

Regular Meeting of the Parks and Recreation Commission

Proposed Minutes

- Date:** October 3, 2007
- Time:** 4:00 p.m.
- Place:** Fillmore Complex, Conference Room D
- Present:** Mark Oppenhuizen, Russ Brown, Betty Gajewski, Phil Kuyers, Ted Bosgraaf, Crystal Unema, Bobbi Jones Sabine, Roger Jonas and Joyce Kortman.
- Absent:** Paul Geerlings
- Staff:** John Scholtz, Director; Curt TerHaar, Coordinator of Park Planning and Development; Sherry Costello, Administrative Clerk; Dave Mazurek, Park Operations Superintendent; and Scott Stinebower, Park Manager.
- Guests:** Nancy Hickey, Len Hickey, Randy Schipper, Terry “Skip” Nagelvoort, Vicki Rumpsa, Leona Kishkorn, William Kishkorn, Joyce Smith, Jasiu Milanowski, Kerry Shaffer, Fred Vaas, Lynn Kronemeyer, and Ron Kronemeyer.

Subject: Approval of Minutes

- PR 07-75 Motion: To approve the minutes of the Commission’s September 5, 2007 regular meeting.
- Moved by: Brown Supported by: Sabine Unanimous

Subject: Bur Oak Landing Acquisition Project

- PR 07-76 Motion: To approve and forward to the Board of Commissioners the resolution accepting the terms of the grant agreement with the Michigan Department of Natural Resources for the Bur Oak Landing Acquisition Project.
- Moved by: Bosgraaf Supported by: Sabine Unanimous

Subject: Mount Pisgah Dune Protection Project

PR 07-77 Motion: To approve and forward to the Board of Commissioners the resolution accepting the terms of the grant agreement with the Michigan Department of Natural Resources for the Mount Pisgah Dune Protection Project.
Moved by: Unema Supported by: Kortman Unanimous

Subject: Park 12 Encroachment list

PR 07-78 Motion: To approve the final Park 12 encroachment list dated October 3, 2007 as submitted.
Moved by: Brown Supported by: Bosgraaf

Discussion of Motion

Subject: Park 12 Encroachment list – Amendment 1

PR 07-79 Motion: To amend the Park 12 final encroachment list by accepting the recommendation of the Park 12 Advisory Committee to move the Pollock property from Category 3 to Category 2.
Moved by: Bosgraaf Supported by: Kortman Unanimous

Subject: Park 12 Encroachment list – Amendment 2

PR 07-80 Motion: To amend the Park 12 final encroachment list by accepting the recommendation of the Park 12 Advisory Committee to require abatement to the moorings by June 30, 2009 or until mooring opportunities are available through the marina. If cottager moorings are allowed to remain after June 30, 2009, the County will begin charging a fee to mooring owners until mooring opportunities are available through Parkside marina.
Moved by: Brown Supported by: Kuyers Unanimous

Subject: Park 12 Encroachment list – Amendment 3

PR 07-81 Motion: To amend the Park 12 final encroachment list and related policy to reflect that the County will agree to pay for removal costs of Category 1 and 2 encroachments if the agreement is signed and returned by the stated deadline. If the County is required to take legal action to resolve the

encroachment then removal costs will be sought from the landowner as part of the settlement.

Moved by: Kortman Supported by: Bosgraaf Unanimous

Subject: Park 12 Encroachment list – Amendment 4

PR 07-82 Motion: To amend the Park 12 final encroachment list to allow cottagers owning lot #'s 7, 8 and 9 to maintain landscaping and walkways in the 30 feet between their residence and the new walkway as a Category 3 encroachment.

Moved by: Bosgraaf Supported by: Jonas Unanimous

Subject: Adopt Park 12 Encroachment list with Amendments

PR 07-83 Motion: Roll call to adopt final encroachment list dated October 3, 2007 with four amendments.

Moved by: Bosgraaf Supported by: Jonas Unanimous

Yeas: Oppenhuizen, Brown, Gajewski, Kuyers, Bosgraaf, Unema, Sabine, Jonas and Kortman.

Nays: None Motion passed 9 to 0.

Subject: Naming of Property

PR 07-84 Motion: To re-name properties previously referred to as Crockery Creek and Johnson Street Wildlife Management Area to Crockery Creek Natural Area and Johnson Street Forest, respectively.

Moved by: Bosgraaf Supported by: Unema Unanimous

Subject: Riley Trails Park Improvements

PR 07-85 Motion: To receive bids for Riley Trails Park improvements and recommend the low bid from Rivertown Contractors at a cost of \$55,280.

Moved by: Brown Supported by: Gajewski Unanimous

Subject: North Beach Dune Connector Walkway

PR 07-86 Motion: To receive bids for the North Beach Dune Connector Walkway project and recommend the low bid from JKB & Associates at a cost of \$138,569.44.
Moved by: Bosgraaf Supported by: Kuyers Unanimous

Subject: Go Into Closed Session

PR 07-87 Motion: To go into Closed Session to discuss property matters.
Moved by: Kortman Supported by: Bosgraaf
Yeas: Oppenhuizen, Brown, Gajewski, Kuyers, Bosgraaf, Unema, Sabine, Jonas and Kortman.
Nays: None Motion passed 9 to 0.

Subject: To Rise From Closed Session

PR 07-88 Motion: To rise from Closed Session.
Moved by: Unema Supported by: Brown Unanimous

Other Items Discussed:

Commission members received the September 4, 2007 letter from Mary Hager regarding the Hager Park museum. Also included was an initial response from Scholtz.

Commission members received the September 11, 2007 letter from Mrs. Nancy Hickey renewing her request to permit dogs on the beach one hour earlier. General discussion reviewed the current policy stating that cottager dogs are not allowed on the beach between the hours of 11 a.m. and 5 p.m. Mazurek stated that this issue was considered carefully because there can still be a lot of public on the beach between the hours of 4 p.m. and 5 p.m. People those seeing a dog could get the impression dogs are allowed at Park 12 which will make overall rule enforcement more difficult. Mazurek also stated that the original proposal was to require dogs remain off the beach until 7 p.m. Parks compromised with the 5 p.m. time. Oppenhuizen asked if the Advisory Council had discussed this issue in the past and Kortman responded that the Advisory Council had indeed spent time on this topic. Brown stated that he did not see any reason to change the times from the current approved hours. Commission members agreed. Oppenhuizen requested that Scholtz send a letter in response to Mrs. Hickey informing her that the hours would not change.

Commission members received the September 21, 2007 letter from Mr. Terry “Skip” Nagelvoort regarding the September 5th, 2007 Parks Commission meeting. No further discussion occurred.

Commission members received the September 21, 2007 letter and grant agreement from Deborah Apostol regarding the Bur Oak Landing Acquisition Project. Commission members approved the agreement by motion.

Commission members received the September 21, 2007 letter and grant agreement from Deborah Apostol regarding the Mount Pisgah Dune Protection Project. Commission members approved the agreement by motion.

Commission members received the September 24, 2007 letter from Dennis Cook requesting moped use on the Musketawa trail due to a disability. Scholtz commented that there has been a few requests approved in the past involving electric golf carts used by persons with disabilities. Mazurek expressed concern in approving a moped because it may very well promote rule violations by other moped owners. Discussion continued with Bosgraaf questioning if the vehicle was licensed and Brown asking the size of the engine. Gajewski questioned the State’s rules since they own the trail. Mazurek responded that the State’s rules are no motorized vehicles but exceptions would be allowed in special circumstances. Scholtz offered to have staff check with the State. Oppenhuizen suggested that staff look into the matter further and bring it back to the next meeting.

Commission members received the September 25, 2007 letter from Joyce Smith regarding her mooring at Park 12. Smith will address verbally in public comment section.

Oppenhuizen called for discussion in response to the comment cards received since the previous meeting. Unema stated that she likes seeing the responses by staff and Gajewski concurred.

Oppenhuizen continued with the email comments received and no further discussion occurred.

Oppenhuizen called for public comment and called on Randall Schipper, attorney representing the Kronemeyers regarding Park 12 encroachments. Mr. Schipper discussed the two proposals he has requested the Commission consider for the Kronemeyers in regards to their parking situation. The first option was to allow a parking pad next to the Kronemeyer home, and two, to continue parking on Ottawa Beach Road. He stated that the Commission must act reasonably. Mr. Schipper requested that the Commission go back and reevaluate the historical character of the community. He continued in stating that the Kronemeyers live on their Park 12 property year round and Mrs. Kronemeyer will struggle in the winter walking to the Park 5 parking area on an unlighted path. Schipper urged the Commission to accept one of the suggested proposals. Bosgraaf asked TerHaar to review the parking plan and Scholtz commented that there was no

recommendation from the Advisory Council to change the Kronemeyer's parking. Bosgraaf then continued in mentioning the difference between where the Kronmeyers currently park and the new space in Park 5 is 160 additional feet. Bosgraaf also mentioned that the committee requested staff investigate possible lighting on this walkway.

Oppenhuizen then called upon Joyce Smith. Ms. Smith started with her letter that was received by the Commission. She stated she went through all the proper channels to obtain her permits and she has no argument but is simply asking permission of the Commission to keep her mooring in place. Commission members discussed the similarities between docks and moorings as encroachments and the plan to have a mooring field at the marina in the future. Brown suggested that an extension could be given if moorings through the marina were not ready. Ms. Smith commented that there are currently four moorings and she is the only one that holds a federal permit. Brown stated that all moorings should be treated the same. Ms. Smith gave her explanation of the difference between a dock and a mooring. Mr. Kronemeyer spoke up and stated that he has a mooring with federal permits there as well. Sabine went on to explain the permitting issue and stated that the permits were issued with the assumption that the requestor was the rightful land owner. Lack of permission from the rightful landowner makes the permits invalid. Mr. Vaas stated that he felt since the land was owned by the Association that all cottagers were entitled to riparian rights.

Mrs. Leona Kishkorn then spoke and asked the Commission if they could explain Paragraph 30 in layman's terms for her benefit. Scholtz explained the Paragraph for her. Mrs. Kishkorn expressed her desire for the Commission to reconsider her parking and garage situation and categorize her encroachment as a Category 3 or allow them to retain their garage for the remainder of their life. She stated that they purchased the home with the garage and parking the way it was. Scholtz stated that they recognized the difficulty of the situation and that is why the abatement time is as long as ten years.

Mr. Jasiu Milanowski spoke next and expressed his belief that the Commission is denying the Park 12 neighbors their American dream.

Ms. Kerry Shaffer expressed her disappointment in the Black Lake Boardwalk area and commented on the number of plant and bird species she previously identified there. Bosgraaf asked Ms. Shaffer if she would be willing to help in the future with the planning of the park area.

Mrs. Kronemeyer then stood to speak and stated that she and Mr. Kronemeyer have lived at their residence for twenty-two years. She stated that her daughter has a medical condition making it difficult to access their cottage and she works for Ottawa County and often receives late night calls to attend to a family that has lost a loved one which would require her to walk to her vehicle in the dark. She implored the Commission to think hard about this decision and requested their situation be considered apart from other Park 12 issues.

Mr. Nagelvoort stated that during the summer the Ottawa County Sheriff's Office patrols the Park 12 area and he would like to request the Commission have the patrol continue year round. Scholtz stated that WMPA arranges and funds that patrol and Oppenhuizen stated that the Commission would take the request under advisement.

Oppenhuizen then thanked the Park 12 cottagers for all of their comments and expressed how difficult this situation has been for the Parks Commission. He went on to explain that numerous hours of time and much effort have gone into this project and the Commission is trying to be as sensitive as they can but the realization is that they will not be able to make everyone happy.

Oppenhuizen then called for the Park 12 Advisory Council report and also recognized Mr. Nagelvoort, Ms. Smith, Mrs. Rumpsa and Mrs. Kortman as Advisory Council members. Scholtz stated that the Council had a few recommendations. The Pollock's driveway is currently listed as a Category 3 encroachment but the Advisory Council recommends it be changed to a Category 2 to allow the bike path cross-slope to be fixed. Scholtz went on to confirm that this has been communicated to the Pollocks. Secondly, the moorings would be allowed to remain until June 30, 2009 or until the replacement of the mooring field. Scholtz continued on in explaining that the agreements for Category 1 and 2 encroachments previously sent stated that the cottager would be responsible for the removal cost. He recommended that this be revised to state that Ottawa County will incur the cost of removal if the cottager signs the agreement before the due date.

Commission members then went on to amend four items to the encroachment list by motion. The Commission then adopted the encroachment list with the four amendments by motion.

Oppenhuizen called for the financial report of August 31, 2007. Scholtz explained that the reservation revenues are higher than normal due to the new online reservation system where users can reserve facilities up to 365 days in advance. This is an unusual year in that we are receiving more than one year of revenues in the current fiscal year.

Scholtz next summarized the Director's report for Commission members and then introduced Dave Mazurek, Parks Operations Superintendent and Scott Stinebower, Parks Manager to give a brief summary of the 2007 season. Mazurek and Stinebower gave updates on the park revenues, various in-house projects, and complimented the work of the seasonal employees. Stinebower thanked Commission members for their continued support.

Oppenhuizen then called for discussion on the Public Relations Committee report. Scholtz discussed the naming of Community Haven and it was recommended by the Public Relations Committee to name it Eastmanville Farm. The committee also recommended naming Crockery Creek and the Johnson Street Wildlife Management Area, Crockery Creek and the Johnson Street Forest. Kuyers expressed his concern with the new Eastmanville Farm name and requested that the naming of that property be tabled until next meeting. The Commission agreed to table the name for Community Haven and

approved by motion names for Crockery Creek and Johnson Street Forest. Sabine then took a moment to thank Oppenhuizen for all of his work on the Nature Education Center.

Oppenhuizen called for TerHaar to update the Commission on current projects. TerHaar stated that the Upper Macatawa Natural Area has been completed.

Unema then continued with a brief Friends report and complimented Jean Laug Carroll for all of her efforts. She also requested members keep any reusable or resalable items for the garage sale fundraiser next year. Unema then encouraged Commission members that were not members of the Friends group to join.

Oppenhuizen called for new business and bids were received for the Riley Trails Improvement Project and the North Beach Dune Connector Walkway Project. TerHaar then commented on the North Beach low bidder and stated that staff has never worked with the company before but references came back favorable. The low bidders were awarded the projects in both instances.

Oppenhuizen then called for the public to be heard and there was a request to summarize the update on the Pumphouse report. Scholtz and TerHaar gave a brief summary of report.

Ms. Smith then thanked commission for allowing her to be heard.

The Parks Commission went into Closed Session to discuss property matters.

Meeting adjourned at 6:35 p.m.