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**REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION**

Paint Creek Cider Mill Building  
4480 Orion Road, Rochester, Michigan 48306

**CALL TO ORDER:** The Tuesday, December 19, 2017 meeting was called to order by Chairperson Becker at 7:00 p.m.

**Voting Members Present:** Rock Blanchard, Susan Bowyer, Frank Ferriolo, Linda Gamage, Kim Russell, Jeff Stout

**Voting Alternates Present:** Martha Olijnyk, Donni Steele

**Non-Voting Alternates Present:** David Becker, Lynn Loeb, Jenny McCardell

**Village of Lake Orion Non-Voting Member Present:** Brad Mathisen

**Voting Members Absent:** Brian Birney, Hank Van Agen

**Alternates Absent:** Robin Buxar, Ben Giovanelli, Chris Hagen

**Village of Lake Orion Non-Voting Alternate Absent:** Shauna Brown

**Others Present:** Kristen Myers, Trail Manager, Chris Gray, Assistant Trail Manager, Sandi DiSipio, Recording Secretary

Chairperson Becker introduced and welcomed Jenny McCardell, who is the new Rochester Hills Council Alternate.

**PLEDGE OF ALLEGIANCE:** All rose and recited the Pledge.

**APPROVAL OF AGENDA:** Ms. Myers added approval of the 2018 Iron Belle Trail Grant Application after the invoices are discussed.

**MOTION** by Gamage, seconded by Blanchard, ***Moved***, to approve the December 19, 2017 agenda as amended.

Ayes: All      Nays: None

**MOTION CARRIED.**

**PUBLIC COMMENT:** No public comment was heard.

**CONSENT AGENDA:**

- a. Minutes – November 21, 2017 Regular Meeting, approve and file
- b. Treasurers Report – November 2017, receive and file

Ms. Myers noted the location of the November meeting will be corrected in the minutes.

**MOTION** by Bowyer, seconded by Stout, ***Moved***, to approve the Consent Agenda as presented.

Ayes: All      Nays: None

**MOTION CARRIED.**

**DISCUSSION: Electric Bicycles Legislation:** Chairperson Becker commented that handicapped trail users will be able to use electric bikes no matter what the Commission decides tonight. Mr. Van Agen was not able to attend tonight, but send an email indicating he has no issue with electric bikes being allowed on the trail since they are currently allowed under a

handicap situation. Ms. Myers prepared a memo relative to the new legislation called PA 138, 139 and 140 that allow electric bicycles in Michigan and affects the trail. As of January 28, 2018, Class 1 electric bicycles can be used on the trail unless the Commission decides to opt out by prohibiting them. Class 2 and Class 3 will not be permitted on the trail under normal use unless the Commission opts in. For clarification, Class 1 is any electric bicycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and disengages or ceases to function when the bike reaches 20 miles per hour. She would like to know if the Commission is interested in pursuing the opt out provision. The Polly Ann Trail is planning on discussing this issue at a public hearing in January. If the Commission decides to opt out, a public hearing will be held in January. Ms. Russell indicated a couple of handicapped or elderly people approached her on this issue, and she is in favor of allowing Class 1 bikes as it helps the handicapped or people who have difficulty riding a bike. Ms. Myers reaffirmed that regardless of whether the Commission opts in or out of Class 1, these electric bicycles can be used by those with disabilities on the trail, no questions asked. Mr. Ferriolo said for that reason, he recommends opting out because the Commission decided not to allow electric vehicles on the trail. People who are disabled are already allowed to do it. He does not want to have people riding on the trail with an electrical contraption pushing them, it's not what the trail should be. Ms. Russell agrees, but commented it was the spouses of those with disabilities that approached her. Ms. Gamage asked if these individuals are currently using electric bikes on the trail. Ms. Russell is not sure, but indicated the couple was approached by electric bike advocates to ask them if they would be a pilot. Ms. Gamage is happy to hear that disabled people would still be able to use the bikes, but it raises the question of how do you know if someone has a disability. Ms. Myers confirmed they are not allowed to ask anyone the nature of their disability. Ms. Gamage is concerned about enforcement and how the public will be notified and educated about this rule. Ms. Steele's concern is to distinguish between the Classes, that people would have to have stickers, and staff will be monitoring the stickers. There is already a problem with bikes going too fast and this would compound the issue. If the Commission opts out, you don't have to have stickers that will need to be monitored. She is not in favor of allowing electric bikes. As the first non-motorized rail to trail, Ms. Olijnyk feels it should be kept that way. Knowing there is already an exception for motorized wheelchairs, and there will be an exception for disabled people, she feels a blanket on motorized bikes is a lot easier to let the public know the trail does not allow any electric bikes. There is a lot less policing that way. Ms. Gamage is not so concerned about children using electric bikes, because it talks about how you have to be pedaling the bike and will cut off when reaching 20 miles per hour. She has not made a decision yet, but perhaps another consideration would be a recommendation maximum speed limit. Ms. Bowyer noted if the Commission does nothing, then Class 1 is allowed, but 2 and 3 are not, and asked if down the road Class 1 becomes a problem, can the Commission opt out later. Ms. Myers is not sure, but feels there should be a provision to opt out because there might be unintended consequences that people were unaware of. Whether or not we could opt out later would be important to know before coming to a vote. Mr. Becker pointed out the Commission is not going to make a final decision on this until next month as a public hearing is required. He is strongly in favor of opting out as we are a non-motorized trail.

**MOTION** by Russell, seconded by Ferriolo, *Moved*, to set a public hearing for the January meeting.

Ayes: All      Nays: None

**MOTION CARRIED.**

**UPDATE: Village of Lake Orion Membership:** Chairperson Becker reported a meeting has not been held in the last month. The subcommittee did get a proposed license for the Trail to control the new segment of trail from the Village of Lake Orion. This document was sent to the attorney for review – an opinion should be received next week, which will go to the subcommittee and eventually to the Commission. There is nothing new with regard to the

presence of Lake Orion on the Commission, which will be handled through an interlocal agreement between the Village of Lake Orion and Orion Township. The attorney will review this. Hopefully there will be more information in the next month.

**REPORT: 2017 Summary of Events & Accomplishments:** Ms. Myers thanked Ms. Gray for putting the summary of events and accomplishments report together. This report will be presented to each community to show them what the Commission has accomplished this year. The report will also be available on the website. Ms. Myers asked if there are any corrections or additions to let her know. This is a very impressive report especially with the bridge project.

**APPROVAL: 2017 Per Diem Report:** Ms. Myers reported the 2017 per diems at a total of 165 meeting attendances for a total of \$5,775.00. Thank you to everyone for their continued support and dedication to this Commission and high attendance.

**MOTION** by Blanchard, seconded by Russell, *Moved*, to accept and approve the 2017 per diem report as presented in the amount at \$5,775.00 and incorporate this amount into the invoice total for approval tonight.

Ayes: All      Nays: None

**MOTION CARRIED.**

**MOTION** by Russell, seconded by Olijnyk, *Moved*, to recess the meeting at 7:30 p.m.

Ayes: All      Nays: None

**MOTION CARRIED.**

Before recess, **Mr. Martin McClure, 5660 N. Livernois, Oakland Township 48306**, came forward, and indicated he and his wife Ann, planned on being at the joint meeting. He apologized, but they misunderstood the start times. They complimented the group for working with them throughout the process. He thanked the Commission and Ms. Myers for all the information given without any problems at all. He has found some of the things he brought up were addressed. He expressed it has been a pleasure working with everyone, and stated he has no looming problems with the bridge project at this time. The Commission also thanked the McClure's for taking an interest and bringing up concerns that might improve the project.

**The meeting reconvened at 7:50 p.m.**

Ms. Myers reported there was an error in the per diem report. It should reflect 166 attendances for a total of \$5,810.00

**MOTION** by Gamage, seconded by Blanchard, *Moved*, to accept and approve the amended 2017 per diem report in the amount of \$5,810.00.

Ayes: All      Nays: None

**MOTION CARRIED.**

**APPROVAL OF INVOICES:** Ms. Myers presented the invoices in the amount of \$43,011.16 In addition to the recorder's monthly fee, this amount includes the amended per diem amount of \$5,810.00, Oakland Mounted Patrol Services for October, Foster Swift Attorney Services through November, Mannik Smith Group Professional Services Phase 1 Preliminary Plan, staff's annual phone service, rent and postage fees as of December 12th, 4<sup>th</sup> Qtr. wages and FICA for Manager, Assistant Manager and Bike Patroller wages, 4<sup>th</sup> Qtr. copier costs, software licenses for the Assistant Trail Manager's new computer, postage and refreshments for a joint meeting, and annual mileage reimbursement for the Manager and Assistant Trail Manager positions. Estimated unrestricted fund balance will be approximately \$95,000.

**MOTION** by Blanchard, supported by Stout, *Moved*, that the invoices presented for payment are approved in the amount of \$43,011.16 and orders be drawn for payment.

Ayes: All      Nays: None

**MOTION CARRIED.**

**IRON BELLE TRAIL GRANT APPLICATION:** Ms. Myers apologized this was not included in the packet as it was just released on December 4<sup>th</sup>, and she was waiting for answers on inquiries she made to the State regarding what funding priorities were. She finally received feedback in the last couple of days about what would be an appropriate project. The trail is a very important part of the Iron Belle Trail bicycling route from Belle Island to Ironwood. What the State wants to fund is engineering, design assistance, development costs and signage projects. They want to fund projects that will fill in the gaps of the connections. The most you can apply for is \$30,000, and they recommend providing partial match. After speaking with the Chairperson about signage ideas and thinking about what the branding committee had started working on prior to the logo contest, a lot of the signs need help, and new Iron Belle signage is needed. She thought it would be appropriate, because of the short deadline, to put in a grant requesting \$25,000 from the Iron Belle Trail grant program with a match of \$5,000. Regarding the match, the Commission has \$1,645 left over from the Meijer restricted sign funds. She feels the rest of the money would be in-kind services with labor, and if not, the Friends Group would be approached and asked to provide a cash match. She does not see the funding of the match being an issue. She felt it worthy to at least ask for \$25,000. Orion Township has had great success the last couple of years getting grants for engineering services for the Clarkston Road connectors. The Polly Ann Trail has received grant money for signage. She developed budget numbers based on the sign shop at Rochester Hills DPW and some previous projects. She is suggesting that if this project is funded (we will find out in the beginning of March), five gateway signs indicating it is part of the Iron Belle Trail network are part of the project. She feels it would be important that one of these signs be in each community – it is important for branding. She did budgeted \$3,500 for each sign. Her goal is to use \$3,000 from the grant and hire a professional designer to design signage on behalf of the Commission, taking into account compatibility with the surroundings. She also is suggesting 2 Iron Belle Trailhead Info Stations, one at the Downtown Rochester River Walk terminus and one at Clarkston/Kern at \$1,000 each. Also, 36 road crossing/safety signs, 11 updated map signs that show the Iron Belle Trail connections, and 11 Wayfinding signs at \$45.45 each. Total grant budget is \$30,000 – requesting \$25,000 from Iron Belle Trail grant program. She would like the Commission to approve submitting the grant application. She wants to make it clear the Commission is not tied to anything right now. If the Commission decides later they don't want gateway signs, for example, then it won't be done. She feels we should ask for everything we can now, and change the scope later if necessary. It is also her understanding that more funding may be available this round, as it is Governor's Snyder's last term, and this initiative was given priority status. Mr. Stout commented that Orion Township has received numerous grants to do the same thing, and feels the application should be mailed tonight as he feels the Commission stands a great chance of receiving the grant. Ms. Myers was thanked for her initiative and work on the grant application.

**MOTION** by Stout, seconded by Olijnyk, **Moved**, to approve the submission of a \$25,000 grant application to the 2018 Michigan Department of Natural Resources Iron Belle Trail Grant program, for the Paint Creek Trail Signage project.

Ayes: All      Nays: None

**MOTION CARRIED.**

**DISCUSSION & APPROVAL: 2017 Final Amended Budget:** Ms. Myers handed out the corrected final budget this evening. This budget is different than the one in the packet because she overlooked adding the Labor Day Bridge Walk donation expenditure – she put in revenue that the Commission accepted the \$1,441 donation but didn't report that it was given back to the Bike Lids for Kids program. The staff mileage dropped by \$107. The Miscellaneous Contingency is updated to reflect \$133. The final operations budget is \$100,457 and a final special project budget for the bridge 33.7 renovation design and engineering was \$27,465. At the end of the year, the Commission will have a total of \$94,983 in unrestricted fund balance, and \$2,465 in restricted funds, of which some may be used in 2018. Ms. Russell asked what the percentage of

the budget is the fund balance. Ms. Myers responded about 95%. Ms. Russell feels this is good in case the Commission goes over for the bridge project. She feels that the Commission should have a policy about what is kept in fund balance. Mr. Blanchard asked what is happening with the observation deck, to which Ms. Myers responded that it is included in the 2018 special projects budget – up to \$25,000, and will be bid as part of the resurfacing project. \$25,000 is also set aside for resurfacing engineering. If this money is spent, the Commission will be at about 50% of fund balance at the end of next year. Ms. Bowyer commented that in her opinion, the fund balance should be at about 20% of operating budget.

**MOTION** by Russell, supported by Stout, **Moved**, to approve the final 2017 budget as amended.  
Ayes: All      Nays: None      **MOTION CARRIED.**

**MANAGER'S REPORT:** In addition to her written report, Ms. Myers added she met with Mannik Smith today to talk about the resurfacing project. They are not going to bid the projects together, to ensure there is no confusion with the contractor and confusion with the state and federal grant funds that are earmarked for the bridge. If the bid letting for the bridge is going to be May 1<sup>st</sup>, a separate bid letting for the resurfacing will take place June 1<sup>st</sup>. Both projects have a project coordination clause. This also gives whoever is bidding on the bridge the opportunity to bid on the resurfacing a month later, if interested. The projects will be coordinated together. As part of the resurfacing project, the deck will also be built, the new surface in southeast Rochester will be developed, the new pathway in southeast Rochester and the educational pathway north of Tienken will be done. Mr. Ferriolo feels this is late in the season, and asked why it will not be considered in January for cost saving purposes. Ms. Myers said they will be working on the resurfacing and deck plans January and February, and in March inspections of the trail will occur. She asked engineers about cost savings – they said the bidders for the bridge project will see that the other project is going on the same time, and more than likely, the same group is going to bid on it. They think the Commission will still realize a cost savings by having it done at one time, even though it will be separate bids.

**COMMISSIONER REPORTS:** Happy Holidays to all. Everyone is looking toward a great 2018.

**ADJOURNMENT:**

Upon motion by Gamage, seconded by Blanchard, the Chairperson adjourned the Regular Meeting at 8:27 p.m.

Ayes: All      Nays: None      **MOTION CARRIED.**

**NEXT MEETING: January 16, 2018 at 7:00 p.m. – Paint Creek Cider Mill**

Respectfully submitted,

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KRISTEN MYERS, Trail Manager

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HANK VAN AGEN, Secretary