

**CASS COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

December 15, 2022

The Cass County Board of Commissioners met in regular session on Thursday, December 15, 2022, in Commission Chambers.

Chair Dyes called the meeting to order at 5:00 p.m. Commissioner Marchetti provided the Invocation. Commissioner Jones led the Pledge of Allegiance to the Flag of the United States of America.

Clerk/Register Monica McMichael called roll:

COMMISSIONERS PRESENT: Ryan Laylin, Roseann Marchetti, Skip Dyes, Robert Benjamin, Mike Grice and Jeremiah Jones.

COMMISSIONERS ABSENT: Annie File.

STAFF PRESENT: Administrator Matthew Newton and Finance Director Jennifer Rentfrow.

INTRODUCTION OF VISITORS

Visitors present introduced themselves.

PUBLIC COMMENT

Milton Township resident Dick Gerbeth spoke regarding the Gumwood/Redfield roundabout project. He asked for funding to stop and for alternative plans to be discussed.

Chair Dyes thanked current and past board members, county staff, elected officials, county partners, his parents and grandparents as well as his wife Wendy for their support during his years as a County Commissioner. He planned to continue his work on the Heritage ISD Board and the Social Justice Alliance.

APPROVAL OF THE AGENDA

Commissioner Laylin moved, seconded by Commissioner Marchetti, to approve the December 15, 2022, Cass County Board of Commissioner's Agenda. Discussion followed.

Commissioner Jones moved, seconded by Commissioner Benjamin, to amend the agenda to remove M-238-22. Discussion followed.

The Chair instructed the Clerk to call roll on the motion to amend the agenda.

Yes (3): Commissioners Benjamin, Dyes and Jones.

No (3): Commissioners Marchetti, Laylin and Grice.

Absent (1): Commissioner File.

Motion to amend the agenda failed by roll call vote.

The Chair then called for a voice vote on approving the original agenda as presented. Motion carried by voice vote.

RECOGNITIONS

R-243-22

Commissioner Marchetti moved, seconded by Commissioner Laylin, to approve the following resolution:

WHEREAS, Robert Benjamin was elected to the Cass County Board of Commissioners in 2018; and

WHEREAS, Mr. Benjamin has served on the Board for four years, and presently represents District 5; and

WHEREAS, Mr. Benjamin has represented the County and his constituents on many boards and commissions including the Community Corrections Advisory Board, the Southwest Community Action Agency, Salary Committee, Policy Committee as well as various others; and

WHEREAS, Mr. Benjamin served as Chair on the Board of Commissioners in 2019.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners recognizes Mr. Benjamin for his years of service on the Board of Commissioners; and

BE IT FURTHER RESOLVED that the Board wishes Commissioner Benjamin all the best in the years ahead.

Discussion followed.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioners Laylin, Dyes, Marchetti, Benjamin, Grice and Jones.

No (0): None.

Absent (1): Commissioner File.

Resolution R-243-22 carried by roll call vote.

R-244-22

Commissioner Laylin moved, seconded by Commissioner Marchetti, to approve the following resolution:

RECOGNITION FOR YEARS OF SERVICE

WHEREAS, Dwight Dyes was elected to the Cass County Board of Commissioners in 2010; and

WHEREAS, Mr. Dyes has served on the Board for twelve years, and presently represents District 3; and

WHEREAS, Mr. Dyes has represented the County and his constituents on many boards and commissions including the Van Buren/Cass District Health Board, Department of Human Services Board, Woodlands Behavioral Network Board, Southwest Michigan Solid Waste Consortium, Land Bank Authority as well as various others; and

WHEREAS, Mr. Dyes served as Chair of the Board of Commissioners in 2013, 2021, 2022 and as Vice-Chair in 2017.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners recognizes Mr. Dyes for his years of service on the Board of Commissioners; and

BE IT FURTHER RESOLVED that the Board wishes Commissioner Dyes all the best in the years ahead.

Discussion followed.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioners Marchetti, Benjamin, Grice, Jones, Laylin and Dyes.

No (0): None.

Absent (1): Commissioner File.

Resolution R-244-22 carried by roll call vote.

R-234-22

Commissioner Jones moved, seconded by Commissioner Marchetti, to approve the following resolution:

WHEREAS, Michael Grice was elected to the Cass County Board of Commissioners in 2016;
and

WHEREAS, Mr. Grice has served on the Board for six years, and presently represents District 6;
and

WHEREAS, Mr. Grice has represented the County and his constituents on many boards and commissions including the Cass County Transportation Authority, Kinexus, Woodlands Behavioral Healthcare Network Board, Veterans Advisory Board as well as several others; and

WHEREAS, Mr. Grice served as Vice-Chair on the Board of Commissioners in 2021 and 2022.

NOW THEREFORE BE IT RESOLVED that the Cass County Board of Commissioners recognizes Mr. Grice for his years of service on the Board of Commissioners; and

BE IT FURTHER RESOLVED that the Board wishes Commissioner Grice all the best in the years ahead.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioners Benjamin, Grice, Jones, Laylin, Dyes and Marchetti.

No (0): None.

Absent (1): Commissioner File.

R-234-22 carried by roll call vote.

Commissioner Benjamin called a point of order to ensure the doors to the County Building were unlocked. County Administrator Newton verified the doors had been unlocked.

PRESENTATIONS

Veterans Service Officer Karee Krause offered statistics on the number of Cass County Veterans her office had assisted. She went on to inform board members that she had expended almost 100% of the \$3,000 FY 2023 budget for veteran assistance. She had several requests for help that were approved by the Soldiers and Sailors Board that were currently on her desk waiting to be processed.

CONSENT AGENDA

Vice-Chair Grice moved, seconded by Commissioner Jones, that the following items be voted on at one time by roll call vote and be considered as a consent agenda by the Board of Commissioners:

(M-235-22) A motion to approve the Claims dated December 9, 2022

(M-236-22) A motion to approve the December 1, 2022 Board of Commissioner Regular Meeting Minutes.

The Vice-Chair instructed the Clerk to call roll:

Yes (6): Commissioners Grice, Jones, Laylin, Dyes, Marchetti and Benjamin.

No (0): None.

Absent (1): Commissioner File.

The Consent Agenda carried by roll call vote.

COMMITTEE REPORTS

Commissioners Marchetti, Jones and Grice shared Committee Reports.

APPOINTMENTS COMMITTEE REPORT

Commissioner Marchetti asked 2023 commissioners to submit their requests for boards and commissions. She and Commissioner Laylin would work on placement.

ADMINISTRATOR'S REPORT

Administrator Newton shared the Administrator's Report.

FINANCIAL REPORT

The Finance Report was included in the board packet.

COUNTY PARTNERS

Jake Young introduced himself as the new Executive Director of the Cass County Conservation District. He discussed his background and shared a few of his goals for the program. He also informed all present the Conservation District would test well water at the Council on Aging from 10:00 a.m. until noon on Friday, December 16th.

Road Commission Manager Bob Thompson thanked the Board of Commissioners for working to accomplish things that other counties have never done. He explained that he completed thirteen township road tours where he worked with township officials to identify local needs and costs. Mr. Thompson went on to share that brush cutting in District 3 would be followed by roadside spraying. Crews had been working on culverts and were ready for the forecasted snow.

Finally, Mr. Thompson explained that he planned to work with Mr. Gerbreth of Milton Township and hoped that all parties would find an agreeable solution.

ELECTED OFFICIALS UPDATE

Drain Commissioner Jeff VanBelle addressed the resolution to approve 3% raises for two elected officials, leaving three elected officials (Drain Commissioner, Sheriff and Prosecutor) as the only individuals employed by Cass County to not receive a raise.

Treasurer Hope Anderson explained that the State of Michigan denied a large amount of Principal Residence Exemptions for the 2022 tax year that could lead to an additional \$886,000 for local school districts, dependent upon appeals. She also discussed the \$200,000 Blight Elimination Grant received by the Land Bank Authority. The Authority received a list of 55 properties and recently narrowed the list of parcels to move forward with the program.

UNFINISHED BUSINESS

None.

NEW BUSINESS

M-237-22

Commissioner Marchetti moved, seconded by Commissioner Laylin, to appoint Joseph Gross to the Cass District Library Board to a four-year term ending 12/31/2026, representing Ontwa, Calvin, and Porter Townships. Discussion followed. Motion carried by voice vote.

M-238-22

Commissioner Laylin moved, seconded by Commissioner Marchetti, to appoint Jeff Carmen to the Cass District Library Board to an unexpired term ending 12/31/2024, representing the county at-large. Discussion followed.

Commissioner Benjamin moved, seconded by Commissioner Jones, to table motion M-238-22.

The Chair instructed the Clerk to call roll:

Yes (3): Commissioners Jones, Dyes and Benjamin.

No (3): Commissioners Grice, Laylin and Marchetti.

Motion to table failed by roll call vote.

The Chair instructed the Clerk to call roll on the original motion:

Yes (3): Commissioners Grice, Laylin and Marchetti.

No (3): Commissioners Dyes, Benjamin and Jones.

Motion M-238-22 failed by roll call vote.

R-239-22

Commissioner Marchetti moved, seconded by Commissioner Benjamin, to approve the following resolution:

**A RESOLUTION TO APPROVE SETTLEMENT AGREEMENT: WAYSIDE CHURCH,
et al v VAN BUREN COUNTY, et al WESTERN DISTRICT OF MICHIGAN CASE NO.
1:14-CV-01274**

WHEREAS, Wayside Church, et al, filed a class action complaint against a number of counties in the United States District Court for the Western District of Michigan in Civil Action No. 1:14-cv-01274 (“Complaint”); and

WHEREAS, Parties have been exploring and preparing defenses and participating in settlement negotiations under the oversight of the 6th Circuit Court of Appeals Mediation process; and,

WHEREAS, the parties are desirous of avoiding future litigation and controversy and after extensive negotiations, have agreed to certain terms and conditions set forth in the Settlement and Release Agreement, subject to approval by the Court, and as outlined by counsel; and

WHEREAS, the County understands that the Settlement and Release Agreement is a compromise of a disputed claim and that payment(s) made and conditions state therein are not to be construed as an admission of liability on the part of the parties being released by who all liability is expressly denied; and,

WHEREAS, after consultation with legal counsel, and the County Treasurer and upon the recommendation and endorsement of the Settlement by each, the County believes it is in the best interests of the citizens of CASS County to resolve the litigation in accordance with the Settlement and Release Agreement, subject to approval by the Court.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners approves entering into the Settlement and Release Agreement in connection with Civil Action No. 1:14-cv-01274, subject to approval by the Court.

BE IT FURTHER RESOLVED that the Chairperson of the Board of Commissioners and County Clerk are hereby authorized to sign the Settlement and Release Agreement on behalf of Cass County, and the County Treasurer is encouraged to execute the Settlement and Release, subject to approval by the Court, after approval as to form by the County Attorney.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioners Jones, Laylin, Dyes, Marchetti, Benjamin and Grice.

No (0): None.

Absent (1): Commissioner File.

Resolution R-239-22 carried by roll call vote.

R-240-22

Commissioner Laylin moved, seconded by Commissioner Jones, to approve the following resolution:

A RESOLUTION IN SUPPORT OF THE VAN-CASS HERITAGE TRAIL DEVELOPMENT PROJECT SPARK GRANT APPLICATION BY THE VILLAGE OF VANDALIA

WHEREAS, Cass County is dedicated to the enhancement of parks, tourism, recreation, and quality of life for all residents and visitors of the County; and

WHEREAS, Cass County has a long history of supporting and collaborating with other organizations on grant funded projects; and

WHEREAS, the Village of Vandalia will apply to the Spark Grant Program with a project titled, "Van-Cass Heritage Trail Development Project" for the development of a non-motorized trail between the Village of Vandalia west to Calvin Center Road; and

WHEREAS, the location of the proposed project is located within Cass County, Michigan, and

WHEREAS, the proposed project, when completed, will not only have universal appeal and significance, but is considered to be the first phase in connecting to the Village of Cassopolis and to Dr. Lawless International Dark Sky Park; and

WHEREAS, the Cass County Parks and Recreation Commission recommends that the Cass County Board of Commissioners support the Van-Cass Heritage Trail Development Project.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners pledge their support of the Village of Vandalia's submission of the Van-Cass Heritage Trail Development Project to the Spark Grant Program.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioners Dyes, Marchetti, Benjamin, Grice, Jones and Laylin.

No (0): None.

Absent (1): Commissioner File.

Resolution R-240-22 carried by roll call vote.

M-241-22

Commissioner Jones moved, seconded by Commissioner Benjamin, to approve Budget Amendments as presented. Motion carried by voice vote.

R-242-22

Vice-Chair Grice moved, seconded by Commissioner Laylin, to approve the following resolution:

A RESOLUTION APPROVING THE 2023 ANNUAL SALARIES OF COUNTY ELECTED OFFICIALS

WHEREAS, the Ad-Hoc Salary Committee is comprised of Chairman Dyes, Vice-Chairman Grice, and Commissioner Laylin; and

WHEREAS, the Committee is charged with the responsibility of recommending the 2023 annual salaries for the Elected Officials serving Cass County; and

WHEREAS, the Committee recommends the 2023 annual salaries of the Cass County elected officials as set forth below:

Elected Official	Current Salary	2023 Salary
Prosecutor	\$122,257.00	\$122,257.00
Sheriff	\$102,397.00	\$102,397.00
Clerk/Register	\$79,372.00	\$81,754.00
Treasurer	\$77,716.00	\$80,048.00
Drain Commissioner	\$67,153.00	\$67,153.00

NOW, THEREFORE, BE IT RESOLVED by the Cass County Board of Commissioners that the above schedule of proposed 2023 salaries, as recommended by the Committee, is hereby approved.

Discussion followed.

The Chair instructed the Clerk to call roll:

Yes (5): Commissioners Laylin, Dyes, Marchetti, Grice and Jones.

No (1): Commissioner Benjamin.

Absent (1): Commissioner File.

Resolution R-242-22 carried by roll call vote.

M-243-22

Commissioner Laylin moved, seconded by Vice-Chair Grice, to schedule an organizational meeting of the Board of Commissioner for January 5, 2023, at 5:00 PM. Discussion followed. Motion carried by voice vote.

BOARD MEMBER COMMENTS/ANNOUNCEMENTS

Commissioner Benjamin thanked the board and offered prayers for the incoming board members.

Commissioner Jones informed Vice-Chair Grice he would receive a Cass County shirt similar to the one Commissioner Jones had on that night, but without veteran on the sleeve.

Chair Dyes again thanked everyone.

Commissioner Marchetti thanked Chair Dyes for his years of service. She stated their goal when they joined the board together was to have a good relationship with the township. She encouraged the new board members to maintain a positive relationship with the townships.

ADJOURNMENT

Commissioner Laylin moved, seconded by Commissioner Benjamin, to adjourn. Motion carried by voice vote.

The meeting adjourned at 6:14 p.m.

Approved: _____
Date

Chair Skip Dyes

Monica McMichael, Clerk/Register