

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 May 17, 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, Ravi Yalamanchi (*enter 7:02 p.m.*), Alice Young

Voting Alternates Present: David Becker, Linda Gamage

Non-Voting Alternates Present: Mark Crane, Nathan Klomp (*enter 7:12 p.m.*), Paul Miller (*enter 7:04 p.m.*)

Village of Lake Orion Non-Voting Member Present: None

Voting Members Absent: Ben Giovanelli, Richard Schultz

Alternates Absent: Marc Edwards, Martha Olijnyk, Jeff Phillips

Others Present: John Makris (*enter 7:17 p.m.*), Attorney, Kristen Myers, Trail Manager

Chairperson Blanchard introduced and welcomed Mr. Mark Crane, Orion Township's alternate member, who is in attendance tonight.

APPROVAL OF AGENDA: Liability of the Friends of the Paint Creek Trail as related to the May 21st Crawl Event will be discussed under the Attorney's Report.

MOTION by Young, supported by Whitman, ***Moved***, to approve the May 17, 2011 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

- a. Minutes – April 19, 2011 Regular Meeting, approve and file
- b. Treasurers Report – April 2011, receive and file

The April 19, 2011 minutes were removed from the consent agenda.

MOTION by Becker, supported by Young, ***Moved***, that the consent agenda be approved as amended.

Ayes: All Nays: None

MOTION CARRIED.

Comment on the Minutes: Under Public Comment, Ms. Whitman stated she does not recall Ms. Myers saying that Oakland Township did not approve the "clean up after your horse" section in the ordinance. Ms. Myers explained that years ago, when the uniform trailways ordinance was first adopted, Oakland Township did not adopt the horse ordinance and Orion Township did not approve the dog clean-up section. Ms. Whitman will look into this discrepancy.

MOTION by Whitman, supported by Gamage, *Moved*, to approve the Minutes of the April 19, 2011 Regular Meeting as presented.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL OF INVOICES: Ms. Myers presented the invoices in the amount of \$1,849.00. This amount includes Mr. Makris' \$1,520 invoice for litigation services; the invoice to be presented upon Mr. Makris' arrival. The Commission postponed approval of this invoice until it is received and reviewed. Fund balance is estimated at \$23,000.

MOTION by Young, supported by Gamage, *Moved*, that the invoices presented for payment are approved in the amount of \$329.00 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

LABOR DAY BRIDGE WALK – September 5, 2011: A memo outlining recommendations for this year's walk was provided in the packet. This is the most successful event on the trail. Ms. Myers' suggests that the Commission be the sponsoring organization with help from the Friends Group, due to liability issues. The Friends group does not have liability insurance at this time. Due to parking requirements, use of the Rochester Municipal Park and the Kiwanis Pavilion are proposed. Ms. Gamage has submitted an application to the City of Rochester to use the pavilion, but has not yet received approval. Also proposed is a \$5/family "suggested donation" for the walk, with profits going toward the Dinosaur Hill bridge replacement as part of a Friends group fundraising initiative. A poster could be displayed explaining the bridge project. Some people, if they know where the money is going, might give a larger donation. Ms. Myers will be meeting with Messrs. Vettraino and Bohlen from the City of Rochester to get more details on the bridge project. A \$250 sponsor has already signed up for this year, and there is \$750 in the budget which can be used for promotional items.

MOTION by Becker, supported by Young, *Moved*, that the Commission accept the recommendations for the Labor Day Bridge Walk activities as outlined in Ms. Myers' memo.

Ayes: All Nays: None

MOTION CARRIED.

GIRL SCOUT PROGRAM – Grant funded: Ms. Myers stated that Ms. Gamage was instrumental in obtaining a \$1,500 grant from the Michigan Council of Hostelling International. The grant will be used to further develop a scouting program aimed at Girl Scouts. Girl Scout troops in Rochester and Lake Orion school districts will be offered the hiking program in the fall. A trail quiz will be filled during the hike. Ms. Myers is working on a new patch design that will incorporate the Paint Creek Trail and Hostelling International's logo.

2012 DRAFT BUDGET: An overview of the 2012 budget was included in the packet. Taking into account input from the elected officials, Ms. Myers is proposing the request for operations and patrol funds from each of the communities remain the same as the 2011 budget. Changes to expenses are outlined in the memo. Cider Mill rent/utilities will increase to \$5,000 per year, and no legal expenses are projected for 2012. Under expenses, the legal retainer should be decreased if the Personnel Subcommittee's recommendation is accepted by the Commission. The patrol program is proposed to stay the same, but if the Commission wishes to make any budget cuts, they could be made to the Mounted Patrol. The mounted patrol must report for duty in pairs, and are paid for an hour before and an hour after their actual shift to care for the horses. The Commission gets more service for our dollars with the bike patrol program. After a short discussion, it was agreed to leave the 2012 mounted patrol services as proposed. The license fee revenue will increase due to Solaronics license. It was suggested that the goal to raise a certain dollar amount of additional revenue annually should be included on the first page of the budget under special projects. Another revenue source could be to sell photographs as artwork, or to

develop a calendar highlighting photos of the trail. Any other questions or concerns should be emailed to Ms. Myers. The 2012 budget will be on the June agenda for final approval.

LICENSE FEE DISCUSSION: Ms. Myers contacted Ameritech regarding their license fees for 2011. They wanted to prepay for the next 5 years, but wanted guaranteed rates and no increase. Ms. Myers explained that in reviewing the history of license agreements, the last time they were increased was April 2000, and prior to that it was in 1991. This might be an appropriate time to increase fees for some of the licenses. Several licenses are either too new, have projected increases or are not subject to increases. Based on Mr. Makris' proposed 15% increase (3% over 5 years non-compounded), a summary of the current license fees and proposed increases is attached to a memo included in the packet. The new rates would take effect in January 2012. Dillman & Upton's fees have not been increased in the last 5 years, Solaronics fee has a built-in increase in the future, and Detroit Edison fees are set to increase in 2015. License fees involving guy-wires are not generally increased. After discussion, it is the consensus not to increase Dillman & Upton, Solaronics, DTE or ITC license fees at this time, but to increase the rest of the license fees by 3% each year over the next 5 years, non-compounded. Ms. Myers will send a letter to license holders relative to the increased rates effective January 2012.

MOTION by Becker, supported by Whitman, *Moved*, to approve an increase to Consumers Energy, Michigan Gas Storage, SunPipe, JHP Pharmaceuticals, MichCon and Ameritech license fees of 3% each year (non-compounded) over the next 5 years.

Ayes: All Nays: None

MOTION CARRIED.

PERSONNEL SUBCOMMITTEE REPORT/RECOMMENDATIONS: A recommendation summary from the Subcommittee is included in the packet. Ms. Gamage summarized this report. Evaluations were given to each of the contracted employees. Everyone was thanked for participating in the evaluations. There were some questions to and from Ms. Myers. One of the questions was how much time should the Manager spend on the trail and what should be her focus while out on the trail. Ms. Myers spends 8-10 hours a month on the trail from spring to fall. It was suggested that she develop some goals for the coming year and bring these ideas back to the Commission. Her goal is to spend at least two hours a week on the trail, but would like to spend more time there. The Commission feels she is doing an excellent job of covering and managing the trail, and with dealing with the press and public relations. The Subcommittee feels that categorizing and archiving the boxes of original documents from Mr. Makris' office and the Rochester Hills Art Project development could be goals for this year. Volunteers could help with this effort, so that Ms. Myers could spend more time on the trail. Ms. Myers has not thought about what a volunteer could assist with in the office, but will review this. It was suggested that Ms. Myers continue to assist the Friends group to get them up and running so she has more time to eventually spend on grant writing, trail enhancements and other issues. Commissioners are also asked to be involved in the Friends group effort. Mr. Makris acknowledged the Subcommittee's dissatisfaction with the timeliness of the litigation issue, but explained that most of this was due to the timing of the court process and the fact there were three different judges from beginning to end. In his opinion, all other issues that came before Mr. Makris have been handled in a timely fashion. Mr. Makris has offered a decrease of \$100 per quarter to his retainer fee in acknowledgement of the Commission's consideration of lowering the member community's costs. The Subcommittee is appreciative of everyone's hard work and the final recommendation is that there is no increased compensation proposed for contracted employees for this year, due to the economy. Ms. Myers, Ms. DiSipio and Mr. Moutrie are recommended to be retained for the coming year at their current compensation. A decrease of \$100 per quarter in Mr. Makris' retainer fee is recommended, with another evaluation to take place in January 2012 to address concerns raised in this evaluation. Yearly evaluations are recommended for all compensated positions and an annual meeting with the Trail Manager to review goals for the

year. After a short discussion, it was decided that employee reviews will take place at least every two years.

MOTION by Becker, supported by Young, *Moved*, that the Commission accepts the recommendations of the Subcommittee with the change that contracted employee evaluation timing will be at least once every two years.

Ayes: All Nays: None

MOTION CARRIED.

MANAGER'S REPORT: In addition to the written report, Ms. Myers indicated that the ADA Subcommittee will meet in June, and the Paint Creek Crawl will take place this Saturday. There are 41 participants registered so far, with the goal being 100 participants.

ATTORNEY'S REPORT: Mr. Makris forwarded his invoice and report for last month, and explained what he has worked on last month - a review and redraft of the Kollin Woods license, the opinion analysis on the snowplowing fallout issues from Gunn road, the opinion memo on the license fee increase adjustment, and a review of the Friends group bylaws with respect to liability for the Paint Creek Crawl this weekend. Mr. Makris indicated he does have a back-up lawyer on board in case he is unable to attend a Commission meeting and will forward this information to Ms. Myers. The lawsuit is essentially over, except for the defaults to be entered and recorded. This should all be completed within the next two weeks.

Liability of the Friends Group as related to the May 21st Crawl Event: Ms. Myers indicated that the Commission risk manager will not insure liability for the Friends Group as they will only insure municipalities. Her concern is for the Friends group as they don't have the money to purchase insurance at this time to cover the officers for the Crawl event. A memo has been provided by Mr. Makris relative to this issue. Mr. Makris indicated we can't give the Friends the immunity that a governmental agency organization may have. Our own insurance policy will not cover a non-municipal entity. It would be ineffective to add the Friends group to our insurance – it may even void our coverage if we add liability for them without additional compensation. The Friends group does not have any assets so they are likely to be judgment proof. It is valid to consider that the Friends of the Trail is an independent corporate entity that has little in assets and would likely not be a viable defendant in any action brought against it. Since the event is held on the property of the Trailways, the PCTC would likely be a defendant in any litigation brought relating to any claimed injury on the trail. Then the Commission would tender the defense to its own insurance carrier for resolution. Mr. Makris suggested that the officers of the Friends group look to add an umbrella coverage to their own homeowners insurance policy to include activities in volunteer organizations. The Friends group should look into getting their own insurance policy.

MOTION by Yalamanchi, supported by Whitman, *Moved*, to approve and pay Mr. Makris' invoice for litigation in the amount of \$1,520.00.

Ayes: All Nays: None

MOTION CARRIED.

COMMISSIONER REPORTS: Ms. Thomas reported that the number of volunteers for Oakland Township's Clean & Green Scene was great due to advertising. Great comments were heard about the trail during the Green Living Festival last weekend. Ms. Young indicated that the Polly Ann Trail wants to piggy-back on the Trail's ADA recommendations.

ADJOURNMENT:

MOTION by Whitman, supported by Young, *Moved*, that the May 17, 2011 Regular Meeting be adjourned at 9:17 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: June 21, 2011 at 7:00 p.m.

Respectfully submitted,

KRISTEN MYERS, Trail Manager

EDWARD PETERS, Trailways Secretary