

Members Present: President Joe Krapohl, Secretary Bill Lucas, Vice President Jim Washington, Commissioners Cloyce Dickerson, Ted Henry, Patrick Gleason, Jeff Wright, Mike Keeler, Gayle Reed, and Archie Bailey

Members Absent: None

Staff Present: Amy McMillan, Director; Leisa Gagne, Finance Officer; Nancy Edwards, Program Specialist, Deborah Wilkes, Secretary

Others Present: Brian Barkey, Legal Counsel; Ron Fonger

1) Call to Order. President Krapohl presided over the meeting and called meeting to order at 10:00 a.m. President Krapohl stated: for the commissioner's information he received a phone call last week from Board of Commissioner member Graves that he had some concerns over our decision of December 9 in denial of the Special Events application to the Linden Summer Happenings to hold their event in Linden County Park. President Krapohl further stated that he told Mr. Graves that as a courtesy we would put this on the agenda for them to have the opportunity to address us and if there are no objections he will move that to item 2a right under the first opportunity for the public to address the commission to give those representatives a chance to share their concerns with us. If there are no objections to that? No objections were made by any commissioner. Members of the Linden Summer Happenings or Commissioner Joe Graves"

2) Opportunity for the public to address the commission. President Krapohl asked if there is anyone wishing to address the Commission. If you are here for the Linden Summer Happenings you will have the opportunity right after this portion of the Public Comments section, but if you do wish to comment you are more than welcome. No one from the public addressed the Commission.

2a) Members of the Linden Summer Happenings or Commissioner Graves. President Krapohl invited the members or Mr. Graves, if they would like to present their concerns, to please approach the podium.

Joe Graves, Commissioner of the 6th district, which includes Linden and Fenton Township. He appreciates the opportunity to be here today. He got involved with this (Linden Summer Happenings issue) a couple weeks ago. He was "extremely disappointed" when he heard that that an event like Linden Summer Happenings (LSH), which has been a great event, held in that city for many years asked for an opportunity to use their park, the one they pay taxes to, was turned down. "I was more than frustrated". When he read the letter from Ms. McMillan that actually, *actually* said perhaps they should take LSH and move it to the Cummings Center in Mt. Morris, "I was a little more than outraged at this sort of comment." The people and residents he talked to in Linden and Fenton Twp. were irate over that thought. "Somehow this Board thinks you're gonna pick winners and losers, you can decide where you can serve alcohol and where

you can't". "I understand the Board of Commissioners has a role in that. The proper step would have been, because you don't want the beer tent, to deal with these individuals who made application, on a one on one basis and say 'OK we want to work with you. We want to help showcase our park; we want to make sure you utilize our park'. But instead, it was a backroom deal where individuals sat down with the City (of Linden) and decided to deny their efforts and request and have them go back to negotiate with the City." "That was wrong and unethical and that will be investigated further." "This is exactly what is wrong with government. That's why I ran, people are frustrated because they don't have a one on one relationship with their government officials" "They know so much of this was done in a corrupt manner. This is a perfect example and I'm glad Mr. (Ron) Fonger (The Flint Journal) is here today to write about this."

"This is their park, they don't pay property taxes, they pay a park millage. It's a wonderful event, its family. It's everything that a community should want to pull together. And for *you*, as an organization, to sit and say 'no, we will put a, figuratively, put a fence around that park and decide winners and losers and we'll decide that you can't use it' was wrong". Again, you should have said 'we can work with you, we have an issue with the beer tent, but here is the process'. "That's what your job is. They are paying you from tax dollars to be here. Residents aren't proud of the fact that you sit on your throne and say, no, we cross our arms and say we'll decide who uses those parks."

He continued: "I read your 17 pages of rules - not impressed. This Board should be more involved. You know I set up a meeting with Ms. McMillan prior to this because I wanted to talk about complaints I get from residents that is 'if we want to sign our child up for t-ball, or whatever, we'd better have them signed up by December because they are all full'; I know last year the Board of Commissioners gave you additional money from the hotel tax fund, and so you are getting the millage and are getting additional money and the parks are poorly under-utilized. Here's an opportunity to use your parks, and (inaudible) and some people say hey, this is a nice park, I'm going to come back for more, but instead you put the fence up and say no you can't use it. It's not only unethical, it is unacceptable and I think the public will back us on that."

"We're here today because we are asking you, we're demanding, that you reconsider your request, and you work with this organization, to properly, not behind closed doors with anyone else, that you properly say 'this is what you need to do, here is the steps you need to take because we want to make sure this happens'. That's your role."

Mr. Graves introduced Tim Murphy, Agent of the Summer Happenings, Inc., and General Chairman of what he hopes will be the 2011 LSH, and Brian Carr. Mr. Murphy stated: The LSH was at the Park for 3-4 years back in 1989-1991 or 92 and he was the General Chairman for one or two of those years at the Park. It is a fantastic facility. It allowed us to do what we couldn't do in downtown Linden. In Linden we had the north end of town, the central business district, the south end of town, and we wanted to merge all those groupings of activities into one centralized place; and, that's when we went out to the (Linden County) Park back in those days.

So, it's been quite some time, he stated, he's been the General Chairman for 27 years, and with the LSH since it was conceived in '72 and officially formed in '74. Again, it was a fantastic facility and we hoped to pull this off again and really have an opportunity to make the township and adjoining city shine and be able to pull this off. He was "truly disappointed with the rejection letter for many, many reasons."

Brian Carr: Mr. Carr is a member of the LSH board and took part in the process of getting this application to the Board here. His biggest thing about getting this out to the Park is it will do a multitude of things. We can do several (inaudible) if Ok'd by the Board. We have a lot of things we would like to do out there for that park that would also give a lot of exposure to that park and that area out there. He hopes that we can all come to some kind of (inaudible) where we can work together to make this happen. He thinks it is a good thing for the community and it's a much better way for LSH to have their festival.

Mr. Murphy clarified that Brian alluded to other events. It really is the intention to put multiple events out there, not just the LSH that occurs in the end of June. It is the vision of their organization, they are highly trained in putting on festivals; in fact, the president of the association that puts on the Genesee County Fair asked him (Mr. Murphy) to join their board, which was nice and he is still considering that – but, at any rate, their intent is to do multiple events out at the park throughout the year once they get this one (LSH) under their belt and they proceed forward with other events. He could see a huge winter festival out there sometime with the great sledding hill out there at the park and they could do a lot of stuff out there. "That's what we have planned for the park, we are very good at festival planning," and it would be an opportunity for you guys (the GCPRC) to shine as well.

President Krapohl asked if the gentlemen had any other comments before the Board moves on. He asked Commissioner Graves if he had any further comments.

Commissioner Graves said "Again, you (the Board) seriously need to re-evaluate what you did here. Your role should be to facilitate opportunities like this to make sure they can use the park that they pay for." He added that he would have gone to a member of the 6th district, but they are not represented on this board so he couldn't do that. We pay a lot of property taxes in the 6th district, we pay a parks millage but somehow they don't get to use it and that's wrong and we're going to continue to follow through on this.

President Krapohl thanked Commissioner Graves. He next introduced the Mayor of the City of Linden Mr. David Lossing who also wishes to make comments on this issue.

Mayor Lossing said he appreciates the opportunity to speak to the Board today. Before he talked about the LSH he commented about the census numbers in the City of Linden. Census numbers recently released show that City of Linden led the County in population growth over the last decade and number four, statewide in growth. They are just shy (by nine people) of 4,000 residents. "I think this talks about the Linden proper, the sense of community that they have, that we have inter-connected neighborhoods, the downtown business district, and events like

the LSH that draws individuals into our downtown area to visit our restaurants, shops, and have some fun in the Shiawassee River, travel to the carnival, which is located on the school grounds, etc. So as Mr. Murphy mentioned the event was at the Parks back in the late eighties, early nineties, but it moved back into Linden in the nineties, that's when he became accustomed to it, when he visited friends in Linden, and he has been a resident of Linden since 1996.

The LSH used to be in the downtown area right at the main intersection and now the event has kind of disbursed throughout the city. The beer tent has always been located in the city by the gazebo area by the VFW Hall; the carnival is at the elementary school buildings; the car show is downtown as well; and it draws thousands of residents, not only from the City but from around the region into the fine community. "Last year we did have some issues with the event itself, in terms of the noise and parking, and some of the guests that became too intoxicated". This is something that they have addressed with the committee itself with a letter sent to them last summer. The city met with them informally, along with the new police chief and the city manager back in January and February and just last week the committee was in front of the city council with changes they are willing to make in the event to keep it in downtown Linden, so, I was somewhat surprised when I found out they were pursuing going to the County Park at the same time beginning last summer. When the City met with the (LSH) Committee last week, they had a nice, interesting dialogue, an interesting give and take, between Mayor Lossing's colleagues at the City Council, and members of the Committee and they were very forthright and very honest about some of the changes that wanted to make and they promised him they would be back to the City Council this coming Monday with their site plan for their (the City of Linden's) review and official vote, which they have normally done since forever, ever since he (Mayor Lossing) has been in the City. "Because we do have to close down the streets and barricade some things, just like you would do for your special programs, we would do the same thing to ensure the health, safety and welfare of the residents and of the City itself." So even though Mr. Murphy is here today asking you to overturn your decision from last December, I also expect that he will be stopping by City Hall sometime today to drop off that site plan so it will make the agenda on Monday. We (City of Linden) have asked that they go through the site plan process and get it to us before the end of April. Normally, it has been sometimes into May and June and that doesn't give us a lot of time to react to that, and make some changes, but he thinks this year is going to be a little bit different. They (the LSH Committee) are looking at a new site for the beer tent in the downtown, different from where it's been in the last number of years, which he thinks has some possibilities. As far as some other negative overtones they need to navigate and address, but he thinks that is a doable thing and honestly he fully expects the LSH to be in the downtown area and draw people back into the City of Linden. In addition to LSH they are going to have potentially three other events occurring in that region as well. One will be a mini-triathlon that he believes the organizers are working with the staff at Parks and Rec and they have been in touch with them to make sure they get the permit and application in. The mini-triathlon is a foot race, bike race and swimming race in Byram Lake. There will be a breast cancer awareness poker ride on motorcycles, about 1200 bikes, going from Clio to Swartz Creek to Linden and Davison and ending at the Flint Motorcycle Club between 9-5 on Saturday, June 18. And, finally, in August; a week before the Back to the Bricks Celebration here in downtown Flint, there will be a Back to the Bricks Tune-Up between City of Fenton, City of Linden and Seven Lakes Parks & Recreation. They expect between 200 and 400 vintage cars on Thursday,

August 11. So they are bringing low cost, events into the region that is family-friendly as well, and he thinks LSH fits that family-friendly type of atmosphere. People expect it to happen, they are looking forward to it happening, and he expects the traffic on his street to increase because that is the bypass when they close the main roads. Although it is a challenge to get out of his driveway, it is a worthwhile challenge. Mayor Lossing said he appreciates the consideration of the Board.

Commissioner Graves again approached the podium and President Krapohl granted him permission to have a final comment.

Commissioner Graves said he appreciates the fact that Mayor Lossing is willing to work with the (LSH) Committee to hold the event downtown, but that really has no bearing on the decision today. The decision today is whether they should be able to utilize the Park that they pay taxes on. Where they make their decision, where they are going to go -he really doesn't care, that's their decision to be able to make, they shouldn't just be kept out of the park because they have an alternate venue to hold the event, so he hopes the board doesn't make that part of their decision, they (LSH) did make proper application and he thinks it should be approved today. Thank you.

President Krapohl asked if there were any other members of the public who wished to address this issue at this time. If not, the public comment section of that issue is closed. He further noted that the Commissioners got an e-mail packet that had the original reasoning for denying that permit. If you don't have that packet he can review the reasons that the Commission acted on that.

President Krapohl wanted to make a comment for the record "there were no backdoor deals done, everything that this commission has done has been done above-board, it's been done in open meetings. There were no deals cut. This was a decision the Committee made without any input from the City of Linden at all. So, he just wants to put that to bed and say that this Commission does not act in that manner; this is a very, very open Commission.

Commission Wright stated that he was absent during the meeting that this was voted on and apologized and requested to have the reasons reviewed.

President Krapohl stated the recommendation from the Director to the Board was to deny the permit because of:

Serving of alcohol, because we do not permit alcohol in Linden County Park;

Camping of vendors, event staff/volunteers, Linden County Park is not licensed for camping;

Pooches in the Pond, which would allow dogs on the beach and in the swim area and possibly off leashes, which is not permitted in park rules;

Hours, it would require that we extend the regular hours well beyond our normal closing times;

We would have large sections of the park unavailable to the general public without paid admission;

Sections of the park would not be available to the general public due to age restrictions required by the sale of alcohol;

The fireworks would limit access to Clover Beach and the swim area during set up;

There was also a possibility of a ski show being held and boats are only allowed to be launched from the beach during two weeks of the year;

Pavilions have already been reserved on June 25 and the other pavilions would be unavailable for rentals during the period of the LSH;

There are County Parks programs scheduled to be on June 20;

Normal parking during the summertime on warm days and weekends is already limited and there are only 100 parking spaces on the lot at the top of the hill. Normally overflow parking is on the opposite side of the road (where the LSH event would be set up). The large number of vehicles could have a potential long-lasting negative impact on turf conditions. Based on the numbers supplied by the LSH Committee we would be looking in the neighborhood of 800 to 1500 additional vehicles in that area, which logistically, we could not handle;

We have a strict zero-tolerance policy for alcohol in the Parks. It would be considered setting precedence for other alcohol events in other parks;

Consuming of alcohol by individuals attending the LSH event, and who drive motor vehicles, could potentially lead to a hazard to general park visitors;

The large number of people in the area where alcohol is proposed to be sold will likely cause significant turf damage in that area. Restoring the area to its pre-event appearance is likely to take a reasonably long period of time, which will have a negative impact on the overall aesthetics of the park for the balance of the summer season.

President Krapohl continued to say: That is pretty much everything in a nut shell of reasons supplied by administration that the parks acted on.

Commissioner Henry said it seems like the Parks Commission is getting, and will continue to be bombarded with more and more requests that go above and beyond the park rules. Has there ever been put in place, in the history of the parks commission, a committee that reviews each event and takes it forward so there would be an intense conversation dealing with possibly all of these issues that we just mentioned and how the parks commission could work with whoever is putting on the event to work out the parking, the crossing the street, alcohol, future events, security, camping, all of these issues need some conversation and he just sees, with the state of the economy, people are going to travel less, and more and more events are going to happen in our County Parks, or would like to happen in our County Parks, all across the county, not just in Linden, Flushing, Richfield, all of them. He thinks there is a value in having a committee put together to weigh in on all this information and then come up with a conclusion to refer to the board.

President Krapohl said that the special event application process is that as long as the park rules are met the director can grant the event. If there is a variance required for park rules then the administration brings the request to the full park commission for discussion. There isn't a sub-committee level, it's generally any time that we have variances required that they come to the

full commission with a recommendation for approval or denial. It is up to the commission to discuss the merits of each individual event on how it best suits the needs of that facility.

Commissioner Henry said that as a voting member it's difficult to sometimes vote because we aren't in on all those conversations.

President Krapohl: As far as the making the decisions? The decisions for varying the rules comes to the board (parks commission), and that is our due diligence that we would need to do, if we had suggestions we could send it back for further review. We have had numerous events, such as last summer, when Commissioner Lockwood had the issue of golf carts on the bike path in Linden County Park. She came to the commission, we had a discussion, the full commission worked out a compromised solution for that facility, so it was, I guess, you could say a Committee of the Whole. If we do a sub-committee we would still have that step where all of the commissioners would not have all of the information. So he thinks the process we have right now, by bringing any variances of the park rules to the commission gives us that opportunity.

Commissioner Henry further said the problem happens, just like that issue that was brought back and forth to the commission, it's no secret, there are lots of communications and conversations prior to that meeting that took place in this building right here. It puts us commissioners that are elected by each district in a bad spot when you sit on this board and the other board and you get the opportunity to hear some things that you don't get to hear if you are not in on all of these conversations, it's very difficult.

President Krapohl called on those commissioners that wished to speak: Commissioner Bailey, Wright and Gleason:

Commissioner Bailey asked if it was his time to speak and President Krapohl confirmed that it is: Mr. Bailey said it really seems like an uncomplicated issue: we've got three alternatives, "1) we can say, across the line, no, we are going to stick with the December 2010 document; or secondly, we can say go ahead with your plans for your event and we'll sit down together in advance and try and work out some of the differences of opinion and policy; or third, we can say, go ahead with your event and then immediately after begin the planning for the next event in that area to eliminate all conflicts. I think what we need here is a discussion, not a debate on the event itself, or the ramifications, but I think we are limited to those three issues, at least in my opinion".

President Krapohl called on: Commissioner Wright, then Commissioner Gleason, and then at that point the Chair would entertain the will of the commission of what they wish to do to proceed with this matter.

Commissioner Wright wanted to remind the whole parks board that there was a set of rules put in place by this body, that we tried to be consistent about over the several years, that those rules have been in place and that those very same rules were approved by the County Board of Commissioners. This is his understanding. So if we gave a major variance, particularly on the alcohol, and he will go into more detail about his opinion about the alcohol; but if we give a

variance for the alcohol particularly, we are going against what the County BOC already approved as park rules. When it comes to alcohol specifically, there were reasons we limited, years ago, the use of alcohol in the County Parks. There were problems with that use in the County Parks. It is his opinion that if we are going to go down that road of opening up alcohol use in any other parks beyond what is already permitted then we should go back, as a group, and change the whole rules and consider all parks if we are going to consider one. Then take that back to the County BOC and get it approved. But the piece-meal that it looks like to him that we are trying to get a variance for the arbitrary one instance, he can see the other side to some extent, but the bottom line is our consistency and enforcement of our own rules has improved the Parks across the county. If we go back to the old ways of starting to give variance from those rules we are going to have problems, particularly when it comes to alcohol. He could see the final step in alcohol would be: 'if you can sell it there we should be able to bring our own alcohol to the park' which is going to lead to more problems.

Commissioner Gleason: He brings up a point, from his own experience as a township board member sitting on a local unit of government's board. In his experience in dealing with Genesee County Parks over land issues, one thing that he is going to respect greatly that Commissioner Graves pointed out is that we have gone from the City of Linden and we are now in Fenton Township. Before Commissioner Gleason would say yes to anything, or when we're talking about approving any event that would bring 20,000 people into a local unit of government's immediate control, he would certainly want their input on this. He'd want them to know everything that is going on there, how they feel, what recommendations they would make to us that they must have in order to deal with these issues. He gave an example of a past experience 20 years ago. He remembered the Parks coming to the Richfield Township offices saying they (the Parks) are a governmental agency and exempt from zoning ordinances, site plans, exempt from everything. As a local township official we said "No you are not exempt - you will comply with our zoning ordinances, our site plan review, and our special land uses just like the private sector would." This is one of his concerns here, Commissioner Graves; he (Mr. Gleason) would like the input...

Commissioner Graves interrupted Commissioner Gleason: (inaudible) ...as far as barriers of the Parks. He respects Mr. Wright's opinion but the residents of the 6th District pay taxes, does the residents in Mt. Morris pay more taxes to use (the Cummings Center) and we don't?

Commissioner Gleason to Commissioner Graves "I didn't even address that issue. You take that up with Commissioner Wright, ok? I didn't even talk about that."

Commissioner Graves continued to interrupt Commissioner Gleason at which time President Krapohl reminded Commissioner Graves that this is the time for the Commission to discuss the issue. "If they have a specific question for you, I will allow them to ask you that question through the Chair. Please be respectful and allow us to discuss this matter as a Commission"

Commissioner Graves interrupted President Krapohl: "Mr. Chair if you could ask about the backroom deal, I have proof here there was a backroom deal. But go ahead."

Commissioner Gleason: "I didn't bring up any backroom deal. My point is that before I make any decision about overturning this decision I would certainly want to make sure that these requests comply with Fenton Township and they give their approval as well. Twenty thousand people coming into a small concentrated area; I think that local unit of government should have some input. We should never, ever, sidestep a local unit of government" and that is how he feels about it. At this point in time he would like to make sure it all complies with their rules and regulations, zoning, site plan reviews and everything else and then he can sit down and make a good decision that will not hurt that local unit of government. That's how he feels about it Commissioner. He further said that he appreciates Commissioner Graves' time.

Commissioner Graves said he appreciates his (Gleason) thoughts...inaudible... what happened last time...

President Krapohl continued the meeting asking if there are any other Commissioners that have any comments and give the Commissioners the option to take any action on this request today or if no action is taken today the original decision will stand. The only other action that would probably be more appropriate at this time is if there is a Commissioner that wishes to grant this request or grant this request with conditions.

Commissioner Wright asked if it is ok to talk to Commissioner Graves and to the board putting on the event. President Krapohl said questions could be asked through the Chair.

Commissioner Wright said: regarding the twelve items pointed out by the board that could be issues, would you have to have all 12 of those in place, let's say 9 or 10 could be worked out, I think the alcohol seems to be the big problem. But if you got 9 or 10 of the items is that going to be able to make your event work?

Commissioner Graves said he would let Mr. Murphy and Mr. Carr respond to that. He continued: "that's my point sir that's what should have happened, sit down with them in good faith and say this will be reviewed, not, like in the letter, signed by your director, in the last paragraph it says 'although you have expressed a preference for Linden County Park' it says "City of Linden will continue to welcome your event', "well if there wasn't a backroom conversation that wouldn't be in here." "So I think the proper process should have been, we can work with you on this, but here's what you need to do, give them some guidance, not just reject it and move on. Work with those...Ok, if you want to do this you need to go to the Board of Commissioners, as you have pointed out, and say we need a permit for three days with alcohol and the three BOC members on this board say, this is what you need to do to comply. "We aren't going to pick winners and losers, we're not going to say that Mt Morris gets the only alcohol permit, we're going to say under certain provisions, and you hire all the right legal bartenders and everything else, you comply, you can do it, you can hold the event. But instead NO, we have 17 pages of rules and we say no. That's where my issue is."

Mr. Murphy said he was confused with some of the line items. "There was an issue with the possibility of the Silver Lake Ski Club and I don't believe I ever entertained anything like that." Pooches in the Pond is the event we've done maybe twice in 37 years and he doesn't care if they

do Pooches in the Pond, it's just something fun. And the fact that there might be some dog droppings on the beach that obviously the customer would take care of is well and beyond the fact that you are going to have e-coli from the geese that closes down that Clover Beach three times a summer as it is. So there are a lot of issues on that list of 10 that are just (inaudible). "Alcohol, boy we have the strictest beer tent going, we have the absolute strictest beer tent going. Not a glass of beer goes out of that place. It's confined to a 100 x 80 foot tent.

Commissioner Wright said it's not that they (the organizers) won't handle it, he is sure they would handle it appropriately wherever they are at, but from his perspective it is more of a precedent issue based on what our rules have been for years.

Mr. Murphy, Oh, yes, understood.

Commissioner Wright continued: To his (Wright) knowledge, since he has been here we've not given a variance for alcohol in any of the parks, am I wrong in that (directed to the Chair)?

President Krapohl answered, Just the Cummings Center traditionally for the Fair Board.

Commissioner Wright, I understand that. That is one that has always been indicated as a facility for alcohol.

President Krapohl: That is one we have designated for special events with proper permitting.

Commissioner Wright: That is my bigger concern is a precedent here opens up every one of our facilities be required to sell alcohol, and, as one that is older than most of you, I've seen the problems from the past and I don't want to see that again. Now if we want to open up additional facilities for alcohol he believes they should review the whole set of rules and make that determination as a group, not by individual requests, because we have been very firm on about it over the years. He believes that if we vary for that particular one and not for all the rest of them, then he would still have a problem with that because of the precedent for the rest of the parks.

Commissioner Graves interrupted and said he suggests the precedent has been set. You allow it at the Cummings Center, you pick the winners and losers and you won't allow the 6th District...

Commissioner Wright: Not us, those rules were approved by the County Board of Commissioners...

Commissioner Graves interrupted again and President Krapohl asked Commissioner Wright if he was finished with his questions to the gentlemen? Commissioner Wright confirmed that he was.

President Krapohl asked if the Commission wished to act on any of this request this morning. Any commissioners wish to make a motion at this time? (Paused conversation to allow commissioners to respond.)

Commissioner Gleason asked the gentlemen if either of them had spoken with officials from Fenton Township about this particular event.

Mr. Murphy said no sir, and he didn't believe they did back in '89 either. He was sure they did a fireworks permit and contacted the sheriff's department, as he located those documents today but he doesn't know specifically about the Fenton Township board or anything like that. He wouldn't have thought so, no.

Commissioner Gleason said, there again, you are taking 20,000 people and putting it in their jurisdiction, and he very firmly believes that... because with special land uses and zoning, there have been a lot of changes in the last 25-30 years and there may be provisions within special land use permits and zoning that there may be a violation there already. He can't emphasize enough, he would never, ever do this because with past experience when the County government tried to roll over Richfield Township he took a lot of exception and they stopped them. And it was based on zoning and special land uses that we stopped them. They (Fenton Twp.) deserves the right to have input on this and he will reconsider this if they have some input here and see how this will shake out because we don't want to be a problem to any municipality here in Genesee County.

Mr. Murphy wanted to talk about the 20,000 number. First, that is a little high. We expect 20,000 over a four day festival. The entertainment tent only holds 800 at a time. Outside of that tent folks would be at the carnival, maybe some browsers in the craft shows and flea market, but 20,000 at any one time would not be a realistic number in any way.

Commissioner Gleason said if any of you have any gray hair you may remember a certain rock star that got started in Richfield Township by the name of Bob Seger, Wild Wednesdays. That all started out to be a little community deal and that's why townships in this county started changing some of their ordinances. That, to him, is the most important issue at the table today – to make sure we are good neighbors in our communities.

Commissioner Graves requested that Mr. Gleason make a motion and include that Fenton Township Board would approve the site plan. But if they don't have an issue, he's not sure why this board does. He is asking this board to work with these gentlemen on this committee to let this event happen. Stop throwing barriers and rules...

President Krapohl asked Commissioner Gleason if he was finished. Gleason said he is finished.

President Krapohl said he had one question for the gentleman from the LSH committee: Have you made any attempt, since you received the letter of denial, to contact the Parks office or the director to share any of your concerns or comments with her?

Mr. Murphy said "No we did not sir".

President Krapohl continued. So you received the letter shortly after the December 9th date that it was mailed, and the last line (in the letter) is that if you have any questions or concerns, you could call her. This commission has been very open to working with people on many, many issues, and a simple phone call probably would have alleviated this March 24 timeframe.

At this time President Krapohl asked if any other commissioners had any comments. He asked if any commissioner wanted to make a motion on this issue. If he sees no motion...

Commissioner Wright asked for an explanation of why we would need a motion. President Krapohl would need a motion for the commission to reverse its decision of December 9.

Commissioner Wright asked about a motion to take back for reconsideration? President said you can only reconsider a motion on the same day that the motion was made. If the LSH would like to reapply and go through the special events process or re-open their application, it is something we could do, but we made the original denial on the special events application and they are requesting that we reverse that decision, basically we could make a motion to grant their special event application or grant it with any provisions that this commission deems necessary. Commissioner Wright are you all set? Commissioner Wright confirmed that he understands.

Commissioner Henry asked if there is a timeframe restriction of when they can reapply. President Krapohl said, no, they can reapply the next day. Actually, probably the best thing they could have done is contact us and say can we work this out, and he's not placing any blame on anybody but that didn't happen. With some of the other special events that happen, if there are concerns the party contacts us to work it out, whether it is administratively or whether it is through the parks commission as we have done last year with the bike path. Just to clarify the bike path last year as far as the golf carts were concerned, that was from the county risk manager requiring insurance, that was the whole issue. It wasn't so much the commission denying it; it was insurance and the risk manager aspect, that is why we had to deny that.

President Krapohl said if he sees no motion he will continue with Item # 3 Consent agenda.

3) Consent Agenda. Discussion: President Krapohl asked if any commissioners wished to remove any items from the consent agenda. No items were removed from the consent agenda.

Action Taken:

Motion by Commissioner Lucas
Supported by Commissioner Washington

Motion and support for approval of consent agenda items A-D as listed.

Roll Call

Roll call began and Commissioner Bailey stopped the roll call and said Point of Order. He asked if there was a motion to add the discussion to the agenda.

President Krapohl asked if he was talking about the consent agenda.

Commissioner Bailey said this has been an informal discussion up to this point and he believes we need to add it to the agenda and then make a motion. He will make a motion that it be added to the agenda.

President Krapohl stated that he added the item to the agenda in the beginning of the meeting by asking if there was any objection to adding the LSH issue as Item 2a. So as a consensus of the commission, there were no objections made so we did add it. President Krapohl again asked if Mr. Bailey would like to act on that and make a motion.

Commissioner Bailey said he does and President Krapohl asked if he wanted to make a motion. Bailey: So moved...

Mr. Lucas said there is already a motion on the floor.

Mr. Keeler asked "What is the motion?"

Bailey: A motion to add the item to the agenda.

Keeler: We did that.

Krapohl: I did that. I refer to legal counsel, but if there is no objection by the commission he can add an item to the agenda, which he already did as Item 2a. So it was on the agenda. To

Bailey: Do you wish to take any action on that request by the LSH?

President Krapohl called on Commissioner Lucas: Mr. Lucas: Mr. Chairman, there is a motion on the floor.

President Krapohl said Mr. Bailey has a point of order question and he asked Commissioner Bailey if he was clear on the point of order that it was added to the agenda.

Bailey: Yes.

Commissioner Keeler asked if there were two motions on the floor.

Legal Counsel, No, we corrected the point of order and now we are onto the motion for the consent agenda unless Mr. Lucas withdraws his motion for the consent agenda.

President Krapohl clarified to Mr. Bailey that it is his (Krapohl) understanding that Bailey wanted the LSH added to the agenda. Bailey stated: If we are going to act on this today we need to add it to the agenda. If we are not going to act on it we haven't taken roll yet.

Krapohl: We acted to add it to the agenda as a consensus of the commission. At the end of the discussion he asked if there were any commissioners that wished to make a motion on this topic that we were just discussing. Nobody wished to make a motion and I called for that twice and I waited 5-10 seconds and saw no member of the commission that wished to take action on the item we were discussing so I moved on to the consent agenda items.

Bailey: The only way we can determine if we want to take action is if we add it to the agenda and ask each member.

Krapohl: Mr. Lucas, would you withdraw your motion for the consent agenda at this time?

Mr. Lucas: No I don't see a reason to remove it.

Krapohl: I am going to let Brian (Legal Counsel)

Mr. Barkey to Krapohl: You are obliged to go with the agenda item that has been moved and is currently on the table. You've responded to the point of order, I believe in a complete fashion and now you have a motion and a second to approve the consent agenda before you proper.

Krapohl: Commissioner Bailey, I understand your point but if you would allow us the opportunity to just make it easier and we'll just vote on the consent agenda and any items you want to go back to we can revisit that and you can make a formal motion if you prefer, I have no problem doing that. However, parliamentary law does allow us to do that as a consensus of the board, it saves time, but if you would prefer, if you let us handle this motion that is on the floor and then we can go back and revisit your issue.

Bailey: I always follow counsel's advice.

Krapohl repeated that there is a motion for the consent agenda items A-D and asked for a roll call vote.

Roll Call

Yeas: Bailey, Dickerson, Henry, Lucas, Gleason, Krapohl, Keeler, Reed, Washington

Nays: None

Absent: Commissioner Wright stepped into the hallway and missed this vote.

MOTION CARRIED 9-0

Krapohl: Normally we would go right to the next item, Report from Legal Counsel, but, Commissioner Bailey, as this time, we do have legal counsel so if you would like to ask him your questions about the point of order? It was his (Krapohl) opinion that from listening to the other commissioners he did add it to the agenda as 2a, he did call twice for any action by commissioners, there were no commissioners that wished to make a motion at that time so he assumed there was no interest by the commission to take any action so he moved on to the rest of the agenda. To Bailey: You are more than welcome to, you are allowed during New Business, if you would like, to bring that back and make a motion, or at any time during the Commissioners Comments, you may make a motion, unless you need further clarification on this. President Krapohl is going to turn this over to legal counsel for questions about this and then he will give us his report.

Commissioner Wright came back into the room and apologized for missing part of the conversation. Krapohl reiterated that there was a point of order by Bailey about whether the LSH item was placed on the agenda. At the beginning of the meeting I (Krapohl) asked if there was any objection to adding it to the agenda. Commissioner Bailey thought that we needed a motion to place that on the agenda. At the conclusion of the discussion I asked twice if any commission members wished to take any formal action or make a motion on the topic we had just discussed. I asked twice, waited a reasonable amount of time. There were no commissioners that made a motion so I moved on to the next item, which was the consent agenda items. Commissioner Bailey raised that point of order that he wanted to vote to put it on the agenda and that he was maybe prepared to make a motion.

Wright: So you need a motion to put it on the agenda to make that second motion?

Krapohl, not necessarily. Legal counsel can correct me but as long as the Chair addresses it at the start of the meeting that they want to add this item to the agenda if there is no objection. If there was an objection at that time then the full commission would have to vote on whether to add that item to the agenda or not. Am I correct (directed to legal counsel)?

Mr. Barkey, Yes. If Mr. Bailey made a point of order, the Chair ruled on the point of order, then if any member of the commission would like to appeal that decision by the Chair on the point of order you are free to make that motion and it must pass by 2/3 of a majority. If you care to wait until it is time for the commissioners to comment, Commissioner Bailey can make an appropriate motion at that time to the same affect.

Wright: Without the 2/3?

Barkey: Yes, without the 2/3.

Wright: He would like to wait till comments to see what the motion is before discussion.

Krapohl: We are in the Legal Counsel Report now. Legal Counsel has some information to share with you from our last meeting and then if there are any more questions pertaining to that item and if not he will grant Commissioner Bailey full opportunity to make any motion that he desires at the appropriate time later in the meeting that is acceptable.

4) Report from Legal Counsel. Legal Counsel recalled that at the last meeting there were some questions concerning the authority of park rangers to act both inside and outside the property under the jurisdiction of the Parks Commission. He was asked to do some research into that to discover any limitations or any other factors that would affect that right. The parks Commission was formed by virtue of a resolution by the BOC. It was done, pursuant to a law which authorizes the formation of park commissions. When that resolution was passed by the BOC, the BOC granted the Parks Commission all the powers allowed by that law. That law provides for the appointment of park rangers. He read: The County Parks Commission may appoint park rangers who may be deputized by the sheriff to enforce the laws of this state. Whether deputized or not, park rangers may enforce the rules adopted by a county or regional commission and have the powers, privileges and immunity conferred upon peace officers by the laws of this state. The statute also requires that all park rangers be certified under the law enforcement officers training council of laws. So all officers under our park commission are certified under that law and have the powers to enforce state law. This section also has a limitation, a significant one; and one raised in part by Commissioner Bailey's inquiry. Park rangers shall exercise their authority and powers only on lands, waters and property administered by or under the jurisdiction of a county regional commission. As a practical matter, there is another section that allows police officers to act in a supportive capacity outside the jurisdiction of the parks commission when they are acting in conjunction with a peace officer of any other county, city, village, township or university in which the officer need be. So the answer to the question is while the park ranger is on property under the jurisdiction of the park commission he acts as the peace officer with all the rights, privileges and prerogatives and duties that fall on peace officers anywhere else in the state. If he is outside a park jurisdiction and he acts in a supportive capacity upon the request of the police entity with jurisdiction. There are requests made on a case by case basis, there are requests made in a more institutional fashion with direct contracts between the municipality involved and the parks commission that call for cooperation by both entities in law enforcement inside and outside their geographical jurisdiction. If one were to see a park ranger pulling over a car between parks you would not necessarily know if he has been requested or there is a standing arrangement between the municipality involved and park ranger to render such aid. If you read the report

you would then see if it was done by request. If it was done by request the park ranger has jurisdiction to enforce the laws of the state.

Commissioner Henry asked if they (rangers) have arresting authority. Does the agency that request assistance have to make the arrest or can the park ranger make the arrest?

Barkey: The park ranger has all the authority given peace officers when he is acting on the request of a local agency, including arrest.

Henry: What you are saying is that if a park ranger got a call "If you see this vehicle, stop it" that would basically be a request.

Barkey: Yes. Or if a park ranger calls and says he sees an operator of a vehicle acting erratically can you send somebody out and the officer who answers the phone in that jurisdiction says 'we don't have time or don't have an officer available go ahead and take care of it' he (ranger) would have authority.

Henry: So the officer that he is on the radio with has the authority to direct the ranger?

Barkey: Yes.

Commissioner Bailey moves that we accept the attorney's report.

Action Taken:

Motion by Commissioner Bailey

Supported by Commissioner Henry

Motion and support to accept the legal counsel's report concerning park ranger's law enforcement powers.

Ayes: All ayes

Nays: None

MOTION CARRIED

President Krapohl asked if there are any more questions for legal counsel.

Henry: Can I have a copy of that report? Is there a copy available?

Barkey: There is not a copy in your packet, I have extra copies.

5) Director's Report.

A. Food Service Proposals Update. We have received proposals in response of the requests for proposal issued by the Purchasing Department on behalf of the Parks Commission. There are two, and we will be interviewing each of those firms next week. We expect to bring back a recommendation to the commission for action at our next meeting in April.

B. Buttercup Beach Bath House. We received one proposal. We tore the old building down before it fell down and we budgeted funds to replace that bath house. The bid that was solicited through the Purchasing Dept. provided for two opportunities for vendors to bid. One was a pre-cast concrete bath house similar to the buildings we use in Richfield & Linden County Parks. The other would be to provide a site built bath house. We received one bid for a pre-cast concrete bath house and we received no bids for a site-built building. We will complete our

review process and make certain the bid complies with all requirements and that it also fits our budget. We will bring that back to you for action at the next parks commission meeting.

C. Ruth Mott Foundation. The Parks Commission has been recommended for approval of two grants that we recently submitted in the amount of just under \$70,000. One of these grants will install six additional shade kites at Bluebell Beach, which we are very excited about because there is very little shade at Bluebell and the other grant funds a program that Nancy Edwards and her staff created related to Children's Gardening.

We will be sharing additional grant notification at the next meeting once the funder has authorized us to do so - once they have created their national press release. But it is not in violation to let you know that we were one of many grants submitted nationwide and one of only 15 that were funded nationwide. When we get the go-ahead we will share that information with you.

Commissioner Henry asked about the bid process for the bathhouse. What is the budgeted amount for that?

Ms. McMillan said she believed it was somewhere between \$120,000 and \$130, 000.

Henry: Is there any infrastructure required?

McMillan: There is already a concrete pad there, an existing septic field to be utilized, and existing access to water and electricity. She doesn't believe there are any additional infrastructure requirements necessary but she will investigate that further and let him know before the next meeting.

Henry: Can we re-open the bid for 30 days in the event there is a lower price? He thinks there are savings out there that he is concerned about.

McMillan: The purchasing director is the authority on that. She would be happy to ask him if there is a mechanism by which that it could be done. If he says yes, and there is no objection by the parks commission we can do that.

Henry: Do we need a motion?

Krapohl: If you would like to direct Amy to go back to Purchasing and seek the possibility of additional bids that is within your rights as a commission member.

McMillan: Did you ask to seek additional bids or re-open the process for 30 days? She wants to make sure we are asking the right thing so we can get the right answer.

Henry: The bottom line is he is looking for a lower price using whichever mechanism works.

McMillan: That would be re-bidding.

Henry: Or, extending the time frame on the same bid.

Krapohl: Is the bidding process closed?

McMillan: The bidding process closed once the bids are received and opened. It is a sealed process. We comply with all the County's purchasing policies.

Henry: I guess my motion would be to follow the County Purchasing Policy but if there is an avenue to re-bid it he would like to see it re-bid.

Gleason: There were two proposals, one pre-cast unit and one stick built? Were both options on one bid request?

McMillan: There was one request for proposal with two possible options. Are you asking Commissioner Henry if he wants to re-bid the site built? She is a little confused.

Gleason: Is he (Henry) asking for the entire process to go through bidding again?

McMillan: We had two items on which they could bid on one proposal.

Krapohl: You want the bid process to include both options?

Henry: Just one bid for either option. There are two options in the bid proposal. It sounds to him like there are not a lot of pre-cast bidders. He doesn't want to create a bunch more work for the Purchasing Department.

Krapohl: You want one bid with the option of site-built or pre-cast.

Gleason: That is not apples to apples. There are two different proposals with two different prices. He wants the entire process to start over to include two proposals.

Henry: Concurs with Gleason, the same contractor is not going to do it two different ways.

McMillan: We did not anticipate that would happen. Typically the pre-cast comes from another part of the United States. By providing somebody the opportunity to bid on a stick built building we thought it would give local contractors an opportunity to bid and our only requirement is that it falls within our budget. So if we had received Contractor "A" in Georgia and Contractor "B" from Swartz Creek to build it, and each fell under our budget it would give us the opportunity to pick A or B. If everything flushes at the end of the day it doesn't matter to us.

Henry: Well, that's not true. You have to look at the lifespan of the structure. There is a value to be measured. What is the real question?

Krapohl: What is the form of your motion? Do you want one bid with two options? Or two bids with an option for each bid?

Henry: An option for each bid.

Krapohl: Two bids – one for a pre-cast...

Henry: If you opt out of the pre-cast bid you can still bid on the stick-built, is that right Commissioner Gleason?

Gleason: Yes, that is exactly what happened. There was nobody who bid on the stick build or site-built, whatever you want to call it.

McMillan: Let's talk to Eric and find out what the rule is. Secondly we will ask the contractor that provided the bid for the pre-cast building to hold their bid price for an additional 30 days and then separately bid the stick-built and see what we get, is that

Henry: I don't think you want to ask him to hold his bid; he might come in with a different bid. He should have the same opportunity to put any other number he wants to put on there. He might come down lower.

Wright: It will also give the others an opportunity to know where his bid is and come in at a dollar less. Why don't we just bid the stick built portion? Why don't we just keep the bid for the pre-cast and re-bid the stick built?

Henry: That is fine with him. He will amend the motion.

McMillan: She will have to look to see how long the price is good on the pre-cast option, which may or may not require us to ask for an additional 30 day extension. Typically you have to award the bid within a certain amount of time. That is usually part of the bid language.

Action Taken:

Motion by Commissioner Henry
Supported by Commissioner Keeler

Motion and support to rebid the Buttercup Beach site-built portion.

Ayes: All ayes

Nays: None

MOTION CARRIED

6) New Business. There is no new business.

7) Opportunity for Commissioners to address the Commission.

President Krapohl called on each commissioner for comments. Lucas: No.
Dickerson: No.

Bailey: Is this where I get to speak?

Krapohl: Yes you do. This is what we discussed during your point of order. This is where you can entertain a motion if you so desire, or bring up any new business or old business if you desire. Do you have anything at this time?

Bailey: No.

Reed: Unfortunately this is her last meeting. Politics have overruled qualifications and experience and she has been removed from the Planning Commission. It has been a pleasure to be on this board, she has enjoyed her time. President Krapohl said we have enjoyed her perspective and thanked her for her service on behalf of the rest of the board.

Wright: He asked legal counsel: We need 2/3 vote in a resolution to override a previous vote, right? Barkey: No that was ruling on a point of order. It would be to overturn the chair's

decision on a point of order. Wright: So it is a straight up/down vote on any other

consideration? Barkey: Yes. Krapohl: There are a lot of things, on motions, depending on what

they are, when they are enacted, but as far as his question, on a point of order it requires 2/3. But there are other motions that require suspending the rules; I don't think we want to get into a total lesson on parliamentary rules – not unless we have dinner coming. Did you have something that you want to do? Wright: No.

Henry: No.

Keeler: Is there a way these gentlemen can get with somebody to find out if they can get a permit re-established with some restrictions on it that we may find more tolerable so they can get what they want and we can all get what we want, some consensus here?

Krapohl: As the original letter stated, they could have contacted the director at any time, it was in the letter for any questions or concerns contact her and again, any variance of our park rules would have to come back to us. We could not do that in a sub-committee or in the executive committee and the director is not empowered to waive any rules so we originally made the decision with the concerns that we had listed, she would be empowered to negotiate some things with the understanding that we would still have the authority to waive the park rules.

Gleason: He would like to call a wildlife management sub-committee within the next couple weeks.

Krapohl: Usually those are held before or after a regular meeting. If there are no objections we will schedule a wildlife sub-committee meeting directly following our next meeting on April 14.

Thank you for bringing that up. Commissioner Wright, do you have something to bring up?

Wright: Yes, to move forward on LSH issue, would that require a re-submittal of the permit application based on action taken today?

Krapohl: We haven't taken any action today. We have in the past. If they have any questions or concerns they can call the director...

Wright: That would be his point; can they use their existing application and get back with the director to discuss the issues? Or, does it have to be a new permit application?

McMillan: We made the offer in good faith to ask us any questions or address any concerns after the commission took action. Any questions or concerns that the permit applicant brings to our attention, we would be happy to discuss with them. As you see from your packet, a special events permit application is a very give and take process. It's 'you give us some information and we look at it and ask questions' and that sort of thing. That option was available back in December, there was no time limit that said call me before the end of the year or do something else. If they have questions, concerns or they say they want to re-submit with these conditions we will talk to them about that and if any conditions require waiver of county park rules that are outside of her scope of authority as director, as she cannot arbitrarily waive rules, we'll bring it back to the parks commission at that time. If a parks commissioner says 'as part of the review process they want input from local units of government', we would suggest that to them or we could even say 'based on our conversation today it is reasonable to expect that if it goes to the parks commission there may be a concern we suggest that, wanting to be good neighbors, if you could take care of this business before it comes back to the parks commission, then you know that question is answered. I think reasonable people are able to work together in a reasonable fashion and move forward. They do not need to re-submit.

Henry: He would be willing to gamble that every municipality in the county has land use ordinances that would require special use permit before the activity even takes place.

8) Opportunity for the public to address the commission. Commissioner Graves said the permit process went back and forth six times and he is "extremely disappointed with this board for not taking action. Make a motion that they can take this forward with land use permit from Fenton Township. But for you to discriminate against the 6th District is wrong and you know it is wrong. I'm ashamed of every one of you. You make the motion and let them go back for

permission from Bonnie Mathis or from the Fenton Twp. board- which they are more than willing to do – go to the board of commissioners for special usage. But, right now, you are picking winners and losers. You are telling Mt Morris residents, who pay the same taxes as we do, as far as park usage, that they can use theirs, and we can't. That's discrimination and frankly, I hope they follow up with legal action, I would move forward with that because I think this was handled totally improper. The letter says that you met with Linden and made a deal. You say you didn't do it, but we have it here. And, one more time I am asking you to make a motion now to reconsider this or we'll get Public Works or somewhere else away from this board that obviously had an agenda from the beginning."

Mr. Carr said the reason they did not reply was because they were denied, so there were no questions or comments. It basically said they were denied use so that is why we did not proceed.

Commissioner Bailey said he has already requested the issue be referred to Public Works Commission and he doesn't think this is the last time it will be discussed if the Chairperson so agrees to admitting it to the agenda.

9) Adjournment. President Krapohl made a motion to adjourn the meeting. All commissioners are in agreement to adjourn. Meeting is adjourned at 11:23. Commissioner Dickerson and Commissioner Washington left at 11:20.

Transcribed by Deborah Wilkes