



Rochester Hills DRAFT Minutes Green Space Advisory Board

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*Gerald Carvey, Paul Funk, Tim Gauthier, Lorraine McGoldrick, Jack Robinson, Pamela Wallace,
William Windscheif*

Monday, January 30, 2006

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Carvey called the Green Space Advisory Board (GSAB) meeting to order at 7:00 PM.

ROLL CALL

Present: Gerald Carvey, Tim Gauthier, Lorraine McGoldrick, Jack Robinson, Pamela Wallace and William Windscheif

Absent: Paul Funk

Non-Voting Members Present: Kurt Dawson, Mike Hartner

Non-Voting Members Absent: Roger Moore, Ravi Yalamanchi

Others Present: John Staran, City Attorney

Members Funk, Moore and Yalamanchi provided previous notices of their absences and requested to be excused.

PUBLIC COMMENT

Andy Krupp, resident, referencing the issue of Public Comment at GSAB meetings suggested that the meetings should be informal and the GSAB should allow public participation throughout the meeting, noting that good comments and good questions may be provided by the Public.

COMMUNICATIONS

2006-0089

Adopted 2006 GSAB Meeting Schedule

Attachments: 2006 Meeting Schedule Notice.pdf

Committee Members received a copy of the 2006 GSAB Meeting Schedule as adopted.

Discussed

UNFINISHED BUSINESS

2006-0065

Green Space Advisory Board Bylaws

Attachments: FINAL Draft Bylaws.pdf; 020806 Memo Galeczka Bylaws.pdf; Draft 2 Bylaws.pdf; 013006 Memo Galeczka Bylaws.pdf; Draft 1 Bylaws.pdf; Supplemental info.pdf; 0065 Resolution.pdf

Committee Members reviewed the proposed Bylaws. Consensus of the Committee was to make the following changes:

Article V: OFFICERS AND THEIR DUTIES

Section 2

* change **officer** to **replacement**

Section 3 - Chairperson

* Last sentence should read "The Chairperson **or his/her designee** shall make reports as needed to the City Council, Mayor and other boards, Commissions and Committees

ARTICLE VI: MEETINGS

Section 3

* Paragraph should read "All meetings shall be ~~open to the public and shall be preceded by notice~~ **held** in accordance with the Michigan Open Meetings Act, Act 267 of 1976, as amended

ARTICLE VII: ORDER OF BUSINESS

Section 1

* Add **PUBLIC COMMENTS** between Communications and Unfinished Business

ARTICLE VIII: QUORUM AND VOTING

* Add as the final sentence "**Any recommendation or report to City Council shall require the affirmative vote of at least four members**"

ARTICLE IX: OPERATING PROCEDURES

* Incorporate two suggested changes provided by sub-committee will allow the use of the City's Policy and Procedures.

ARTICLE X: COMMITTEES

Section 1 - changes as follows:

a. The Board may create ~~ad-hoc~~ **sub** committees **and ad-hoc committees**, as it may deem necessary ...

b. If the Board.... **a sub committee or** an ad-hoc committee, the Board....

1. Charge/responsibility of the **sub committee or** ad-hoc committee

The Board further requested that additional sections be added to address the following issues:

- * Absenteeism
- * Conflicts of Interest

Discussed

NEW BUSINESS

2006-0082

Response from City Attorney to Questions of GSAB

Attorney Staran provided responses to questions posed by the Board as follows:

Can millage funds be spent for such things as an appraisal?

If it is reasonably related to the purposes and objectives of what was voted on the ballot; it is implicate that there's a certain level of administration and other work associated with the obtaining property. There may also be some opportunities to obtain matching funds, which will have additional requirements to qualifying where the City would need to spend money to get money.

Can the GSAB meet in Closed Session to discuss purchases of properties?

There is an exemption in the Open Meetings Act that allows for the discussion of purchase or lease or real property up until such time that an option or purchase agreement is entered into. The GSAB will not be discussing the lease or purchase of property because it is an advisory committee and does not have the authority to purchase or lease property or enter into options. It would have to be the City Council based on the GSAB recommendations that would secure the purchase, option or lease or whatever form it takes. Through the Board's deliberations, the GSAB would be looking at surveying the entire community and shortening list and then within that list make a value and judgment determination. Ultimately it would make recommendation to Council what should be purchased. When the Board gets to that point where it is are getting close enough to deliberations over the purchase or lease or acquisition of property a closed session may qualify under that. The GSAB needs to be mindful of the Open Meetings Act requirements and go in that direction because experience has been shown once the Board starts publicly targeting properties it becomes difficult to negotiate and secure properties. In addition there is the risk of having claims made against the City that it had inversely condemned someone's property by targeting it.

If advisory board does not have the authority to purchase or enter into option or lease or anything else how are they able to make a confidential recommendation to City Council under the Open Meetings Act?

The GSAB may not be able to and a lot of it will depend on facts. It may be that Council does not want it to be confidential. The Board needs to keep in mind that the Open Meetings Act has something that can qualify as being confidential but that does not mean it has to be. When this was being discussed at Council, all indications were from Council and the public that this operation was to be in a "fishbowl". That may make it difficult to balance and Council and GSAB will need to deal with this issue when specific properties are being discussed. As Council gets closer to that point of actually deliberating about possible purchase of property it bring it under that exemption that could allow you to go closed session. As the GSAB gets closed to that point further discussions can be had about what is and what is not appropriate to be discussed in closed session. The decision may be made that you can go into closed session but determine not to go into closed session.

How do we not over spend monies on properties if everything must be done in an open forum?

One consideration, which is not in mission statement or bylaws of the GSAB, is that it is implied that the GSAB is stewards of the taxpayers money and everything that is done by City Council, Administration and GSAB must be mindful to try to preserve the funding because it is very limited. Everyone needs to make sure that the process, deliberation and decisions are designed to best utilize the taxpayers dollars and not to take actions that put those tax dollars at risk.

Are there other safeguards that we can put into place because it is a delicate balance and talking about being in a "fishbowl", with the management funds for the procedure for appraisals, etc. can the GSAB outline a budget?

There will have to be a budget developed which after a Public Hearing at City Council, a budget amendment for 2006 will be approved. There is nothing created right now and a line item budget will need to be in place to spend money. City Council approves expenditures through the established policies and procedures.

Under Operating Procedures outlined under City Council Resolution do we have to go back to City Council to amend them?

The Council resolution does not have to be amended. but Council will need to amend the GSAB Bylaws so we will indirectly ask City Council to do that.

Because of the turn around time for Minutes can informal notes of meetings be shared amongst GSAB members?

Summaries and notes can be shared amongst GSAB members; however these are considered official records and copies must be provided to the Clerk's office to be included in the official files of the City. The City Clerk's Office has the responsibility for all records and Minutes of the Boards and Commissions. Open Meetings Act is clear that all deliberation and decision making has to take place at a meeting. Members can lobby their colleagues but be careful that when emails are sent around and you are inviting a response or forwarding in on, the email takes on the semblance of electronic deliberation.

Can land adjacent to Rochester Hills be considered for use of Green Space Millage Funds?

The way the ballot question was written and approved by the voters determines how the funds can be used. That word "within" the City of Rochester Hills has very plain meaning. Even though the City has authority under the law to acquire property beyond the boundaries of the City, the use of these millage funds with the ballot question wording, creates a potential for serious challenge that the funds would be misused because the funds would be used to purchase out of the City.

Can the City purchase property with an existing structure or put a structure on a piece of property with these millage funds?

Depends on the type of structure. In general probably not. The intent in the way the ballot language is written is this is acquisition money not park improvement money. The words "permanently preserve natural green spaces" are not a separate authorization but rather a statement or reason why the City is going to acquire property. The way the City is going to permanently preserve is the land is to take it off the market and does not mean that you can do slop stabilization or development.

The public may use these parcels, so how do we address maintaining these parcels for public use and notifying the public?

These are subjects beyond the acquisition of property and moving into subjects of park development.

The ballot language says "Permanent Preserve" which means remain unchanged, so are we buying property to for their preservation value by itself or is it for passive recreation?

The language does not mean once we buy the property we cannot go into the area.

There is always a certain level of improvement of public land to allow some type of passive recreation. The intent basically is to take property off development block, preserve trees and wetlands and there are ways to accomplish those purposes and still allow people to use them. There is a line at some point between active and passive uses.

Can the City bond to purchase property?

It may be. City has bond counsel to advise them on this issue. Typically there needs to be voter approval to issue bonds. However the City can issue bonds to pay for certain improvements and there may be some other avenues and funding mechanisms that can be pursued. These are questions for the Finance Director or the City's bond counsel.

Can the City convey the property to a third party?

There are ways to do that. Oakland Land Conservancy is a good example. The City may be able to get more properties through conservation easements than the actual purchase of property. However, the City staff is stressed and stretched over its responsibilities and is having trouble keeping up with tree preservation easements and conservation easements that fall under the City's responsibility. The City is not set up to be the eyes and ears and the enforcement agency and there are better people outside the City that are better able to do that. The Committee may need someone to steward these easements and that is something the land conservancy or other third party agencies that may be able to do.

Once the City bought the property can they sell it or are there safeguards against this?

Once the City acquires property and it is incorporated as part of parks system and reflects it in the Recreation Master Plan there is state law, which says that the City cannot sell the property or convey the property without the vote of the people. This is an extra layer of protection. The City can also convey an irrevocable easement. In addition some property owners may be more community mind or interested in tax benefits and require that the property remain passive and be conserved, which can be included in the conveyance of the property.

Title of the Millage Proposal states "to provide funding to permanently preserve", does this provide us with any measure of protection?

This language sends a strong message. The decision to make the title so long was to impress on voters that the City was serious. It is a statement of intent or purpose and does not have any legal binding effect in terms once the City gets the deed to the property. There is nothing in the title or the ballot question that restricts what the City can do with the property once we get it and that will have to be addressed.

Presented

(Board Member Windscheif exited at 9:30 PM and re-entered at 9:35 PM)

2006-0213

Presentation by Mike Hartner, Director of Parks & Forestry on History on 1988 Recreation Bond

Attachments: Recreation Bond Info.pdf; Recreation Priorities Res.pdf

Mike Hartner, Director of Parks/Forestry, provided a brief history of the 1988 Recreation Bond noting the following:

** Passage of the 1988 Recreation Bond provided the City with a rare window of*

opportunity to purchase lands for, to develop parks for, and to improve existing park or recreation facilities in the City.

** City Council at its Regular Meeting of September 14, 1988, adopted a Resolution, which included the following recommended priorities for land acquisition and park development in the City:*

- 1. Acquire parkland*
- 2. Protect Clinton River Watershed*
- 3. Improve active recreation facilities*
- 4. Set aside nature areas*
- 5. Develop present facilities*
- 6. Improve recreational safety*
- 7. Enhance recreational opportunities*

** In September the City did not have any list other than a needs report*

** City located available properties that were undeveloped that met certain criteria*

** The City did not establish a percentage that would be set aside for development or acquisition*

** A map was prepared indicating available parcels and came up with a short list of preferred properties*

** The City hired a real estate broker to approach property owners to see if there was any interest in selling the property*

** If property was available for purchase, City Council discussed options in Closed Session*

** If Council determined it was interested in purchasing the property, it authorized the broker to make an offer and secure an agreement*

** City Council authorized the purchase in Open Session after the Purchasing Agent secured the property.*

Mr. Hartner referenced information provided to the Committee regarding the "Recreation Bond - 1988" noting it contained a list of everything that was accomplished through the Bond.

Presented

2006-0086

Master Plan Update - Mike Hartner, Director of Parks & Forestry

Attachments: 01310 PC Special Meeting Notice - Master Plan.pdf

Mike Hartner, Director of Parks/Forestry, indicated that the Public Hearing for the Parks & Recreation Master Plan will be held at the Planning Commission Meeting of February 21, 2006 and needs to be filed with the Department of Natural Resources (DNR) by April 1, 2006. The Plan will be approved by the Planning Commission and presented to City Council. Mr. Hartner asked members to review the Plan and provide comments to the Planning Commission.

Discussed

2006-0088

Overview of Grant Process - Mike Hartner, Director of Parks & Forestry

Attachments: Grant Schedule.pdf

Mike Hartner, Director of Parks/Forestry, stated that the Michigan Natural Resources Trust Fund (MNRTF) Grants are the most successful for parks. Referencing the

MNRTF Grant Schedule for 2006, he reviewed the key dates for submitting grant proposals noting the following:

** April 1, 2006 Grant Deadline is the first call for grants*

** August 1, 2006 is the Grant Deadline for acquisition applicants*

** December 6, 2006 the Michigan Natural Resources Trust Fund Board meeting will make its final 2006 MNRTF Grant recommendations.*

Mr. Hartner indicated that the process takes from two to six months.

Discussed

2006-0087

Review of the Clinton River in Rochester and Rochester Hills: A Greenways Opportunity Plan

Attachments: Greenways Plan Memo.pdf

Consensus of the Committee was to move this item to the next GSAB Meeting.

Discussed

ANY OTHER BUSINESS

Hard Copies of the Natural Features Inventory will be distributed to Members.

NEXT MEETING DATE

It was noted the next GSAB meeting would be held on Tuesday, February 14, 2006 at 7:00 PM.

ADJOURNMENT

There being no further business to discuss, Chairperson Carvey adjourned the meeting at 9:26 PM

Minutes prepared by Susan Galeczka, Deputy Clerk

Minutes were approved as presented/amended at the _____ 2006 Regular GSAB Meeting.