

REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION

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

CALL TO ORDER: The Tuesday September 21, 2010 meeting was called to order by Chairperson Blanchard at 7:00 p.m.

Voting Members Present: Rock Blanchard, Ben Giovanelli, Edward Peters, Kathy Thomas, Ravi Yalamanchi, Alice Young

Voting Alternates Present: Linda Gamage (*enter 8:25 p.m.*), Martha Olijnyk

Non-Voting Alternates Present: Nathan Klomp, Paul Miller

Village of Lake Orion Non-Voting Member Present: Doug Hobbs

Voting Members Absent: Richard Schultz, Maryann Whitman

Alternates Absent: Marc Edwards, Jeff Matis, Jeff Phillips, Penny Shults

Others Present: John Makris, Attorney (*enter 7:20 p.m.*), Kristen Myers, Trail Manager

APPROVAL OF AGENDA:

MOTION by Young, supported by Peters, ***Moved***, to approve the September 21, 2010 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

a. Minutes – August 17, 2010 Regular Meeting, approve and file

b. Treasurers Report – August 2010, receive and file

c. Temporary Permit Request – Hometown Hustle, October 9, 2010, approve

MOTION by Young, supported by Peters, ***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 \$16,519.14. This amount includes the normal monthly expenses, the County's invoice for 80 hours of Mounted Patrol Services, Mr. Makris' 4th quarter legal retainer, Ms. Myers' 3rd quarter wages and FICA, and Mr. Makris' monthly invoice for professional services associated with litigation (\$2,760.00). The Commission delayed approval of Mr. Makris' invoice until review of his detailed report during executive session. Fund balance is estimated at \$29,000.

MOTION by Olijnyk, supported by Young, ***Moved***, that the invoices presented for payment, less Mr. Makris' monthly litigation invoice, are approved in the amount of \$13,759.14 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

TEMPORARY PERMIT REQUEST – TREK Breast Cancer Awareness Ride, October 9,

2010: Ms. Cathy Daldin, working with the TREK organization and the Rochester Bike Shop, came forward and explained the request. This is an annual cancer awareness ride. The ride will start at the Bike Shop proceeding to the River Walk and then to the trail – some participants turning around at Gunn Road and others will ride to Lake Orion and return. The event will begin around 10:00 a.m., after most of the Hometown Hustle event finishes. Approximately 50 participants are expected and all money raised will benefit the Breast Cancer Research Foundation. They are aware of the other event on the Trail at the same time, and participants will be asked to utilize extra caution between Rochester Road and Ludlow because of the Hometown Hustle. The permit fee has been received and the insurance paperwork is expected by the end of the week.

MOTION by Giovanelli, supported by Olijnyk, *Moved*, that the temporary permit for the TREK Breast Cancer Awareness Foundation’s event on October 9, 2010 event be approved, pending receipt of insurance information.

Ayes: All Nays: None

MOTION CARRIED.

TEMPORARY PERMIT REQUEST – Great Michigan Race, October 17, 2010:

Ms. Myers explained the request. This is a very well organized event, originally called the Amazing Michigan Race and has been in the planning stages for a year. The Special Olympics will benefit from the money raised. The Rochester area was chosen for the finalists (one of three areas in Michigan) because of the trail and the downtown area. It is similar to the “Amazing Race” as the 200 teams of 4 will follow clues to complete 10 different mental/physical challenges. The trail will be used for part of this event. Insurance paperwork has been received, and because the City of Rochester is one of the sponsors, Ms. Myers suggests that the permit fee be waived.

MOTION by Giovanelli, supported by Young, *Moved*, that the temporary permit for the Great Michigan Race event on October 17, 2010 event be approved, waiving the permit fee.

Ayes: All Nays: None

MOTION CARRIED.

LABOR DAY BRIDGE WALK REPORT: Ms. Myers summarized the successful, well attended event and provided some photographs. Approximately 210 participants attended despite the morning weather, a lot being repeat customers. 25 people signed up for the Friends Group. A change in route will be looked at for next year. Ms. Myers thanked all the volunteers and was thanked for her efforts toward the once again successful event.

FRIENDS OF THE PAINT CREEK TRAIL FUNDRAISER: Ms. Myers explained that our bike patroller has developed a “PC Trail Mixx” fundraising idea for the Friends Group after investigating all Michigan trail mix/nut companies. His idea is to purchase a Cranberry Fitness Trail Mix from the Rocky Peanut Company and repackage it in 4 oz packages. He has purchased the equipment and trail mix himself. Because of new legislation, the mix does not have to be assembled in a licensed kitchen. The packages cost approximately \$.55 to make, and could be sold for \$1.75 or so. The Cider Mill has agreed to sell it, so all profits would go toward to Friends group. Mr. Moutrie has been in touch with the three Rochester High School booster clubs, who would also help to sell the mix. He will approach Lake Orion schools as well. The booster club would get \$.50 and the Friends group would get the rest. Packages would be properly labeled with nutritional information and ingredients, and would say “profits benefit the Paint Creek Trail” (and booster clubs, when sold there). Mr. Moutrie has formed an LLC to be able to purchase and sell the mix. Ms. Myers indicated the PCT logo is not copyrighted, but the package needs some kind of branding to show profits benefit the PCT. Mr. Moutrie has purchased liability insurance (which should list the Commission as additional insured), the cost of which will be donated to the Friends group. He indicated he would like to develop a cartoon character logo for the branding piece. Ms. Myers asked if there are any issues that would affect

the PCTC – it shouldn't, because it's a separate entity doing the fundraiser and the proceeds are going toward Friends group enhancements. After discussion of the pros and cons of using the PCT logo, it is the consensus of the Commission not to use the logo, as it is a Friends group fundraiser and not connected to the Commission, but the members asked to see a proof of the PCT logo (**if used**) prior to inclusion in the package. The fundraiser idea itself was well received by the Commission and they recognized how valuable Mr. Moutrie is to the Commission. Ms. Myers was asked to check with the insurance carrier to see if we would be covered by any claims. Any other thoughts on where this could be sold, etc., should be emailed to Ms. Myers.

TRAILWAYS COMMISSION MEETING LOCATIONS RECOMMENDATION: Ms. Myers indicated she investigated this issue, provided a summary memo in the packet, and is recommending that we meet October through March at the Paint Creek Cider Mill, and during April through September at the City of Rochester offices. As part of their in-kind services, the City of Rochester has provided meeting room space, but because budget discussions are held early each year, the Commission has had to find alternate locations. Ms. Myers spoke with Oakland Township Manager Creech, who has approved the use of the Cider Mill's meeting room. After a brief discussion, it is the consensus of the Commission to hold six meetings at the Cider Mill and six meetings at the City of Rochester offices on a trial basis.

MOTION by Young, supported by Thomas, *Moved*, to approve moving the Commission meetings held October through March to the Paint Creek Cider Mill, and using the City of Rochester offices for the meetings held April through September on a trial basis.

Ayes: All Nays: None

MOTION CARRIED.

MANAGER'S REPORT: In addition to the written report, Ms. Myers reported the next Friends Group Meeting will be September 30th and there will be a vote for the Board of Directors. A gentleman has come forward wishing to donate \$1,000 for a drinking fountain along the trail. Ms. Myers reported she got a call from the Preede Foundation (they donated money for the Rochester Art Project) about funding for the Friends Group. She will follow up. Art projects are still outstanding in Orion Township and Rochester Hills. CMN is still working on a project about the trail, talking to users and taking footage of the trail. Rumors have been heard about extending the trail into the Village of Lake Orion, but no one has contacted the Trail office; more information forthcoming as received. Ms. Young reported the Village DDA Director has asked to be on our next agenda to give an update. Because of possible image problems due to the lawsuit, Ms. Myers asked that any of the Commission's elected officials give a monthly Trailways update to their respective Council/Board. This would be helpful to the member communities.

ATTORNEY'S REPORT: In regard to the Arthur's Way pathway, Mr. Makris reported he sent a letter to the seven property owners in the Kollin Woods Subdivision, as well as to the Homeowner's Association President indicating that they failed or refused to follow the necessary authorization process they had been advised of relative to their proposed pathway. A call was received from the Association representative, indicating that three of the four board members were out of the State, but they wanted to meet with the representatives of the Commission. Mr. Makris is suggesting that later this week or next week, that the subdivision representative meet with the Encroachment Sub-Committee and the Trail Manager to go over what happened, why it happened and how corrections can be made. Mr. Makris' letter indicated that they were to cease the trespass and remove the pathway from the property – but this may cause more damage at this point as we are not sure of erosion issues. It is unknown what is in the surface material, how clean it is or if there is any contamination. It is also unknown what the topography was before the work was done or how the path affects runoff. Permits are required from the Commission for any motorized devices used to remove the path. If they are willing to work with the Commission, maybe a better way of handling the situation can be fashioned, other than simply removing the

path. Ms. Myers will contact Rochester Hills Parks and Forestry Department and have them come out and complete a field check with her. Mr. Makris indicated it would be appropriate and timely for the Encroachment Committee to repurpose their original agenda – and that is to develop an encroachment policy. Thereby a policy will be in place for when these types of situations occur in the future.

MOTION by Yalamanchi, supported by Giovanelli, *Moved*, that the Encroachment Sub-Committee meet with the Homeowners Association representatives prior to our next meeting, have discussion and return to the Commission with their recommendation relative to the pathway issue.

Ayes: All Nays: None

MOTION CARRIED.

COMMISSIONER REPORTS: Ms. Olijnyk reported that when she was in Alaska, she had a photograph taken crossing the Arctic Circle with the trail bag, and thought it might be a good idea to have a “traveling with trail gear” photo contest. A “Community Garden” is being planned in the City of Rochester – a meeting will be held next Tuesday. Mr. Miller reported in the book “Scenic Highways and By-Ways of Michigan”, the Rochester/Rochester Hills chapter contains mention of only two areas - the Paint Creek Trail and Knapp’s DairyBar. The Brooksie Way Run is October 3rd, and Ms. Gamage mentioned there are “cheering stations” as well as water stations along the route – this could be an idea for the Friends Group and/or the Commission.

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

MOTION by Yalamanchi, supported by Peters, *Moved*, to adjourn the Regular Meeting at 8:35 p.m. and enter into Executive Session.

Ayes: Blanchard, Gamage, Giovanelli, Olijnyk, Peters, Thomas, Yalamanchi, Young

Nays: None

MOTION CARRIED.

The Regular Meeting was called back to order at 8:52 p.m.

MOTION by Olijnyk, supported by Yalamanchi, *Moved*, to approve payment of Mr. Makris’ invoice relative to litigation in the amount of \$2,760.00.

Ayes: All Nays: None

MOTION CARRIED.

ADJOURNMENT:

Upon **MOTION** by Yalamanchi, the Chairperson adjourned the Regular Meeting at 8:53 p.m.

NEXT MEETING: October 19, 2010 at 7:00 p.m.

Respectfully submitted,

KRISTEN MYERS, Trail Manager

EDWARD PETERS, Trailways Secretary