

**BERRIEN COUNTY BOARD OF COMMISSIONERS**  
**Regular Meeting Minutes**  
**November 14, 2019**

**CHAIRMAN TO CALL THE MEETING TO ORDER:**

Chairperson R. McKinley Elliott called the regular meeting to order at 10:37 A.M. in the Board of Commissioners' (BOC) room at the Berrien County Administration Center, 701 Main Street, St. Joseph, Michigan.

**PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA:**

Chief Judge Gary Bruce led us in the Pledge of Allegiance to the United States of America.

**INVOCATION:**

Commissioner Michael Majerek gave the invocation.

**ROLL CALL:**

The Chair instructed the Clerk to take a roll call with the following results:

11 PRESENT: Jim Curran, Teri Freehling, Robert Harrison, Christopher Heugel, Jon Hinkelman, Michael Majerek, Don Meeks, Ezra Scott, David Vollrath, Mamie Yarbrough and R. McKinley Elliott.

1 ABSENT: William Chickering.

**APPROVE MINUTES OF THE NOVEMBER 7, 2019 MEETING:**

Commissioner Freehling moved, seconded by Commissioner Heugel, to approve the regular minutes of November 7, 2019. Motion carried, no nays.

**AGENDA AMENDMENT:**

Chairperson Elliott asked the Board to amend the Agenda to take up the Honorary Resolution #B1911333 next.

Commissioner Scott moved, seconded by Commissioner Vollrath, to insert Added Resolution, Honorary Resolution #B1911333, next on the Agenda. Motion carried, no nays.

**ADDED RESOLUTION(S):**

B1911333 - Honorary Resolution

Commissioner Scott moved, seconded by Commissioner Vollrath, to approve Resolution #B1911333 - Honorary Resolution.

Chairperson Elliott read the following Honorary Resolution #B1911333:

**WHEREAS**, Donna Nowostawski began her career with Berrien County in 1992, serving as a Records Center Clerk, eventually becoming the Records Center Coordinator; and

**WHEREAS**, in 1999 she transferred from the Records Center to the Courthouse where she became a Deputy Circuit Court Clerk I in the Office of the County Clerk; and

**WHEREAS**, she has faithfully served the citizens and elected officials of Berrien County well for over 27 years; and

**WHEREAS**, Donna is the "go to" person for the Civil Division and is adequately named "The Queen of the Higher Court"; and

**WHEREAS**, Donna has been described as an extremely valuable asset to the County Clerk's Office and an exceptional employee who consistently does above what is expected; and

**WHEREAS**, the Berrien County Board of Commissioners deems it appropriate to honor Donna Nowostawski for her 27 years of service to the citizens of Berrien County as she enters a well-deserved retirement.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Berrien County Board of Commissioners thanks Donna Nowostawski for being a true asset to the citizens of Berrien County and wishes her a retirement filled with happiness and good health.

**BE IT FURTHER RESOLVED** that Donna's life, actions, and contributions reflect most favorably upon herself, her family, Berrien County, the State of Michigan, and the United States of America.

The Chair instructed the Clerk to call the roll resulting as follows:

11 YEAS: Curran, Freehling, Harrison, Heugel, Hinkelman, Majerek, Meeks, Scott, Vollrath, Yarbrough and Elliott.

Motion carried, no nays.

Chairperson Elliott presented Donna Nowostawski with the Honorary Resolution for over 27 years of service to the citizens of Berrien County, and wishes her a retirement filled with happiness and good health.

Chief Judge Gary Bruce and County Clerk Sharon Tyler thanked Donna Nowostawski for her years of service as the Deputy Circuit Court Clerk for the Civil Division for the Clerk's Office.

**COMMUNICATION(S):**

County Clerk Sharon Tyler received and distributed to the Board a communication from Gerald Corkin, Chairman of the Marquette Board of Commissioners, to Governor Whitmer, Senate Majority Leader Shirkey and Speaker of the Michigan House of Representatives Chatfield, to approve a secondary budget amendment(s) which restores all local funding to their current county programs and services, received on November 8, 2019.

**PUBLIC COMMENTS 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):**

Adolf Pelzer, Hagar Township, spoke about Resolution #B1911332 - Senior Center Terms of Appropriation.

Tony Benhart, Sodus Township, spoke about Resolution #F1911130 - Road Payables.

**CONSENT CALENDAR:**

Commissioner Curran moved, seconded by Commissioner Majerek, to pull Resolution #F1911323 - FY20 Budget from the Consent Calendar for further discussion and present it separately, and to approve today's Consent Calendar as presented:

| <u>Resolutions #</u> | <u>Description</u>                   |
|----------------------|--------------------------------------|
| F1911052             | Weekly Bills                         |
| B1911099             | Weekly Requisitions                  |
| F1911130             | Road Payables                        |
| F1911330             | Contract with Spicer NPDES Services  |
| P1911331             | Accept Clean Sweep Grant             |
| B1911332             | Senior Center Terms of Appropriation |
| B1911334             | Electronics Recycling Agreement 2020 |
| A1911337             | Road Signage                         |

The Chair instructed the Clerk to call the roll resulting as follows:

11 YEAS: Freehling, \*Harrison, Heugel, Hinkelman, Majerek, Meeks, Scott, Vollrath, Yarbrough, Curran and Elliott.

\*Commissioner Harrison abstained from voting on Resolution #P1911334, due to a conflict of interest.

Motion carried, no nays.

**Resolution #F1911323 - FY20 Budget**

Commissioner Majerek moved, seconded by Commissioner Curran, to approve Resolution #F1911323 - FY20 Budget.

Commissioner Scott stated he has a problem with the budget using the County's reserves and some departments did not meet requirements.

Commissioner Yarbrough asked where we are getting the reserves. Administrator William Wolf stated the delinquent tax revolving fund. Administrator Wolf, Financial Services Director Doug James and Chairperson Elliott discussed the delinquent tax revolving fund. Discussion was held.

The Chair instructed the Clerk to call the roll resulting as follows:

10 YEAS: Harrison, Heugel, Hinkelman, Majerek, Meeks, Vollrath, Yarbrough, Curran, Freehling and Elliott.

1 NAY: Scott.

Motion carried.

**COMMITTEE REPORTS:**

The Personnel and Human Services, Finance, and Administration Committees presented their Committee Reports. Committee minutes are available at [www.berriencounty.org](http://www.berriencounty.org).

**COMMISSIONER REPORTS:**

Commissioners presented their outside committee reports.

**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):**

Michael Hoyh, Watervliet, spoke about the First Congressional Church in Benton Harbor and introduced Jerry Edwards, who was newly elected to the Benton Harbor City Commission for the second ward.

Jerry Edwards, Benton Harbor City, thanked everyone for their support and spoke about the City of Benton Harbor needing technical support.

Adolf Pelzer, Hagar Township, spoke about the 2020 census and the cost to do the count.

**OTHER BUSINESS:** None.

**ANNOUNCEMENTS/REMINDERS:**

Administrator William Wolf announced the Brownfield Development Authority will be meeting at 1:30 P.M. today.

Chairperson Elliott announced the following:

- November 28, 2019 – No meetings – Thanksgiving Holiday.
- November 28-29, 2019 – County facilities closed for the Thanksgiving Holiday.
- December 24 - 25, 2019 – County facilities closed for the Christmas Holiday.
- December 26, 2019 – No meetings.

Chairperson Elliott stated that in case of an emergency and the Board needs to meet at the end of the year, the Board would meet on December 31, 2019.

Chairperson Elliott stated the Board will be going into Closed Session and the only business that will be taken after returning to Open Session will be the approval of the Closed Session minutes.

**CLOSED SESSION – MCL 15.268 (e) – Quarterly Litigation Update – Corporate Counsel James McGovern - “To consult with its attorney regarding trial and settlement strategy in connection with pending litigation.”**

Commissioner Meeks moved, seconded by Commissioner Scott, to recess the public meeting and go into Closed Session at 11:37 A.M., for a quarterly litigation update to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation.

The Chair instructed the Clerk to call the roll resulting as follows:

11 YEAS: Heugel, Hinkelman, Majerek, Meeks, Scott, Vollrath, Yarbrough, Curran, Freehling, Harrison and Elliott.

Motion carried, no nays.

The Board recessed at 11:38 A.M. to go into Closed Session.

The Board reconvened to Open Session at 12:10 P.M.

Commissioner Scott moved, seconded by Commissioner Yarbrough, to approve the Closed Session minutes of October 17, 2019. Motion carried, no nays.

Commissioner Hinkelman clarified about abstaining on minutes due to being absent. You should still vote to confirm you were absent from the meeting.

Commissioner Curran asked about the St. Joseph City's master plan including the courthouse parking lot used for general parking. Corporate Council James McGovern responded to the question that an outside consultant had recommended this option.

**ADJOURNMENT:**

The meeting was adjourned at 12:14 P.M.

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R. McKinley Elliott, Chairperson

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Sharon J. Tyler, County Clerk

***Minutes are to be approved at the full board meeting on November 21, 2019.***