

REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION

Held at the Paint Creek Cider Mill Building, 4480 Orion Road
Oakland Township, Oakland County, Michigan

CALL TO ORDER: The Tuesday March 15, 2011 meeting was called to order by Chairperson Blanchard at 7:00 p.m.

Voting Members Present: Rock Blanchard, Edward Peters, Kathy Thomas, Maryann Whitman, Alice Young

Voting Alternates Present: David Becker, Paul Miller (*enter 7:12 p.m.*)

Non-Voting Alternates Present: None

Village of Lake Orion Non-Voting Member Present: None

Voting Members Absent: Ben Giovanelli, Richard Schultz, Ravi Yalamanchi

Alternates Absent: Mark Crane, Marc Edwards, Linda Gamage, Nathan Klomp, Martha Olijnyk, Jeff Phillips

Others Present: John Makris, Attorney (*enter 7:18 p.m.*), Alan Buckenmeyer

APPROVAL OF AGENDA:

MOTION by Young, supported by Whitman, ***Moved***, to approve the March 15, 2011 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

- a. Minutes – February 15, 2011 Regular Meeting, approve and file
- b. Treasurers Report – February 2011, receive and file
- c. Temporary Permit Request: GreyHeart Greyhound Rescue Walk – May 22, 2011
- d. Temporary Permit Request: Curamus Terram 10K – September 17, 2011

MOTION by Whitman, supported by Thomas, ***Moved***, that the consent agenda be approved as presented.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL OF INVOICES: Chairperson Blanchard presented the invoices in the amount of \$1,319.00. This amount includes Mr. Makris' 2nd quarter retainer. Fund balance is estimated at \$23,000.

MOTION by Young, supported by Whitman, ***Moved***, that the invoices presented for payment are approved in the amount of \$1,319.00 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

OUTREACH PROJECT WITH DINOSAUR HILL – Discussion: A memo was provided by Ms. Myers relative to the proposed non-motorized transportation education outreach project. Mr.

Becker indicated he was approached by Sue Neal, Executive Director of Dinosaur Hill, who suggested the Commission seemed like a natural fit with the project because of the many walkers and pedestrians on the trail. He thinks the Commission should cooperate with this project. Ms. Thomas mentioned that Oakland Township was working with a very informative gentleman from the Road Commission last year on trail connectivity issues across roads, and will provide his name to Ms. Myers for possible assistance in this project. It was suggested that OTAC get involved in this effort. It is the consensus of the Commission to direct Ms. Myers to work with Dinosaur Hill and OTAC on this project. Messrs. Blanchard and Becker offered their willingness to assist in this effort.

ADA – RULE ON “OTHER POWER-DRIVEN MOBILITY DEVICES” – Discussion: Ms. Myers provided the Commission with a memo and information from American Trails regarding changes to the rule. Wheelchairs are allowable, no matter what – but it sounds like once we make a case for everything else, a policy would have to be written to make it known. Until that is done, anything can be allowed on the trail, including vehicles. An interim policy needs to be drafted quickly as this rule takes effect today. This law will destroy a lot of beautiful trails around the country. Mr. Alan Buckenmeyer, Rochester Hills Parks Manager, commented that pick-up trucks and vehicles do not have to be allowed on the trail as it would create a safety hazard. He added that the City of Rochester Hills does not intend to write a policy, and that signs indicating “no motorized vehicles permitted, except those used by the disabled” were posted on the Clinton River Trail. One thing he is familiar with on the trail is golf carts and/or segways - and they will be really hard to argue against. Wheelchairs are allowed anywhere pedestrians are, but these are not an issue. The whole idea is that it has to be a reasonable accommodation, and if you want to stop something, the policy will have to be based on safety. We have to remember this rule is for disabled persons, and those individuals will not be using cars, trucks or even segways. The only thing you can ask individuals is if they are disabled, they don’t have to provide permits or proof. Mr. Makris has reviewed the ruling and doesn’t think the Commission would deny a handicapped person access to the trail - that is not the issue. Other elements involved are the devices – how fast it goes and the weight. The primary issue is the safety or lack of safety that some of these devices may have on the trail. The trail is not always groomed and it’s in different conditions at different times of the year. If a person gets stuck or tips over, how is this remedied? All of these safety issues are relevant to the individual who is disabled and is using our unpaved trail. This will present some obstacles. At a minimum, signage should be considered to alert people to safety issues. Possible danger to others on the trail also needs to be considered. Vehicular problems to the trail surface also needs to be looked at. Some of the mobility vehicles are quite large and heavy and could pose problems to the surface. Another issue is the non-disabled user who has borrowed somebody else’s device. Mr. Makris believes we could limit certain types of devices. Signage could also be used to direct handicapped individuals to the paved “sister” trails. Any warning signs should avoid the word “disabled” in order to alert all individuals to possible seasonal conditions. Mr. Miller commented that an assessment needs to be done and a policy written, but is not sure the Commission is the best way to accomplish this. He recommended a subcommittee be formed quickly to review the matter. Mr. Makris suggested that we get some examples of motorized devices and experiment on the trail to see how they would function in the environment. Speed limits on the trail were suggested, but enforcement would be an issue. It was suggested to look at rules for and problems of trails that are specifically for the handicapped. Existing trail signage should be reviewed. Possibly a permit should be required for the use of mobility vehicles? Mr. Makris indicated no, as the Commission does not want to be in a position of determining who is disabled or not – and once we OK a particular device and it isn’t safe and someone gets injured – we’ve OK’d it and it becomes a responsibility the Commission takes. We should see if OTAC is discussing this issue. Messrs. Becker, Blanchard and Miller agreed to help on the subcommittee. Mr. Makris agreed to consult with the subcommittee. It was also

suggested that Ms. Myers contact the Park Managers of each member community for assistance, as well as Ms. Milos-Dale and Becky McLogan. Ms. Young will pass this information on to the Polly Ann Trail Commission to see if someone there would be willing to serve. Possibly grant assistance could be sought to help make the trail more ADA accessible. This ruling will also affect existing safety paths.

PERSONNEL SUBCOMMITTEE REPORT: Chairman Blanchard indicated that evaluations were due today and he will take them if they are available. If not, please email or mail them as soon as possible. Due to budget constraints and the economy a monetary increase for staff is probably not possible, a gift certificate or a dinner out pass was suggested. A business could be solicited to donate for this amenity, or the Commissioners could contribute towards this gift. The Royal Park could be approached as they could gain some notoriety because they are next to the trail and utilize that in their advertising. It is the consensus of the Commission that this is a good idea and would contribute funds if a donor was not found. Perhaps the Royal Park would match any funds.

MANAGER'S REPORT: As Ms. Myers is not present, there was nothing in addition to the written report.

ATTORNEY'S REPORT: Relative to litigation, Mr. Makris indicated he is waiting for the judge to assign a date for a conference. This has held up the finalization of the Solaronics documentation. Their attorney attempted to file everything and the court clerk said they weren't accepting anything until a conference has been held. Hopefully this will be done within the next few weeks. Mr. Makris advised the clerk that not everybody needs to be advised of the conference as settlements and orders have been entered on all but a few defendants, and the others are just waiting for signature. Mr. Makris will complete a summary of where the case stands and what still needs to be completed for the clerk/court, therefore a notice will not have to be sent to every defendant. A copy of this summary will be provided to Ms. Myers.

COMMISSIONER REPORTS: Ms. Thomas reported that Sam's Club would like to put up a booth at the Labor Day Bridge Walk event. They should be encouraged to contact Ms. Myers. Mr. Miller reported that the Friends Group has been working on the Paint Creek Trail Crawl event – the next meeting is the 24th. Mr. Becker stated it is nice to be back on the Committee.

ADJOURNMENT:

MOTION by Young, supported by Whitman, *Moved*, that the March 15, 2011 Regular Meeting be adjourned at 8:10 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: April 19, 2011 at 7:00 p.m. at City of Rochester Offices

Respectfully submitted,

KRISTEN MYERS, Trail Manager

EDWARD PETERS, Trailways Secretary