

Minutes
Huron-Clinton Metropolitan Authority
Board of Commissioners
Thursday, August 9, 2018

A regular meeting of the Huron-Clinton Metropolitan Authority's Board of Commissioners' was held on Thursday, Aug. 9, 2018 at 10:30 a.m. at the Stony Creek Metropark Nature Center.

Commissioners Present:	Timothy J. McCarthy Robert W. Marans Bernard Parker Kurt L. Heise Steve Williams John Paul Rea (arrived at 10:37 am)
Staff Officers:	
Director	Amy McMillan
Deputy Director	David Kirbach
Other Attendees:	
Acting Chief of Finance	Rebecca Franchock
Miller Canfield	Steve Mann
Absent:	
Commissioner	Jaye Quadrozzi

1. Call to Order

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

2. Chairman's Statement

Commissioner McCarthy deferred the chairman's comments until Commissioner Rea arrived.

3. Public Participation

None.

4. Approval – July 12, 2018 Regular Meeting Minutes

Motion by Commissioner Marans, support from Commissioner Heise that the Board of Commissioners' approve the July 12, 2018 regular meeting minutes as presented.

Motion carried unanimously.

5. Approval – Aug. 9, 2018 Agenda

Motion by Commissioner Heise, support from Commissioner Williams that the Board of Commissioners' approve the Aug. 9, 2018 agenda as presented.

Motion carried unanimously.

6. Approval – Aug. 9, 2018 Consent Agenda

Motion by Commissioner Marans, support from Commissioner Heise that the Board of Commissioners' approve the consent agenda consisting of the following:

- a. Approval – July 2018 Financial Statements and Payment Registers
- b. Approval – July 2018 Appropriation Adjustments
- c. Report – Purchases Over \$10,000
- d. Approval – Amended 2018 Tax Levy Rate
- e. Report – Marketing/Media Stats
- f. Approval – HEART Lab Memorandum of Understanding, Lake St. Clair Metropark

- g. Approval – Boat Launch Ramp Replacement Change Order, Stony Creek Metropark
- h. Approval – Boat Launch Project Change Order, Kensington Metropark
- i. Bids – Phragmites Control, Various Locations

Motion carried unanimously.

7. Reports

A. Administrative Department

1. Approval – Appointment of Chief of Finance

Motion by Commissioner Marans, support from Commissioner Williams that the Board of Commissioners' approve the appointment of Rebecca L. Franchock as the Chief of Finance for the Huron-Clinton Metroparks as recommended by Director McMillan and staff.

Discussion: Director McMillan requested the Board formally approve the appointment of Rebecca Franchock as the Chief of Finance. She said this position was formerly known as the CFO and that the Metropark bylaws requires approval from the Board.

Motion carried unanimously.

B. Planning Department

1. Report – Huron Meadows Master Plan

Motion by Commissioner Williams, support from Commissioner Heise that the Board of Commissioners' approve the Huron Meadows Master Plan as recommended by Chief of Planning and Development Nina Kelly and staff.

Discussion: Chief of Planning and Development Nina Kelly said staff updated the master plan to include information regarding the Huron River South Connectivity Plan in partnership with Green Oak Township and the Livingston County Road Commission, updated information for trail signage and referenced recreation plans for local municipalities.

Motion carried unanimously.

Commissioner Rea entered the meeting at 10:37 a.m.

2. Approval – B2B Development Agreement and Maintenance/Repair Contract

Discussion: Ms. Kelly said three official documents are required to move forward in the construction and maintenance of River Terrace Trail Phase II: (1) The Easement, which as approved by the Board at its March 2018 meeting; (2) the Development, Repair/Maintenance Agreement; and (3) the Five-Year Maintenance and Repair Contract. Miller Canfield has reviewed and approved the draft agreements and staff was waiting for comments and changes from Washtenaw County.

No action taken.

3. Approval – Letter of Intent for Shoreline Softening Feasibility Study, Lake St. Clair

Motion by Commissioner Marans, support from Commissioner Rea that the Board of Commissioners' authorize staff to execute a Letter of Intent to apply for grant funding from the U.S. Army Corps of Engineers (USACE) to study the feasibility of softening the shoreline along Huron Point at Lake St. Clair Metropark as recommended by Chief of Planning and Development Nina Kelly and staff.

Discussion: Ms. Kelly said the approval was to authorize staff to submit a letter of Intent to apply for grant funding to the U.S. Army Corp of Engineers. She said the

opportunity for this study came from meetings held with Macomb County and partners regarding the beach restoration project and that shoreline softening feasibility study would complement the beach restoration project.

Motion carried unanimously.

2. Chairman's Comments (deferred until all commissioners' present)

Commissioner McCarthy said Metroparks and Detroit Zoo staff have had meetings over the last several months regarding the proposed Great Lakes Nature Center (GLNC) and that he recently spoke with Ron Kagan. He said there are four key issues that need to be resolved before an agreement can be made with the Zoo.

1. What happens in 30 years. If a business leases a building or property from the Metroparks, and an agreement with the Zoo would be similar to that of a concessionaire, we ask that when the concession ends, the organization restores the facility/location to what it was prior to when the concession began. Mr. McCarthy said he doesn't believe the Zoo should rebuild the existing golf course or the current nature center. However, he said the GLNC will be a large building and an expensive building to maintain and if it (the building) is sitting empty, then we would want to use it for programming. Our staff proposes demolishing the building; the Zoo does not think demolishing the building is a reasonable request. If the Zoo walks away in 30 years, or sooner, our operations will be responsible for this building. Mr. McCarthy said this is a risk the Board should consider and if it is a risk the Metroparks are willing to take.
2. Control of grants. Mr. McCarthy said the Zoo does not want the Metroparks to have approval authority for grant requests made to the DNR and MNTF etc., which could be an issue as the Zoo may be competing for the same grants as the Metroparks. He said the Metroparks shouldn't be controlling the grants, but there should be some sort of prioritization or agreement on the grant making process. To have the Zoo operating on our property as if we (the Metroparks) aren't there doesn't make sense and it's an issue that needs to be resolved.
3. Design. Our staff has proposed that we participate in the design process and the Zoo has said no. If the Metroparks wanted to build something at the Zoo, he said the Zoo would want to be included. When the new playground was installed at Lake St. Clair, the board approved the preliminary and the final design. For the Zoo to build something on our property without board approval is an issue. The only way he can see the board approving something was if our staff participated in the design process so we can understand the details and how it would impact the Metroparks.
4. Money. The Zoo says the Metroparks will need to contribute \$200,000 for in-kind services and \$300,000 cash funding per year to subsidize running the GLNC, which is more than \$9 million over the life of the contract. Staff has requested to see an expense budget from the Zoo, and to date, one has not been provided. There is also no basis for the \$300,000 request, no market study has been completed that we are aware of and Zoo is not exactly sure what is needed. He said the Zoo has told staff the Metroparks will be able to make up the \$300,000 subsidized amount from additional vehicle entries. However, attendance at our nature center has increased significantly over the past several years and 176,000 people went through the nature center in 2017.

Mr. McCarthy said there is a lot going into this project and that Mr. Kagan told him if the Metroparks couldn't make a decision by its September meeting, the Zoo would walk away and find another location. He said he can't operate on the Zoo's schedule and that he would need to have a lot of issues resolved before the second Thursday in

September and before the board could approve a contract. He also said he was disappointed no one from the Zoo was attending the meeting today.

Commissioner Rea said the issues laid out were not minor issues and applauded staff for working on this project. He said this concept is new and there is nothing like this in the county and that a respectful amount of due diligence is needed during the process. Another fascinating thing about each one of the aspects itemized is the reasonableness of the requests relating to discussions on design, placement, programming, operations or long-term planning. He said he hoped that these discussions could have been more purposeful and productive.

Mr. Rea said the Zoo does a great job in what they do, but branching out could have residual effects on their operations as well as the Metroparks operations. He said he is in an interesting position because the Zoo came to the county first and the first thought anyone had was for the building to be located at Lake St. Clair Metropark. Mr. Rea said he hopes there is an opportunity to partner with the Detroit Zoo, that these issues can be reconciled and he is optimistic they can be negotiated through staff.

Commissioner Parker said he had concerns when board members met with Zoo officials earlier in the summer regarding subsidizing the GLNC. In-kind donations can be worked out as well as the design process and grant requests. However, the Metroparks should not subsidize the GLNC at all. The Metroparks is a government agency and should not be supporting another entity, even if it is located at one of the Metroparks. It also raises the question if we have these concerns now, what happens when the Zoo is already in the park and something comes up that wasn't agreed upon as part of the contract. Mr. Parker said the Zoo should find another location in Macomb County if they don't concede to the issues raised.

Commissioner Heise said the Metroparks has the location and land; value needs to be assigned accordingly. He said we're not getting the recognition for the location/land contribution. Regarding the points raised, he said doesn't know what the course of action is after 30 years, but doesn't think demolition is appropriate and perhaps this is one area we could be more accommodating. Grants specific to the site should be done jointly. Regarding design of the building, it is unreasonable for the Zoo not to include our staff. The money issue is a problem and it's not realistic for the Metroparks to pay \$300,000 annually on top of the in-kind funding we would be providing. Mr. Heise said the other items can be worked out.

Commissioner Marans said it would be beneficial to have both parties collaborate on grants and that our staff needs to participate in the design process. Regarding money, he said it may be possible to develop a baseline attendance record once the facility is open to determine how the Zoo is doing. If the Zoo brings in attendance above the baseline, then we could consider incentive based funding above the baseline. We have a good attendance record at the Lake St. Clair Nature Center and there is no data to show that the Zoo can grow attendance for a new facility.

Mr. Marans said a decision regarding an agreement with the Zoo by September is unreasonable as there are a lot of issues that need to be worked out and if they don't want to be more accommodating, we should walk away from the project.

Commissioner Williams said he agrees with all the comments. We would be ignoring a huge amount of history in this region, buildings that both public and private entities have walked away from such as the Hudson's building and train station, which now sit empty and are eyesores. He said the Metroparks needs a plan for what happens after the

lease ends. Mr. Williams said we are undervaluing our real estate contribution and would like to see a market valuation for the property. Regarding the grant application process, both the Zoo Board and the Metroparks Board could jointly approve grants. Regarding the design of the building, we just can't give the Zoo carte blanche to design a facility and everything that goes with it and not have input and coordination. The dollar amount is a sticking point and more data is needed. He said he would like to see this project move forward, but he will not agree to the terms as listed.

Commissioner McCarthy said he learned in discussions with Director McMillan that the Metroparks does not charge busses that come to the nature centers. Mr. McCarthy said the entire operating policy would need to be changed, and not just for Lake St. Clair, but for the entire park system if the Metroparks wanted to charge for busses coming to the parks. He said he believes the Zoo would be bussing in people and they would get the revenue and we would not.

Commissioner McCarthy suggested staff draft a letter addressed to the Zoo chair and Mr. Kagan, signed by Ms. McMillan and himself laying out the issues regarding infrastructure, grants, money, the design process including the timing issue. The letter would also say if these items cannot be worked out the Metroparks would not be able to move forward with this project with the Zoo.

Commissioner McCarthy called for a motion.

Commissioner Marans said he would support that request with the caveat of seeing the letter before it is was sent.

Commissioner Parker said the letter needs to be very firm in what the Metroparks needs and wants.

Commissioner Marans also said the letter should be worded so it leaves the door open in order to do business with the Zoo.

Commissioner Parker asked if the letter would be emailed to the Zoo or mailed. Commissioner McCarthy said both.

Motion by Commissioner Marans, support from Commissioner Williams that the Board of Commissioners authorize Chairman McCarthy and Director McMillan to send correspondence to the Detroit Zoological Society itemizing the concerns of the entire Board of Commissioners related to the Great Lakes Nature Center and its proposed location at Lake St. Clair Metropark.

Motion carried unanimously.

7. Reports

C. Engineering Department

1. Bids – Pump Station Replacement, Lake St. Clair Metropark

Motion by Commissioner Marans, support from Commissioner Williams that the Board of Commissioners' award Contract No. 502-17-683 to the low responsive, responsible bidder, Lawrence M. Clarke, Inc., in the amount of \$330,790 as recommended by Chief of Engineering Services Mike Henkel and staff.

Discussion: Mr. Henkel said the project includes selective demolition of the existing pump station, pump replacement, plumbing modifications, electrical upgrades and associated sitework. The existing ejector system uses compressed air to facilitate pumping and that the system is old and needs to be replaced. The ejector pumps will

be replaced with two efficient chopper pumps with variable speed drive controls. The proposed system will include the installation of upgraded controls, enclosures, electrical conductors and piping.

Commissioner Marans asked if staff has worked with the contractor before and if staff checked references. Mr. Henkel said yes.

Motion carried unanimously.

7. Reports

C. Engineering Department

2. Bids – Force Main Replacement, Stony Creek Metropark

Motion by Commissioner Rea, support from Commissioner Marans that the Board of Commissioners' (1) award Contract No. 509-17-547 to the low responsive, responsible bidder, D.V.M Utilities, Inc., in the amount of \$378,600; and (2) approve the transfer of \$103,600 from the Washago Pond dam level control structure project account to cover the cost of the project as recommended by Chief of Engineering Services Mike Henkel and staff.

Discussion: Mr. Henkel the existing six-inch cast iron force main was originally installed in 1962 before the lake flooded. The pipe is 56 years old, and due to the age, location and nature of the pipe connections, televising the pipe section has not been feasible to assess its condition. The force main runs from the Baypoint beach pump station beneath the lake to Eastwood beach where it continues by gravity to the metering station off 26 Mile road where it ties into the Shelby Township sewer system.

Motion carried unanimously.

3. Bids – Hike-Bike Trail Paving, Stony Creek Metropark

Motion by Commissioner Rea, support from Commissioner Williams that the Board of Commissioners' (1) award Contract No. 509-18-551 to the low responsive, responsible bidder, James P. Contracting, in the amount of \$125,847.35; and (2) approve the transfer of \$125,847.35 from the Stony Creek Landing building project to the Hike-Bike Trail Paving project to cover the cost of the project as recommended by Chief of Engineering Services Mike Henkel and staff.

Discussion: Mr. Henkel the paving of the trail was originally included in the scope of work for the Stony Landing building project and some of the work was partially completed by the building contractor. Once issues began with the project, quotes were obtained from the contractor working on the adjacent boat launch ramp project to complete work in order to open the area and make it safe to use by park patrons. The current project is a remedy to issues with stock piled material on the site and to finish the shared use path work by placing the top course of asphalt, applying pavement markings, and restoring the area around the trail.

Commissioner Parker asked if the funds would be coming out of the Stony Landing project. Mr. Henkel said yes.

Commissioner Parker also asked how much would be left in the project. Mr. Henkel said \$426,000 has been spent on the project out of \$4.6 million budgeted, which leaves roughly \$4 million left for the project.

Commissioner McCarthy said he understood that the paving was a line item in the current contract and if the building were to be constructed as currently approved it would be a prepayment and not affect the overall project. Mr. Henkel said there is a

difference in unit prices (a little more with the rebid) and that staff would talk to Miller Canfield.

Commissioner McCarthy asked what a little more was. Mr. Henkel said about \$20-30 more per ton and would most likely not cost more than \$10,000.

Commissioner McCarthy said he went to look at the Stony Landing site before the meeting with Ms. McMillan and Mr. Kirbach. He said the site looks old and decrepit and walls and footings the current contractor put in are wrong and have to come out. Mr. McCarthy encouraged the other board members to go see the site.

Motion carried unanimously.

8. Closed Session

Motion by Commissioner Marans, support from Commissioner Rea that the Board of Commissioners' adjourn to a closed session for the purpose of consulting with attorney(s) to discuss material, which is exempt from discussion or disclosure under the Freedom of Information Act, this is a permissible purpose for a closed session pursuant to Section 8(h) of the Open Meetings Act.

ROLL CALL VOTE

Voting yes: Marans, Rea, Parker, Heise, Williams, McCarthy
Voting no: None
Absent: Quadrozzi

Motion carried unanimously.

The regular meeting adjourned at 11:27 a.m.

Commissioner McCarthy reconvened the regular meeting at 12:52 p.m.

9. Other Business

Ryan Colliton, chief of natural resources and regulatory compliance updated the Board on the 'Do Not Eat' fish advisory issued by the Michigan Department of Health and Human Services (MDHHS) for all fish located in several bodies of water on the Huron River within parts of Oakland, Livingston and Washtenaw counties due to perfluorooctane sulfonate (PFOS).

He said staff has spoken with representatives from both the DEQ and department of health and staff plans to meet with both agencies soon. A representative from both agencies would be at the September meeting to update the board. Mr. Colliton said the PFOS are very persistent chemicals that are not easily broken-down or degraded by natural processes and don't easily go away.

Mr. Colliton said 10 Crappie and 10 Large Mouth Bass were sampled from Kent Lake in Kensington Metropark and all the samples came back with high PFOS levels. He said next steps include staff creating signage at the parks to educate the public; and the DEQ is conducting testing upstream to find the source of the contaminant, which should be completed by the end of the month.

Commissioner Marans asked if staff has received any calls from the public. Mr. Colliton said he has only received one call.

Commissioner Williams asked if any fishing tournaments will need to be cancelled. Ms. McMillan said she would check and provide commissioners with an update.

10. Staff Leadership Update

Director McMillan said the forecast looks good for the movie in the park event that will be held Saturday, Aug. 11 at Kensington and there would be lots of family activities before the movie.

11. Commissioner Comments

Commissioner McCarthy said he knows there have been mowing issues in the past and that he noticed that the mowing plan has changed for the better.

12. Motion to Adjourn

Motion by Commissioner Heise, support from Commissioner Marans that the Board of Commissioners' adjourn the regular meeting.

The meeting adjourned at 1:00 p.m.

Respectfully submitted,



Shawn M. Athayde
Recording Secretary