

BERRIEN COUNTY BOARD OF COMMISSIONERS
Regular Meeting Minutes
October 12, 2023

CALL MEETING TO ORDER:

Chairperson R. McKinley Elliott called the Board of Commissioners' (BOC) regular meeting to order at 10:33 A.M. in the BOC's boardroom at the Berrien County Administration Center, 701 Main Street, St. Joseph, Michigan.

INVOCATION:

Commissioner Jim Curran gave the invocation.

PLEDGE OF ALLEGIANCE:

Chairperson Elliott 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:

10 PRESENT: Rayonte Bell, Jim Curran, Teri Sue Freehling, Michael Majerek, Alex Ott, Chokwe Pitchford, David Vollrath, Julie Wuerfel, Mamie Yarbrough and R. McKinley Elliott.

2 ABSENT: Robert Harrison and Jon Hinkelman.

APPROVAL OF THE MINUTES OF THE OCTOBER 5, 2023 MEETING:

Commissioner Freehling moved and supported by Commissioner Bell, to approve the BOC regular meeting minutes of October 5, 2023. Motion carried and no nays.

COMMUNICATION(S):

County Clerk Sharon Tyler received and distributed to the Board of Commissioners (BOC) the following communication(s):

- A resolution from Osceola County Board of Commissioners, opposing SB 299, SB 300, HB 4479 and HB 4480, as introduced and urges the Michigan Legislature to consider the costs to local health departments before adopting changes to the septic provisions of the Michigan Public Health Code, received on October 10, 2023.
- An email from Ashley Butler, Cornerstone Alliance, regarding Rob Cleveland, the President and CEO of Cornerstone Alliance, testified in Lansing on Wednesday in support of the Data Center Bill (HB 4906), received on October 11, 2023.

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 (including last name) and city, township, or village. (Article III, 3.9 B-C). The public should refer to the resolution # that they are commenting on as a part of their comments:

Adolf Pelzer, Hagar Township, spoke about Resolution #B2310310.

CONSENT CALENDAR:

Commissioner Yarbrough requested to pull Resolution #B2310310 - Express Opposition to Limited or Restricting Local Control.

Commissioner Vollrath moved and supported by Commissioner Majerek, to approve today's Consent Calendar, except for Resolution #B2310310 that will be presented separately:

| <u>Resolution(s) #</u> | <u>Description</u> |
|------------------------|--|
| F2310050 | Weekly Bills Approval & Road Payables |
| B2310097 | Weekly Requisitions |
| A2310295 | Approve 2024 Forensic Lab Agreement Andrews University |

A2310316 Accept 2024 Community Corrections Grant funds
A2310317 Complement Change 911 Department

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

10 YEAS: Curran, Freehling, Majerek, Ott, Pitchford, Vollrath, Wuerfel, Yarbrough, Bell and Elliott.

Motion carried, no nays.

Resolution #B2310310

Commissioner Vollrath moved and supported by Commissioner Yarbrough, to approve Resolution #B2310310 - Express Opposition to Limited or Restricting Local Control.

Discussion was held on compromising, property owner rights and local control.

Commissioner Yarbrough read Resolution #B2310310:

***WHEREAS**, industry leaders have pledged to reduce carbon emissions to work toward carbon neutrality in Michigan; and*

***WHEREAS**, efforts to expand renewable energy projects will continue to increase in this state; and*

***WHEREAS**, the governor has proposed the Michigan Public Service Commission to be the sole regulating authority for solar and wind projects to expedite these efforts; and*

***WHEREAS**, by granting the Michigan Public Service Commission this authority, local control will be preempted; and*

***WHEREAS**, should local control be preempted, a county, township, city or village would be unable to determine the location, size, setback distance, decibel level or any other criteria for a solar or wind facility nor would they be able to determine requirements for construction, operation, use, or maintenance of same; and*

***WHEREAS**, if a county already has a solar or wind policy, practice, regulation, rule or ordinance on record, it would be null and void; and*

***WHEREAS**, all other types of energy facilities, while regulated by the Michigan Public Service Commission, must adhere to local zoning; and*

***WHEREAS**, this proposal grants far more regulating authority to the Michigan Public Service Commission than for any other energy source; and*

***WHEREAS**, the Michigan Association of Counties opposes any legislative action that may grant the Michigan Public Service Commission this power.*

***NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Berrien County Board of Commissioners opposes the pre-emption of local control in solar wind siting and zoning.*

**RESPECTFULLY,
BERRIEN COUNTY BOARD OF COMMISSIONERS**

Chairperson Elliott asked the general public, if they would like to speak on Resolution #B2310310.

General Public Comment(s):

- Michael Haskins, Pipestone Township, spoke about a proposed project in Sodus and how it's vital that it is controlled locally.

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

10 YEAS: Freehling, Majerek, Ott, Pitchford, Vollrath, Wuerfel, Yarbrough, Bell, Curran and Elliott.

Motion carried, no nays.

Chairperson Elliott left the meeting at 10:59 A.M. and Vice Chairperson Freehling became the Chair.

ADDED RESOLUTIONS: None.

COMMITTEE REPORT(S) – Administration and Finance and Personnel & Human Services Committees:

The Administration, Finance and Personnel & Human Services (PHSC) Committees presented their Committee Reports. Parent Committee minutes are available at www.berriencounty.org. Discussion was held.

COMMISSIONER REPORT(S):

The Commissioners presented their outside committee reports. Discussion was held.

ADMINISTRATOR REPORT:

Administrator Brian Dissette had no report.

GENERAL PUBLIC COMMENTS - Those speaking during public comments may do so no longer than two minutes and shall identify themselves by name (including last name) and city, township, or village. (Article III, 3.9 B-C):

Adolf Pelzer, Hagar Township, spoke about YouTube and that he is in the picture again and a newsletter.

OTHER BUSINESS: None.

ANNOUNCEMENTS/REMINDERS: None.

ADJOURNMENT:

The meeting was adjourned at 11:26 A.M.

R. McKinley Elliott, Chairperson

Sharon J. Tyler, County Clerk

Minutes are to be approved at the next BOC meeting.