

REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION

Held at the Rochester Municipal Building, 400 Sixth Street
Rochester, Oakland County, Michigan

CALL TO ORDER: The Tuesday June 16, 2009 meeting was called to order by Chairman Blanchard at 7:00 p.m.

Voting Members Present: David Becker, Rock Blanchard, Edward Peters, Richard Schultz, Ravi Yalamanchi (*enter 7:10 p.m.*), Alice Young

Voting Alternates Present: Paul Miller (*until 7:10 p.m.*), Martha Olijnyk, Kathy Thomas

Non-Voting Alternates Present: Linda Gamage

Non-Voting Members Present: Lois Golden (*enter 7:45 p.m.*)

Voting Members Absent: Marc Edwards, Maryann Whitman

Alternates Absent: Jeff Matis, Penny Shults, Michael Webber

Others Present: John Makris, Attorney (*enter 7:10 p.m.*), Kristen Myers, Trail Manager

APPROVAL OF AGENDA:

MOTION by Schultz, supported by Young, ***Moved***, to approve the May 19, 2009 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

- a. Minutes of May 19, 2009 Regular meeting, approve and file
- b. May Treasurer's Report, receive and file

MOTION by Young, supported by Schultz, ***Moved***, that the consent agenda be approved as presented.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL OF INVOICES: Ms. Myers presented the invoices in the amount of \$23,786.10. This total includes 2nd quarter staff wages and FICA, Nowak and Fraus' professional services for restaking six properties, Mr. Makris' 3rd quarter retainer and professional services regarding the lawsuit and the brochure printing. Estimated fund balance was reduced to \$60,000 due to legal fees over the last two months.

MOTION by Young, supported by Schultz, ***Moved***, that the invoices presented for payment are approved in the amount of \$23,786.10 and orders be drawn for payment

Ayes: All Nays: None

MOTION CARRIED.

TEMPORARY PERMIT REQUEST – Right to Life Lifespan – October 10, 2009: Ms.

Susan Stevens representing Right to Life - Lifespan came forward and explained the third annual event scheduled for October 10, 2008 from 11:00 a.m. until 6:00 p.m. Approximately 150

participants are expected to participate in a walk from Rochester Municipal Park to Dutton and back. The applicant has spoken to the City of Rochester regarding parking for the event. The application and permit fee have been received, insurance paperwork is pending and no other event is scheduled for this date.

MOTION by Becker, supported by Olijnyk, *Moved*, that the temporary permit for the Right to Life – Lifespan October 10, 2009 event be approved, pending receipt of insurance information.

Ayes: All Nays: None

MOTION CARRIED.

TRAIL ACCESSIBILITY DISCUSSION – Allowable Mobility Devices: Ms. Myers provided a memo relative to this issue. She has been getting requests from two disabled people regarding the use of ATV's on the trail. In researching this request, it was noted that the rule regarding mobility devices was proposed for change by the US Access Board – they are accepting comment before approval. The proposed language is very broad as it can include allowing golf carts, ATV's and small cars without proof of disability. There is also action by the Michigan legislature contemplating HB 4411, a bill to amend 1994 PA 451 – "National Resources and Environmental Protection Act" to allow ATV on trails. One of the biggest concerns is that some mobility devices would cause damage to the trail. Ms. Myers indicated this issue is not going away, we need to prepare for it, and asked for comment from the members. Right now our uniform trail ordinances do not allow motorized vehicles – at this point, is this still legal? Mr. Makris remembers when segways came out, and at that time the opinion deemed it legal. If the law is changed we will be overwhelmed, as we won't have much choice. It shouldn't be left up to the handicapped person to decide what mode of vehicle, as long as there is something available. Our trail is ADA compliant and accessible to wheelchairs - we should follow our ordinance as it is right now. If the rules change, we'll have to review that. It was noted that the American Trails recommendation is that accessibility should be limited to wheelchairs and other non-fueled devices. It is suggested that Mr. Makris look further into this issue and render an opinion, and that the Commission comment on this issue to the US Access Board and the State legislature regarding HB 4411 indicating we oppose the use of internal combustion engines on the trail. The trail runs next to the Paint Creek, a pristine body of water, and the DNR has spent a lot of money keeping the creek clean. It is felt that the DNR would side with us about keeping motorized vehicles off our trail. Ms. Myers interjected that the MSU survey indicated about 3% of trail users are handicapped, equating to 2,000 individuals. Ms. Myers and Mr. Makris will work on a letter to the Access Board and Michigan legislature expressing our opposition to motorized vehicles on the trail, and bring the draft forward for Commission review. We should also try to find out what other comments relative to these bills have been submitted, so we don't duplicate efforts. The response to the two individuals who asked about ATV's should be that pending an opinion from our attorney, the uniform trail ordinances do not permit motorized vehicles of any sort on the trail, and that we are in compliance with ADA requirements at this point.

PERSONNEL SUBCOMMITTEE REPORT – Manager Compensation Recommendation:

The subcommittee met and made two recommendations for the Trail Manager's compensation – one for 2009, and one for 2010. Increases are normally in line with what Oakland Township provides their employees and this year, there were no increases or decreases in salary. The subcommittee recommended that the Trail Manager's salary remain the same for both 2009 and 2010. Ms. Myers is comfortable with this recommendation. The subcommittee may have to revisit this issue in mid-2010 if Oakland Township decides to revise its budget.

MOTION by Schultz, supported by Young, *Moved*, to approve the Personnel Subcommittee's recommendation of no salary increase for the Trail Manager in 2009 and 2010, but revisit the 2010 salary recommendation if Oakland Township revises their budget.

Ayes: All Nays: None

MOTION CARRIED.

The next item is a question of how to handle the 50 hours of comp time that Ms. Myers has accumulated working on litigation efforts – either allowing time off or compensation for these hours. The subcommittee's recommendation is to allow Ms. Myers to choose what she would prefer to do as long as any time off is approved by the Chairman, and that if any of these hours are compensated, it does not exceed the 2009 budgeted amount. All comp time must be used by the end of the year. Ms. Myers indicated she could get paid for 42 hours of comp time without exceeding the budget.

MOTION by Becker, *Moved*, to approve the subcommittee's recommendation that Ms. Myers choose how to use the comp time either as time off or being paid, any time off must be approved by the Chairman, and any compensation received may not exceed the budget.

Motion died for lack of support.

MOTION by Yalamanchi, *Moved*, that Ms. Myers receive 42 hours paid comp time, and use 8 hours of vacation.

Motion died for lack of support.

MOTION by Becker, supported by Young, *Moved*, to approve the recommendation that Ms. Myers decide how to use the comp time, any time off must be approved by the Chairman, and any compensation received may not exceed the budgeted salary amount for that year.

Ayes: All Nays: None

MOTION CARRIED.

2010 BUDGET APPROVAL: After gathering more information from the communities, Ms. Myers has developed a budget for 2010 that is 2% less than the two previous years. This includes a 2% decrease in member unit contributions for operations, and a 2% decrease in contributions for patrol. The overall budget has decreased 6.7%. Ms. Myers feels she can work with this budget.

MOTION by Young, supported by Yalamanchi, *Moved*, to approve the 2010 budget as presented.

Ayes: All Nays: None

MOTION CARRIED.

2009 LABOR DAY BRIDGE WALK: Ms. Myers asked the Commission how they would like to proceed with the event. After a brief discussion, it was agreed to hold the event in Rochester, using the Kiwanis Pavilion for the staging area if approved. Ms. Golden indicated she would promote the event in Orion; participants could do their own walk starting in Lake Orion.

MANAGER'S REPORT: In addition to the written report, Ms. Myers indicated Mr. Moutrie completed a maintenance inspection report that will be emailed to the members. Also, she will be out of the office next week on vacation returning on June 29th.

ATTORNEY'S REPORT: Mr. Makris is scheduling a meeting with the ITC attorney to go over the final documents.

COMMISSIONER REPORTS: The unveiling of the Rochester art project went well. Congrats to everyone involved in this effort.

ADJOURNMENT OF REGULAR MEETING TO ENTER EXECUTIVE SESSION:

MOTION by Young, supported by Thomas, *Moved*, to adjourn the Regular Meeting at 8:15 p.m. and enter into Executive Session.

Ayes: All Nays: None

MOTION CARRIED.

Ms. Golden asked if it was appropriate to attend the executive session as she is a non-voting member. Mr. Makris and the Commission do not have any problems with Ms. Golden's attendance during executive session.

MOTION by Young, supported by Olijnyk, *Moved*, to enter into Executive Session at 8:17 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: July 21, 2009 at 7:00 p.m.

Respectfully submitted,

KRISTEN MYERS, Trail Manager

EDWARD PETERS, Trailways Secretary