

**MINUTES OF THE REGULAR MEETING  
OF THE  
GENESEE COUNTY PARKS & RECREATION COMMISSION**

The regular semi-monthly meeting of the Genesee County Parks & Recreation Commission was held on Thursday, June 10, 2004, at 7:00 p.m. in the Conference Room of the Genesee County Parks & Recreation Commission Administrative Headquarters, 5045 Stanley Road, Flint, Michigan.

**MEMBERS PRESENT:**

**APPOINTED MEMBERS**

Joe Krapohl, President  
James Washington, Vice President  
Rose Bogardus  
Shirley Prater  
Fred Shaltz  
Raynetta Speed

**EX-OFFICIO MEMBERS**

Dave Miller, Genesee County Road Commission  
Jeff Wright, Genesee County Drain Commissioner

**MEMBERS ABSENT:**

**APPOINTED MEMBERS**

William Lucas, Secretary

**EX-OFFICIO MEMBERS**

Bob Ranger, Jr., Designee  
Genesee County Metropolitan Planning Commission

**STAFF PRESENT**

Amy M. McMillan, Director  
Roxy Moreno, Planning & Development Director  
Ron Walker, Facilities Management Director  
Nancy Edwards, Recreation Program Specialist  
Teresa Blaine, Administrative Secretary

**OTHERS PRESENT:**

Brian Barkey, Commission Legal Counsel  
Christian Miller, Genesee County Agricultural Society  
(Fair Board) Director  
Chris Miller, Fair Board President  
Jim Jacques, Fair Board Member  
Gail Viers, Fair Board Member  
Ken Turland, Mt. Morris Resident  
Diane Turland, Mt. Morris Resident  
LeAnne Reynolds, Davison Township Resident  
Jim Cameron, Genesee Township Resident  
Jerry McNabb, Genesee Township Resident  
David Loisell, Mt. Morris Resident  
Max Hotton, Byron Resident  
William Kerrison, Clio Resident  
Gary Kotlark, Mt. Morris Resident

**CALL TO ORDER**

President Krapohl called the meeting to order at 7 p.m.

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### **APPROVAL OF THE MINUTES**

President Krapohl requested any corrections and/or additions to the minutes.

Commissioner Wright stated that although he had to leave early at the last meeting, he was present for the roll call vote on the Byram Lake boat launching issue (page 4 of minutes) and voted no.

**Action Taken** – Motion by Commissioner Speed, supported by Commissioner Washington, to approve the minutes of the May 13, 2004, regular meeting as corrected.

MOTION CARRIED UNANIMOUSLY.

### **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COMMISSION**

President Krapohl advised that anyone wishing to address the Commission should state their name and address for the record, that comments will be limited to three minutes, and that any personal attacks will be cut off.

Mr. Jerry McNabb of 6316 Nightingale Lane stated that he has been fishing Mott Lake since it was made because fishing boats can't get knocked around by big boats, which happens at Holloway.

Mr. McNabb stated that allowing large boats on Mott Lake will cause ecological damage to its infrastructure because the lake averages four feet deep, and a 200 horse-power 20-foot boat, even in idle, will churn up the bottom of the lake and cause problems for other people trying to fish. He said the reason there is good fishing is because of particular fish in the lake, but if people start screwing up the bottom of the lake, it will cause those particular fish not to be there. Mr. McNabb stated that he has seen how tournaments work and when prizes are involved, people get very greedy and come in on top of the other fishers in the small boats. Mr. McNabb requested that the Commission re-think allowing the (bass fishing) tournament on Mott Lake.

Mr. William Kerrison, Jr. of 9132 Lawncrest Drive stated that he reaffirms everything Mr. McNabb said. Mr. Kerrison stated that the Commission is not taking into account that the tournament will not be able to have a good live release because with the lake being mostly four-foot deep, the water temperature gets hotter. He said bass in a live release (in Mott Lake) will live for four or five hours (during the tournament), and when they are let go at the launch after the weigh in, they will swim away, but three days later they will die. He said Mott Lake was not designed for bass tournaments. Mr. Kerrison said that the Commission is handing out permits to make a profit without taking into consideration the amount of damage that will be done, which he said he believes to be very irresponsible.

Mr. Kerrison stated that he is against goose hunting on Mott Lake. He stated he would like to know which person sent the rangers down to the boat launch to violate his civil rights. He advised the Commission that the ACLU has provided a lawyer for him and he also has his own lawyer, that the Park rangers did take his flyers (that he was distributing) away from him, and that he had a game plan to get enough people here to get the Commission's attention.

Mr. David Loisell of 1121 Paul Street asked if the Commission has considered the bass disease that is going around? He said bass boats have been on all of the lakes that

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have the disease, and now they will be putting them in the nice clean water (of Mott Lake) and kill all of the fish.

President Krapohl stated that questions will be answered later in the meeting.

### **COMMUNICATIONS**

Ms. McMillan referred the Commission to the thank you notes, the letter from the Drain Commissioner regarding researching e.coli levels on Mott Lake, the letter from the Genesee County Human Resources Department advising that the Crossroads Village Endowment Fund is eligible to receive funds through the combined charitable campaign, which is a result of Charles Winfrey's work, the memorandum from Genesee County Corporation Counsel relative to the millage proposal language that will appear on the ballot, the letter from the County's Risk Manager advising that the insurance costs for the Genesee Belle have decreased, and the letter from the Department of Natural Resources (DNR) regarding Mott Lake and its slow-no wake designation. She said this letter addresses the ability to enforce that provision on Mott Lake, which normally lies with the local unit that owns the property, but the City of Flint has transferred that authority to the Parks Commission. Ms. McMillan also referred the Commission to the communication from the Crim Festival of Races indicating that the Commission will once again be a sponsor, which is a very beneficial partnership.

### **REPORT FROM LEGAL COUNSEL**

**Genesee County Agricultural Society (Fair Board)** – Mr. Barkey reported that at the May 13 meeting, the Commission approved a license agreement with the Fair Board, contingent upon the Fair Board's signing of the license, to allow them to operate the fair at the Cummings Center for five additional years. He said the document has been executed and a signed copy is in his possession.

**Oregon Township** – Mr. Barkey advised that 13 petitions (appealing the tax assessments) will be filed next week. He said only 13 petitions are necessary because contiguous parcels can be combined into one petition and that he expects a decision to be made in approximately one year.

Commissioner Bogardus asked what portion of Oregon Township's budget this would represent? Mr. Barkey replied that it would go to their three separate school districts. Commissioner Bogardus requested that a letter be sent to the school districts advising that the Commission is protesting this because if the Commission prevails, it could be a big blow to the school districts.

**Parks Millage Ballot Proposal** – Mr. Barkey explained that the ballot proposal resolution passed by the Board of Commissioners contained two versions of the language—one version for if the Headlee rollback amount could be calculated and one if it could not. Because of hard work by County staff, the Headlee rate was calculated at .4849, so the ballot proposal will be for a renewal of that amount for an additional seven years and an additional one-half mill for a total of .9849 mills. He said the Parks millage ballot language will appear first on the ballot at the August primary (election).

### **DIRECTOR'S STAFF REPORT**

**Recommendations from Crossroads Village Advisory Committee** – Ms. McMillan recommended approval.

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**Action Taken** – Motion by Commissioner Speed, supported by Commissioner Prater, to accept the list of donations submitted by the Crossroads Village Advisory Committee.

MOTION CARRIED UNANIMOUSLY.

**Wolverine Grant Application** – Ms. McMillan requested authorization to apply for a Department of Natural Resources (DNR) grant for shoreline stabilization of the lakefront lots at Wolverine Campground. She said there is significant erosion and the cost to repair the damage and stabilize the bank will cost approximately \$160,000, of which 75% will be funded if the grant is approved. Ms. McMillan stated the Commission does not have matching funds in its budget and will not have those funds unless the millage is approved. She said the millage vote is August 3, and the grant applications are due August 1, so she recommended submitting the application, and then if the millage fails, withdrawing it on August 4. Brief discussion ensued.

**Action Taken** – Motion by Commissioner Shaltz, supported by Commissioner Wright, to authorize submittal of a grant application in the amount of \$160,000 to the DNR for shoreline stabilization of the lakefront lots at Wolverine Campground, and when said application is complete, to refer to the Genesee County Board of Commissioners Joint Public Works/Finance Committee for approval and referral to the Board of Commissioners.

ROLL CALL VOTE:

Yeas: Wright, Miller, Speed, Shaltz, Bogardus, Prater, Krapohl, Washington  
Nays: None  
Absent: Ranger, Lucas

MOTION CARRIED UNANIMOUSLY (8-0).

### **Parks Status Report**

**Summer Season** – Mr. Walker advised that all of the parks are open, even though the weather has been uncooperative. The main entrance to Timber Wolf Campground had to be closed due to the flooding waters and the service drive from Cummings Center to Timber Wolf improved so that campers could get into the campground. Also at Timber Wolf, a lightening strike took out a transformer and Consumer's Energy was helpful in providing the necessary fuse to fix it. Mr. Walker reported that new boardwalk in front of the Wisner Carriage Barn has been installed. The north side of Richfield Park is no longer under water, and any areas throughout the parks without standing water have been mowed.

**For-Mar Nature Preserve & Arboretum Shoreline Stabilization** – Commissioner Bogardus requested an update on the status of the shoreline stabilization at For-Mar. Commissioner Wright advised that the low bidder's price for removal was \$7,900, and most of the tree removal has been completed. However, removal of the tree was more extensive than pictures would imply because there was a fourth trunk in the bottom of the channel that is significant and is only now becoming visible. The bank has been stabilized with plain riprap, but the rest of the tree will need to be taken out when the water level of the creek gets lower. Commissioner Wright said the Drain Office is assuming the financial obligations associated with this. Commissioner Wright said his office will develop three to four different options for the Commission to consider within the next couple of months to solve the long-term problem. Ms. McMillan complimented the contractor for an outstanding job. President Krapohl thanked Commissioner Wright

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and his office for assisting with the issue. Commissioner Wright replied that staff and the contractor deserve the thanks, and he will pass it along to them.

**Planning & Development** – Ms. Moreno reported that March for the Parks was April 24 at Crossroads Village with an 11 a.m. pet walk that was popular. Also on the 24<sup>th</sup>, 2,000 Boy Scouts participated in a “camp-or-ee” at both the Cummings Center and Timber Wolf. On April 27, the volunteer recognition dinner was held, which included a magician for entertainment and handing out a lot of awards. Ms. Moreno advised that last Saturday was the grand opening of Buell Lake Park. She distributed pictures of the event. Ms. Moreno said the fireworks at Bluebell Beach on Memorial Day weekend were wonderful and everyone who attended received a vehicle litter bag full of parks information, including coloring books. The Music in the Parks fundraiser is next Tuesday on the Genesee Belle. Ms. Moreno said the Parks Rules book has been re-formatted and re-printed for easier reading, and an informational narrative plays on the Genesee Belle departures providing a brief history of Mott Lake and the Belle. Public cruises begin this Sunday at 7 and 8 p.m., and on Saturday, “Mud Mania” takes place at the Mounds. The Great Lakes Organization of Walkers has adopted (an area of) Richfield Park, Rowe Inc., has adopted Linden Park, and the Friends of the Flint River Trail will help clean up the portion of the bike path that runs through Bluebell Beach.

Ms. Moreno advised that approximately 40 people from print, t.v., radio, and marketing media attended Media Day at Crossroads Village on May 24 to get a sneak peak at the new comedy western skit that starts on Main street and goes to the railroad.

**Ratification of Payment of Bills** – Ms. McMillan recommended approval.

**Action Taken** – Motion by Commissioner Washington, supported by Commissioner Prater, to ratify payment of bills for the time period of May 7, 2004, through May 24, 2004, for checks numbered 4029173 through 4029477 in the amount of \$256,848.10.

ROLL CALL VOTE:

Yeas: Prater, Washington, Krapohl, Shaltz, Speed, Bogardus, Wright, Miller  
Nays:  
Absent: Lucas, Ranger

MOTION CARRIED (8-0).

**Ratification of Commissioner Investments** – Ms. McMillan recommended approval.

**Action Taken** – Motion by Commissioner Prater, supported by Commissioner Washington, to ratify wired payments of investments for the time period of May 17, 2004, through May 25, 2004, in the amount of \$450,000.

MOTION CARRIED UNANIMOUSLY.

**OTHER BUSINESS**

None.

**OPPORTUNITY FOR COMMISSIONERS TO ADDRESS THE COMMISSION**

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President Krapohl asked Ms. McMillan to address Mr. Kerrison's question about who sent the rangers to the boat launch about the flyers being posted.

Ms. McMillan stated that there were flyers posted on cars at Bluegill asking folks to express their opinion about allowing fishing tournaments on Mott Lake and expressing a concern about bass tournaments. She said that when the person who was on duty at the toll booth noticed flyers were posted, he called a ranger because Administration must authorize flyers for postings, and the Commission has rules against littering, so that is why he called for ranger assistance as a normal course of action. Ms. McMillan explained that her understanding from the rangers was that the flyers were removed from the vehicles and retained, but flyers were not taken directly from the person who was circulating them. Ms. McMillan stated she then spoke with the Commission's attorney regarding whether that was a violation of Park Rules.

Mr. Barkey advised that the First Amendment (of the Constitution of the United States) gives citizens the rights to express views, but does not give people the right to post information on private automobiles or to allow posting material on public property.

Commissioner Bogardus stated that she has been following the correspondence regarding this issue and she called a bass fisherman not associated with the tournament and also confirmed with a company that sells the large bass boats, that the boats have big motors, but also have a small electric motor, which is what is used when going slower, and the electric motor would not create a wake, and so it would not be damaging anything. She said she felt reassured that the Commission was o.k. to go ahead with the tournament.

Commissioner Shaltz asked if the Commission is requiring the bass fisherman to use the electric motor during the tournament in certain areas? Commissioner Wright asked if the bass tournament permit allows for a waiver of the no-wake rule? Ms. McMillan replied negatively to both questions. Commissioner Wright stated that if the tournament fishing boats are kept to the no-wake rule, he believes it addresses one of the concerns about the bottom of the lake being damaged.

President Krapohl stated that any variation in the no-wake rule would have to come to the Commission and then to the DNR, as the Commission does not have the authority to waive the no-wake rules. Ms. McMillan advised that staff has met with the DNR conservation officer in the area to be assured there is no overwhelming concern from their perspective. She said staff talked at great length with the tournament promoter, who is a very knowledgeable and responsible person.

Commissioner Wright requested that Administration be sure the regulations are enforced and anyone breaking the rules be eliminated from the tournament. Regarding the concerns that the bass boats could cause an environmental problem (by introducing bass disease into Mott Lake), Commissioner Wright said that boats come from all over the state all of the time and that is something that can't really be controlled. He stated that he does not believe there was an intent to take away the public's rights as far as the flyers, and he attempted to apologize to Mr. Kerrison; however, President Krapohl reminded Commissioner Wright that all comments had to come through him, as chair of the meeting. Commissioner Wright apologized and re-phrased his apology through the chair to Mr. Kerrison and anyone else who might have been offended.

Brief discussion ensued regarding hunting on Mott Lake and e. coli levels on Mott Lake. Commissioner Wright suggested reviewing the hunting season and notification process. Commissioner Shaltz requested the hunting start and end dates and asked if the Health

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Department was working with the DEQ on the e. coli problem and if there was a status on that? Ms. McMillan replied that she can report to the Commission that the e. coli is not a result of human waste.

### **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COMMISSION**

Mr. McNabb addressed the Commission again and stated that politicians post flyers on cars all of the time, and if the lawyer says it is illegal to post flyers on cars, politicians sitting right here in this room have done that. He said he and others would never have known about this meeting if the flyers did not go out, and stated he is glad people like Mr. Kerrison are paying attention and looking out for others' best interests. Mr. McNabb said that the 300-foot bass fishing boats cost \$18,000-\$25,000, but there are more of his kind of people (fishermen in small boats) than the people with the \$25,000 boats, and the Commission is bowing to those people for tournament fees, while his \$17 fee at the boat ramps means nothing (to the Commission). He stated that he believes Mr. Barkey told a mistruth (about the flyers posted on cars being illegal).

President Krapohl stated that the bass group has the same right to use Mott Lake and pay the fees set by this Commission and have the same right to fish.

Mr. Loisell asked if any of the commissioners have ridden on bass boats? He said even in idle, it will create a wake every time. Mr. Loisell stated he is an avid bass fisherman with a 225-foot bass boat, and he knows that no bass boats will be able to do no-wake unless it's make it a tournament rule—no gas motors. Regarding hunting on Mott Lake, Mr. Loisell suggested having two or three days only.

Mr. Gary Kotlark of 1047 W. Pierson Road stated he came to the meeting to show his support for no bass tournament fishing on Mott Lake. He said he believes it is a mistake and it will affect the quality of fishing.

Mr. Kerrison asked why the Commission is under the assumption that the DNR has any say over (enforcement of) the no-wake (rule)? He stated Genesee County Marine Patrol takes care of the no-wake violations. He asked why the Commission has the right to keep fishers off the lake so hunters can hunt? He said the Commission was completely incorrect about the sign that used to be posted on the railroad trestle (across Mott Lake) saying people could not fish there (from the north side of the trestle). Mr. Kerrison said when he tried to tell Ms. McMillan the sign was wrong, she lied and said that was a flood plain and the Commission had the right (to prohibit fishing). Mr. Kerrison said that the DNR made her take that sign down. President Krapohl cautioned Mr. Kerrison regarding personal attacks. Mr. Kerrison stated that the Commission took taxpayer money and built an exotic boat ramp on no-wake Buell Lake, which has allowed large boats with wakes to launch. He said the Commission is turning the no-wake lakes into a zoo for profit. Mr. Kerrison stated that Commission says he does not have a right to put flyers on vehicles. He asked why it thinks it owns someone's vehicles? He said people's autos are not the Commission's private property. Mr. Kerrison stated politicians have put stuff on people's cars for years, and now all of the sudden it is illegal. He said someone is lying or telling a mistruth, and that the rangers were put on him by her (Ms. McMillan).

President Krapohl stated that the policy is set by the Commission, and Mr. Kerrison's three minutes are up. Mr. Kerrison continued speaking. President Krapohl advised that Mr. Kerrison would be escorted out of the meeting if he did not stop speaking. Mr. Kerrison replied that he would leave the Commission on his own free will right now. Mr. Kerrison left the meeting at 8:05 p.m.

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President Krapohl recessed the meeting at 8:05 p.m.  
The meeting reconvened at 8:13 p.m.

Copies of the communication from the DNR (agenda item [4] g) were distributed to those in attendance.

President Krapohl apologized for the outburst. He stated that he does not allow that to happen in any meeting he chairs. He said issues can be addressed in an adult manner, and that although everyone may not agree, everyone can treat each other with respect.

President Krapohl asked if there were any other members of the public who wish to address the Commission?

Mr. Chris Miller of the Genesee County Fair Board stated that although the Fair Board did sign a use agreement for five years, it is not in total agreement with the terms. He said the Board was told by Commission's legal counsel if the agreement was not signed, the Fair Board would lose the dates. Mr. Miller said that Fair dates cannot be lost because multi-year contracts are tied to those dates. He stated that the Board is interested in engaging in a bilateral partnership. Mr. Miller said the Fair Board's meeting was on May 18 and the Commission meeting was on the May 13 and the Board was not aware the Commission had approved the agreement contingent upon the Fair Board approving it. He said they were under the impression they would have the opportunity to send a counter proposal or something of that nature. Mr. Miller said this proposal increases the Fair Board's costs by about 240% or more. He stated the Board would appreciate the opportunity to adjust the agreement. President Krapohl advised the Board to present something in writing to the Commission.

President Krapohl referred those in attendance to the DNR letter that was distributed. He said the communication answers some question regarding enforcement ability and rights over the lake.

President Krapohl asked if there was any other business to be brought before the Commission tonight? There was none.

**ADJOURNMENT**

There being no objections, President Krapohl adjourned the meeting at 8:19 p.m.

Recorded by:

Teresa M. Blaine  
Administrative Secretary

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