

**BERRIEN COUNTY BOARD OF COMMISSIONERS**  
**Regular Meeting Minutes**  
**January 23, 2020**

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

Chairperson R. McKinley Elliott called the regular meeting to order at 10:32 A.M. in the Board of Commissioners' (BOC) room at the Berrien County Administration Center, 701 Main Street, St. Joseph, Michigan.

**INVOCATION:**

Commissioner Harrison gave the invocation.

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

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

**ROLL CALL:**

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

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

1 ABSENT: Don Meeks.

**APPROVE MINUTES OF THE JANUARY 16, 2020 MEETING:**

Commissioner Scott moved, seconded by Commissioner Vollrath, to approve the BOC meeting minutes of January 16, 2020. Motion carried, no nays.

**COMMUNICATION(S):**

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

- An email from Mark Van Lente, Etre Farms CFO, regarding a permit from Road Department for a proposed development on Glenlord Road in Royalton Township, dated January 15, 2020.
- An email from Lee Davidson, Berrien Springs, requesting the Board not to introduce and pass the resolution that was presented by Jim Walker to protect our Second Amendment (2A) Rights, dated January 17, 2020.
- An email from Rev. Wayne Shearier (Niles) and Vicki Schroeder (Benton Harbor), Co-Chairs, Keep the Peace Working Group, Interfaith Action of SW Michigan, requesting that a Study Commission be established for the proposed gun resolution, dated January 19, 2019.
- An email from Don Lane, Berrien County, regarding 2A Sanctuary County, dated January 21, 2020.
- The following emails were received on January 16, 2020, requesting the Board to introduce and pass the resolution by Jim Walker to protect the second amendment (2A) rights:
  - Saul Shafer, Watervliet.
  - Rick Stone, Stevensville.
  - Rev. Derek Cromwell, Berrien Springs.
  - Josh Perkins, Baroda.
  - Adam Crouch, Watervliet.
  - David Yardley, St. Joseph.
  - Charles Wood, Lincoln Charter Township.
  - Tony Murray, Benton Harbor.
  - Stephanie Brown, Niles.
  - Erin O'Rourke Sage, Bridgman.
  - David Smith, Benton Harbor.
  - Christopher Warner, St. Joseph.
  - Diane Sample, Niles.
  - Hans Krieger, Baroda.

- The following emails were received on January 17, 2020, requesting the Board to introduce and pass the resolution by Jim Walker to protect the second amendment (2A) rights:
  - Daniel Quinones, Stevensville.
  - Robert Karwowski, Shoreham Village.
  - John Andrasi, Benton Harbor.
  
- The following emails were received on January 18, 2020, requesting the Board to introduce and pass the resolution by Jim Walker to protect the second amendment (2A) rights:
  - Chris Berni, Sawyer.
  - Scott Glenn, Stevensville.
  - Jeremy Conrad, Stevensville.
  
- The following emails were received on January 20, 2020, requesting the Board to introduce and pass the resolution to protect the second amendment (2A) rights:
  - Sherry Williams, Benton Harbor.
  - Derek Cromwell, Berrien Springs.
  
- The following emails were received on January 21, 2020, requesting the Board to introduce and pass the resolution by Jim Walker to protect the second amendment (2A) rights:
  - George Spafford, St. Joseph.
  - Joseph Frontczak, Watervliet.
  - David VanDenburgh, St. Joseph.
  - Raymond Stanton, Lincoln Charter Township.
  - Mary Van Dyke, Benton Harbor.
  - Wayne and Natalie Johnson, Benton Harbor.
  - Marcus Roll, Coloma.
  - David Neckolaishen, Coloma.
  - Charles Powell, Stevensville.
  - Dave Jako, Lawrence.
  - Kristopher Rich, St. Joseph.
  - Barbara Neckolaishen, Coloma.
  - Larry Crandall, Bainbridge Township.
  
- The following emails were received on January 22, 2020, requesting the Board to introduce and pass the resolution by Jim Walker to protect the second amendment (2A) rights:
  - Jeff Boyle, Coloma.
  - Richard Stephen, St. Joseph.
  - Jim Edwards, Coloma.
  - Daniel Rodewald, Coloma.
  - Laurence Eyerly, Coloma.
  - Jeff Jaske, St. Joseph.
  
- An email from Renee Menke, The Upton Guidance Department, inviting you to Career Day on February 28, 2020, dated January 23, 2020.

**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, stated there were no resolutions left on the counter to review.

Darrin Schaer, Pipestone Township, spoke about Resolution #A2001151 - Approve an Intergovernmental Agreement with Van Buren County and asked who receives training?

**CONSENT CALENDAR:**

Chairperson Elliott spoke about Resolution #A2001159 - County Support for Empire Avenue Cul-De-Sac. He articulated the need of time requested by MDOT to move the project forward.

Administrator William Wolf spoke about MDOT's need of time to move the process of the project forward with the County's support of the resolution.

Commissioner Hinkelman spoke about the public and emergency first responders.

Commissioner Yarbrough stated she has a friend who lives near the project and her friend feels this would be a positive project.

Commissioner Scott was concerned regarding documentations of support from the Township and first responders. Administrator Wolf stated an email letter was sent to the Board from Benton Charter Township supporting the project. The letter will be attached to the resolution.

Commissioner Vollrath attended a meeting and verified that first responders were supportive of the project.

Commissioner Hinkelman asked Undersheriff Chuck Heit what path first responders will take in case of an emergency. Undersheriff Heit responded to the question.

Commissioner Curran stated they will be improving road upgrades which will help the first responders.

Commissioner Majerek asked about tearing down a bridge. Commissioner Curran stated there is no bridge to tear down. The only bridge nearby is by I-94 and will not be impacted.

Commissioner Hinkelman asked if the County would be able to stop the project, if the Board decided not to approve the resolution. Administrator Wolf responded.

Commissioner Curran stated he spoke with Commissioner Meeks regarding Resolution #A2001159 and he would oppose the resolution today, if Commissioner Meeks was present.

Chairperson Elliott discussed whether the Board should proceed with the resolution today or wait two weeks for the next Board meeting. Discussion was held.

Chairperson Elliott recommended Resolution #A2001159 be moved from Added Resolution to the Consent Calendar.

Commissioner Vollrath moved, seconded by Commissioner Yarbrough, to include the Added Resolution #A2001159 to the Consent Calendar and to approve today's Consent Calendar as presented:

<u>Resolutions #</u>	<u>Description</u>
F2001016	Weekly Bills
B2001063	Weekly Requisitions
F2001109	Road Payables
P2001148	Amend contract for Household Hazardous Waste Collection
P2001149	Approve agreement with Orchard Hill Landfill
A2001151	Approve an Intergovernmental Agreement with Van Buren County
A2001159	County support for Empire Avenue Cul-De-Sac

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

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

Motion carried, no nays.

**ADDED RESOLUTION(S):**

Added Resolutions were moved to the Consent Calendar.

**PARENT COMMITTEE REPORTS:**

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

**COMMISSIONER REPORTS:**

Commissioners presented their Commissioner Reports.

**ADMINISTRATOR REPORT:** None.

**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):**

Jason Grimm, Sodus Township, spoke in support of the resolution provided by Jim Walker to protect the second amendment (2A) rights.

Tony Benhart, Sodus Township, spoke about what the Board did by supporting a resolution regarding closing a road without a public hearing.

Fred Briggs, Chikaming Township, spoke about the cats in his area and the need of assistance in their removal. He spoke to Animal Control and the Humane Society looking for help and they are full of cats at their locations and would not take the cats.

Kristopher Rich, St. Joseph, spoke about cats in his area. He also supports the resolution provided by Jim Walker to protect the second amendment (2A) rights.

Adolf Pelzer, Hagar Township, spoke about gun control.

Rick Stone, Stevensville, supports the Constitution and the reason why.

Darrin Schaer, Pipestone Township, spoke about the Road Department and asked who the Road Department is? He is not in support of raising the millage.

Darlene Kuhens, Berrien Springs, is in support of the resolution to protect the second amendment rights.

**OTHER BUSINESS:**

Chairperson Elliott discussed the process of hiring for the Chief Public Defender's position. He appointed Commissioner Chickering, Commissioner Heugel, Commissioner Harrison, Administrator Wolf, Human Resources Director Shelley Jasper and himself to the Interview Committee.

Commissioner Vollrath spoke about the resolution introduced by Jim Walker and other resolutions that have been drafted to protect second amendment (2A) rights. He is in support of a resolution and having the resolution passed in the next two weeks.

Commissioner Freehling is supportive and welcomes a discussion of a resolution.

Commissioner Scott is in support of a resolution, but could not support how the resolution is written as it was introduced by Jim Walker. He is not in favor of the word "sanctuary," but suggested constitutional. He is concerned about the third paragraph from the bottom regarding the Sheriff and Prosecutor. He explained that the Board does not control their jobs but authorizes monies to those departments.

Chairperson Elliott defers the drafting of the resolution to Corporate Counsel to reaffirm our Oath of Office and does not like the word sanctuary in the resolution. He recommends a resolution in the next two weeks.

Commissioner Hinkelman stated he will not be present in two weeks and supports a resolution. He will provide to the Board something in writing regarding his support.

Jim Walker, Baroda, who introduced the resolution to declare Berrien County to be a second amendment sanctuary county, stated he doesn't like the word "sanctuary," but explains what the word sanctuary means.

Chairperson Elliott spoke about the word "sanctuary" and felt the word was problematic. He discussed his meaning of "sanctuary." Jim Walker agreed with Chairperson Elliott on his explanation.

Discussion was held on the different resolutions that were distributed to Board members from other Counties and other sources. A resolution will be drafted within the next two weeks where the Board will be able to provide their comments.

**ANNOUNCEMENTS/REMINDERS:**

Commissioner Scott announced the Show Cause Hearing is scheduled at the Administration Center on January 28, 2020.

Administrator Wolf announced the Joint Pension Committee and Land Bank Authority meetings have been cancelled for today.

Chairperson Elliott announced no Board of Commissioner meetings will be held on Thursday, January 30, 2020 (5th Thursday).

**ADJOURNMENT:**

The meeting was adjourned at 12:06 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 February 6, 2020.***