

Barry County Board of Commissioners - Committee of the Whole
February 6, 2018; 9:00 a.m.; Commission Chambers
MINUTES

Members Present: Commissioners Vivian Conner, Ben Geiger, Howard Gibson, David Jackson, Dan Parker, Jon Smelker, and Heather Wing. Clerk Pam Palmer was also present.

Others present: Michael Brown, Luella Dennison, Jean Gallup, Doug VanderLaan, Dep. Mike O'Grady, Jack Miner, Rick Moore, Sharon Zebrowski, Larry Bass, Ron King, Patricia Johns, Joyce Snow, Jim and Teri Enrietti, Bob Vanderboegh, Elden Shellenbarger, Gary Munson, Ken Kirsch, Jim Dull, Dar Leaf, Gerald Jackiewicz, Daryl Cheeseman, Vern Jenks III, Doris Hale, Carol Price, Mike Chamberlain, Mark Noteboom, Don & Alice Hunt, Denise Parker, Tim McGavin, Pat Giar, Lloyd Kilmer, Colleen Acker, Cliff Ward, Robert Spaulding, Jim McManus, Dan Patton, Don Hutchens, Bob Nelson, Rob Heathuis, Sandy Knoll, Leann Neil, and David Shinavier.

Chair Geiger called the meeting to order at 9:00 am.

Those present stood and said the Pledge of Allegiance.

Commissioner Geiger updated the public with the repeal of the TOST regulation. On January 25, 2018, by a 4 – 1 vote, the Board of Health voted to initiate the repeal process for TOST. On today's agenda is a motion to table the previous resolution, however, MCL 333.2441 explains the process that was used to bring the resolution into effect. On January 25, 2018, the process was initiated by the Board of Health. On February 3, 2018, a public notice was issued which requires a public hearing to be held, which has been scheduled for February 20, 2018 at 1:00 p.m. in Hastings at the Barry County Health Department. The second meeting is scheduled for February 28, 2018 at 7:00 pm at the Eaton County Board of Health. On March 13, 2018, the Barry County Board of Commissioners will likely vote to support the Board of Health's decision to repeal. Moving the resolution to March 6, 2018 allows a vote to be taken by the Board of Commissioners to affirm the Board of Health's decision to repeal TOST, which cannot be done until after February 28, 2018. The Board of Commissioners would need to hold a meeting on March 6, 2018, and the Eaton County Board of Health meeting is March 21 at 7:00 pm at the Eaton County Court House. The Law states that the regulation shall become effective 45 days after approval by the local health departments and has to be approved by both Boards of Commissioners. If Eaton County also votes to repeal, the action would take effect on May 5, 2018.

PUBLIC COMMENT:

- Elden Shellenbarger submitted a FOIA request to the Barry-Eaton Health Department regarding the information released to the media regarding TOST, but no information was obtained.
- Patricia Johns reiterated that the volunteers serving on the county boards is a benefit to the county.

- Daryl Cheeseman encouraged the commissioners to put Lloyd Kilmer back on the Charlton Park Board.
- Jim Dull thanked the board for granting him authority over the Gun Lake Dam project. The project has been successfully completed and should be good for the next 100 years.
- Carol Price thanked the board for their work on the TOST repeal.

Interviews for Agricultural Promotion Board (1 Natural Resource Conservation position; 2 Agriculture Interest positions)

Robert Vanderboegh interviewed from 9:12 am to 9:40 am

Vern R. Jenks III (*applying also for Charlton Park Board and Parks & Recreation Board*) interviewed

From 9:19 am to 9:40 am

Recess at 9:40 am. Resume meeting at 9:46 am with all commissioners present.

Interview for Animal Shelter Advisory Board: (1 Citizen at Large position)

Tim McGavin interviewed from 9:46 am to 9:52 am

Patricia Giar interviewed from 9:52 am to 10:02 am

Interviews for Charlton Park Village & Museum Board: (2 Citizen at Large positions)

Colleen Acker interviewed from 10:02 am to 10:10 am

Lloyd Kilmer interviewed from 10:10 am to 10:16 am

Robert Spaulding interviewed from 10:16 am to 10:25 am

Vern R. Jenks III (*see above*) interviewed from 9:19 am to 9:40 am

Interview for Community Corrections Advisory Board: (1 Communications Media; 1 Business Community)

Carrie Larabee did not interview due to illness.

Interviews for Parks & Recreation Board: (3 Citizen at Large positions)

Don Hutchens interviewed from 10:25 am to 10:33 am

Vern R. Jenks III (*see above*) interviewed from 9:19 am to 9:40 am

MARK NOTEBOOM – Airport Expenditure Request for MDOT Certification of PAPI Lighting System

Moved by Smelker, seconded by Conner to recommend to the Board of Commissioners to approve, in accordance with the Airport Commission Joint Operating Agreement, the expenditure of up to \$15,000 for the Michigan Department of Transportation Bureau of Aeronautics to certify the Precision Approach Path Indicator (PAP) lighting system at the Hastings City/Barry County Airport and to approve an amendment to the Hastings City/Barry County Airport Budget (Fund #295) increasing expenditure line item #295-895-979-000 from \$4,150 to \$19,150. Discussion. All ayes. Motion carried.

Recess at 10:40 am. Resume meeting at 10:49 am with all commissioners present.

JIM MCMANUS – Rezoning Text Amendment A-1-2018

Moved by Conner, seconded by Jackson, to recommend to the Board of Commissioners denial of the requested rezoning text amendment A-1-18 submitted by Lucas Spoor which was asking to allow marinas in the Mixed Use District. Discussion. All ayes. Motion carried.

COMMISSIONER CONNER – Motion to Table Resolution to Repeal TOST Regulation in Barry County to 3/6/18 Committee of the Whole Meeting

Moved by Conner, seconded by Jackson to table the attached Resolution to repeal the TOST regulation in Barry County to the March 6, 2018 Committee of the Whole meeting. Discussion. All ayes. Motion carried.

Recess at 10:55 am. Resume meeting at 11:07 am with all commissioners present.

Moved by Smelker, seconded by Conner to recommend to the Board of Commissioners approval to appoint Robert Vanderboegh to serve on the Agricultural Promotion Board in a position representing the Agriculture interest for a three-year term that began on January 1, 2018 and expires on December 31, 2020. All ayes. Motion carried.

Moved by Parker, seconded by Jackson to recommend to the Board of Commissioners approval to appoint Vern Jenks III, to serve on the Barry County Agricultural Promotion Board in a position representing the Natural Resource Conservation position for a three-year term that began on January 1, 2018 and expires on December 31, 2020. Ayes: Geiger, Gibson, Jackson, Parker, Smelker and Wing. Nays: Conner. Motion carried.

Moved by Smelker, seconded by Gibson to appoint Tim McGavin to the Animal Shelter Advisory Board. Moved by Jackson, seconded by Wing to appoint Patricia Giar to the Animal Shelter Advisory Board. Roll call vote stating name of preferred candidate: Gibson/McGavin, Jackson/Giar, Parker/McGavin, Smelker/McGavin, Wing/Giar, Conner/McGavin, Geiger/Giar.

Moved by Geiger, seconded by Jackson, to recommend to the Board of Commissioners approval to appoint Tim McGavin to serve on the Barry County Animal Shelter Advisory Board in a Citizen at Large position for the remainder of a two-year term that began on January 1, 2017 and expires on December 31, 2018. All ayes. Motion carried.

Moved by Parker to nominate Colleen Acker for the Charlton Park Village and Museum Board. Moved by Smelker to nominate Robert Spaulding for the Charlton Park Village and Museum Board. Moved by Geiger to nominate Lloyd Kilmer for the Charlton Park Village and Museum Board. Roll call vote stating name of preferred candidate: Jackson/Acker, Parker/Acker, Smelker/Spaulding, Wing/Acker, Conner/Acker, Gibson/Spaulding, Geiger/Acker. Five for Colleen Acker/Two for Robert Spaulding.

The Commissioners will now vote between Lloyd Kilmer and Robert Spaulding. Roll call vote stating preferred candidate: Parker/Spaulding, Smelker/Spaulding, Wing/Spaulding, Conner/Spaulding, Gibson/Spaulding, Jackson/Spaulding, Geiger/Spaulding. Seven – zero in favor of Robert Spaulding.

Moved by Smelker, seconded Parker to recommend to the Board of Commissioners approval to appoint Colleen Acker and Robert Spaulding to serve on the Charlton Park Village and Museum Board in Citizen at Large positions for a three-year term beginning January 1, 2018 and expiring on December 31, 2020. All ayes. Motion carried.

Moved by Smelker, seconded by Parker to appoint Vern Jenks to serve on the Parks & Recreation Board. Moved by Jackson, seconded by Parker to appoint Don Hutchens to serve on the Parks & Recreation Board.

Moved by Parker, seconded by Gibson to recommend to the Board of Commissioners approval to appoint Vern Jenks and Don Hutchens to serve on the Parks & Recreation Board as a Citizen at Large for a term beginning January 1, 2018 and expiring December 31, 2020. All ayes. Motion carried.

Moved by Gibson, seconded by Parker to recommend to the Board of Commissioners approval to appoint Carrie Larabee to serve on the Barry County Community Corrections Advisory Board in a position as Communications Media representative for a three-year term beginning January 1, 2018 and expiring on December 31, 2020. All ayes. Motion carried.

Moved by Parker, seconded by Wing to recommend to the Board of Commissioners approval to appoint Don Hutchens to serve on the Parks & Recreation Board in a Citizen at Large Position for a three-year term beginning January 1, 2018 and expiring December 31, 2020, and to appoint Vern Jenks to serve on the Parks and Recreation Board in a Citizen at large position for the remainder of a term that began January 1, 2016 and expires December 31, 2018. All ayes. Motion carried.

PUBLIC COMMENT:

- Bob Nelson expressed his appreciation to the Board for their support in denying the Text Amendment and thanked the commissioners for their involvement with the Gun Lake Dam. He did urge the commissioners to intercede with a decision regarding the request from Lucas Spoor for construction of a marina at Gun Lake.
- Larry Bass thanked the board for their work on repealing TOST.
- Bob Vanderboegh thanked the board for their stance on TOST.
- Daryl Cheeseman expressed his disappointment with the commissioners' decision to not put Lloyd Kilmer on the Charlton Park Board.
- Sharon Zebrowski also expressed disappointment in the commissioners not acknowledging the Charlton Park Board's recommendation for board appointments.

ADJOURNMENT: at 11:30 am.

Ben Geiger, Chair
Barry County Commissioners

Pamela A. Palmer, County Clerk

Approved: 2/13/2018 PPalmer
Date & Initial