

THE BENZIE COUNTY BOARD OF COMMISSIONERS
May 12, 2020

The Benzie County Board of Commissioners met in a regular session on Tuesday, May 12, 2020 via teleconferencing in the Frank F. Walterhouse Board Room, 448 Court Place, Government Center, Beulah, Michigan.

The meeting was called to order by Chair Bob Roelofs at 9:00 a.m.

Present were: Commissioners Jeannot, Nye, Roelofs, Sauer and Taylor
Via Teleconference: Commissioners Farrell
Excused: Commissioner Warsecke

The invocation was given by Commissioner Roelofs and the Pledge of Allegiance was recited.

Agenda:

Motion by Taylor, seconded by Nye, to approve the agenda as amended, adding Lisa Peacock during Elected Official/Dept Head Comments and Judge Thompson at 9:45 a.m. Roll call. Ayes: Farrell (phone), Jeannot, Nye, Roelofs, Sauer and Taylor Nays: None Exc: Warsecke Motion carried.

Minutes:

Motion by Sauer, seconded by Taylor, to approve the regular session minutes of April 28, 2020 as corrected. Roll call. Ayes: Farrell (phone), Jeannot, Nye, Roelofs, Sauer and Taylor Nays: None Exc: Warsecke Motion carried.

9:07 a.m. Public Input

Lisa Vogler, 8475 Bent Pine Drive, Lake Ann, spoke regarding the county legal counsel RFP and the ways that she and her firm could assist the county and would appreciate the opportunity to interview.

Paul Callam also spoke regarding the county legal counsel opportunity and stated that he has joined Lisa Vogler in her practice and in 2019 made Benzie County his permanent home after retirement.

9:15 a.m. Public Input Closed

ELECTED OFFICIALS & DEPARTMENT HEAD COMMENTS

Lisa Peacock, Health Officer, updated the board on COVID-19: Attached is her written report and she stated that we are still under a stay at home order in Michigan, however under a different name at this time "Safer at Home". The fourth version of our Public Health Emergency Order expires on May 15 and it is not likely that it will be renewed; the six counties that she covers are holding steady with very few new cases reported. Believe that re-engagement needs to happen; we are in a completely different place than we were a few weeks ago. You just need to keep in mind the protection of employees, the public and businesses. Public Health continues surveillance as they are notified of positive cases and continue with case evaluation.

Mitch asked regarding Region 6, how much testing do we need to do to get out of the stages set by the Governor.

Ms. Peacock stated 1-2% of the regional population on a weekly basis to manage the curve; we are doing whatever we can to get to those numbers.

Chair Roelofs asked what the direction of the Board of Health is to get the county to reopen.

Ms. Peacock stated there is no position taken by the health board to reopen; we understand the importance of re-engagement and are not opposed to it; the board has been extremely supportive.

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Comm Jeannot stated he appreciates your commitment to the people you serve. Some of our potential actions are based on the State of Michigan reports, that nearly 50% of the SOM are in violation of the Executive Order; if that is the case, how does that put with cautioning businesses and Government Center to fully open? She didn't hear the 50% number; we don't know what is the most effective; without a vaccine, we only have non-pharmaceutical measures.

Judge Mead, 85th District & Probate Court, reported that the Supreme Court has spoken and we follow their orders; Judge Thompson is working on a plan; thank you to the board for taking care of the employees during this time – you kept them safe, you kept them compensated.

Rebecca Hubers, Emergency Management/911 – provided a written report; the last page of her report is an application that appears to be missing information, \$285,370.07 – operations costs; \$345,400.00 wages and benefits.

U/S Kyle Rosa, as we continue through this pandemic, want to recognize Deputy Hubers as the self-appointed COVID cop – he is the one that has read through the orders and answers the calls for service; last week was National Corrections Officers week – please thank them; this week is Police Officers Week – thank them as well.

Kyle Maurer, Animal Control Officer, stated that their call volume is starting to pick up; received a call from the Animal Welfare League with concerns about not being able to adopt out animals; will have discussions with Mitch and go through the board to begin this process to reopen.

ACTION ITEMS

2020-014: Motion by Sauer, seconded by Taylor, to adopt Resolution 2020-014 in Support of Nostwick Road Bridge Application for Critical Bridge Funds as presented, authorizing the chair to sign. Roll call. Ayes: Farrell (phone), Jeannot, Nye, Roelofs, Sauer and Taylor Nays: None Exc: Warsecke Motion carried.

2020-015: Motion by Sauer, seconded by Taylor, to adopt Resolution 2020-015 in Support of Reynolds Road Bridge Application for Critical Bridge Funds as presented, authorizing the chair to sign. Roll call. Ayes: Farrell (phone), Jeannot, Nye, Roelofs, Sauer and Taylor Nays: None Exc: Warsecke Motion carried.

Dan Smith, Jail Administrator: Carry Over of Vacation Time of Carissa Pike – transferring from corrections to jail secretary – vacation had to be cancelled because of the COVID; she would like to extend it for 30 days, but not lose it.

Dawn Olney, County Clerk, indicated that she as well has an employee that has vacation time that was not used with an upcoming anniversary date. Would like to extend hers as well.

Mitch indicated that there may be more of these that come forward; this is not an isolated event; we should look for a plan that provides for all employees and will bring back to this board.

Chair Roelofs stated that employees need to know that they will not lose their vacation.

COVID-19:

Sara Swanson, Prosecuting Attorney, stated that she does not believe that if you open the Government Center to the public to handle essential service, that would not be a misdemeanor – we

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can serve the public. There is no black and white with the Executive Orders. It all comes down to why? Are we allowed to open? Yes, it is up to you to decide what is essential or not.

Judge Thompson stated that the Supreme Court has superintending control over all of the trial courts in Michigan; the goal is to have consistency within the trial courts around the state; they finally have provided the trial courts with some direction; they are directing that the trial courts, through their chief judge, to begin the process to bring the courts back to full capacity; your public health department has been really responsive to everything we have needed. Once we can show the Supreme Court that we have met the criteria, we can submit an application to bring people back into the building for court, but we cannot submit the application until we no longer have a Stay at Home Order. If you prepare to re-open this Government Center, there will be restrictions on the court as to how the citizens access the court. If there is a spike in cases, we need to be mindful that we will step back. He will continue to encourage remote proceedings in the future.

Comm Sauer stated his concern is defying the Governor's Order, he would like to do a resolution that says we disagree with her mandates; we have no direction; we have had no cases in over one month; we can't live in fear; we have a health crisis and an economic crisis. Comm Sauer would be happy to try and draft some type of resolution to send to the Governor.

Mitch stated that there is letter in your packet from Berrien County to the Governor, it is a very good letter. We need to relay to let us maneuver through the start plan on our own. Mitch feels that a letter would be better than a resolution and send to Senator VanderWall, Representative O'Malley; Congressman Bergman, all townships, city – we are different in Northwest Michigan. In the letter we can talk about what we have done here.

Chairman Roelofs asked – do we need to get the people back to work? Yes Do we keep the building closed to the public? We need to decide this.

Comm Jeannot stated that by opening up the Government Center, it would help the community begin to relax, but I can't recommend opening the Government Center due to any possible financial liability that could come.

Comm Jeannot indicated that if the Government Center opens, the Sheriff stated that he would open the Sheriff Office. U/S Rosa would have to talk with the Sheriff. Getting the essential workers back would be very helpful to start.

Comm Jeannot is concerned with the definition of essential worker. I would like to see us relax or re-evaluate essential worker and we can begin to open and not jeopardize our funding source.

Comm Farrell believes there needs to be questions for each office – is it necessary to protect life.

Mitch stated if he understands: 1) bring back employees with each office and re-engage; 2) maintain all social distance and safety orders; and 3) focus on opening for the public and reach out to private sectors.

Comm Nye says there are two things 1) when is it time to bring the employees back; and 2) how do we serve the public without having the front doors open.

Rebecca Hubers, Emergency Manager, states that essential is not in the orders – it is now critical employees. Employees – most of them meet the definition to return to work.

Motion by Sauer, seconded by Jeannot, to extend the current practice of resolution 2020-013 through May 28, 2020 as a new resolution 2020-016.

Comm Taylor voices concerns about things slipping through the cracks, there are reports that we have not seen; Treasurer's Report, been waiting to see where we stand this year; Auditor's Report;

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we are half way through the budget and we have no idea where the department budgets are at; we don't know where the finances are.

Motion tabled until after closed session.

11:20 a.m. Motion by Roelofs, seconded by Jeannot, to enter closed session under authority of MCL 15.268(c) for strategy regarding negotiation of a collective bargaining agreement with FOPLC General bargaining unit at the request of the Employer and to discuss a written attorney client privileged legal opinion pursuant to MCL 15.268(h). There could be possible action upon exiting closed session. Roll call. Ayes: Farrell (phone), Jeannot, Nye, Roelofs, Sauer and Taylor Nays: None Exc: Warsecke Motion carried.

11:54 a.m. Re-enter Open Session

Motion is removed from the table.

Vote on motion: Roll call. Ayes: Farrell (phone), Jeannot, Nye, Roelofs, Sauer and Taylor Nays: None Exc: Warsecke Motion carried.

Motion by Taylor, seconded by Nye, to bring all employees back to work effective May 13, 2020, to excluding the courts, probation, 19th Circuit Court and 85th District Court, recognizing that those courts are subject to the Supreme Court Administrative Rules. Roll call. Ayes: Farrell (phone), Jeannot, Nye, Roelofs, Sauer and Taylor Nays: None Exc: Warsecke Motion carried.

Plan, Prepare and Respond Guidelines: An updated plan which was originally adopted on April 7, 2020; MMRMA has reviewed our plan and asked that a few items be added – one item being the addition of a COVID-19 Coordinator.

Appendix H: A - G is added dealing with additional sick time compensation if they get sick; H-J to help cover dependents thru age 18; K is removed – deals with donating COVID time earned. H will be limited to same household.

Motion by Jeannot, seconded by Sauer, to adopt the Amended Plan, Prepare and Respond Guidelines, subject to language clarification on Appendix H. Roll call. Ayes: Farrell (phone), Jeannot, Nye, Roelofs, Sauer and Taylor Nays: None Exc: Warsecke Motion carried.

COUNTY COMMISSIONER REPORTS

Comm Jeannot provided a written report.

Comm Nye provided a written report regarding Village of Benzonia, Centra Wellness and Village of Beulah.

Comm Farrell provided a written report and stated that Frankfort clean-up day June 1; unsure of July 4th celebration; Frankfort schools stated 260-265 meals being served.

Comm Taylor reported on the Homestead Twp meeting she inquired regarding the Birthday Parades that have been happening – it was stated that there is a FaceBook group of First Responders that are taking care of it; the township board stated to the group, if you can't do it for everyone, you shouldn't

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do it for anyone. Homestead Twp clean-up this Saturday 8 a.m. – 12:00 p.m. Benzie schools will proceed with an August 2020 ballot proposal.

Comm Sauer attended a MAC keynote speaker webinar and it was stated that they expect \$144 Billion in lost revenue to the counties. People are having trouble getting Pistol Purchase permits. Blaine Twp will hold a public hearing for reference No Wake on the water.

Chair Roelofs stated that he also listened in on the school board meeting and can tell the frustration by those on the phone because you can't always hear – they keep talking about solid education, but the majority of what they want is for structures; they are trying to sell a product they aren't providing. He has been having a lot of phone conferences. Been listening on a weekly report with Representative O'Malley.

COUNTY ADMINISTRATOR'S REPORT

- Provided a written report.
- Will be working on the letter to the Governor over the next couple of days.

FINANCE

Bills: Motion by Jeannot, seconded by Nye, to approve payment of the bills from April 28, 2020 to May 12, 2020, in the amount of \$200,885.16, as presented. Roll call. Ayes: Farrell (phone), Jeannot, Nye, Roelofs, Sauer and Taylor Nays: None Exc: Warsecke Motion carried.

Michelle Thompson, County Treasurer, reported that foreclosure for 2017 taxes are at 21 parcels and has been extended by the Governor thru May 29, 2020 at 5:00 p.m.

1:10 p.m. Comm Jeannot excused

~~COMMITTEE OF THE WHOLE~~

COMMITTEE APPOINTMENTS

Benzie Transportation Authority: Motion by Taylor, seconded by Farrell, to re-appoint Amy Herczak to the Benzie Transportation Authority for a 3-year term to expire on April 30, 2023. Roll call. Ayes: Farrell (phone), Nye, Roelofs and Taylor Nays: Sauer Exc: Jeannot and Warsecke Motion carried.

UNFINISHED BUSINESS – None

NEW BUSINESS – None

PRESENTATION OF CORRESPONDENCE

- Road commission minutes of April 9, 2020 received.
- Livingston County resolution Supporting Stepping Up Initiative to Reduce the Number of People with Mental Illness in Jails received.
- Health Department minutes of April 22, 2020 received.
- Berrien County letter to Governor Whitmer received.
- Little Platte Lake and Crystal Lake elevation reports for April 2020 received.

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Committee of the Whole meetings will resume May 26, 2020 at 1:30 p.m. by teleconference. The same number and access code will be used for both meetings.

1:22 p.m. Public Input – None

Motion by Sauer, seconded by Taylor, to adjourn at 1:22 p.m. Roll call. Ayes: Farrell (phone), Nye, Roelofs, Sauer and Taylor Nays: None Exc: Jeannot and Warsecke Motion carried.

Bob Roelofs, Chair

Dawn Olney, Benzie County Clerk

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2. Approved the regular session minutes of April 28, 2020 as corrected.
3. Adopted Resolution 2020-014 in Support of Nostwick Road Bridge Application for Critical Bridge Funds as presented, authorizing the chair to sign.
4. Adopted Resolution 2020-015 in Support of Reynolds Road Bridge Application for Critical Bridge Funds as presented, authorizing the chair to sign.
5. Extended the current practice of resolution 2020-013 through May 28, 2020 as a new resolution 2020-016.
6. Entered closed session under authority of MCL 15.268(c) for strategy regarding negotiation of a collective bargaining agreement with FOPLC General bargaining unit at the request of the Employer and to discuss a written attorney client privileged legal opinion pursuant to MCL 15.268(h). There could be possible action upon exiting closed session.
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5/12/2020

Public Health Statement

Lisa Peacock, Health Officer, Health Department of Northwest Michigan and Benzie-Leelanau District Health Department

This week our State continues to operate under an Executive Order, referred to as "Safer at Home". The name change reflects the recent release of several restrictions including those working in construction and manufacturing being allowed to return to work. We have noticed that the Governor has included several details in the requirements for newly opened business sectors including measures for employee screening and social distancing. The 4th version of our Public Health Emergency Order expires on May 15 and it is not likely that I will renew it. I have great respect for the powers provided to the local Health Officer under the Michigan Public Health Code and believe they should be exercised with great caution and clarity to protect the public's health in the face of an imminent threat. These orders were issued to protect critical infrastructure workers and the public at the height of this epidemic in our state and region and we have now moved into a new phase.

Governor Whitmer published the MI Safe Start Plan this week which describes the six phases of the pandemic as well as outlines the activities and work that is allowed during each phase. She indicated that the state is currently standing together at Phase Three, "Flattening". She also described the six sub-regions of the state and mentioned that there may come a time when regions move through the pandemic phases separately. We do not know when that will be or who will make that call. In Phase Three, we are still required to Stay Home and Stay Safe for the most part but additional workers are being allowed to return to worksites. Protective measures such as social distancing and face masks are still required in public spaces or worksites. Looking toward future phases allow us to understand more about where we will be heading next which gives us something to look forward to, such as the opening of additional business sectors and small gatherings being allowed. It also provides some critical information needed for planning as well.

Dr. Khaldun shared this week that the rate of growth of new cases in Michigan has slowed by 25% over the past seven days. Across the six counties that I cover, most are holding steady with very few new cases reported as well. However, in certain areas of northern Michigan, there are still a few new cases being reported each week that are not related to specific outbreaks, telling us that community spread continues to happen in northern Michigan. This doesn't mean we should continue to hold back or fear moving forward. It simply means we need to be aware that the virus still exists in our community and that we are likely to see more cases as people begin to interact. It means that we should proceed forward with caution. As I have stated in recent weeks, where we are now compared to where we were just a few short weeks ago is surely cause for cautious optimism. Although we continue to work on expanding testing, the low % of tests that are positive points toward low exposure in our community. The downside of this is that our exposure risk will likely increase as we begin to interact with people from other areas which just reminds us of the importance of a slow and careful approach to this.

The most proactive businesses are planning now for reopening in safe and careful ways. This approach will assure that they can protect their employees, the public, as well as their business. The impact of an employee who becomes ill will look different than it did before the pandemic. Between the ill who need to be isolated and those they had contact with prior to symptoms developing who then need to be

quarantined could deplete a workforce very quickly. Employers and businesses are a critical part of a successful re-engagement strategy and need to be working on such areas as: risk self-assessment, establishing policies, making physical changes, and supplying training and supplies for employees to minimize risk within their facilities.

All indicators point to an optimistic picture in northern Michigan. Our positivity rate is decreasing which means even as we expand testing we continue to see fewer of those with positive results. We need to continue to increase the number of tests we do each day so that we can align with the big picture goals set by the state and monitor these statistics accurately. Public health surveillance will be critical moving forward so that we can monitor pandemic risk as re-engagement occurs. The number of cases, the % of tests that are positive, the number of people in contact tracing, and the number of people in the hospitals will all continue to be critical data points that we will be watching. The ability to expand testing as we “dial up” or “dial down” is another area of importance. Testing is the main source of data that guides decision-making in this pandemic response. In addition, public health will continue to monitor and maintain capacity for contact tracing and case investigation, ensure isolation and quarantine can be carried out as recommended, provide timely, relevant and accurate public health information, as well as to continue to protect high-risk populations including those living in congregate settings, first responders, and critical infrastructure.

Our communities have remained strong and resilient through this crisis and all we have done to help each other reminds us of the continued importance of community and authentic engagement – even if it is virtual at times. I know that I am grateful for the strengthening of relationships between coworkers, between community partners as well as for the innovative problem-solving I have seen unfold in so many ways. I hope that we can continue to prioritize the simple pleasures of enjoying the natural beauty of our area as well as carefully welcome back the interactions between family, friends and community as we carefully navigate the changes ahead.

Art Jeannot
Commissioner Report
May 12, 2020

- **Friends of Pointe Betsie** – Dick Taylor President, informed me that many of the amenities at the lighthouse will be unavailable to the public this Summer. The grounds and apartment may be open as the Governor's executive orders allow. I am working with Susan Boyd to determine what communication the County needs to have with the Bureau of Land Management to remain in compliance.
 - Water erosion at the lighthouse and road end work will be scheduled for late Fall 2020 or Spring 2021. Both projects have money available for completion.
- **Northern Michigan Commissioners Association** – John Amrhein (MSU Extension) has been in contact with me to arrange a presentation on county wide broadband strategies. Bob Russell who chairs the sub-committee for Benzie County EDC has agreed to do the presentation as well as participate in a NMCA summit this Summer.
- **Other –**
 - As most citizens, I have participated in several conference calls regarding the Governor's executive orders and updates on COVID-19.
 - I have stayed in contact with many of my assigned committees and agencies by phone. The purpose is to share information regarding the current situation (COVID-19) and determine if the BOC needs to act on any issues on the group's behalf.
 - I continue working with Mitch and Dawn in response to the RFP/RFQ for county's general legal counsel.
 - I have had a conversation with Mitch about the value of identifying a member of the staff to submit grant applications other than those for public safety. Public safety grants are currently managed by Rebecca Huber.
 - On May 13th from 11am – noon there will be a webinar sponsored by Networks Northwest and the Manistee Chamber on strategies for re-opening restaurants. Registration can be found at www.sbdc@networksnorthwest.org or 231 929 5060.

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MAY 11 2020

DAWN OLNEY
BENZIE COUNTY CLERK
BEULAH, MI 49617

Rhonda Nye
District IV – Benzonia Township
Commissioner Report
May 12, 2020
***all meetings attended via tele-conference

May 4 – Village of Benzonia:

Spring Clean Up has been scheduled for Saturday, May 30th 8 a.m. – 12 p.m.

Benzonia Planning Commission is working on developing 3 new or revised ordinances:

- 1) Repeal and replace the current Environmental Provisions section 16 in the zoning ordinance and replace with Environmental Provisions and Tree Protection Ordinance.
- 2) Create a Steep Slope Overlay Zoning Ordinance.
- 3) Create an Overlay Zoning Ordinance for the US 31 Corridor.

The Village received notification from the State of Michigan stating that due to the recently issued Executive Directive 2020-3 by Governor Whitmer, which imposes limits on discretionary spending in response to the Covid-19 pandemic, all deliverable and payments associated with MDNR Passport Grants have been paused. The MDNR Passport Grant was awarded for upgrades at Academy Park in the amount of \$150,000.00; just under \$100,000.00 has been disbursed.

May 5 - Centra Wellness Executive Committee:

Covid -19 CMHSP Support Funding was offered from the State of Michigan. At the recommendation of Executive Director, Chip Johnston, the funds were returned to the State. The accounting requirements and permitted uses did not support acceptance of the funds.

Regional finances – two CMH providers in the region are overspent, NLCMH and North Country.

Restructuring of MDHHS has been put on hold due to the pandemic. The consensus is that a rural exemption will be sought if the restructure is reintroduced.

Chip Johnston gave credit and praise to the Centra Wellness staff for the best CARF Report he's seen in eighteen years.

May 7 – Village of Beulah

Village President, Dan Smith, shared that the streets are scheduled to be swept and the repainting of the street lines will occur as scheduled.

Commissioner's Report to BOC
May 12, 2020
Linda Farrell
District #3
Frankfort and Crystal Lake Township

I have attended 4 meetings since the BOC met on April 28, 2020.

April 29 and May 6th – BLDHD weekly call-in updates

- I will defer to Lisa's report today at the BOC meeting

May 1 – City of Frankfort Council Meeting – call-in

- Still in discussion about what 4th of July, and other summer events will look like
- Clean-up will happen week of June 1
- Possible sale of property and build of Condos/apartments next to BLUA (Betsie Lake Utility Authority) – discussion about how there are frequently strong and bad odors in that location; more discussion to follow
- The Frankfort Farmers Market, as an essential business, can go forward with restrictions and following state Farmers Market Association guidelines for safety.

May 11 – Frankfort/Elberta School Board Meeting – Streamed with call-in by public

- There will be “virtual” graduation events that are still in the planning stage
- Planning for next fall continues with making schedules for all the students
- They are running an Essential Workers Day Care – They have 8 kids from 4 families presently, ages 2 ½ to 8 years. They have applied to the Emergency Child Care Fund for money to expand so they can care for younger kids as Paul Oliver Hospital opens up more.
- They continue to provide meals to 260-265 kids every 2 days, including weekends. They are grateful for all the community and staff involvement and donations of time and food.
- There was discussion about their contract options with Lockhart Field and the possibility of Lockhart selling ad space on banners in lieu of higher lease payment.
- They are grateful for the creativity and involvement of all their teachers keeping in touch with and providing interesting, engaging, and educational lessons for all the students.

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BENZIE COUNTY CLERK
BEULAH, MI 49617