

BERRIEN COUNTY BOARD OF COMMISSIONERS
Regular Meeting Minutes
October 21, 2021

CALL TO ORDER:

Vice Chairperson Scott called the regular meeting to order at 10:30 A.M. in the Board of Commissioners' (BOC) Room at the Berrien County Administration Center in St. Joseph, Michigan.

INVOCATION:

Executive Assistant to the Administrator Annette Christie gave the invocation.

PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA:

Chief Deputy Clerk Diane Mensinger led us in the Pledge of Allegiance to the United States of America.

ROLL CALL:

Vice Chairperson Scott instructed the Clerk to take roll call with the following results:

9 PRESENT: Rayonte Bell, Teri Sue Freehling, Bob Harrison, Jon Hinkelman, Michael Majerek, Don Meeks, Ezra Scott, David Vollrath, and Julie Wuerfel.

3 ABSENT: Jim Curran, R. McKinley Elliott and Mamie Yarbrough.

AMEND AGENDA:

Commissioner Meeks moved, seconded by Commissioner Vollrath, to amend the agenda to allow for a presentation by Sheriff Bailey.

Vice Chairperson Scott called for a roll call vote with the following results:

9 YEAS: Freehling, Harrison, Hinkelman, Majerek, Meeks, Vollrath, Wuerfel, Bell, and Scott. Motion carried, no nays.

SHERIFF PRESENTATION ON BENTON HARBOR CITY WATER EMERGENCY:

Sheriff Bailey gave an update on the water main break in the City of Benton Harbor. There was an Emergency Alert issued this morning and they hope to have the repairs completed between 2:00 – 4:00 P.M. today. Water is being brought in through various sources and distributed to the residents and businesses.

APPROVAL OF MINUTES:

Commissioner Majerek moved, seconded by Commissioner Harrison, to approve the regular meeting minutes of October 14, 2021. Motion carried, no nays.

COMMUNICATIONS:

Chief Deputy Clerk Mensinger received and distributed the following communications:

- Mahlon McMichael, Niles – email received on October 10, 2021 regarding his neighborhood in the City of Niles.
- Ogemaw County Board of Commissioners – Resolution received on October 14, 2021 supporting amendments to the Open Meetings Act.

- Sarah Flutterbye, Bridgman – email received on October 15, 2021 regarding the County Commissioner Facebook page.
- Muskegon County Board of Commissioners – Resolution received on October 15, 2021 supporting the West Michigan Shoreline Regional Development Commission’s EDA Build Back Better grant application for the West Michigan Agricultural Technologies and Regional Food Systems Initiative.
- Chrissie Kaufmann, Niles – email received October 19, 2021 regarding public health.

REQUISITION REVIEW:

Executive Assistant to the Administrator Annette Christie reviewed the requisitions.

PUBLIC COMMENT REGARDING RESOLUTIONS: Public comments at this portion of the meeting must be related to resolutions listed on today’s agenda only. Those speaking during public comments may do so no longer than two minutes and shall identify themselves by name and city, township, or village (Article III, 3.9B-C):

Amy Foster, Lincoln Charter Township – spoke about Resolution #P211320 – Renew Mosaic Isolation and Quarantine Agreement and Resolution #P2110332 – Approval of Contract with Spectrum Health for TB Services.

Vedette Cordes, St. Joseph – spoke about Resolution #P2110332 – Approval of Contract with Spectrum Health for TB Services.

CONSENT CALENDAR:

Commissioner Hinkelman moved, seconded by Commissioner Freehling, to approve the consent calendar as presented.

<u>Resolution #</u>	<u>Descriptions</u>
P2110010	Monthly Per Diems
F2110051	Weekly Bills
B2110098	Weekly Requisitions
P2110320	Renew Mosaic Isolation and Quarantine Agreement
P2110332	Approval of Contract with Spectrum Health for TB Services
P2110337	Complement Change Trial Court
B2110075	Honorary Resolution – Berrien County Youth Fair 75 th Anniversary
A2110338	Road Abandonments
P2110339	CPBC Agreement Amendment Increase Funds
P2110340	SWMBH Contract
F2110341	Renewal of MDOT Master Agreement Berrien Bus
A2110343	Approval Annual Drain Roll

Vice Chairperson Scott instructed the Clerk to take the roll call vote with the following results:

9 YEAS: Bell, Freehling, Harrison, Hinkelman, Majerek, Meeks, Vollrath, Wuerfel, and Scott.
Motion carried, no nays.

ADDED RESOLUTIONS:

<u>Resolution #</u>	<u>Description</u>
B21101940	Honorary Resolution – Judge John Dewane

Vice Chairperson Scott read the resolution into the record:

WHEREAS, *John Edward Dewane was born in Menominee, Michigan in January of 1940; and*

WHEREAS, *following high school he received both his undergraduate and J.D. degrees from the University of Michigan and served his country for six years in the Army Reserves; and*

WHEREAS, *he and his wife raised their two children right here in Berrien County where he practiced law for nearly 40 years; and*

WHEREAS, *in 2008, he was appointed as Berrien County Circuit Court Judge by Governor Jennifer Granholm, serving Berrien County well until his retirement in 2015; and*

WHEREAS, *since his retirement, John Dewane has served as both interim Corporate Counsel, and special counsel to the Berrien County Board of Commissioners; and*

WHEREAS, *his knowledge of the law, work ethic, dedication, and professionalism is noted by many of those in the legal community and was a great asset to the citizens of Berrien County; and*

WHEREAS, *beyond the legal community, Judge served actively on multiple boards and community organizations; and*

WHEREAS, *sadly, the Honorable John Edward Dewane passed away on October 14, 2021.*

NOW, THEREFORE, BE IT HEREBY RESOLVED *that the Berrien County Board of Commissioners deems it appropriate to honor the Honorable John Edward Dewane for the great man, attorney, and community member that he was and expresses their deepest sympathy to his family.*

BE IT FURTHER RESOLVED *that his life, actions, and contributions reflect most favorably upon himself, his family, Berrien County, the State of Michigan and the United States of America.*

BE IT FURTHER RESOLVED *GO BLUE!*

Commissioner Wuerfel moved, seconded by Commissioner Freehling, to approve B21101940 - Honorary Resolution – Judge John Dewane.

Vice Chairperson Scott instructed the Clerk to take a roll call vote with the following results:

9 YEAS: Harrison, Hinkelman, Majerek, Meeks, Vollrath, Wuerfel, Bell, Freehling, and Scott.
Motion carried, no nays.

COMMITTEE REPORTS: The Administration, Finance and Personnel and Human Services Committees presented their committee reports. Committee minutes are available at www.berriencounty.org.

COMMISSIONER REPORTS:
Commissioners gave their outside reports.

ADMINISTRATOR REPORT: No report.

GENERAL PUBLIC COMMENTS: Those speaking during public comments may do so no longer than two minutes and shall identify themselves by name and city, township, or village. (Article III. 3.9B-C):

Matt Belcher, Lincoln Charter Township – spoke about the quarantine policy and wearing masks in the schools and filling vacancies at the Health Department.

Amy Foster, Lincoln Charter Township – spoke about the progress of filling vacancies at the Health Department, the fluctuating quarantine policies and members of the Board of Health.

Robyn Graffenius, Lincoln Charter Township – spoke about masks in schools and quarantine policies.

Robert Donarski, Lincoln Charter Township – spoke about masks in schools and quarantine mandates.

Luke Andresen, St. Joseph Charter Township – spoke about COVID-19 vaccination clinics being held in schools for students 12 years of age and older without parental consent.

Tony Benhart, Sodus Township – spoke about the Road Department Director position not being posted on the County’s website.

Chris Pfahler, St. Joseph – spoke about wearing masks in schools and the negative impact on students.

Darrin Schaer, Pipestone Township – spoke about a public hearing that was to be held today but was cancelled.

Commissioner Don Meeks passed around a sample of a lead water pipe. He stated that this isn’t just a problem in the City of Benton Harbor but is nationwide as lead pipes were widely used in the past. He recommended a water authority be created in Berrien County.

OTHER BUSINESS:

Commissioner Hinkelman, Vice Chairperson of the Finance Committee explained that an account needs be opened at Sturgis Bank for the first half of the ARPA (American Rescue Plan Act) money. The amount is about 15 million. The funds will accrue interest at 0.35% of 1%. The account is liquid and can be used when needed. The remainder of the money will be coming in the next few months and will be addressed then.

Commissioner Hinkelman moved, seconded by Commissioner Freehling, to open an account as recommended by the Finance Committee to invest the ARPA funds in an interest bearing account at Sturgis Bank.

Vice Chairperson Scott instructed the Clerk to take a roll call vote with the following results:

9 YEAS: Hinkelman, Majerek, Meeks, Vollrath, Wuerfel, Bell, Freehling, Harrison, and Scott.

ANNOUNCEMENTS:

- A Broadband Committee meeting will be held today at 12:00 P.M. in the Otto Grau Conference Room.

CLOSED SESSION:

Legal Counsel Barry Conybare requested a closed session per MCL 15.268 (e) "To consult with its attorney regarding trial and settlement strategy in connection with pending litigation" - Opioid Litigation.

Motion by Hinkelman, seconded by Freehling, to suspend the regular meeting and to go into closed session for the purpose of consulting with the attorney regarding trial and settlement strategy in connection with pending Opioid Litigation.

Vice Chairperson Scott instructed the Clerk to take a roll call vote with the following results:

9 YEAS: Majerek, Meeks, Vollrath, Wuerfel, Bell, Freehling, Harrison, Hinkelman, and Scott.
Motion carried, no nays.

Regular meeting recessed at 11:37 A.M.

Regular session resumed at 11:59 A.M.

APPROVAL OF CLOSED SESSION MINUTES:

Commissioner Bell moved, seconded by Commissioner Majerek, to approve the Closed Session Minutes of October 7, 2021.

Vice Chairperson Scott instructed the Clerk to take a roll call vote with the following results:

9 YEAS: Meeks, Vollrath, Wuerfel, Bell, Freehling, Harrison, Hinkelman, Majerek, and Scott.
Motion carried, no nays.

ADJOURNMENT:

The meeting was adjourned at 12:02 P.M.

Ezra Scott, Vice Chairperson

Diane Mensinger, Chief Deputy Clerk

Minutes are to be approved at the full board meeting on October 28, 2021.