

**RECREATION ADVISORY BOARD
REGULAR MEETING
121 N. Church Street, Hudson, MI 49247
July 10, 2023 at 6:00 P.M.**

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE:

ORDERS OF THE DAY:

- A. Excuse Absent Member(s)
- B. Setting the Agenda
- C. Approval of Minutes dated May 15, 2023

OLD BUSINESS:

- A. Ball Field Agreement
- B. Parks Rules and Regulations

VISITORS BEFORE THE BOARD:

CITY MANAGER'S REPORT:

BOARD COMMENTS:

ADJOURNMENT:

Jeaniene McClellan, City Clerk

**Minutes for this meeting will be available for public review at the
Hudson City Office – 121 N. Church Street, Hudson, Michigan**

PLEASE CALL CITY OFFICE IF YOU CANNOT ATTEND

NOTE: Anyone planning to attend the meeting who has a need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the city clerk's office at (517) 448-8983 forty-eight (48) hours prior to the meeting. Staff will be pleased to make the necessary arrangements to provide necessary reasonable accommodations.

RECREATION ADVISORY BOARD

121 N. Church Street, Hudson, MI 49247

REGULAR MEETING

Minutes of May 15, 2023

The Recreation Advisory Board meeting was called to order by Chairperson Nikki Cleveland at 6:00 p.m.

Roll Call: Present: Nicole Chase, Nikki Cleveland, Elizabeth Comiskey, Eric Hickman, Roger Clark
and John Kirkland

Absent: None

Others Present: City Manager Charles Weir, and City Clerk Jeaniene McClellan.

ORDERS OF THE DAY:

Minutes:

Motion by Eric Hickman, seconded by John Kirkland to **approve the minutes of April 11, 2023, and place on file, CARRIED** by voice vote.

OLD BUSINESS:

Discussion: Ball Field Agreement:

Members of the Board would like to have some changes made and bring back to the Board for approval at the next meeting.

Discussion: Parks Rules and Regulations:

Members of the Board would like to have some changes made and bring back to the Board for approval at the next meeting.

Discussion: Recreation Master Plan:

Have the City Staff can make some minor changes in the Master Plan and revisit the Master Plan at the end of the year.

Discussion: Spark Grant:

City Manager Charles Weir gave the members a letter for them to get more support to send in with the application of the spark grant. The City staff will also put the letter on facebook and on the website.

VISITORS BEFORE THE BOARD:

No comments received

CITY MANAGER'S REPORT:

- MDOT's Street Construction on Main Street will be repaving around May 25 or after.

- The DWAM Grant is still looking to verify 12-15 more lead lines.
- The Council should be approving the new budget tomorrow night at their meeting on the 16th.
- Tractor Supply Company is still moving forward with the project at the old hospital site. They have asked for a 60 day extension to finish the investigation of the property.

BOARD COMMENTS:

The next meeting will be July 10, 2023 at 6:00 pm.

ADJOURNMENT:

Motion by Eric Hickman, seconded by Roger Clark **to adjourn the meeting at 7:05 p.m.**

ATTEST:

Jeaniene McClellan, City Clerk

BALL FIELD USE
AGREEMENT

This Ball Field Use Agreement, between the City of Hudson, in Lenawee County, Michigan, by and through the Recreation Advisory Board, and the signatory sports league named on the signature page of this Agreement (the "Organization"), is effective for the period of

_____ 20____.

Background Information

- A. The City owns or has the right to use public park land with improved ball fields, located in various areas of the City.
- B. Throughout the years, many different sports organizations have utilized these ball fields, and some have had first priority in the use of the fields for their organizations, in exchange for an agreement to provide maintenance and care of those fields, including appurtenant structures (e.g., concession building, restrooms, and/or storage buildings).
- C. The City's increased population has resulted in a surge of youth and adult sporting organizations and teams and a corresponding increase in the cost to repair and maintain the ball fields and the amenities for the fields, such as lighting and routine maintenance and care.
- D. The Organization operates a sport team that utilizes one or more of the City's ball fields.
- E. In an effort to better coordinate and schedule the use of the fields in an equitable manner, each Organization or Team that is interested in use of the City's ball fields is required to enter into this Agreement so that the parties' respective rights and responsibilities may be more specifically set forth and agreed to.

Statement of Agreement

- A. Use of the Ball Fields. The Organization or Team contributes to the community's needs for athletic type programs as a complement to the services that are provided by the City. The Organization or Team shall provide the City with its request for ball field use, and the City then shall determine field availability for the Organization or Team as requested. All requests for ball field use shall be coordinated by and through the City.
- B. Scheduling. To the extent that the Organization or Team wishes to use specific ball fields, then the City may grant priority status to the Organization or Team in the scheduling of the ball field use consistent with the level of care and maintenance agreed to by the Organization or Team. The Organization or Team and the City shall enter into a Field Maintenance Agreement for the routine care and maintenance of the ball fields that are requested by the Organization or Team, substantially in the form as the Ball Field Use Agreement attached hereto as Attachment A or Attachment B. This Agreement shall not apply to the

Organization's use of the City's ball fields for tournaments or other special uses. Should the Organization or Team receive any requests by other groups to use the ball fields that have been assigned to the Organization or Team by the City, the Organization or Team shall refer those requests to the City. The Organization or Team shall not have the right to remove other users from the designated ball fields except during those times when the Organization or Team has been granted the use by the City.

- C. Permits. Following receipt of all requests for ball field use and the determination of field availability, the Organization or Team shall be granted a permit for its use of the ball fields. The City shall have the right to make all final decisions on the grant of permits to organizations. If the City determines that the Organization or Team is not following all rules of park facility, use, their permit will be revoke.
- D. Structures/Alterations. The Organization or Team is not permitted to install any structures or make any changes to the ball fields without the prior written approval of the City, which approval may be withheld at the City's sole discretion. Failure to comply with this provision may result in the revocation of the permit. Approval of the City may be evidenced by the Organization or Team's execution of a Field Maintenance Agreement, so long as only those responsibilities set forth in that Agreement are met. If the Organization or Team discovers items at the ball fields that are in need of maintenance and/or repair that are outside of the Organization or Team's responsibilities pursuant to the Field Maintenance Agreement, the Organization or Team should notify the City.
- E. Responsibilities of the Organization or Team. The Organization or Team shall ensure that its use of the ball fields meets the standards expected of it by the City, and shall:
 - a) Report any injuries, accidents, facility damage, dangerous or unsafe conditions and any unusual or suspicious situations to the City as soon as possible after the occurrence or discovery of the problem.
 - b) Require all of its participants to sign a release that releases the City from liability in the event of an injury.
 - c) Comply with all federal, state and local codes, including the City's parks rules and regulations.
 - d) Carry public liability insurance for bodily injuries, including those resulting in the death of any one person and on account of any one accident or occurrence. The insurance policy shall name the City of Hudson as an additional insured and may be cancelled only upon 30 days prior written notice to the City.
 - e) Assign one coach or other representative to monitor the conduct of the participants, spectators, coaches and parents at all events.
 - f) Comply with all industry guidelines in the care, maintenance, and placement of its equipment used on the fields and facilities such as concession building and restrooms that is associated with the fields. All facilities needs to be cleaned after each event.
 - g) Indemnify, defend and save the City of Hudson free and harmless from and against any and all damages, costs and expenses, including reasonable attorneys' fees, to any person or property arising from the Organization's use of the ball fields, including but not

limited to its maintenance of the fields or program participation.

- h) Comply with park rules and regulations concerning the parking of vehicles while using the ball fields and encourage compliance by participants and spectators.
- i) Meet any other standard reasonably requested by the City.

F. Indemnity. User(s) shall defend and indemnify the City, its officers, agents and employees, while acting within the scope of its duties, from and against any and all actions suits, proceedings, claims and demands, including attorney fees and court costs, expense(s) and liabilities of any kind or nature whatsoever (hereinafter referred to as "Claims") for injury to or death of person(s) or damage to property which may be brought and/or filed against, imposed upon or sustained by the City, its officers, agents or employees, based upon or arising out of:

- a) Any act or omission by User(s), defined as Organization/User(s)' participants, players, officers, agents, employees, guests, contractors, patrons, licensees, invitees, or any other person(s) entering upon the Ballfield ", with express or implied invitation of User(s);
- b) Any violation of this agreement by User(s), defined as Organization/User(s)' participants, players, officers, agents, employees, guests, contractors, patrons, licensees, invitees, or any other person(s) entering upon the Ballfield ", with express or implied invitation of User(s);
- c) The use or occupancy of the Ballfield by User(s), defined as Organization/User(s)' participants, players, officers, agents, employees, guests, contractors, patrons, licensees, invitees, or any other person(s) entering upon the Ballfield with express or implied invitation of User(s);
- d) This indemnity shall not include claims based upon, or arising out of, the sole negligence, gross negligence, or willful misconduct of the City, its officers, agents and/or employees. Furthermore, this indemnity shall not require payment of claim(s) by the City, its officers, agents and/or employees, as a condition precedent to City's recovery under the same.

G. Insurance. As a condition precedent to the effectiveness of this agreement, User(s) at its sole cost and expense, shall obtain and maintain in force, general liability insurance against all claims or injuries to person(s) or damage(s) to property occurring during an event or upon the premises. User(s) shall provide to the City evidence of such insurance that includes the City of Hudson named as an additional insured as their interests may appear for use of City property.

THE CITY OF HUDSON

THE ORGANIZATION OR TEAM

By: _____

By: _____

Date: _____

Date: _____

agents, employees, guests, contractors, patrons, licensees, invitees, or any other person(s) entering upon the Ballfield ”, with express or implied invitation of User(s);

- b. Any violation of this agreement by User(s), defined as Organization/User(s)' participants, players, officers, agents, employees, guests, contractors, patrons, licensees, invitees, or any other person(s) entering upon the Ballfield ”, with express or implied invitation of User(s);
- c. The use or occupancy of the Ballfield by User(s), defined as Organization/User(s)' participants, players, officers, agents, employees, guests, contractors, patrons, licensees, invitees, or any other person(s) entering upon the Ballfield with express or implied invitation of User(s);
- d. This indemnity shall not include claims based upon, or arising out of, the sole negligence, gross negligence, or willful misconduct of the City, its officers, agents and/or employees. Furthermore, this indemnity shall not require payment of claim(s) by the City, its officers, agents and/or employees, as a condition precedent to City's recovery under the same.

8. Insurance. As a condition precedent to the effectiveness of this agreement, User(s) at its sole cost and expense, shall obtain and maintain in force, general liability insurance against all claims or injuries to person(s) or damage(s) to property occurring during an event or upon the premises. User(s) shall provide to the City evidence of such insurance that includes the City of Hudson named as an additional insured as their interests may appear for use of City property.

THE CITY OF HUDSON

By: _____

Date: _____

THE ORGANIZATION OR TEAM

By: _____

Date: _____

FIELD MAINTENANCE/USAGE AGREEMENT

[To be completed by the Organization/Team and approved by the City]

The _____ (name of Organization / Team) shall perform the maintenance at the ball field(s) located at _____ during the time that the Organization/Team has been granted use of the ball field(s) by the City of Hudson as follows:

- A. The organization / team shall be responsible for maintaining the infield including bases and liming the infield lines.
- B. General Cleaning of the Restrooms
- C. Clean the Concession Building

The _____ (organization/team) agrees to the above as outlined.

Name of Organization / Team: _____

By: _____

Print Name: _____

Date: _____

APPROVED:

City of _____

By: _____

Date: _____

CITY OF HUDSON'S PARK RULES ORDINANCE

An ordinance to provide for the use, protection, regulation and control of the public parks and park facilities and other matters concerning recreation, conservation, education, historic and scenic areas and preserves and parkways, and to provide for the adoption of supplementary rules and regulations and other matters related to the use of and conduct on park property.

THE CITY OF HUDSON, LENAWEE COUNTY, MICHIGAN ORDAINS:

Section 1: Short Title

This ordinance may be known and referred to as the City of Hudson's Park Ordinance.

Section 2: Public Use and Hours

A. General public -

Any group or gathering of 25 or more persons may use certain areas within the public parks in the City of Hudson to the exclusion of others by making a reservation starting by January 1st for that year along with \$25.00.

B. Permits -

1. Reservations are made through the City Office.
2. The City needs to be notified 1 business day in advance for reservations.
3. In the event more applications for reserved space are received than spaces available, such applications shall be considered in the chronological order received.

C. Fees and charges –

1. Fees and charges are assessed by the City.
2. It shall be unlawful for any person to use any facility, land or area for which a fee or charge has been established by the City without payment of such fee or charge.

D. Hours -

No person or vehicle shall remain upon property between the hours of sunset and sunrise unless special authorization is granted by the City.

Section 3: Protection of Property

A. Destruction of buildings, markers, monuments and other properties shall be prohibited, and no person shall on City park property:

1. Willfully destroy, deface, alter, change or remove any monument, stone marker, bench mark, stake, post or blaze, marking, or designate any boundary line, survey line, or reference point.

2. Cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamp post, fence, gate, hedge, or other structure.
 3. Deface, destroy, or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon park property.
 4. Appropriate, excavate, injure or destroy any historical or prehistorical ruin or any object of antiquity, without permission of the City or its agent.
- B. Destruction of plant life and natural surroundings shall be prohibited and no person shall:
1. Cut, remove, or destroy any tree, sampling, seedling, bush or shrub, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, flower, or any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass.
 2. Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel, or sand, without written permission of the City or its agent.
- C. The following rules shall apply to fires on City park property:
1. No person shall willfully set or cause to be set on fire any tree, woodland, brushland, grassland or meadow within or upon the property of the City.
 2. No person shall build any fire upon city property except within the fireplaces, receptacles or open spaces approved and designated by the city for such purpose and obtain a burn permit from the Fire Department.
 3. No person shall drop, throw or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other flammable materials within or upon any property of the City.
 4. Fires shall not be left unattended. All fires shall be extinguished upon leaving the immediate vicinity.

Section 4: Protection of Wildlife

It shall be unlawful for any person hurting any wildlife while on City park property:

Section 5: Regulations Governing Activities on the Bean Creek

No person shall

- A. Swim, bathe, or wade between sunset and sunrise, in Bean Creek located within or upon the properties administered by or under the jurisdiction of the City.
- B. Carry or consume any food or beverage of any kind, nor have in their possession any glass or metal container in the water adjacent thereto. Air mattresses, inner tubes, or any other device, inflatable or otherwise, used in aid of swimming, are prohibited.

Section 6: Traffic and Parking

Parking in prohibited areas; standing for loading or unloading in certain places

- A. It shall be unlawful for the operator of a vehicle to stop, stand or park said vehicle in any place marked as a passenger or loading zone, other than for the expeditious loading or unloading of passengers, or for the unloading and

- delivery or pick up and loading of materials.
- B. It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle upon any roadway or in any parking area in such manner as to form an obstruction to traffic thereon.
 - C. It shall be unlawful to park any vehicle in any area which is designated as a prohibited parking area.
 - D. It shall be unlawful to drive or park any motor vehicle in or upon City property which is used for recreational purposes, unless otherwise allowed by these rules.

Section 7: Motor-driven vehicles

It shall be unlawful for any person to:

- A. Operate a motor-driven vehicle of any kind or nature except on roads or designated parking areas.
- B. Operate a motor-driven vehicle on any park road at a speed exceeding 25 miles per hour or at any speed greater than that posted; provided further, however, that notwithstanding any provision herein, any person driving a vehicle on a park road shall drive at a careful and prudent speed not greater than nor less than is responsible and proper, having due regard to the traffic, surface and width of the road and of any other condition then existing, and no person shall drive any vehicle upon a park road at a speed greater than will permit him to bring said vehicle to a stop within the assured clear distance ahead.
- C. Operate any motor-driven sled, toboggan or snowmobile on any City property.
- D. Operate any vehicle upon City property, including but not limited to, any area designated for the parking of vehicles, in a careless or negligent manner likely to endanger any person or property.
- E. Drive any vehicle upon City property while under the influence of intoxicating liquor or narcotic, drug, barbitol or any derivative of barbitol.
- F. Drive any vehicle upon City property while his ability to do so has been impaired by the use of intoxicating liquor or by the use of drugs or narcotics.
- G. Operate any motor vehicle upon City property while his license to so operate has been suspended or revoked by the State of Michigan.
- H. Operate a motor vehicle upon City property without having a valid operator's license, motor vehicle registration certificate and proof of the minimum liability coverage or uninsured motor vehicle fee as required by the State of Michigan vehicle code in his possession.
- I. Operate any vehicle upon City property contrary to posted traffic signs, symbols, rules or regulations or marked roadways.
- J. Operate any motor vehicle in any manner upon City property which results in excessive noise or disturbs the peace, quiet or tranquility of the area.
- K. Leave, or cause to be left, any vehicle upon property administered by or under the jurisdiction of the City between sunset and 8 a.m.
- L. Operate or ride on a motorcycle or motor-driven cycle without wearing a crash helmet approved by the Department of State Police. Rules of the Department of State Police for the implementation of Section 658, subsection (d) of 1949,

PA 300, as amended, shall apply to this rule.

Section 8: Operation of Bicycles

- A. Bicycles shall be operated as closely to the right-hand curb or right-hand side of the path, trail or roadway as conditions will permit and not more than two bicycles shall be operated abreast.
- B. It shall be unlawful for the operator of any bicycle where upon any path, trail or roadway, to carry any person upon the handlebar or frame of any bicycle, or for any person to so ride upon such bicycle.
- C. Bicycles may be operated upon such paths, trails, or roadways as may be posted allowing such use; provided, however, no such use shall be allowed between sunset and sunrise.

Section 9: Trespass

- A. Livestock-No person shall drive or cause to be driven any horses, cattle, sheep, goats, swine, or other livestock upon or across property administered by or under the jurisdiction of the commission, without the written permission of the commission or its agent.
- B. Peddling and soliciting-It shall be unlawful for any person to peddle or solicit business of any nature whatsoever, or to distribute handbills, or other advertising matter, to post unauthorized signs on any lands, water, structures, or property administered by or under the jurisdiction of the City, or to use such lands, water, structures or property unless first authorized in writing by the City or its agent.
- C. Unlawful obstruction-No person, firm or corporation shall by force, threats, intimidations, unlawful fencing, enclosing, or by any other means prevent or obstruct any person from entering, leaving or making full use of any property administered by or under the jurisdiction of the City.
- D. Hindering employees-No person shall interfere with or in any manner hinder any employee or agent of the City while performing their official duties.
- E. Alcoholic beverages, drugs-No person shall have in their possession any intoxicating beverage while in or upon the property administered by or under the jurisdiction of the City in areas determined by the City and designated by posting at the main entrance or other conspicuous place to be areas in which no alcoholic beverages are permitted unless special permission is given by the City through the alcohol permit.
- F. No person shall sell, use or have in his possession any drug or narcotic; the sale, use or possession of which is prohibited by the state law.
- G. Personal conduct-
 - 1. It shall be unlawful for any person to be under the influence of intoxicants, or to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct, or to disturb or annoy others, while in or on any property administered by or under the jurisdiction of the City.
 - 2. It shall be unlawful to conduct or to participate in any form of gambling, lottery or game of chance upon park property.

- H. Fireworks—No person shall fire, discharge or have in his or her possession any rocket, firecracker, torpedo, squib, or other fireworks or any substance of an explosive nature within or upon the property of the City unless the City or its authorized agent shall have authorized same by the issuance of a permit therefore.
- I. Firearms—No person shall at any time, bring into or upon the City park's properties, nor have in his or her possession, nor discharge, or set off anywhere upon said properties, a revolver, pistol, shotgun, rifle, air gun or any gun, rifle, firearm or bow or other weapon that discharges projectiles either by air, explosive substance or any other force, provided, however, that this section shall not apply to any deputy sheriff, police officer, peace officer, or other duly appointed law enforcement officer while carrying out the duties nor does it apply to anyone with a valid CPL.
- J. Littering and pollution of waters—It shall be unlawful:
 - 1. To discard or deposit refuse of any kind or nature in or upon the property of the commission except by placing said refuse in containers provided for such purpose.
 - 2. To throw, cast, lay, drop or discharge into or leave in waters administered by or under the jurisdiction of the City any substance, matter or thing, liquid or solid which may or shall result in the pollution of said waters.

Section 10: Public exhibition—No person shall exhibit any machine or show, or any animal, or indulge in any acrobatic exhibitions in or upon any City park property, nor shall any person carry on any performance or do anything whatsoever which shall cause persons to congregate so as to interfere with the proper use of such property by the general public or to obstruct the passage of vehicles or persons without first having obtained written permission from the City or its agent.

Section 11: Special permits—No erection, construction or maintenance shall be made above or below ground, across or beneath City park property by any person, firm, or corporation without first having obtained written permission from the City authorizing such installation or construction and a permit specifying in detail the work to be done and the conditions to be fulfilled pursuant to the terms of such approval.

Section 12: Emergency powers—Nothing in these rules shall:

- A. Prohibit or hinder duly authorized agents of the City or any peace officers from performing their official duties.
- B. Prohibit the City or the director from establishing emergency rules required to protect the health, welfare and safety of park visitors and to protect park property; including, but not limited to, the right of the City to order all persons off City property, and close all or any portion of said park.

Section 13: Enforcement

Fines and imprisonment-Any person violating any provision of the foregoing rules shall

be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than \$500 and costs of prosecution, or imprisoned in the county jail for a period not exceeding 90 days, or both, for each offense.

Section 14: Definitions

- A. "City" shall mean the City of Hudson.
- B. "City property" shall mean all lands, Bean Creek, and property administered by or under the jurisdiction of the City of Hudson.
- C. "Person" or "persons" shall mean individuals, male or female, singular or plural; firms, corporations, or any group or gathering of individuals.
- D. "Rules" shall mean the rules adopted by the City of Hudson Council applicable to all property administered by or under the jurisdiction of the said City and all amendments thereto.

Section 15:

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 16: Effective date

This ordinance shall be published as required by law, to become effective on the date of final publication.