

MONROE COUNTY BOARD OF
COMMISSIONERS REGULAR
MEETING MINUTES
FEBRUARY 6, 2024

I. CALL TO ORDER

The Monroe County Board of Commissioners held a Regular Meeting in the City of Monroe, on Tuesday, February 6, 2024. Chairman Mark Brant called the meeting to order at 6:00 p.m.

II. ROLL CALL

Roll call by Deputy Clerk, Lisa Sanders, as follows:

PRESENT			ABSENT
David Hoffman	Jay Heinzerling	David Swartout	
Mark Brant	Randy Richardville	Greg Moore, Jr.	
Dawn Asper	David Vensel	J. Henry Lievens (left at 6:31 p.m.)	

A quorum being present, the Board proceeded to conduct business.

III. PLEDGE OF ALLEGIANCE

Commissioner Moore led the Pledge of Allegiance.

IV. OPENING PRAYER

Deputy Clerk, Lisa Sanders led the Opening Prayer.

V. APPROVAL OF AGENDA

Motion by Commissioner Heinzerling, supported by Commissioner Hoffman to approve the February 6, 2024 Regular Meeting Agenda as presented.

Voice vote taken. Motion carried.

VI. APPROVAL OF MINUTES (01/23/2024 Regular Meeting)

Motion by Commissioner Lievens, supported by Commissioner Swartout to approve the minutes as presented for the January 23, 2024 Regular Meeting and waive the reading thereof.

Voice vote taken. Motion carried.

VII. PUBLIC COMMENT—

1. Stephanie Hall, Advocacy & Research Manager for Ageways, formerly known as Area Agency on Aging 1-B, advising of the name changed to Ageways and that the services are all still the same. The website address is now Ageways.org.

2. David Uhl, Economic Development Director for Frenchtown Charter Township, addressing the County of Monroe Tax Capture Resolution and Policy that is on the Agenda. He would like to see this item tabled so that Frenchtown and all municipalities in the County could review it and make comments. Would like to make a presentation to the Board about Economic Development.
3. TC Clements, CEO, Monroe County Business Alliance. Thank you for allowing them to present at the last meeting.
4. Al VanWashenova, Supervisor, Frenchtown Charter Township asking the Board to table the County of Monroe Tax Capture Resolution and Policy that is on the Agenda.

VIII. RESOLUTIONS, SPECIAL TRIBUTES & PRESENTATION—

1. Commissioner Hoffman had requested a Special Tribute to the First Responders to the Dundee boy who fell through the ice at Cabela's pond. He will present the Tribute at a later date.

IX. FINANCE MATTERS

1. Payment of the 02/07/2024 Accounts Payable Current Claims Report in the amount of \$935,893.43

Motion by Commissioner Heinzerling, supported by Commissioner Swartout to approve the 02/07/2024 Accounts Payable Current Claims payment as presented on the agenda for \$935,893.43.

Roll call by Clerk as follows:

AYE			NAY	EXCUSED	ABSTAIN
David Hoffman	Jay Heinzerling	David Swartout			
Mark Brant	Randy Richardville	Greg Moore, Jr.			
Dawn Asper	David Vensel	J. Henry Lievens			

Motion carried.

X. CONSENT AGENDA

1. Approval of Non-Claims
 - a. Check Register dated 01/26/2024 in the amount of \$154,712.90
 - b. Check Register dated 02/02/2024 in the amount of \$340,878.94

Motion by Commissioner Hoffman, supported by Commissioner Heinzerling to confirm the non-claims payments as presented on the agenda for the dates and amounts listed.

Roll call by Clerk as follows:

AYE			NAY	EXCUSED	ABSTAIN
David Hoffman	Jay Heinzerling	David Swartout			
Mark Brant	Randy Richardville	Greg Moore, Jr.			
Dawn Asper	David Vensel	J. Henry Lievens			

Motion carried.

XI. COMMUNICATIONS

Board Action:

1. Letter dated January 31, 2024 from Mr. Mark Brant, Chairman, Board of Commissioners requesting approval of the County of Monroe Tax Capture Resolution and Policy and upon its adoption, distribute it to all of our local unit government partners throughout the County so they are informed of this policy.

Vice-Chairman Richardville would like this item to go to the Operations Committee for review and then come back to the full Board at the next meeting for a vote. Discussion commenced.

Motion by Commissioner Lievens, supported by Commissioner Heinzerling to table this item until the next meeting.

Roll call by Clerk as follows:

AYE			NAY	EXCUSED	ABSTAIN
David Hoffman	Jay Heinzerling	David Swartout			
Mark Brant	Randy Richardville	Greg Moore, Jr.			
Dawn Asper	David Vensel	J. Henry Lievens			

Motion carried.

2. Letter dated February 1, 2024 from Mr. Mark Brant, Chairman Board of Commissioners along with a Memorandum dated January 31, 2024 from Mr. Patrick McGow, Municipal Finance Counsel submitting a Resolution Approving Suspension of Monroe County Economic Development Corporation effective with the approval of the Resolution.

Chairman Brant explained the Memorandum from Mr. McGow.

Motion by Commissioner Lievens, supported by Commissioner Heinzerling to accept the communication, place it on file and approve the Resolution to Suspend the Monroe County Economic Development Corporation and direct staff to send a communication of this to each current member of the EDC with a note of appreciation for their past service.

Roll call by Clerk as follows:

AYE			NAY	EXCUSED	ABSTAIN
David Hoffman	Jay Heinzerling	David Swartout			
Mark Brant	Randy Richardville	Greg Moore, Jr.			
Dawn Asper	David Vensel	J. Henry Lievens			

Motion carried.

3. Letter dated February 1, 2024 from Mr. Philip Goldsmith, Legal Counsel to Mr. Mark Brant, Chairman, recommending that a January 26, 2024, Freedom of Information Act Appeal be denied as the response and record release set forth in the County's Freedom of Information Act Officer's January 19 and 25, 2024 correspondence be upheld.

Supplemental Information:

- a. Legal Counsel's Appeal Response to Appellant dated February 2, 2024
- b. FOIA Appeal dated January 26, 2024
- c. County FOIA Officer's (Michael Bosanac) January 19, 2024 and January 25, 2024 responses
- d. FOIA Request dated January 11, 2024
- e. Policy #205 [link](#)

Legal Advisor, Mr. Thomas Graham explained the recommendation. Discussion commenced.

Motion by Commissioner Lievens, supported by Commissioner Swartout to accept the communication from Legal Counsel, place it on file and approve the recommendation to uphold Mr. Bosanac's January 19 and 25, 2024 FOIA correspondence and responses.

Roll call by Clerk as follows:

AYE			NAY	EXCUSED	ABSTAIN
David Hoffman	Jay Heinzerling	David Swartout			
Mark Brant	Randy Richardville	Greg Moore, Jr.			
Dawn Asper	David Vensel	J. Henry Lievens			

Motion carried.

XII. PUBLIC HEARINGS—None

XIII. OLD BUSINESS—

1. Letter dated February 1, 2024 from Mr. Michael Bosanac, Administrator/Chief Financial Officer recommending a funding plan for the implementation of the economic development strategic plan Monroe Link 2.0.

Mr. Bosanac answered questions from Commissioners.

Motion by Commissioner Moore, supported to accept the communication, place it on file and approve the funding plan for the implementation of the economic development strategic plan Monroe Link 2.0.

Roll call by Clerk as follows:

AYE			NAY	EXCUSED	ABSTAIN
David Hoffman	Jay Heinzerling	David Swartout			
Mark Brant	Randy Richardville	Greg Moore, Jr.			
Dawn Asper	David Vensel	J. Henry Lievens			

Motion carried.

XIV. NEW BUSINESS—None

XV. PUBLIC COMMENT—

1. Al VanWashenova thanked the Board for tabling Section XI, Item #1.
2. TC Clements thanked the Board for its commitment and support of the Link Plan 2.0. This is one of most exciting endeavors that I've had the opportunity to work on. You have my commitment that Link 2.0 will deliver the same as Link 1.0 did. We will keep you regularly updated.

XVI. ANNOUNCEMENTS—

1. Copies of any Tributes or Certificates issued since the January 23, 2024 meeting:
None

XVII. MEMBERS TIME

Commissioner Swartout—I'd like to give a big shout out to TC Clements and the whole group who put together the Link 2.0 Plan. I've read almost all 400 pages of it. It's really good reading.

Commissioner Heinzerling, Commissioner Moore and Commissioner Vensel all passed and Commissioner Lievens was excused.

Commissioner Asper—I'm thrilled with what we are going to be doing with the Link 2.0 plan but as I mentioned at our last meeting, I'm extremely concerned about the energy situation. When you expand you need more energy. Last November there was a bill that was passed that basically took our local control away with anything that has to do with solar or wind. I want people to know, and you can spread the word that you can go on the website in which there's a group that has been formed, Citizens for Local Choice. Flyers are available and it has to do with amending the Clean and Renewable Energy and Energy Waste Reduction Act, to repeal Part 8 as added by Public Act 233 of 2023, which stripped away local control of large scale utility land-use projects. If we do that we can restore local control of land use. Otherwise, our zoning and everything else could be pushed on us and if we need more energy they (Lansing) will say, we need to send more wind turbines down there or we've got to do more solar and the local municipalities have nothing to say about it. So I'll be reaching out to my townships and so forth to sign a resolution that has to do with it, and I never strong arm my townships to do anything, but

I think they would be very interested in this one. There's also a resolution that I will get ready for the next meeting regarding our county so I'm hoping that the Commissioners will sign that. If you have a group that would like to sign a resolution, the template for it is on their website. I think this is going to be extremely important because if we don't do this then in November of this year that's when it will take effect and we don't want that to happen. We want to make sure that we are directing the future of our county and our local municipalities. The other concern that I have is that there are things that are happening in the nation that are now affecting Michigan and also our county but mostly some of the neighborhoods to the north of us. It has to do with border insecurity that we have. I would encourage you to contact our Congressman and our Senators at the national level not to pass the bill that they are putting together. The reason I say that is that our border situation could be turned around in a heartbeat simply by getting rid of some Executive Orders that were signed on January 20, 2021. So, IF they were to do a bill and it's not to our liking and if there were a new person leading our country in the fall, that person would have to fight with Congress to get the law changed again. Whereas otherwise he could just rescind a change by Executive Order and we'd have instant relief. Michigan has a lot of people who are being transported to Michigan and we're having a lot of problems with resources and so forth. So, I appreciate all of you being active and being here tonight and if you have any questions you can talk to me after the meeting.

Commissioner Hoffman—With regard to what Dawn was saying, I was working the other day in Ann Arbor and we were working with a bunch of Russians and nobody knew anything. I mean nobody could communicate. It's good to see everybody here tonight and involved. I see Mayor Clark here tonight and I have a question for him. I see they are taking the high lines down by Maple Blvd. Is that the first move because I think the plant is supposed to shut off by 2030? Do you know if they are shutting that station down? Mayor Clark said that they are ITC lines and they are changing the lines and making them newer.

Michael Bosanac, Administrator/CFO—Thank you to our friends from Frenchtown for being here tonight. I want to clarify the policy that was under consideration on the agenda this evening. It's really just the County's policy; it in no way reflects any hostility towards a township. We, or at least I, am a supporter of tax capture and in 2023, the County had just over \$500,000 of its tax revenue captured and in all those captures there had not been a voice for the County and that's really what we're looking for. If you understand the Act, there's no real teeth for a county to have any voice. The only way to do that is to really opt out. The policy was intended to be uniform, across the County. I know timing looks bad, but Kyle and I and others have had this conversation about what our objectives were there. We believe that tax captures work; they just need some guard rails from the standpoint of what we see. There's some really good captures and real good progress and there's some that we have some questions about. So, we worked with our bond counsel to make sure that we have a good policy. It models what was done in Oakland County and Midland County. I think we'll get to where we need to be and I don't want you to think for a minute that this in any way was detrimental to the Township's plan. We're there and I think that's the value and beauty of the Link Plan. I think the County has a pretty good record of working with a whole bunch of our municipalities to promote opportunities for our citizens. Let's talk about opportunities rather than tax base. Tax base will come after

the opportunities are there first. That is always our goal. So, the Link Plan is going to be the way to do it. The Board of Commissioners has delivered almost \$1million of dedicated funding to make sure that the Plan gets launched and I think there's great opportunity to work with the Township in terms of your Economic Development Plan. I think we have a bright future.

Commissioner Richardville—I want to thank everyone for coming out tonight, our friends at Frenchtown, the Business Alliance, Mr. Mayor and others from the community. Joe Bellino you come out to so many meetings and I appreciate you and you being here tonight and Annamarie (Osment) you as well. With all the work with the elections and with the one coming up, we'll be praying for you. Thank you all for taking the time to be here tonight.

Commissioner Brant—To TC Clements--We didn't give you the money without strings. You need to spend it responsibly, spend it according to the Plan and report back to the Board on a regular basis on how that spending is benefiting the Economic Development push that we are experiencing right now in Monroe County.

XVIII. CLOSED SESSION

1. Closed Session to discuss written legal opinion from Mr. Philip Goldsmith, County General Counsel concerning potential litigation involving the County. Mr. Thomas Graham, County Legal Advisor led the discussion in Mr. Goldsmith's absence.

Commissioner Moore asked if the Announcements and Members Time could precede the Closed Session. Chairman Brant and the other members agreed. Also, a 5 minute break was taken.

Motion by Commissioner Richardville, supported by Commissioner Moore to go into Closed Session.

Roll call by Clerk as follows:

AYE			NAY	EXCUSED	ABSTAIN
Mark Brant	Jay Heinzerling	David Swartout		J. Henry Lievens	
David Hoffman	Randy Richardville	Greg Moore, Jr.			
Dawn Asper	David Vensel				

Motion carried.

Closed session commenced at 6:50 p.m.

Motion by Commissioner Heinzerling, supported by Commissioner Vensel to come out of Closed Session.

Roll call by Clerk as follows:

AYE			NAY	EXCUSED	ABSTAIN
Mark Brant	Jay Heinzerling	David Swartout		J. Henry Lievens	
David Hoffman	Randy Richardville	Greg Moore, Jr.			
Dawn Asper	David Vensel				

Motion carried.

Open session commenced again at 7:10 p.m.

Mr. Graham made a recommendation to the Board to follow the advice of Legal Counsel to consider a motion to accept the advice of Legal Counsel and to authorize Mr. Bosanac, County Administrator/CFO and the Chairman of the Board of County Commissioners to enter into a retainer agreement with the Miller Law Firm.

Motion by Commissioner Heinzerling, supported by Commissioner Swartout follow the advice of Legal Counsel to accept the advice of Legal Counsel and direct Mr. Bosanac, County Administrator/CFO and the Chairman of the Board of County Commissioners to enter into a retainer agreement with the Miller Law Firm in order to participate in litigation which was discussed in Closed Session.

Roll call by Clerk as follows:

AYE			NAY	EXCUSED	ABSTAIN
Mark Brant	Jay Heinzerling	David Swartout		J. Henry Lievens	
David Hoffman	Randy Richardville	Greg Moore, Jr.			
Dawn Asper	David Vensel				

Motion carried.

XIX. ADJOURNMENT—Chairman Brant adjourned the meeting at 7:11 p.m. with no further business to conduct.

Respectfully submitted by:

Lisa E. Sanders

Lisa E. Sanders

Deputy Clerk/Administrative Assistant

Monroe County Board of Commissioners