods reduce the need for inmate transfer not just for Court proceedings but attorney-client meetings required for the Public Defender's Office. The pods reduce the need for physical remodeling of the jail and preserves space for other educational activities, and;

WHEREAS, the total cost is \$55,564.42 to be paid from Capital Improvements. \$46,075 for the Pods and \$9489.42 for the Polycom Units

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners approve the request to approve purchase of five single and two double video arraignment/meeting rooms including polycom units for the Jail and authorizes the Board Chair to sign on its behalf.

Motion by Mike Chappell, Second by Gail Patterson-Gladney, Carried

F. **Tilt Skillet Purchase

FINANCE RESOLUTION F7/01-26-2021

WHEREAS, the request is to purchase a new Tilt Skillet for the Jail kitchen, and;

WHEREAS, The Jail's Tilt Skillet has become inoperable and requires maintenance or replacement. The Tilt Skillet is a high-value piece of equipment for our kitchen. It is the primary piece of equipment for preparing inmate meals in large quantities. Since the Tilt Skillet has been down, we have seen a significant delay on food preparation and delayed serving times, and;

WHEREAS, Midwest Food Equipment Service has stopped by the facility twice and have found additional issues, and;

WHEREAS, the cost for a 30-gallon Tilt Skillet is \$15,988.98

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners approve the request purchase a new Tilt Skillet for the Jail kitchen and authorizes the Board Chair to sign on its behalf.

Motion by Mike Chappell, Second by Gail Patterson-Gladney, Carried

G. **Purchase of Copy Machines for the Courts

FINANCE RESOLUTION F8/01-26-2021

WHEREAS, the request is to approve a lease agreement with Applied Imaging to replace seven large multi-function devices (copy/print/fax machines), and;

WHEREAS, as part of our regular replacement schedule, the court must obtain a new fleet of copy machines to replace our existing aging devices. We are also streamlining our replacement schedule to be on the same 60-month lease cycle to minimize the number of requests brought before the board, and;

WHEREAS, Applied Imaging had the best offer. They are agreeing to pay for the buyout of the existing leases and cover the cost to remove all older equipment and have had an excellent history working with Applied Imaging, and;

WHEREAS, the seven devices will be placed at the following locations: Circuit Court, District Court East, District Court West, 2 in Friend of the Court, Juvenile Court and Probate Court, and;

WHEREAS, all leases will be applied to the lease and maintenance fund within each department.

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners approve the request to approve a lease agreement with Applied Imaging to replace seven large multi-function devices and authorizes the Board Chair to sign the documents on its behalf.

Motion by Mike Chappell, Second by Gail Patterson-Gladney, Carried

H. **Assistant Prosecuting Attorney Starting Salary Exception

FINANCE RESOLUTION F9/01-26-2021

WHEREAS, the request is to approve a salary exception request for an Assistant Prosecuting Attorney position at the 7-year salary level (level G) of the Assistant Prosecuting Attorney Scale, and;

WHEREAS, the position to fill the vacancy created by the departure of Eric Jenkins was posted on December 22, 2020. To date, the Prosecutor's Office has received 4 applications for the position. 3 of the applicants are recent law school graduates. 1 applicant currently has just under 7 years of

experience and is currently employed as an APA in a neighboring county, and;
WHEREAS, Eric Jenkins has been the primary Circuit Court Prosecutor and Appellate Attorney for the last several years. Due to the inability to conduct jury trials during the pandemic, there is a back-up of over 25 cases waiting to be tried in Circuit Court. The Prosecutor's Office needs an experienced trial attorney able to try several of these cases while handling the incoming case load, and;

WHEREAS, rather than the posted rate of \$54,132.00, they would be requesting a higher rate that mirrors what they were making at their current county. We are proposing they start at the 7-year salary level G- \$87,496.50. Because of the experience of this candidate and the need to replace the Circuit Court Prosecutor position, we feel this is an appropriate starting pay. Eric Jenkins was scheduled to receive his 7-year step increase this month, and;

WHEREAS, there will be no financial impact as this salary has already been budgeted for the Prosecuting Attorney's Office.

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners approve the request to approve a salary exception for an Assistant Prosecuting Attorney position at the 7-year salary level of the Assistant Prosecuting Attorney Scale.

Motion by Mike Chappell, Second by Gail Patterson-Gladney, Carried

10. LABOR NEGOTIATIONS AND CONTRACTS

11. TRANSIT COMMITTEE

12. VETERAN'S SERVICES COMMITTEE

13. PUBLIC COMMENT

The following Mattawan residents spoke in opposition to the proposed Mattawan Village Wastewater Treatment Facility that would discharge into Hayden Creek:

- Jake Jedynak
- Julie Richardson

14. CLOSED SESSION

15. BOARD CORRESPONDENCE

- A. Hayden Creek Documents
- B. Baraga County
- C. Grand Traverse County Pandemic Resolution
- D. Houghton County Resolution

16. COMMITTEE/OUT-BOARD ASSIGNMENTS

- Municipalities
- VBC Mental Health
- Area Agency on Aging
- Brownfield Redevelopment
- SW Michigan Community Action Agency
- Road Commission
- 911 Advisory Board
- Health Department Covid Update
- Emergency Operations
- Revenue Sharing
- Labor & Negotiations
- Economic Development
- Human Services

- Hayden Creek
- SW Michigan Behavioral Health
- Emergency Planning Committee

17. ORGANIZATIONAL MEETING

18. ADJOURNMENT

The meeting was adjourned at 4:48 p.m.

Richard Godfrey, Chairperson

Suzie Roehm, County Clerk