

Approved 6-14-22

**DELTA COUNTY BOARD OF COMMISSIONERS MEETING  
May 17, 2022**

Escanaba, Michigan

A Regular meeting of the Delta County Board of Commissioners was held this date, pursuant to the following call:

May 12, 2022

The Honorable Members of the Delta  
County Board of Commissioners

Dear Commissioners:

A Regular Meeting of the Delta County Board of Commissioners is scheduled for Tuesday May 17, 2022, at 5:15 p.m. in the Boardroom of the Delta County Service Center.

Sincerely yours,  
Nancy J. Przewrocki  
Delta County Clerk

ROLL CALL

PRESENT: Commissioners Malnar, Johnson, Nelson, Moyle (5:40 p.m.),  
and Barron.

ABSENT: None.

The meeting was called to order at 5:15 p.m. in the Boardroom of the Delta County Service Center by Delta County Clerk Nancy Przewrocki.

V. APPROVAL OF MINUTES OF PREVIOUS MEETING

Moved by Commissioner Barron and seconded by Commissioner Malnar to approve the minutes of the May 3, 2022 meeting. MOTION CARRIED. Moved by Commissioner Malnar and seconded by Commissioner Barron to approve the Committee of the Whole minutes of May 9, 2022. MOTION CARRIED.

VI. APPROVAL OF AGENDA

Moved by Commissioner Barron and seconded by Commissioner Malnar to approve the agenda, as amended, adding Item 15. Potential Counsel for FOIA and Unfinished Business Item 5. UPCAP Board Appointment. MOTION CARRIED.

VII. PRESENTATION OF WRITTEN COMMUNICATIONS

A. Received: No communications were received.

B. Forwarded: No communications were forwarded.

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VIII. REPORTS OF STANDING AND STATUTORY SPECIAL COMMITTEES AND OTHERS

None.

IX. PUBLIC COMMENT ON AGENDA ITEMS

**PUBLIC HEARING ON THE SOLAR ORDINANCE**

Moved by Commissioner Moyle and seconded by Commissioner Barron to open the Public Hearing at 5:45 p.m.

ROLL CALL	MALNAR	NO
	NELSON	NO
	MOYLE	YES
	BARRON	YES
	JOHNSON	YES

MOTION CARRIED.

Bob Van Damme, St. Nicholas, conditional land use - are 18 hinderances necessary?

Rory Mattson, Cornell, pass an ordinance that is easy to follow and logical.

Theresa Hall, St. Nicholas, need to get something done.

Christine Williams, Planning Commission Chair, Ford River Township, Mr. Mattson's constant fear mongering is distracting. Accessory use customary, conditional use seek development and permitting.

Sam Higney, Vinergy permitted principal use. What is fair to everyone.

Moved by Commissioner Moyle and seconded by Commissioner Barron to close the Public Hearing at 5:54 p.m. MOTION CARRIED.

Genesis Schafer, Gladstone, gave testimony of her dealings with the Prosecutor's office and Lauren Wickman. She was a victim of crime. Chief Assistant Prosecutor Lauren Wickman made a plea deal with the defendant. Thankfully Judge Economopoulos gave the defendant a greater sentence than Lauren Wickman recommended.

Kathie Scott, Ford River Township, addressed the Board with her concerns regarding the Prosecutor's salary.

Curtis Larsen, Planning Commission member, addressed the Board with his concerns to table the proposed solar ordinance.

Bob Van Damme, St. Nicholas, addressed the Board with his concerns regarding the Solar Ordinance.

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Theresa Hall, St. Nicholas, addressed the Board with her concerns the Solar Ordinance, and asked for the proposed Solar Ordinance in writing.

Sam Heagney, Invenergy, addressed the Board and thanked them, talked about the benefits of solar farms - stabilize farms, property taxes and short term and long term jobs.

Rory Mattson, Cornell, addressed the Board with his concerns that there are 2 drafts, need a Committee of the Whole on the Solar Ordinance, vague restrictions.

Christine Williams, Planning Commission Chair, April 12 meeting alternate solar ordinance - was also brought to Planning Commission where pieces were modified and adopted. The proposed ordinance is a result of a lot of input from a lot of people.

Tony Van Damme, St. Nicholas, addressed the Board with his concerns regarding the Solar Ordinance.

Mary Van Damme, St. Nicholas, addressed the Board with her concerns regarding a solar ordinance that energy companies can work with.

X. COMMITTEE REPORTS:

1. Administrator's Report.

Administrator DeSalvo gave the Board a verbal and written Administrator's report.

Moved by Commissioner Moyle and seconded by Commissioner Barron to receive the Administrator's Report and place on file. MOTION CARRIED.

2. Personnel Committee minutes of 5-5-22.

Moved by Commissioner Moyle and seconded by Malnar to receive the Personnel minutes of 5-5-22 and place on file. MOTION CARRIED.

3. Finance Committee minutes of 5-16-22.

Moved by Commissioner Moyle and seconded by Barron to receive the Finance Committee minutes of 5-16-22 and place on file. MOTION CARRIED.

4. Department Updates.

a. Airport:

- b. Building and Maintenance:
- c. Building and Zoning/Equalization:
- d. Courts/Clerk & Register of Deeds/Prosecutor:
- e. Emergency Management:
- f. Parks and Recreation:
- g. Sheriff's Department:
- h. Treasurer's Office:
- i. Veteran's Service Office:
- j. Administration:

XI. GENERAL ORDERS OF BUSINESS

A. UNFINISHED BUSINESS

1. Conflict of Interest Regarding Solar Ordinance.

Motion made by Commissioner Moyle and supported by Commissioner Johnson to support that there is no conflict of interest known at this time to the board regarding Commissioner Barron's interest in Solar.

ROLL CALL	MALNAR	NO
	NELSON	NO
	MOYLE	YES
	BARRON	YES
	JOHNSON	YES

MOTION CARRIED.

2. Solar Ordinance.

Moved by Commissioner Moyle and seconded by Commissioner Barron to strike subparagraph C. Utility Scale Solar - last sentence "Development outside of the overlay district requires a special use permit and subject to land use review and site plan approval."

ROLL CALL	MALNAR	YES
	NELSON	YES
	MOYLE	YES
	BARRON	YES
	JOHNSON	YES

MOTION CARRIED.

Moved by Commissioner Barron and seconded by Commissioner Moyle to strike everything under subparagraph C, the sentence that was previously stricken, and replace with a Conditional Use Permit not to exceed what is allowed by the public service commission and federally.

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ROLL CALL	MALNAR	NO
	NELSON	NO
	MOYLE	YES
	BARRON	YES
	JOHNSON	NO

MOTION FAILED.

Moved by Commissioner Johnson and seconded by Commissioner Moyle to adopt the Solar Ordinance as amended in its entirety. Motion withdrawn.

Moved by Commissioner Moyle and seconded by Barron to have the Planning Commission provide the definition of glare. Motion withdrawn.

Moved by Commissioner Moyle and seconded by Barron to strike Section C. subsection a.

ROLL CALL	MALNAR	NO
	NELSON	NO
	MOYLE	YES
	BARRON	YES
	JOHNSON	NO

MOTION FAILED.

Moved by Commissioner Nelson and seconded by Commissioner Malnar to schedule a Committee of the Whole meeting for the Solar Ordinance. MOTION CARRIED.

### 3. Zoning Ordinance Repeal.

Moved by Commissioner Moyle and seconded by Commissioner Malnar to schedule a Committee of the Whole meeting for Zoning. MOTION CARRIED.

### 4. Financial Spending Policy.

Moved by Commissioner Moyle and seconded by Barron to form an ad hoc committee to draw up a Financial Spending Policy. MOTION CARRIED. Commissioners Moyle and Malnar to be on the committee.

### 5. UPCAP Board Appointment

Moved by Commissioner Moyle and seconded by Commissioner Johnson to recognize that Commissioner Barron is not a racist, sexist, bigoted homophobe.

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ROLL CALL	MALNAR	YES
	NELSON	YES
	MOYLE	YES
	BARRON	RECUSED
	JOHNSON	YES

MOTION CARRIED.

B. NEW BUSINESS

1. Payment of Bills.

Moved by Commissioner Moyle and seconded by Commissioner Malnar to pay bills in the amount of \$ 0 and Commissioners expenses of \$ 939.73.

ROLL CALL	MALNAR	YES
	NELSON	YES
	MOYLE	YES
	BARRON	YES
	JOHNSON	YES

MOTION CARRIED.

2. FY 20/21 HMEP Grant Application.

Moved by Commissioner Moyle and seconded by Commissioner Malnar to approve the FY 20/21 Hazardous Material Emergency Preparedness Planning Program Grant, as presented. MOTION CARRIED.

3. Resignation of J. McKeage, Request for Lump Sum Payout and to Fill Felony/Probate Intake Clerk Position.

Moved by Commissioner Moyle and seconded by Commissioner Malnar to accept the resignation of J. McKeage and to send a thank you letter for her service and approve payout and filling the position. MOTION CARRIED.

4. Job Description Felony/Probate Intake Clerk.

Moved by Commissioner Moyle and seconded by Commissioner Barron to approve the Felony/Probate Intake Clerk Job Description with the same pay scale as the Misdemeanor Clerk, as presented. MOTION CARRIED.

5. Prosecutor's Office Allocation of City of Escanaba Contract.

Moved by Commissioner Moyle and seconded by Commissioner Barron to approve the new Prosecutor's Allocation of the City of Escanaba Contract, as presented. MOTION CARRIED.

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	NELSON	YES
	MOYLE	NO
	BARRON	NO
	JOHNSON	YES

MOTION CARRIED.

6. Acting Prosecutor's Wage Increase.

Moved by Commissioner Moyle and seconded by Commissioner Barron to refer to the Finance Committee. MOTION CARRIED.

7. Airport Terminal Study.

Moved by Commissioner Moyle and seconded by Commissioner Barron to approve the Airport Terminal Study as requested by Airport Manager Andrea Nummilien. MOTION CARRIED.

8. Building and Zoning Remodel Bid Proposal.

Moved by Commissioner Moyle and seconded by Commissioner Malnar to approve the Building and Zoning Remodel RFP. MOTION CARRIED.

9. Job Description - Building and Zoning Director.

Moved by Commissioner Malnar and seconded by Commissioner Moyle to approve the Building and Zoning Director Job Description, as presented. MOTION CARRIED.

10. Attorney Services - Conflict.

Item addressed under unfinished business A-1.

11. Attorney Services - Old Jail Property.

Moved by Commissioner Moyle and seconded by Commissioner Barron to authorize the Administrator to retain an attorney regarding a purchase agreement for the old jail property. MOTION CARRIED.

12. Sale of Old Jail Property.

Moved by Commissioner Malnar and seconded by Commissioner Nelson to move forward with the development of the old Jail property with the Terrace Bay Hotel, LLC. MOTION CARRIED.

13. Request of Funds for Township Association Picnic 2022.

Moved by Commissioner Moyle and seconded by Commissioner Barron to authorize \$300 for the Township Association. MOTION CARRIED.

14. Complaint Against Public Officer.

Complaint filed by Curtis Larsen against John Denholm regarding the Planning Commission and the Solar Ordinance.

Moved by Commissioner Nelson and seconded by Commissioner Johnson to refer to the Personnel Committee.

ROLL CALL	MALNAR	RECUSED
	NELSON	YES
	MOYLE	NO
	BARRON	NO
	JOHNSON	YES

MOTION FAILED.

Moved by Commissioner Moyle and seconded by Commissioner Barron to duly note the grievance. MOTION CARRIED.

15. Potential Counsel for FOIA.

Moved by Commissioner Moyle and seconded by Commissioner Barron to retain the services of a municipal attorney regarding FOIA issues.

ROLL CALL	MALNAR	NO
	NELSON	NO
	MOYLE	YES
	BARRON	YES
	JOHNSON	NO

MOTION FAILED.

XII. PUBLIC COMMENT

Bob Peterson, Wells Township, addressed the Board with his concerns regarding the Solar Ordinance - not a huge fan of industrial solar, however, property rights override, Commissioner Barron should be able to represent his constituents, people need to step up for zoning.

Sam Heagney, Invenergy, everyday not passed, landowners rights hanging in the balance.

Diane Kay Hougaboom, Escanaba, introduced herself to the Board that she will be filing to be a candidate for Prosecuting Attorney.



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Bob Van Damme, St. Nicholas, addressed the Board with his concerns regarding the solar ordinance not looking for no restrictions - wants fair restrictions.

Chris Williams, Planning Commission Chair, Ford River Township, addressed the Board with her concerns that Commissioner Moyle was also a member of the Planning Commission when presenting the second solar ordinance.

Kelli Van Ginhoven, Bark River Township, addressed the Board with her concerns regarding the Administrator's evaluation. Ms. DeSalvo asked for constructive criticism - none was given. Asked for the Commissioners to give their scores and why in their Commissioner Comments.

Rory Mattson, Cornell Township, thanked the Board for the Committee of the Whole meeting and recommended under C.a. a finite distance and e. effective screening.

Theresa Hall, St. Nicholas, date for Committee of the Whole meeting?

Kathie Scott, Ford River Township, sent emails to all County Commissioners, not sure if they got it - no replies. Thank you all for your service.

#### XIII. COMMISSIONERS CONCERNS

Commissioner Malnar: UPCAP - has funds to help townships with aging water towers. Gave Emily 100% - she does a very good job.

Commissioner Nelson: UPCAP - training spring/fall. MAC Conference - legislators were all there. I gave Administrator DeSalvo 100% - can call on her anytime and get an answer.

Commissioner Moyle: Planning Commission is an advisory board - falls in line with our fiduciary responsibility. Thanked everyone for having an interest.

Commissioner Barron: Happy that did something on the solar ordinance. DTE doesn't have the same restrictions. We can't be anti-property rights. Let's get rolling on solar.

Commissioner Johnson: Committee of the Whole meeting will be scheduled and posted on website. Cost savings on Prosecuting Attorney position not filled. Glare definition subjective. Gave Administrator DeSalvo a 93%.

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XIV. MEETING SCHEDULE

June 7<sup>th</sup> 5:15 p.m. Board meeting at the Service Center & Zoom.  
June 21<sup>st</sup> 5:15 p.m. Board meeting at the Service Center & Zoom.  
July 5<sup>th</sup> 5:15 p.m. Board meeting at the Service Center & Zoom.

XV. NOTICES

30-day notice of appointments:

XVI. ADJOURNMENT

Moved by Commissioner Moyle and seconded by Commissioner Barron to adjourn at 8:40 p.m.

Respectfully Submitted,

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Nancy J. Przewrocki, County Clerk

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Patrick Johnson, Board Chair