

**MINUTES  
BOARD OF COMMISSIONERS MEETING  
HURON-CLINTON METROPOLITAN AUTHORITY  
THURSDAY, JUNE 6, 2013**

The regular meeting of the Huron-Clinton Metropolitan Authority's Board of Commissioners was held at 10:30 a.m. on Thursday, June 6, 2013 at Lake Erie Metropark at the Marshland Museum and Nature Center. The meeting was convened in pursuance to a call thereof by the Executive Secretary and due notice was given to the HCMA Board of Commissioners.

Present:	Commissioners:	Anthony V. Marrocco John E. La Belle John C. Hertel Timothy J. McCarthy Harry E. Lester Robert W. Marans
	Staff Officers:	
	Director	John P. McCulloch
	Executive Secretary	George Phifer
Others:	Legal Counsel (Miller Canfield) Legislative Consultant	Steve Mann George Carr
Absent:	Commissioner	Jaye Quadrozzi

Chairman Marrocco called the meeting to order at 10:30 a.m.

**1. Chairman's Statement**

Chairman Marrocco welcomed everyone to Lake Erie Metropark for the commission meeting and said this meeting would be his last meeting as chairman and that he enjoyed the last two years.

**2. Public Comments**

None.

**3. Minutes – May 9, 2013 Regular Meeting; May 9, 2013 Closed Session**

It was moved by Commissioner Marans, supported by Commissioner Lester that the Board of Commissioners approve the May 9, 2013 regular meeting and closed session minutes as submitted by Executive Secretary Phifer and staff.

Motion carried unanimously.

**4. Approval of June 6, 2013 Agenda**

It was moved by Commissioner McCarthy, supported by Commissioner Hertel that the Board of Commissioners approve the June 6, 2013 agenda as submitted.

Motion carried unanimously.

**5. Approval of June 6, 2013 Consent Agenda**

It was moved by Commissioner Marans, supported by Commissioner La Belle that the Board of Commissioners approve the June 6, 2013 consent agenda consisting of the following: vouchers; Financial Statements – April; Bids – Sanitary Sewer Pump Station Repairs, Willow Metropark; Chief Pontiac Program Committee Use Agreement, Kensington Metropark; and donations.

Motion carried unanimously.

**Regular Agenda**

**6. Legislative Report**

No legislative update was given.

**7. Update – Park Superintendents**

Kim Jarvis, Western Park District Superintendent, Mike Lyons, Eastern Park District Superintendent and Jim Pershing, Southern Park District Superintendent provided the commissioners with updates on various programs and events that occurred at parks in their districts.

It was moved by Commissioner Lester, supported by Commissioner McCarthy that the Board of Commissioners receive and file the updates given by the District Park Superintendents.

Motion carried unanimously.

**8. Reports**

**A. Lake St. Clair Metropark**

**1. Update – Kitchen Compliance**

Asset and Development Manager Mike Brahm-Henkel reported that under current and prior food service contracts at the Food Bar, the Metroparks is required to provide and maintain facilities and fixed equipment necessary for the food service vendor to conduct its operations. Numerous mechanical, electrical and architectural items were cited as non-compliant in these reviews and were required to be corrected. The existing, obsolete ventilation exhaust systems must be replaced, complete with fire suppression systems, in order to comply with current code requirements. Bids were received for this work May 14. Additional work must be completed in order to correct deficiencies and comply with current code requirements. The total project cost, at \$103,000, exceeds the Park's budgeted amount of \$2,500 for building repairs for this facility. Sufficient funds currently exist in the Lake St. Clair Major Maintenance Budget account to temporarily fund the Work Order; however, to retain existing budgeted projects, it is recommended that the Board authorize a transfer of funds from the Fund Balance to the Lake St. Clair Major Maintenance Account for \$103,000.

It was moved by Commissioner Lester, supported by Commissioner La Belle that the Board of Commissioners authorize a transfer of funds from Fund Balance to the Lake St. Clair Major Maintenance Account in the amount of \$103,000 as recommended by Manager of Assets and Development, Mike Brahm-Henkel and staff.

Motion carried unanimously.

**2. Bids – Exhaust System**

Asset and Development Manager Brahm-Henkel reported that work included the removal and replacement of two food service exhaust ventilation systems complete, with vent hoods, ductwork, fire suppression systems and associated controls. The existing equipment is out of compliance with current food service and mechanical codes, and are aged and deteriorated.

It was moved by Commissioner Marans, supported by Commissioner Lester that the Board of Commissioners approve award Contract No. 702-13A Part A and Part B to the low responsive, responsible bidder, Stafford Smith, Inc. in the amount of \$26,000.00 and \$28,000.00 respectively as recommended by Manager of Assets and Development Mike Brahm-Henkel and staff.

Motion carried unanimously.

**B. Stony Creek**

**1. Bids – Rehabilitate Bypass Control System**

Asset and Development Manager Brahm-Henkel reported that the west bypass sluice gate is currently stuck in a partially-open position, allowing excessive flows to pass, and rendering positive control of lake water level problematic. The east bypass sluice gate has malfunctioned in the past and its future reliability is uncertain. The proper functioning of the bypass sluice gates is critical to the operation of the dam. They were installed as part of the original construction of the dam in 1961 and are now at the end of their useful life. This Project was included as a Capital Improvement item in the 2013 Budget for \$80,000. The

original estimate scope of work included only in-place repair of the existing west sluice gate, with limited dewatering of internal chambers and no additional work anticipated.

Further investigation during design revealed that additional work was warranted, including complete replacement of the east and west sluice gates. This involves complete isolation and dewatering of internal chambers, and more complicated sequencing of control mechanisms. Dewatering of internal chambers and lowering of lake levels below the crest of the dam (necessary to replace the sluice gates) provides the opportunity to perform a more comprehensive cleaning and inspection of internal and external components of the dam, and to perform repair as needed. A more comprehensive inspection and repair project will reduce the likelihood of having to lower lake levels (beyond normal winter level), of providing temporary work and re-entering interior portions of the dam in the near future.

Further discussion was held on this item.

It was moved by Commissioner Marans, supported by Commissioner Lester that the Board of Commissioners award Contract No. 509-130 to the low responsive, responsible bidder, Z Contractors, Inc. in the amount of \$395,268.80; that funding for the project be provided through the Supplemental Major Maintenance Reserve Fund, and that \$ 80,000 included in the Stony Creek Capital Improvement account be returned to Fund Balance, as recommended by Manager of Assets and Development Mike Brahm-Henkel and staff.

Motion carried unanimously.

## **8. Reports**

### **C. Administrative Office**

#### **1. Approval – Board of Commission Policies**

Director McCulloch reported there were three policies before the Board for approval.

It was moved by Commissioner Marans, supported by Commissioner McCarthy that the Board of Commissioners adopt the free speech policy, the new discrimination policy and rescind the outdated affirmative action policy as recommended by Director McCulloch and staff.

Motion carried unanimously.

#### **2. Updated – Major Events/Partnership Contract Template Revision**

Director McCulloch reported that as discussed during the May 9 board meeting, the Board approved the “Event Venue Contract” with the option of a “dispute resolution” be added to the contract if recommended by Miller Canfield, the Authority’s attorney.

Further discussion was held.

It was moved by Commissioner McCarthy, supported by Commissioner Marans that the Board of Commissioners approve the revised Event Venue Contract Template with the added Dispute Resolution language as recommended by Director McCulloch and staff.

Motion carried unanimously.

#### **3. Legal Counsel Position**

Director McCulloch reported that the use of contractual legal services to review and advise the Board and staff on contracts and proposals, claims and litigation, FOIA requests, Open Meetings Act, and other regulatory and environmental requirements has reached a level that necessitates a review of the most cost effective way to obtain these services; and believes that it would be beneficial to engage legal counsel in a proactive manner to assist with risk management efforts that assess and reduce potential liability exposure to the Metroparks. Based on current expenditure levels and the need for a consistent and proactive risk management approach, it would be more cost effective to hire in-house legal counsel.

Further discussion was held.

It was moved by Commissioner La Belle, supported by Commissioner Hertel that the Board of Commissioners establish the full-time, non-union position of Legal Counsel with a salary range of \$105,000 to \$115,000 per year plus benefits as recommended by Director John McCulloch and staff.

Commissioner Lester voted no.

Motion carried.

**9. Closed Session**

It was moved by Commissioner Marans, supported by Commissioner McCarthy that the Board of Commissioners immediately adjourn to a closed session to consider land acquisition. [Section 8\(d\) of the Michigan Open Meetings Act. M.C.L 15.268 \(d\)](#).

**ROLL CALL VOTE**

Voting Yes: Commissioners Marrocco, La Belle, Hertel, Lester, Marans, McCarthy  
Voting No: None  
Absent: Commissioner Quadrozzi

Motion carried unanimously.

The regular meeting adjourned at 11:01 a.m.

In closed session, it was moved by Commissioner Hertel, supported by Commissioner Lester that the Board of Commissioners adjourn the closed session and immediately reconvene the regular meeting.

**ROLL CALL VOTE**

Voting yes: Commissioners Marrocco, Lester, La Belle, Marans, Hertel, McCarthy  
Voting no: None  
Absent: Commissioner Quadrozzi

Motion carried unanimously.

The regular meeting reconvened at 11:20 a.m.

It was moved by Commissioner Lester, supported by Commissioner Hertel that the Board of Commissioners authorize staff to proceed with the recommendations as discussed in the closed session.

Motion carried unanimously.

**10. Golf Update**

Staff provided the Board an update on the golf course evaluations being conducted by the golf consultant, ROI.

Further discussion was held on this item.

Director McCulloch said he would like the opportunity to work with staff in order to maximize golf revenue, monitor daily rates and look at the concept of a golf call center. It would be helpful if staff had the ability to adjust golf prices when opportunities exist to increase revenue. Currently there is a \$300,000 revenue shortfall compared to last year, due to lower golf revenue.

It was moved by Commissioner La Belle, supported by Commissioner Marans that the Board of Commissioners authorize staff to utilize flexible pricing for golf rates in the Western District and staff will provide the Board with monthly updates as to the impact of utilizing flexible pricing for golf rates.

Motion carried unanimously.

## **11. Election of Board Officers**

It was moved by Commissioner Lester, supported by Commissioner Marrocco that the Board of Commissioners appoint the following commissioners to the Board officers position: Jack La Belle as chairman, John Hertel as vice-chairman, Timothy J. McCarthy as treasurer, and Robert Marans as Secretary.

Motion carried unanimously.

Commissioner Marrocco thanked the Board for his recognition as chair.

Marrocco left the meeting at 11:50 a.m.

## **12. Director's Report**

Director McCulloch updated the Board on (1) monthly statistics; (2) The Metroparks partnering with Walsh College, Oakland University, Michigan State University and the University of Michigan and created several internships opportunities for graduate students; (3) and that communications and marketing has been redirecting efforts to promote event and facilities currently at the Metroparks with events such as a live radio broadcast at Lake St. Clair Metropark, and upcoming special golf event with Frank Beckman with WJR radio, offering 24 golfers the opportunity to golf with Beckman at one of our golf courses with golfers donating \$100 to the Metroparks Foundation.

## **13. Other Business**

Director McCulloch stated each commissioner was provided with a copy of his proposed employment Agreement.

It was moved by Commissioner Hertel, supported by Commissioner Marans that the Board of Commissioners move to approve Director McCulloch's Employment Agreement for a term of five years.

Further discussion was held on this item.

It was moved by Commissioner Lester, supported by Commissioner Marans to table approval of Director McCulloch's Employment Agreement for a term of five years.

Motion carried unanimously.

Director McCulloch reported to the Board that at the May 9 Pension Committee meeting, Kal Goren with Miller Canfield updated committee members on the 1997 Plan Document which is also the last time it was restated according to the Actuarial Report. According to IRS guidelines, the Plan must be amended within 75 days of the closed of the Plan Year for the effective date on any Plan changes. Currently, there have been 16 changes to the law that affect the 1997 Plan Restatement.

It was moved by Commissioner Hertel, supported by Commissioner McCarthy that the Board of Commissioners authorize staff to make the necessary changes to Pension Plan documents to ensure compliance with IRS rules and regulations, contracts and/or agreements as recommended by Director McCulloch and staff.

Motion carried unanimously.

Director McCulloch requested that the Board of Commissioners authorize staff to raise fees in 2014 to the following: \$30 for annual permits, \$7 for daily permits, \$20 for senior annual permits and \$54 for the joint Oakland County/Metropark permit. 2014 boat permits will be increased to: \$35 for annual boat permits, \$7 for daily boat permits and \$20 for annual senior boat permits.

It was moved by Commissioner McCarthy, supported by Commissioner Marans that the fees in 2014 be changed to \$30 for annual permits, \$7 for daily permits, \$20 for senior annual permits and \$54 for the joint Oakland County/Metropark permit. 2014 boat permits will be increased to: \$35 for annual boat permits, \$7 for daily boat permits and \$20 for annual senior boat permits.

Motion carried unanimously.

**14. Commissioner Comments**

Commissioner Marans said the initiatives with the universities is great. Marans also asked what impact changing the senior rates at Hudson Mills had. Jerry Cyr, Park Operations Manager said senior rounds are up.

Commissioner Lester said the Board should be recognizing the employees and that the employees are the greatest contributors to the Metroparks. The employees in the field, workers in the office, superintendents and managers are the ones who should be receiving plaques.

Commissioner Hertel said he believes it's time to address hiring a development officer; and that a development officer would be able to raise \$10,000 - \$300,000 annually. Hertel said he urges the Board to put this item on the agenda soon in so staff can move forward with this.

Director McCulloch responded that he has talked with representatives from the firm his predecessors had been working with and is the process of scheduling meetings with others to discuss options to consider managing the Metroparks Foundation. McCulloch said one of the things he wanted to do was give the Foundation a purpose. Wolcott Mill is being used as a test case for being project specific and McCulloch has asked several Macomb County residents to assist with promoting and developing Wolcott Mill.

Commissioner La Belle said he would do everything possible to have all items that will be addressed by the Board placed on the agenda, or added to the agenda properly.

**15. Motion to Adjourn**

It was moved by Commissioner Marans, supported by Commissioner Lester that the Board of Commissioners adjourn the regular meeting.

Motion carried unanimously.

The meeting adjourned at 12:09 p.m.

Respectfully submitted,



George Phifer  
Executive Secretary