



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

**COUNTY PARK/REC COMMISSION:
HOMEOWNER REPRESENTATION**

**House Bill 4456 (Substitute H-1)
First Analysis (5-7-03)**

**Sponsor: Rep. Sal Rocca
Committee: Local Government and
Urban Policy**

THE APPARENT PROBLEM:

Freedom Hill County Park, located in Sterling Heights (on Metropolitan Parkway between Schoenherr and Utica Roads), is a 100-acre public park operated by the Macomb County Parks and Recreation Commission (which leases the land from the Huron-Clinton Metropolitan Authority). The park was opened in 1974, on the site of a closed 40-acre landfill whose clean-up plan continues to be a matter of litigation with the state attorney general. (See *BACKGROUND INFORMATION* below.)

Since the park was opened nearly 30 years ago, its amphitheatre, banquet center, and other entertainment venues have become the site for hundreds of events including ethnic festivals, dances, concerts, and military displays. The amphitheater and lawn seating accommodate 12,000 concertgoers. Recreational sports areas also are available, as well as hike and bike and ski trails, and a remote control race track. The site serves as a regular mid-week out-door market each Wednesday, from April to October each year. A full calendar featuring more than 25 events is available on the park's website address: <http://www.macomb.lib.mi.us/macpar/events.htm>

Several mature neighborhoods surround the park. When the homes in these neighborhoods were constructed, the nearby parkland was a landfill area. After the landfill closed, nearby residents welcomed the early improvements to the site, as the area was transformed into a recreational area. However, with the coming of the amphitheater, and thousands of concertgoers, the purpose of the park has changed: the concerts are loud, they attract many strangers to the area, and the congestion threatens the quiet and safety of the local residents. County officials have hired a management company to operate the amphitheater, and the company books live entertainment—customarily, bands with amplified sound—to provide music during evening hours for concertgoers coming to the park in the summer

months. According to committee testimony, loud snowmobile races have been held, as well.

When the Macomb County Parks and Recreation Commission expanded Freedom Hill Park, the membership of the commission did not include any residents familiar with the local neighborhood. Without representation on the parks commission, the neighbors' concerns were not addressed. In order to give neighbors a say in matters such as these so that the worst of their complaints can be mitigated, legislation has been proposed which would require neighborhood representation on the county parks and recreation commissions within highly populated counties.

Currently Public Act 261 of 1965, which regulates county and regional parks, specifies that a county board of commissioners may create a county parks and recreation commission, whose membership is to consist of the chair of the county road commission (or another road commissioner so designated), the county drain commissioner, the chair of the county planning commission (or another commissioner so designated), and seven members appointed by the commissioners. Legislation as proposed would alter this law, but only as it applies to Macomb County which has a single county park, Freedom Hill.

THE CONTENT OF THE BILL:

The bill would amend Public Act 261 of 1965 to require that for counties with a population greater than 750,000 but less than one million (Macomb County), at least one of the seven members of a county parks and recreation commission who are appointed by the county board of commissioners be an officer of the homeowners' or property owners' association that represents the largest area geographically, and that is located within a half-mile of the property boundary of the most frequently used county park. If there was no such association within

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that half-mile area, or if no officer of such an association was willing to serve, then at least one of the seven appointees would have to be a resident of that half-mile area. If no resident lived within that area, or if no such resident was willing to serve, then at least one of the seven appointees would have to be a resident of the city, village, or township in which the park was located who was willing to serve on the commission. The bill specifies that this provision would not apply to the county board of commissioners until the next vacancy occurred on the county parks and recreation commission.

Public Act 261, which authorizes a county board of commissioners to create, and sets forth the power and duties of, a county parks and recreation commission, specifies that such a commission is to consist of ten members. Seven of these members are to be appointed by the county board of commissioners and not less than one or more than three of the seven must be members of the board of commissioners.

MCL 46.351

BACKGROUND INFORMATION:

According to the *Detroit Free Press* (5-1-03), Michigan Attorney General Mike Cox alerted officials that the former landfill at Freedom Hill was still in need of a clean-up plan, and alerted parties involved in litigation who had missed an April 15 deadline, that the state was closer to bringing them back to court. The Freedom Hill landfill was closed in 1968, and Freedom Hill County Park opened on the site in 1974, but complaints of odors and strange substances bubbling from the ground surfaced in the interim. After years of testing, the state concluded there are hazardous substances at the site in higher concentrations than regulations allow. A 2001 study found pollutants running from the site into the nearby Red Run Drain, which feeds into the Clinton River and Lake St. Clair.

In 1995, then Attorney General Frank Kelley filed a lawsuit in Macomb County Circuit Court, alleging that the landfill had not been properly capped and posed a threat to public health. The lawsuit sought a full clean-up of the site and reimbursement for testing and litigation expenses. The state named several parties as possibly responsible for the site, including the South Macomb Disposal Authority (SMDA), the agency that ran the landfill; the Huron-Clinton Metropolitan Authority, which bought the land in 1973, and the Macomb County Parks and Recreation Department, which operates the park and leases it from Huron-Clinton.

FISCAL IMPLICATIONS:

There is no fiscal information at present.

ARGUMENTS:

For:

When a new and incompatible land use such as a 100-acre public park is approved near residential areas, those who must live with the changes that occur within their neighborhoods deserve a voice—both in the development of the site plan, and in the ongoing operations of the park. Representation on the Macomb County Parks and Recreation Commission by a resident from one of the neighborhoods near Freedom Hill County Park will ensure that those who book events at the park take neighbors' concerns about noise, congestion, and safety into consideration as they make decisions that can disrupt their residential neighbors' lives. That way, the park's hours of operation and the types of entertainment can be modified so there is greater compatibility and understanding between neighbors in the mixed-use environment.

Response:

Freedom Hill County Park is the site of an improperly capped landfill, closed in 1968, but according to the state's attorney general, still the subject of ongoing litigation. It may well be that the noise pollution that the local residents suffer from the park is severe. It also seems that water pollution is a significant problem near the site. According to press reports (*Detroit Free Press* 5-1-03), after years of testing, the state has concluded there are hazardous substances at the site in higher concentrations than regulations allow. And a 2001 study found pollutants running from the site into the nearby Red Run Drain, which feeds into the Clinton River and Lake St. Clair. Those who have responsibility for the site, including appointed officials, may well bear responsibility for the site's environmental clean-up, and they should be alerted to that possibility before they volunteer for public service.

POSITIONS:

There are no positions at present.

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.