

**BERRIEN COUNTY BOARD OF COMMISSIONERS**  
**Regular Meeting Minutes**  
**February 24, 2022**

**CALL TO ORDER:**

Chairperson Elliott called the regular meeting to order at 10:35 A.M. in the Board of Commissioners' (BOC) Room at the Berrien County Administration Center in St. Joseph, Michigan.

**INVOCATION:**

Commissioner Majerek gave the invocation.

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

Commissioner Hinkelman led us in the Pledge of Allegiance to the United States of America.

**ROLL CALL:**

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

11 PRESENT: Rayonte Bell, Jim Curran, Teri Sue Freehling, Bob Harrison, Jon Hinkelman, Michael Majerek, Don Meeks, Ezra Scott, David Vollrath, Mamie Yarbrough and R. McKinley Elliott.

1 ABSENT: Julie Wuerfel.

**APPROVAL OF MINUTES:**

Commissioner Freehling moved, seconded by Commissioner Scott, to approve the regular meeting minutes of February 17, 2022. Motion carried, no nays.

**COMMUNICATIONS:**

Chief Deputy Clerk Mensinger received and distributed the following communications:

- A resolution from Cheboygan County Board of Commissioners, urging the return of state workers to in-person operations, received on February 22, 2022.

**MOTION:**

Commissioner Curran moved, seconded by Commissioner Meeks, to recess the regular meeting at 10:38 A.M. to hold a Public Hearing regarding the Brownfield Plan.

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

11 YEAS: Bell, Curran, Freehling, Harrison, Hinkelman, Majerek, Meeks, Scott, Vollrath, Yarbrough and Elliott. Motion carried, no nays.

**PUBLIC HEARING: Brownfield Plan – Community Development Director Dan Fette**

Director Fette presented a PowerPoint on the Jimmy John's Brownfield Plan at 985 East Napier Avenue in Benton Harbor.

**Project Summary:**

James Paul & Associates intends to redevelop two vacant parcels located along Napier Avenue in Benton Charter Township with tax identification numbers 11-03-0970-0003-00-7 and

11-03-0970-0005-02-6. The redevelopment will include the construction of a 1,100 square foot commercial building which will serve as the location of a Jimmy John's restaurant franchise. To accomplish this, the developer must perform certain activities that are eligible for brownfield tax increment financing reimbursement. These activities include site investigations, demolition, disposal of contaminated soils, vapor intrusion controls and due care documentation. The total eligible activities are estimated to cost \$158,204. Upon completion the site will have an estimated taxable value of \$525,000.

**Project Eligibility:**

A Limited Site Investigation (LSI) of the Property has confirmed the presence of contamination (tetrachloroethene) in excess of established criteria and the Property has been determined to be a "facility" under Part 201 of Public Act 451. A "facility" is defined by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) as property where a hazardous substance in excess of the established state cleanup standards for a residential property has been released, deposited, disposed of, or otherwise comes to be located. Based on the results of LSI, contamination impacts to soil, groundwater, and soil gas vapor are confirmed as having occurred at the site. Therefore, the Property constitutes "eligible property" as defined in Act 381.

**Section 13 Requirements:**

Director Fette reviewed the summary of the eligible activities and description of costs intended to be paid for with tax increment revenues (MCLA 125.2663 (2) (a) (b)). This included a letter from the Benton Charter Township Supervisor which indicated support for this plan and requested that the County Board of Commissioners adopt this plan.

Discussion was held.

Commissioner Vollrath moved, seconded by Commissioner Scott, to close the Public Hearing at 10:48 A.M. and return to the regular Board of Commissioners meeting.

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

11 YEAS: Curran, Freehling, Harrison, Hinkelman, Majerek, Meeks, Scott, Vollrath, Yarbrough, Bell and Elliott. Motion carried, no nays.

**PRESENTATIONS:**

**Broadband Survey Story Map Presentation – Southwest Michigan Planning Commission  
Director John Egelhaaf via ZOOM**

Director Egelhaaf presented an Executive Summary of Broadband in Berrien County.

The data used for this presentation was derived from a 2021 survey conducted to determine the state of broadband coverage in Berrien County. The results illustrate the unmet need throughout the county. The survey showed that only 35.7% of respondents had access to internet that functions at broadband speeds (25 Mbps download / 3 Mbps upload). Just as many reported having no internet connection either due to the service not being offered or because of excessively high cost. Levels of satisfaction were also low, with only 37% reporting that they were satisfied with the internet services provider options at their homes.

Discussion followed.

This full report is available at:

<https://storymaps.arcgis.com/stories/2ada22445343407b9314d3252a0a5406>

**Berrien County Animal Control (BCAC) Department – Director Tiffany Peterson**

In February 2020, the Berrien County Animal Control was hit with the corona virus/COVID-19 pandemic and once again BCAC was faced with some unique challenges. In April of 2020, things were in full swing and Director Peterson had to activate BCAC EOC officer Sara Orpurt. At one point, Sara brought to Director Peterson’s attention the phone call she had been involved with in April of 2020. There was a “Town Hall Meeting” that took place via phone and Sara was called to attend. This particular meeting consisted of multiple state representatives, but Sara was the only Berrien County individual on this call. Governor Whitmer had one of her staff request that Sara stay on the line at the end of the meeting so she could personally thank her and the department. The BCAC was the first Animal Control in Michigan to start an “emergency COVID-19 pet food pantry”, this model ended up being shared/promoted throughout the state.

Governor Whitmer and Lieutenant Governor Gilchrist presented the Berrien County Animal Control with a Special Tribute in recognition of their excellent service to the communities of Berrien County and a special recognition to Sara Orpurt for her service and dedication to BCAC and her willingness to go above and beyond to help her community during challenging times.

**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):** None.

**CONSENT CALENDAR:**

Commissioner Vollrath moved, seconded by Commissioner Harrison, to approve the consent calendar as presented.

<u>Resolution #</u>	<u>Descriptions</u>
F2202020	Weekly Bills
B2202067	Weekly Requisitions
F2202190	Brownfield Plan Approval
A2202204	Approve Intergovernmental Agreement St. Joseph County
B2202206	March Restaurant Month
P2202207	Agreement for Veteran’s Office Renovation

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

11 YEAS: Freehling, Harrison, Hinkelman, Majerek, Meeks, Scott, Vollrath, Yarbrough, Bell, Curran and Elliott. Motion carried, no nays.

**ADDED RESOLUTIONS:** None.

**COMMITTEE REPORTS:** The Administration, Finance 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 gave their outside reports.

Commissioner Yarbrough departed the meeting at 11:42 A.M.

**ADMINISTRATOR REPORT: Administrator Brian Dissette via Zoom.**

- Administrator Dissette reported that staffing issues are a daily discussion.
- The Buchanan Project - building acquisition and planning /zoning with City of Buchanan is ongoing at this time and is making progress.

**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):

- Joseph Taylor, Benton Charter Township – announced his candidacy for the District 3 County Commissioner.
- Peter Colovos - Hagar Township – thanked Commissioner Freehling for her service as the Southwest Michigan Planning Commission Chairperson this past year and stated that Hagar Township is appreciative of the BCBit efforts. He also stated he supports Joseph Taylor running for County Commissioner.
- Shawn Hill, City of St. Joseph – spoke about a County Commissioner being seated on the County Board of Health and masks in school.
- Adolf Peltzer, Hagar Township – spoke about funding to the Senior Centers.

**OTHER BUSINESS:** None.

**ANNOUNCEMENTS AND REMINDERS:** None.

**ADJOURNMENT:**

The meeting was adjourned at 11:50 A.M.

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R. McKinley Elliott, Chairperson

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Diane Mensinger, Chief Deputy Clerk

***Minutes are to be approved at the full board meeting on March 3, 2022.***