

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 July 21, 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, Maryann Whitman, Ravi Yalamanchi

Voting Alternates Present: Kathy Thomas

Non-Voting Alternates Present: Linda Gamage, Paul Miller (*enter 7:10 p.m.*), Martha Olijnyk

Non-Voting Members Present: Lois Golden (*enter 7:15 p.m., exit 8:45 p.m.*)

Voting Members Absent: Marc Edwards, Alice Young

Alternates Absent: Jeff Matis, Penny Shults, Michael Webber

Others Present: John Makris, Attorney, Kristen Myers, Trail Manager

APPROVAL OF AGENDA: Add ITC license agreement update before the Manager's Report.

MOTION by Schultz, supported by Thomas, ***Moved***, to approve the July 21, 2009 agenda as amended.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

- a. Minutes of June 16, 2009 Regular meeting, approve and file
- b. June Treasurer's Report, receive and file
- c. Bike Patrol Additional Hours, approval

The approval of Bike Patrol additional hours was removed from the consent agenda.

MOTION by Thomas, supported by Schultz, ***Moved***, that the consent agenda be approved as amended.

Ayes: All Nays: None

MOTION CARRIED.

Clarification of the budget impact for additional hours was requested. Ms. Myers explained that the original budgeted amount for bike patrol was based on 300 hours for \$3,875.00 and back in March, the Commission approved taking \$258.48 from the miscellaneous contingency account to cover additional hours needed for help with encroachment issues. After negotiations with the mounted patrol, they dropped their hourly rate because of a federal tax issue, clearing up \$615 out of the mounted patrol budget. Ms. Myers is requesting to take this savings and put it toward the bike patrol. The total budgeted amount is now \$4,740.48 for the year. There is no budget impact as the money is available and earmarked for patrol services.

MOTION by Becker, supported by Whitman, ***Moved***, to approve the additional hours for bike patrol.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL OF INVOICES: Ms. Myers presented the invoices in the amount of \$6,820.57. This total includes payment to Mr. Phillips for the 2008 audit and payment to Mr. Makris for professional services regarding the lawsuit. Estimated fund balance remains at \$60,000.

MOTION by Whitman, supported by Schultz, *Moved*, that the invoices presented for payment are approved in the amount of \$6,820.57 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

TEMPORARY PERMIT REQUEST – Brooksie Way Half Marathon – October 4, 2009:

Ms. Nancy Thompson of Oakland County, representing Brooksie Way, came forward with posters and registration brochures and explained the request. There will be a half-marathon event, a fun-run sponsored by the Detroit Pistons, and a family activity zone including a rock climbing wall running the entire morning for people waiting for runners. There will also be a CEO 5k challenge. Last year - the first year of the event - 2,000 participants were expected and 4,000 showed up. It was mentioned that this event would be a great chance to recruit "friends" of the trail. Ms. Thompson suggested that the trail staff one of the water stations along the course for local exposure. Also, every runner who registers will receive a runner's bag; and for a nominal fee, the trail could insert a brochure into the bag. Ms. Thompson expressed appreciation for all the support the Commission is providing.

MOTION by Becker, supported by Schultz, *Moved*, that the temporary permit for the Brooksie Marathon October 4, 2009 event be approved pending receipt of insurance information and waiving the permit fee.

Ayes: All Nays: None

MOTION CARRIED.

TEMPORARY PERMIT REQUEST – Rural Pearl of a Ride – July 25, 2009: No

representative is present to explain the request, but insurance information has been received. Ms. Myers has no issues with the event, everything is in order, and the fee has been waived in the past. It was noted that the registration indicates that the possibility of Oakland County Sheriff's Department ATV patrol during the event. Is it anticipated the ATV's will be on the trail during this event? Ms. Myers explained her interpretation is that they will be available, but will be on the Polly Ann section of the trail. It is expected that only 30 people will be make the entire trip from the Polly Ann to the Paint Creek to the Clinton River to the Macomb Orchard Trail. Mr. Makris recommended that it be made clear ATV's are not permitted on the Paint Creek Trail except in an emergency situation. Ms. Golden explained that on behalf of Downtown Lake Orion, she attempted to get more information about this event, as last year the downtown served as a rest station. She spoke with a representative from Polly Ann Trail who indicated they were not directly involved with this event. Ms. Golden would like to alert the Lake Orion Police Department if there will be a group of people going through the area – public safety really needs to be informed about these events. Ms. Myers indicated the insurance policy/paperwork is from the Village of Oxford. A discussion ensued about our policy of not allowing motorized vehicles on the trail, and whether or not Oxford is actually sponsoring the event. It was also noted that the contact person for the event did not list a telephone number on the application. Ms. Myers indicated she has the contact information and will touch base with them tomorrow. It was also suggested to get a contact number for the Sheriff's Department ATV patrol. The insurance information was given to Mr. Makris for review, and he confirmed that if the Village of Oxford is sponsoring the event, the Paint Creek Trail is listed as an additional insured entity for this event. Next year, the route, more detailed information and contact information for the event must be submitted with the application. A discussion about organized trail event safety, when the application fee is waived, and the actual permitting process needs to be scheduled on a future agenda.

MOTION by Thomas, supported by Peters, *Moved*, that the temporary permit for the Rural Pearl of a Ride July 25, 2009 event be approved with the following conditions: 1) no ATV's allowed

the trail except for emergency purposes, 2) full contact information of the sponsor is received, 3) confirmation that the Village is the sponsor, and 4) contact information for the Oakland County Sheriff's Department ATV patrol is received.

Ayes: Becker, Blanchard, Peters, Schultz, Thomas, Yalamanchi

Nays: Whitman

MOTION CARRIED.

TEMPORARY PERMIT REQUEST – AdvoKate Run/Walk – August 1, 2009: No representative is present to explain the request. Ms. Myers indicated everything is in order with their permit, and the event in memory of the sponsor's daughter, has been very successful the last two years. The application and insurance information has been received, and the fee has been waived in the past.

MOTION by Whitman, supported by Becker, *Moved*, that the temporary permit for the AdvoKate Run/Walk August 1, 2009 event be approved, waiving the application fee.

Ayes: All Nays: None

MOTION CARRIED.

2008 AUDIT REPORT: Ms. Myers stated the 2008 audit report has been received and distributed to the Commissioners. Mr. Phillips was very pleased with the finances. Expenses were 3% less than anticipated. In the report, "Trail Coordinator" should be changed to "Trail Manager". Ms. Myers was thanked for her work toward this effort.

MOTION by Whitman, supported by Schultz, *Moved*, to approve and file the 2008 Audit Report, and to send copies to all member communities.

Ayes: All Nays: None

MOTION CARRIED.

2009 AUDIT SERVICES – Approval: Ms. Myers explained Mr. Phillips' proposal for 2009 – no increase in the cost for this year's audit – keeping the price at \$3,700.

MOTION by Schultz, supported by Whitman, *Moved*, to approve Mr. Phillips' proposal for the 2009 Audit services at a cost not to exceed \$3,700.

Ayes: All Nays: None

MOTION CARRIED.

TRAIL ACCESSIBILITY – HB 4411 Letter of Opposition: Ms. Myers and Mr. Makris have worked on the draft letter to be sent to Representatives McMillin and Marleau opposing this bill. Suggested changes include additions to the bullet points - mention something about the noise of ATV's, say something about how fast an ATV or snowmobile can travel, and mention the trail is only eight feet wide and use of ATV's could pose a safety issue when passing other users. At the end of the 3rd paragraph change the sentence to read "The trail is ADA accessible, and we welcome appropriate use by the disabled."

MOTION by Schultz, supported by Whitman, *Moved*, to approve the draft letter as amended and send it to our Representatives.

Ayes: All Nays: None

MOTION CARRIED.

LABOR DAY BRIDGE WALK UPDATE: Ms. Myers indicated she submitted a letter and application to the City of Rochester for a special permit for this event, and is waiting for final approval. She also provided pictures and price information regarding two ideas for promotional items, one being a drawstring backpack and the other an electronics holder. After discussion it is the consensus to purchase the 500 backpacks in green with our logo in white at a price of \$945.00. There is money in the budget to cover this expense. It was also suggested that local merchants be contacted for the purchase of fudge for this year's event.

MOTION by Becker, supported by Whitman, *Moved*, to approve the purchase of 500 green backpacks with our logo in white at a cost not to exceed \$945.00 as a promotional give-away for the Labor Day Bridge Walk event.

Ayes: All Nays: None

MOTION CARRIED.

ITC AGREEMENT: Mr. Makris received an email today before leaving the office, that if the Commission agrees with the changes – we have an agreement. The changes include wording that the \$300 license preparation fee will be paid by ITC when they sign the license plus they will be paid the accrued license fees at \$325 per crossing, or \$650 for the two crossings going back to the year that DTE ended paying their license fee (2004 until 2009). The anniversary date was changed from July 1st to January 1st, which is consistent with all their agreements with various railroads or other paths they cross. Ordinarily the fee would increase next year, but their fee was increased over what DTE was paying. The next anniversary date for the 30% license fee increase was moved from 2015 to 2014. The agreement will continue to renew in 5-year increments, each 5 years there will be a 30% increase in the fee. Also, the Trail Manager will be notified of any emergency situations to avoid interfering with trail activities. ITC, in cases other than emergencies, must notify the Trail Manager in advance if they need to access the licensed property by using motorized vehicles. Any increase in capacity will require Commission approval.

MOTION by Schultz, supported by Thomas, *Moved*, to approve the ITC license agreement as presented and authorize signature by the Commission.

Ayes: All Nays: None

MOTION CARRIED.

MANAGER'S REPORT: In addition to the written report, Ms. Myers added that an individual wants to donate several hundred dollars if we purchase pet waste bags and place dispensers along the trail. Ms. Myers is researching the cost of this idea. Four of the five kiosks initiated as an eagle scout project have been installed – the one at Clarkston/Kern still needs to be installed, there was an issue with the location that is being worked out - it should be installed this weekend.

ATTORNEY'S REPORT: Mr. Makris indicated he has been working on the ITC agreement and the letter relative to HB4411. He will update the legal issues in executive session.

COMMISSIONER REPORTS: Mr. Peters reminded commissioners about the Farmer's Market on Wednesday's in downtown Lake Orion – the local fudge could be taste-tested; this is also the night for concerts in the park. The Rochester Art Displays are still standing and getting lots of attention.

ADJOURNMENT OF REGULAR MEETING TO ENTER EXECUTIVE SESSION:

MOTION by Whitman, supported by Peters, *Moved*, to adjourn the Regular Meeting at 8:45 p.m. and enter into Executive Session.

Ayes: All Nays: None

MOTION CARRIED.

MOTION by Whitman, supported by Thomas, *Moved*, to enter into Executive Session at 8:45 p.m. without reconvening to Regular Session.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: August 18, 2009 at 7:00 p.m.

Respectfully submitted,

KRISTEN MYERS, Trail Manager

EDWARD PETERS, Trailways Secretary