

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 August 18, 2009 meeting was called to order by Chairman Blanchard at 7:00 p.m.

Voting Members Present: Rock Blanchard, Marc Edwards, Edward Peters, Richard Schultz, Ravi Yalamanchi

Voting Alternates Present: Linda Gamage, Martha Olijnyk (*enter 7:20 p.m.*)

Non-Voting Alternates Present: Paul Miller (*enter 7:07 p.m.*)

Non-Voting Members Present: None

Voting Members Absent: David Becker, Maryann Whitman, Alice Young

Alternates Absent: Jeff Matis, Penny Shults, Kathy Thomas, Michael Webber

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

APPROVAL OF AGENDA:

MOTION by Schultz, supported by Gamage, *Moved*, to approve the August 18, 2009 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

- a. Minutes of July 21, 2009 Regular meeting, approve and file
- b. July Treasurer's Report, receive and file

MOTION by Edwards, supported by Gamage, *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 \$4,973.61.

This total includes payment to Mr. Makris for professional services regarding the lawsuit and the drawstring backpacks for the Labor Day Bridge Walk. Estimated fund balance remains at \$60,000.

MOTION by Schultz, supported by Edwards, *Moved*, that the invoices presented for payment are approved in the amount of \$4,973.61 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

TEMPORARY PERMIT POLICY DISCUSSION: Last month the Commission requested a discussion on the temporary permit policy. A copy of the policy was included in the packet. Ms. Myers explained a few organizations have had events on the trail without applying for a permit or advising the trail manager. They claimed there were less than 35 participants – therefore the

permit was not required. One of the organizations is the Stoney Creek Running Club, who had an event on the trail in 2007 without our knowledge indicating less than 35 participants would be involved, even though people on site indicated more participants. That organization pulled a permit in 2006, so they knew the process. In talking with the organization, it is felt they didn't want to deal with the insurance required by the permit. Last weekend Mr. Moutrie reported the running club was again on the trail with between 80-100 participants running a relay race. Abuse of the system has occurred, and the Commission may want to consider deleting the required 35 or more participants and say that any fund-raising event requires a permit and the relevant information. A lengthy discussion ensued. Comments included that consistency needs to be adhered to; any organized event - fund-raiser or not - needs to apply for a permit and we could decide whether or not they need insurance; lower the required participants for a permit from 35 to 20 or 10; and trail users for training purposes should not require insurance. It was suggested that we look into the permit process of the member communities for use of the parks, etc. If the schools are using the trail for training purposes, they should at least call the trail office as a courtesy. We should contact our insurance provider to see if we are covered if something happens to someone using the trail for training without a permit or insurance. A comment was made that maybe the Commission is over-analyzing this issue, as we already have a policy in place for temporary permits and we should be covered for liability. The permit policy was established because the volume of event participants created safety issues for the users in general. Because it is a public safety issue, Mr. Makris indicated we are entitled to control and regulate the events. Possibly we could require permits for weekend only or holiday Monday events as this is when most users are on the trail. There may not be an issue with the policy itself, only that a process to follow up with the abusers needs to be established. Mr. Makris could possibly send a letter to these offenders. It could also be made easier for people to apply for permits – possibly on line. It was also suggested that a permit application be filed so many days prior to the event. The schools should be contacted to see if they use the trail for training purposes so we know when the students will be out there. After discussion it was decided that permit applications for more than 20 participants should be filed 45 days prior to the event to assure they will be handled timely, Ms. Myers can review and administratively approve the simple permits and/or associated fees and insurance requirements, while the complex permits come to the Commission for approval. Ms. Myers will revise the policy and bring the draft back for review next month.

LABOR DAY BRIDGE WALK UPDATE: All plans are coming along, and a volunteer sign-up sheet was included in the packet. Invitations to previous attendees are being mailed tomorrow. A press release was prepared for Community Lifestyles. Innovative Chiropractic is a \$250 sponsor. Interest was received from Beaumont Physical Therapy for possible sponsorship. Ms. Myers is expecting 400 participants, and fudge will be purchased from a local Orion Township business (samples provided tonight). Water will be available at Silver Bell for participants who make it to that point.

MANAGER'S REPORT: In addition to the written report, Ms. Myers indicated she received a call from the City of Rochester requesting an update of the lawsuit at their August 24th meeting. Mr. Makris and Ms. Olijnyk will attend this meeting. Any other Commissioners who can make this meeting were encouraged to attend. A copy of the Menominee case could be provided to the Council. Ms. Myers stated she would like to go back to an electronic packet instead of a paper packet. A framed copy of the brochure map will be provided as a thank-you gift to the company who designed our brochure and map as they provided approximately \$10,000 of in-kind services. Also, a prototype of the replacement directional sign map is here for viewing by the members.

ATTORNEY'S REPORT: The ITC license agreement has been signed by all parties. The check for all outstanding fees should be received next week.

COMMISSIONER REPORTS: Ms. Gamage reported she spoke with someone working with the DDA to apply for listing on a “dozen distinctive destinations in the US” and she has included the Rochester Art Project on the application. There is no official name for these signs – maybe we should think about an actual name for the art project. Also, one of Ms. Gamage neighbors is appreciative of all the Commission has done for the trail and would like to donate something at the end of Griggs St. near his day care center, possibly a water fountain. Mr. Peters indicated a bridge on Polly Ann Trail was set on fire and hopes that a fire will not spread through the trail.

ADJOURNMENT OF REGULAR MEETING TO ENTER INTO EXECUTIVE SESSION:
MOTION by Schultz, supported by Olijnyk, *Moved*, to adjourn the Regular Meeting at 8:02 p.m. and enter into Executive Session.

Ayes: All Nays: None

MOTION CARRIED.

The Regular Meeting was called back to order at 8:32 p.m.

MOTION by Edwards, supported by Schultz, *Moved*, that our attorney act as directed during the Executive Session.

Ayes: All Nays: None

MOTION CARRIED.

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

ADJOURNMENT:

MOTION by Olijnyk, supported by Edwards, *Moved*, to adjourn the Regular Meeting at 8:33 p.m.

Respectfully submitted,

KRISTEN MYERS, Trail Manager

EDWARD PETERS, Trailways Secretary