

**BERRIEN COUNTY BOARD OF COMMISSIONERS**  
**Regular Meeting Minutes**  
**September 26, 2019**

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

Chairperson R. McKinley Elliott called the regular meeting to order at 10:30 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:**

Treasurer Bret Witkowski led us in the Pledge of Allegiance to the United States of America.

**INVOCATION:**

Chairperson Elliott gave the invocation.

**ROLL CALL:**

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

9 PRESENT: William Chickering, Jim Curran, Robert Harrison, Christopher Heugel, Michael Majerek, Don Meeks, Ezra Scott, David Vollrath and R. McKinley Elliott.

3 ABSENT: Teri Freehling, Jon Hinkelman and Mamie Yarbrough.

**APPROVE MINUTES OF THE SEPTEMBER 19, 2019 BOC MEETING,  
APPROVE MINUTES OF THE BUDGET HEARING HELD SEPTEMBER 20, 2019,  
APPROVE MINUTES OF THE BUDGET HEARING HELD SEPTEMBER 23, 2019:**

Commissioner Vollrath moved, seconded by Commissioner Harrison, to approve the following minutes:

- Regular meeting held on September 19, 2019.
- Budget Hearing held on September 20, 2019.
- Budget Hearing held on September 23, 2019.

Budget Hearing minutes held on September 20, 2019:

- 3 ABSTAIN: Heugel, Majerek and Elliott.

Budget Hearing minutes held on September 23, 2019:

- 3 ABSTAIN: Chickering, Heugel and Majerek.

Motion carried, no nays.

**COMMUNICATION(S):**

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

- An email from Paul Orlando, regarding the property of the Berrien Hills Golf Club for park property, received on September 10, 2019.
- An email from Ben Zimont, Michigan Department of Environment, Great Lakes, and Energy – Water Resources Division, Kalamazoo, Michigan to Kim Emig, Stevensville, Michigan, regarding Dr. and Mrs. Steinberg's application for a permit for their property in Lincoln Charter Township (with attachments), received on September 23, 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):**

Darrin Schaer, Pipestone Township, stated there were no resolutions made available to the public on the counter.

**CONSENT CALENDAR:**

Commissioner Vollrath moved, seconded by Commissioner Chickering, to include Resolution #P1909304 and Resolution #A1909305 to the Consent Calendar from the Added Resolutions, and to approve today's Consent Calendar as presented:

<u>Resolutions #</u>	<u>Description</u>
F1909046	Weekly Bills
B1909093	Weekly Requisitions
A1909291	Acknowledge Donation for K-9 Officer
F1909299	Approve Road Department Budget Amendment
F1909300	Approve St. Joseph City Lease Agreement
F1909301	Approve Berrien Bus 3 <sup>rd</sup> Party Contract Extension
F1909302	Adopt Berrien Bus / MDOT Procurement Policy Update
P1909304	Approve Contract Amendment for Additional Funds
A1909305	Approve Amendment to MIDC Agreement

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

9 YEAS: Chickering, Curran, Harrison, Heugel, Majerek, Meeks, Scott, Vollrath and Elliott.

Motion carried, no nays.

**ADDED RESOLUTIONS:**

Resolution #P1909304 - Approve Contract Amendment for Additional Funds and Resolution #A1909305 - Approve Amendment to MIDC Agreement were moved to the Consent Calendar.

**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' outside committee reports will be saved until the next Board meeting.

**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):**

William Wolf, Stevensville, congratulated the Board for retaining a Special Counsel to review the facts of this conflict of interest. He asked the Board to direct the Chair to send a letter to the Governor to have the State Attorney General to review the case.

Adolf Pelzer, Hagar Township, spoke about the resolutions not on the counter, but he reviewed the resolutions on the internet. He felt the posters on the wall in the conference room should not be there.

Darrin Schaer, Pipestone Township, spoke about the conflict of interest and what the County is doing. He asked who the special counsel is.

**OTHER BUSINESS:**

Chairperson Elliott spoke about appointing former Judge John Dewane as special counsel to examine the Board's bylaws regarding conflict of interest issues and have a report returned to the Board by October 17<sup>th</sup> to 21<sup>st</sup>, if possible.

Commissioner Vollrath moved, seconded by Commissioner Harrison, to appoint former Judge John Dewane as special counsel, to look into whether there were any violations of their bylaws concerning disclosure of a conflict of interest. Motion carried, no nays.

Commissioner Scott asked what the scope is. Chairperson Elliott stated the last 6 months. The Committee on Committees (Chickering, Curran, Harrison and Elliott) will meet with special counsel and an email will be sent to the Board.

Resolution #B1909306:

Commissioner Chickering asked the Board for an Honorary Resolution #B1909306 for John Carter, M.D. who has served on the Berrien County Board of Health for over twenty years who will be honored next week.

Commissioner Chickering moved, seconded by Commissioner Vollrath, to amend the Agenda and to approve Resolution #B1909306.

Commissioner Chickering read Resolution #B1909306:

**WHEREAS**, *John H. Carter MD has served Berrien County residents as a physician for many, many years; and*

**WHEREAS**, *in 2005, he applied for the Berrien County Board of Health because he has long been interested in the health care of all Berrien County residents and medical access of all patients; and*

**WHEREAS**, *he was subsequently appointed to serve on the Berrien County Board of Health; and*

**WHEREAS**, *Dr. Carter has been a valuable and conscientious member of the Berrien County Board of Health and has contributed many years to making sure that Berrien County residents receive the health care they need; and*

**WHEREAS**, *while Dr. Carter describes the position on the Board of Health as being a privilege, it is Berrien County that is privileged to have had his many years of valuable service; and*

**WHEREAS**, *Dr. Carter is stepping away from the Board of Health in October of 2019; and*

**WHEREAS**, *the Berrien County Board of Commissioners deems it appropriate to honor Dr. John H. Carter for his many years of service to the citizens of Berrien County.*

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

**BE IT FURTHER RESOLVED** *that Dr. Carter's life, actions, and contributions reflect most favorably upon himself, his 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:

9 YEAS: Curran, Harrison, Heugel, Majerek, Meeks, Scott, Vollrath, Chickering and Elliott.

Motion carried, no nays.

**ANNOUNCEMENTS/REMINDERS:**

Chairperson Elliott announced the following:

- Last night meeting of the year - October 3, 2019 meeting will be a night meeting at 6:00 P.M. at the Administration Center. (No Committee meetings or Committee of the Whole).
- October 26, 2019 – Berrien County Animal Control Trunk or Treat Event
- October 31, 2019 – No meetings will be held (5th Thursday).

**ADJOURNMENT:**

The meeting was adjourned at 11:03 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 October 3, 2019.***