

REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION

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

CALL TO ORDER: The Tuesday June 21, 2011 meeting was called to order by Chairperson Blanchard at 7:00 p.m.

Voting Members Present: Rock Blanchard, Ben Giovanelli, Richard Schultz, Kathy Thomas (*enter 7:08 p.m.*), Ravi Yalamanchi (*enter 7:05 p.m.*), Alice Young

Voting Alternates Present: Paul Miller (*voting until 7:05 p.m.*), Martha Olijnyk

Non-Voting Alternates Present: David Becker, Linda Gamage

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

Voting Members Absent: Edward Peters, Maryann Whitman

Alternates Absent: Mark Crane, Marc Edwards, Nathan Klomp, Jeff Phillips

Others Present: John Makris (*enter 7:10 p.m.*), Attorney, Kristen Myers, Trail Manager, Alan Buckenmeyer, Rochester Hills Parks Operations Manager

APPROVAL OF AGENDA: A proposed Senate Bill regarding recreation trail use in Michigan will be added to the agenda for discussion.

MOTION by Giovanelli, supported by Miller, ***Moved***, to approve the June 21, 2011 agenda as amended.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

- a. Minutes – May 17, 2011 Regular Meeting, approve and file
- b. Treasurers Report – May 2011, receive and file
- c. Temporary Permit Request – Rural Pearl of a Ride, July 23, 2011, approve
- d. Temporary Permit Request – Lake Orion Rotary Dual-A-Thon, July 16, 2011, approve

MOTION by Young, supported by Miller, ***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 \$2,094.19. This amount includes Mr. Makris' \$680.00 invoice for litigation services and 3rd quarter retainer fee of \$1,100.00. Fund balance is estimated at \$28,300.00.

MOTION by Schultz, supported by Giovanelli, ***Moved***, that the invoices presented for payment are approved in the amount of \$2,094.19 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

TEMPORARY PERMIT REQUEST – National Alopecia Areata Foundation

Walk/Run/Bike – September 10, 2011: Ms. Myers indicated no representative for the Foundation is present to answer questions tonight, but sees no issues with their event.

MOTION by Giovanelli, supported by Young, *Moved*, that the temporary permit for the National Alopecia Areata Foundation walk/run/bike event on September 10, 2011 be approved, pending receipt of insurance paperwork.

Ayes: All Nays: None

MOTION CARRIED.

Ms. Lois Golden came forward with information on the Rural of a Pearl event. This is the signature event of the Polly Ann Trail, and she appreciates the Commission's approval of the permit. It is a 15-30-48 mile ride option, all starting out in downtown Oxford. There is still a need for volunteers along the route.

FRIENDS OF THE PAINT CREEK TRAIL UPDATE: Mr. Jim VanDoorn, president of the Friends Group came forward, introduced himself, summarized his background, and updated the Commission on events held and proposed events. The group is growing, there are nine board members, nine others who attend meetings and numerous participants who've expressed interest in becoming more active. The group participated with a booth at the Green Living Expo in downtown Rochester. A Meet and Greet open-house event was held last April. Walking and biking clubs are planned. A booth was also set up at the Growing Green event at Canterbury Village. The Paint Creek Trail Crawl event was very successful with 100 riders and over \$1,500 raised. There were a lot of prizes awarded with a value of approximately \$35.00 each; the grand prize was a \$500 gift card for Rochester Bike Shop. Mr. VanDoorn mentioned and thanked the sponsors of the event. Feedback after the Crawl was very positive and will definitely be planned for next year. The group is currently raising funds to purchase an additional drinking fountain, possibly an additional restroom and more benches. Upcoming events include the Virtual Bridge Walk with a suggested \$5.00 donation per family to help with the restoration of the Ludlow Bridge. A hayride on the trail is proposed for late October, with a portion of the ride being "haunted". Horse drawn sleigh rides or buggy rides are planned for December or January. More info on these events will be provided as details get worked out. The Commission expressed tremendous appreciation to Mr. VanDoorn for his leadership, involvement and great work with the Friends Group.

2010 FINANCIAL AUDIT: Ms. Myers indicated Commissioners received a copy of the audit in the mail, and everyone received an analysis memo regarding the 2010 audit in the packet. The auditor was pleased with the records and Commission actions and everything looks good.

MOTION by Giovanelli, supported by Young, *Moved*, to receive and file the 2010 audit as presented.

Ayes: All Nays: None

MOTION CARRIED.

2011 AUDIT SERVICES – Approval: Ms. Myers indicated Ramie Phillips, the auditor, is quoting his services for the 2011 audit at the same price as last year - \$3,700.00.

MOTION by Giovanelli, supported by Young, *Moved*, to approve the services of Ramie Phillips to complete the 2011 audit at a cost of \$3,700.00.

Ayes: All Nays: None

MOTION CARRIED.

ADA SUBCOMMITTEE POLICY RECOMMENDATIONS – Other Power Driven

Mobility Devices: Ms. Myers summarized that back in March this issue was brought before the Commission. A subcommittee was formed, met a few weeks ago, reviewed what the policy meant, the pros and cons of different devices, and drafted guidelines/policy for use of power-driven mobility devices on trail property. A revised policy was handed out tonight including two

additional statements on page 3 that Mr. Makris has suggested. Upon the question of why the statement that the Trail would have “no responsibility to transport devices to and from the trail” is necessary in the policy, Mr. Makris explained that if there are no available handicap parking spaces near the trail, users would have to locate where they could park and then have the device put on the trail – it is not the responsibility of the trail to build additional ramping from parking areas to the trail or provide handicap spaces where they do not exist. This statement also ties into the next statement in the policy where the trail has no responsibility for providing battery charging or retrieval of the device under any circumstance. In the case of an accident, Mr. Makris assumes that as a police or fire function, these individuals could be assisted off the trail. A good place for a launching area to the trail for power driven devices is at the Atwater parking lot, as no ramp is needed because of the even elevation. There are also handicap spaces at Tienken Road and Rochester Municipal Park. The yield issue came up, as people on these devices are considered pedestrians. If they are traveling at pedestrian speeds, that is fine – but they could be traveling faster, which would be unsafe. It was suggested that a policy should be developed that indicates all motorized vehicles should yield to walkers to make the trail as safe as possible – this should be separate from the policy adopted tonight. As we are entering new territory with this policy, we could adopt now and revisit it at a later date as more information becomes available. This policy covers the basics at this time.

MOTION by Young, supported by Olijnyk, *Moved*, to accept the subcommittee’s recommended policy, as revised and received tonight, on power driven mobility devices as presented.

Ayes: All Nays: None

MOTION CARRIED.

SENATE BILL #02650’11 – a Bill to amend 1994 PA 451 – Natural Resources and Environmental Protection Act:

Ms. Myers explained she received an email from Senator Marleau’s office regarding this bill, which is basically trying to change the act to allow a telecommunication provider free access to the trail corridors owned by the State and other governmental agencies to locate their fiber optic cables without having to pay for it. The trails should be concerned about this and Mr. Makris has reviewed the bill and responded with an opinion. Mr. Makris explained that a few years ago, there was an optic fiber company who was very interested in accessing the trail for their purposes, the Commission was in the processing of negotiating the fee for this use (in excess of \$10,000/year in revenue), but this did not occur because they ran into a hazardous waste site that they couldn’t get through. This is a valuable commodity for telecommunication entities - the alternatives are to use public right-of-way or getting access from private property owners through easements. This would be time consuming and costly. Mr. Makris feels this bill appears to be a give-away to a special interest group, because once they received this right what is to prevent other utility companies from the same right. It does not make sense to turn the trail over to a commercial enterprise. Mr. Makris recommends that this bill be strongly opposed for multiple reasons. Ms. Myers has prepared a resolution in opposition to the bill using the wording in Mr. Markris’ opinion, in case the Commission wishes to consider it. Ms. Myers feels the Commission should take action on this issue. It was suggested that other trail systems in the area combine in a joint effort to oppose this bill. This resolution should be sent as soon as possible.

Resolution Opposing SB 02650’11

Whereas, the Paint Creek Trailways Commission, of Oakland County, Michigan, does hereby find as follows:

Whereas, the Paint Creek Trailways Commission, the intergovernmental agency that owns and operates the 8.9 mile developed Paint Creek Trail in Oakland County, Michigan, purchased the

former Penn-Central Railroad property utilizing State grants and local funds in 1983 for \$450,000 and was the first Rail-to-Trail in the State of Michigan;

Whereas, the land owned by the Paint Creek Trailways Commission has a value today in excess of \$1.2 million dollars;

Whereas, the Paint Creek Trail is open for public use and receives over 100,000 users annually, including walkers, joggers, hikers, nature enthusiasts, equestrians, and cyclists and is a valuable local resource that enhances the quality of life for residents and visitors to southeastern Michigan;

Whereas, telecommunication company use of public trails and parkland is a real and possible revenue source for local governments, agencies, and managing organizations;

Whereas, there is no justification for free access by telecommunication companies or other utilities;

Whereas, allowing free use of trail and linear park rights-of-way for other than its intended use is best left to the control and decision of trail or right-of-way owners;

Whereas, this bill may set a precedent that opens the possibility of other utility companies, such as gas or electric companies, to have unfettered use and access of trails, and may also leave open the likelihood of multiple installations by the same company with no restriction as to place, time, number, capacity, etc.;

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT the PAINT CREEK TRAILWAYS COMMISSION OF OAKLAND COUNTY, MICHIGAN is **strongly opposed to SB 02650'11**, a bill that would amend 1994 PA 451 entitled "Natural Resources and Environmental Protection Act".

Motion by: Giovanelli
Supported by: Young

Ayes: Blanchard, Giovanelli, Olijnyk, Schultz, Thomas, Yalamanchi, Young
Nays: None

MOTION CARRIED UNANIMOUSLY.

REQUEST FOR NEW SIGNAGE – Gallagher Road crossing: Ms. Myers is recommending a new sign be installed at the north and south Gallagher Road crossings on the current crossing sign, indicating where users can find the office, restrooms and local businesses. The City of Rochester Hills DPW/sign shop has offered to make the signs as an in-kind service.

MOTION by Schultz, supported by Thomas, *Moved*, that the Commission approves the installation of new signs at the north and south Gallagher Road crossings at no cost to the Commission as an in-kind service of Rochester Hills.

Ayes: All Nays: None

MOTION CARRIED.

2012 DRAFT BUDGET – Approval: Ms. Myers indicated there are few changes from the discussion last month; there is a line item added under "office" for the rental of a portable restroom at the Tienken Road trailhead at a cost of \$110/month for 6 months – from May thru October. This will alleviate the lack of restrooms problem until the setback issue can be worked out with the city. The approved license fee revenue has been added. The patrol program is proposed to remain the same for 2012, as well as the monetary operations request from member

communities. Ms. Myers was thanked for her work on the budget and the fact that we do not have to ask for an operations increase from the member communities for 2012 even though the office operating expenses have doubled for next year.

MOTION by Young, supported by Thomas, *Moved*, that the 2012 budget be adopted and submitted to each member community as presented.

Ayes: All Nays: None

MOTION CARRIED.

MANAGER'S REPORT: Ms. Myers reported nothing in addition to her written report.

ATTORNEY'S REPORT: Mr. Makris reported nothing in addition to his written report.

COMMISSIONER REPORTS: Ms. Olijnyk followed up on the Kollin Woods Subdivision issue by indicating they did add the Commission on their homeowner's insurance certificate, and that they will notify Ms. Myers before they start work on the erosion control along the trail. Commissioners welcomed Mr. Schultz back and wished Ms. Olijnyk best of health on her upcoming baby's birth. The Relay for Life Greater Rochester event will be held June 25-26 at Hart Middle School.

ADJOURNMENT:

MOTION by Giovanelli, supported by Schultz, *Moved*, that the June 21, 2011 Regular Meeting be adjourned at 8:25 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: July 19, 2011 at 7:00 p.m.

Respectfully submitted,

KRISTEN MYERS, Trail Manager

EDWARD PETERS, Trailways Secretary