

**BERRIEN COUNTY BOARD OF COMMISSIONERS**  
**Regular Meeting Minutes**  
**November 21, 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:**

Administrator William Wolf led us in the Pledge of Allegiance to the United States of America.

**INVOCATION:**

Commissioner Jon Hinkelman gave the invocation.

**ROLL CALL:**

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

11 PRESENT: William Chickering, Jim Curran (Arrived at 10:43 A.M.), Teri Freehling, Robert Harrison, Christopher Heugel, Jon Hinkelman, Michael Majerek, Don Meeks (Arrived at 10:41 and left at 10:43 A.M.), Ezra Scott, David Vollrath and R. McKinley Elliott.

1 ABSENT: Mamie Yarbrough.

**APPROVE MINUTES OF THE NOVEMBER 14, 2019 MEETING:**

Commissioner Freehling moved, seconded by Commissioner Heugel, to approve the regular minutes of November 14, 2019. Motion carried, no nays.

**COMMUNICATION(S):**

County Clerk Sharon Tyler received and distributed to the Board the following:

- A resolution from the Otsego County Board of Commissioners, supporting House Bills 4937 – 4938 and Senate Bills 504 – 505 to enact four-year terms for county commissioners, received on November 18, 2019.
- A resolution from the Manistee County Board of Commissioners, requesting to declare the Great Lakes coast a disaster area and seeking assistance, received on November 19, 2019.
- A resolution from the Allegan County Board of Commissioners, supporting the passage of legislation to adopt 4 year terms for County Commissioners, approved on November 7, 2019.
- A letter from the County Road Association of Michigan requesting nominations for the 2019 County Road Association Member Awards, dated November 12, 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):**

Chairperson Elliott stated the Board will be amending the Consent Calendar today to include Resolution #B1911343 – Requesting the Governor of the State of Michigan along with the State Legislature, to give favorable consideration to the declaration of the shoreline in the State of Michigan as a disaster area, and seek assistance from Congress and the President of the United States for this devastating situation which has an impact statewide. Chairperson Elliott stated the Public may comment on Resolution #B1911343.

Darrin Schaer, Pipestone Township, spoke about Resolution #B1911343.

Jerry Sirk, Benton Charter Township, spoke about Resolution #B1911343.

**AGENDA AMENDMENT:**

Chairperson Elliott asked the Board to amend the Agenda to take up 1Resolution #B1911343 and place it on the Consent Calendar.

Commissioner Chickering moved, seconded by Commissioner Scott, to add Resolution #B1911343 to the Consent Calendar.

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

10 YEAS: Chickering, Curran, Freehling, Harrison, Heugel, Hinkelman, Majerek, Scott, Vollrath and Elliott.

Motion carried, no nays.

**CONSENT CALENDAR:**

Commissioner Scott moved, seconded by Commissioner Heugel, to add Resolution #B1911343 to the Consent Calendar and to approve today's Consent Calendar as presented:

<u>Resolutions #</u>	<u>Description</u>
P1911011	Monthly Per Diems
F1911053	Weekly Bills
B1911100	Weekly Requisitions
P1911322	SWMBA Grant
A1911335	MIDC Grant Application
P1911336	America Walks Grant Application
P1911338	Complement Change – CCAB Grant Funded Position
A1911339	County Fire/EMS Pager Grant
P1911340	Complement Change – MIDC Grant Funded Positions
B1911343	

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

10 YEAS: Curran, Freehling, Harrison, Heugel, Hinkelman, Majerek, Scott, Vollrath, Chickering and Elliott.

Motion carried, no nays.

Commissioner Hinkelman read into the record the following Resolution #B1911343:

**WHEREAS**, record high water levels in the Great Lakes, as well as the bays and rivers connected to them, have contributed toward major erosion on beaches and shorelines all across the State of Michigan during high water levels and currently throughout 2019; and

**WHEREAS**, it is anticipated that the Michigan winter with ice flows and jams will continue to worsen the already bad situation throughout the Great Lakes; and

**WHEREAS**, the Great Lakes are Michigan's most vital and precious resource; and

**WHEREAS**, the County of Berrien recognizes the effects of storms, high water, and wind driven wave action that are causing severe erosion of the shoreline as well as related infrastructure damage; and

**WHEREAS**, the public trust doctrine states that the sovereign holds in trust, for the public use, the resources such as the shoreline regardless of private property ownership; and

**WHEREAS**, the 3,288 miles of shoreline in the State of Michigan must be protected as referred to in the Public Trust Doctrine; and

**WHEREAS**, the Great Lakes are the State of Michigan's economic and property value driver for the tax base along the shoreline and connecting tributaries; and

**WHEREAS**, the conditions of the Great Lakes shoreline affects businesses and the tourism industry by limited access to the beaches; the loss of property along the shoreline directly affects the local, county, and state tax base; and the effects on municipal water systems and the inland waters levels throughout the state are all affected.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Berrien County Board of Commissioners requests that the Governor of the State of Michigan along with the State Legislature give favorable consideration to the declaration of the shoreline in the State of Michigan as a disaster area, and seek assistance from Congress and the President of the United States for this devastating situation which has an impact statewide.

**BE IT FURTHER RESOLVED** that nothing from this resolution shall require any action by the Berrien County Emergency Operations Center, the Berrien County Sheriff's Department, or any other County Department.

**ADDED RESOLUTION(S):** None.

**COMMITTEE REPORTS:**

The Finance, Administration, and Personnel and Human Services 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):**

Dick Bertog, Benton Harbor, spoke about his property and permits. He also discussed the Drain Commissioner.

Darrin Schaer, Pipestone Township, spoke about the water levels on the Great Lakes.

**OTHER BUSINESS:**

Chairperson Elliott spoke about the opioid litigation and read into record the following correspondence from Mark J. Bernstein:

*Dear James,*

*I want to thank you for pursuing litigation against opioid defendants with our team. Your case – your leadership as a municipality – has made a meaningful difference, and will continue to do so.*

*Sincerely,*

*Mark Bernstein*

**ANNOUNCEMENTS/REMINDERS:**

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.

**ADJOURNMENT:**

The meeting was adjourned at 11:27 A.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 December 5, 2019.***