

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 November 17, 2009 meeting was called to order by Chairman Blanchard at 7:00 p.m.

Voting Members Present: Dave Becker, Rock Blanchard, Maryann Whitman, Alice Young

Voting Alternates Present: Paul Miller, Kathy Thomas

Non-Voting Alternates Present: Martha Olijnyk

Non-Voting Members Present: None

Voting Members Absent: Marc Edwards, Edward Peters, Richard Schultz, Ravi Yalamanchi

Alternates Absent: Linda Gamage, Jeff Matis, Jeff Phillips, Penny Shults, Michael Webber

Others Present: John Makris, Attorney (*enter 7:05 p.m.*), Kristen Myers, Trail Manager

APPROVAL OF AGENDA: Add Request for approval to move one of the Rochester Historic Art Displays after the National Trails Day 2010 discussion.

MOTION by Miller, supported by Young, ***Moved***, to approve the November 17, 2009 agenda as amended.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

- a. Minutes of October 20, 2009 Regular meeting, approve and file
- b. October Treasurer's Report, receive and file

The Minutes of October 20, 2009 Regular meeting were removed from the consent agenda.

MOTION by Young, supported by Whitman, ***Moved***, that the consent agenda be approved as amended.

Ayes: All Nays: None

MOTION CARRIED.

Correction to Minutes – Page 4, add the words “to discuss litigation” after “Adjournment of Regular Meeting to Enter Executive Session”. A short discussion ensued about the hierarchy of voting/non-voting alternate representative's ability to make and second motions. The consensus is that a non-voting alternate can not make or second motions, but can participate in discussion. Regardless of who is present, each member community is allowed two votes.

MOTION by Becker, supported by Young, ***Moved***, to approve the Minutes of October 20, 2009 Regular Meeting as amended.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL OF INVOICES: Ms. Myers presented the invoices in the amount of \$13,481.25. This amount includes 117 hours Mounted Patrol service, nameplates for the Commissioners,

Nowak & Fraus professional services for the lawsuit, MMRMA liability insurance and Mr. Makris' bill for professional services regarding the lawsuit and ITC license preparation fee. Estimated fund balance is \$53,000.

MOTION by Whitman, supported by Miller, *Moved*, that the invoices presented for payment are approved in the amount of \$13,481.25 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

TEMPORARY PERMIT POLICY – Review 3rd Draft: Ms. Myers indicated changes suggested last month have been made. Additional suggested changes include: Page 1 - add "Commercial use of the trail" under "when is a Temporary Use Permit required"; Page 3, #4 - add "if any" after "Alternate Rain Date"; Page 4, #9 – change the wording to "if motorized access is absolutely required, please contact the Trail Manager", and remove "if motorized access is not required, please check this box"; Terms of the Permit #4 – change "his" to "his/her" in the last line. Ms. Myers was thanked for updating this policy.

MOTION by Miller, supported by Young, *Moved*, to approve the Temporary Permit Policy as amended.

Ayes: All Nays: None

MOTION CARRIED.

PURCHASE AUTHORIZATION – Office Furnishings: Ms. Myers prepared a memo relative to budgeted funds of \$4,000.00 for improvements and furnishings for the new office. She has completed the research and is recommending the purchase of three portable room dividers that can be moved as necessary, and two steel shelving units for a not-to-exceed cost of \$2,381.74. The partitions will be used to create a storage area in the office, a work area for subcommittee meetings and packet assembly, and to create a separation between the visitor area and the rest of the office. The shelving units will store brochures, supplies, tools and merchandise. Next month the purchase of an additional filing cabinet will be requested. Mr. Blanchard appreciates the research done on the cost, but expressed concern about knowing how everything will be positioned in the office and would like to see a drawing of the proposed office layout. He trusts Ms. Myers' proposal, but wants to make sure it looks professional to the public coming into the office. It was pointed out that the partitions are portable, so if one layout doesn't work, they can be moved.

MOTION by Young, supported by Becker, *Moved*, to approve the purchase of office furnishings at a cost not to exceed \$2,381.74, contingent upon Chairman Blanchard's approval of the office layout.

Ayes: All, except for

Nays: Blanchard

MOTION CARRIED.

COMMERCIAL ADVERTISING USE POLICY – Discussion: Ms. Myers presented a preliminary draft policy as well as information from other communities. Filming on the trail would be great publicity. A suggestion was made to name the policy "Commercial Use" rather than "Commercial Advertising Use" policy. We need to think about a fee structure for the use policy/permit. In terms of the administration and the forms, we should ask the Rochester Area Film Office if we could be an official part of their consortium. Then, on the trail website there could be a message to anyone interested in making a film using the trail property – to contact/link to the Rochester Area Film Office for the necessary forms. Rules and regulations for the use of the trail can be developed separately. If motorized vehicles are to be used, the fee schedule should reflect that because it inconveniences trail users. Damage to or altering the trail also needs to be addressed; something that says if damage or alteration to the trail does occur, the permit holder will be responsible for the restoration of the trail. The potential for environmental damage to the integrity of the trail surface needs to be addressed. The cost for any administrative staff time and supervision of trail use needs to be compensated and included in any per diem payment.

The policy needs more work; Ms. Myers will incorporate suggested changes in a second draft and bring the policy back for discussion in January. Commissioners can email any other changes or ideas to Ms. Myers. In the meantime, she will talk with Rochester Hills about coordinating efforts. If we are serious about allowing filming on the trail, we should be listed on the State of Michigan and Oakland County Film websites.

NATIONAL TRAILS DAY 2010: In conjunction with our Environmental Stewardship discussion last month, Ms. Myers indicated she spoke with Six Rivers Land Conservancy about their Native Plant Sale scheduled for Sunday, June 6th. They thought it would be a good idea to collaborate on National Trails Day, and are proposing to move their sale to Saturday, June 5th. So, we would have National Trails Day with a theme of environmental stewardship and work with the Land Conservancy for their plant sale. If a garlic mustard pull is proposed, it should be organized so that there is an event in each community. The relevant Commissioner was asked to speak with their community's parks department or staff to partner with us for a Trails Day event. It's nice to have a theme for the day – so it is the Commission's consensus to work together with the Land Conservancy for National Trails Day events. It is hoped that some events will be planned that will bring in families and children. Mr. Makris feels a good way to get the Friends Group going is to act like it exists – have a table set up to join the Friends Group and have one or more Commissioners act as Chairman of the Group. An outline of planned events and meetings for the next year could be available. We could also partner with Dinosaur Hill or the Environmental Educational Center for events to increase awareness. Ms. Young offered to set up a 501c3 account for the friends group. There is a \$500 cost to the IRS to create the account, which can be raised through a fund-raiser event or a donor/sponsor. Ms. Young was asked to start looking into setting up the 501c3 account. Anyone who can help with National Trails Day was encouraged to do so.

ROCHESTER ART PROJECT – Approval to move one display: Mr. Becker explained the request from Dr. Attalah to move the art display located in Rotary Park westward along the Paint Creek Walkway onto his property to make it more historically accurate. Mr. McKay of the Museum has offered to move the display and build a small cubbyhole in the hillside to house it at sidewalk level at no cost. This particular display is accumulating a white scummy substance on its surface where it is currently located. The subcommittee has approved the relocation of this display, but Mr. Becker would like the Commission's permission to do so. It is the consensus of the Commission to allow the relocation of the art project to Dr. Attalah's property. The Rochester Historical Commission has expressed a desire to place more art displays on their own.

MANAGER'S REPORT: In addition the written report, Ms. Myers reported all the new directional signs have been installed and look great. An invitation will be sent to HMS Manufacturing to receive their appreciation gift now that the signs are up. It was suggested that scrapbook being worked on by the student could be made available electronically. It was also asked that a discussion of Cablecast and Computer streaming of our future meetings be included on an upcoming agenda. The cost could possibly be donated as an in-kind service.

ATTORNEY'S REPORT: Mr. Makris indicated the ITC agreement has been completed and the check has been received. It is ITC's intent to have the signed document recorded.

COMMISSIONER REPORTS: The new Trail signs look great. Congratulations to Mr. Makris on the completion of the ITC agreement. Ms. Young reminded everyone of the Holly Jolly Folly fundraiser held the night before the Lighted Christmas Parade on December 5th.

**ADJOURNMENT OF REGULAR MEETING TO ENTER INTO EXECUTIVE SESSION
TO DISCUSS LITIGATION:**

MOTION by Miller, supported by Young, *Moved*, to adjourn the Regular Meeting at 8:32 p.m. and enter into Executive Session for discussion of litigation, with the intent to return to regular session.

Ayes: Becker, Blanchard, Miller, Thomas, Whitman, Young

Nays: None

MOTION CARRIED.

The Regular Meeting reconvened at 9:15 p.m.

MOTION by Becker, supported by Young, *Moved*, that our attorney and trail manager act as directed during the Executive Session.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: December 15, 2009 at 7:00 p.m.

AJOURNMENT:

MOTION by Young, supported by Miller, *Moved*, to adjourn the Regular Meeting at 9:18 p.m.

Ayes: All Nays: None

MOTION CARRIED.

Respectfully submitted,

KRISTEN MYERS, Trail Manager

EDWARD PETERS, Trailways Secretary