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

City of Rochester Municipal Offices  
400 Sixth Street, Rochester, Michigan 48307

**CALL TO ORDER:** The Tuesday, July 18, 2017 meeting was called to order by Chairperson Becker at 7:00 p.m.

**Voting Members Present:** Brian Birney, Rock Blanchard, Susan Bowyer, Frank Ferriolo, Linda Gamage, Kim Russell, Jeff Stout, Hank Van Agen

**Voting Alternates Present:** None

**Non-Voting Alternates Present:** David Becker, Robin Buxar, Martha Olijnyk, Donni Steele  
(enter 7:10 p.m.)

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

**Voting Members Absent:** None

**Alternates Absent:** Ben Giovanelli, Chris Hagen, Jim Kubicina, Lynn Loeb, Richard Schultz

**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

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

**APPROVAL OF AGENDA:** A discussion on the September 4<sup>th</sup> Labor Day Virtual Bridge Walk event was added after the Temporary Permit Request.

**MOTION** by Blanchard, seconded by Gamage, ***Moved***, to approve the July 18, 2017 agenda as amended.

Ayes: All      Nays: None

**MOTION CARRIED.**

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

**CONSENT AGENDA:**

- a. Minutes – June 20, 2017 Regular Meeting, approve and file
- b. Treasurers Report – June 2017, receive and file

Ms. Russell commented she would like an explanation of how the recorder's fee is determined; hourly or flat rate. She wants to see how other municipalities handle this fee to make sure the Commission is paying appropriately. This should be discussed at a future meeting.

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

Ayes: All      Nays: None

**MOTION CARRIED.**

**APPROVAL OF INVOICES:** Ms. Myers presented the invoices in the amount of \$1,211.16. This amount includes the recorder's monthly fee, advertising for the Tails for Trails event,

attorney services for Intergovernmental Agreement, vault restroom cleaning for June, staff's 2<sup>nd</sup> quarter shared copier costs, and costs for the Special Event Permit and Shelter Reservation for the Bridge Walk event. Estimated unrestricted fund balance is estimated at \$97,000.

**MOTION** by Russell, supported by Van Agen, *Moved*, that the invoices presented for payment are approved in the amount of \$1,211.16 and orders be drawn for payment.

Ayes: All      Nays: None

**MOTION CARRIED.**

**LIMITED USE PERMIT REQUEST: 2768 Orion Road, Oakland, MI 48363:** Ms. Myers indicated she was notified there was an encroachment on the trail at this address. A footbridge was being constructed and a private property sign had been placed near it. Ms. Gray contacted the property owners to stop construction. The homeowners did not realize it was part of trail property and stopped construction. They have been very cooperative. Per the encroachment policy, Ms. Myers sent a letter to the owners and provided them with the policy, photos of the footbridge, and an aerial/property line map showing the trail right-of-way. The trail is not directly in the middle of the right-of-way; there is only 50 feet total in this area. Ms. Myers asked them to either remove the bridge to their property or request a limited use permit to keep their access on trail property. They have applied for the permit. Ms. Myers provided a copy of the use permit that has been used several times in the past. It was used a lot in 2009 and three times since then for new construction along the trail. Dr. Greg and Mrs. Dawn Franklin, the property owners, came forward, introduced themselves and stated they love the trail and have used it for years. They built a new home specifically to be near the trail. He explained they did not mean to encroach on trail property and did not know it was an easement restriction. There is a deep gully where the footbridge is being constructed. Mr. Fred Straky, 1675 Riverside Drive, Rochester Hills, came forward and stated he's been biking the trail since its inception with a small group. They love that the trail is being preserved in its natural state and are concerned when people build things that don't fit. Once you approve a private access from a home to the trail it sets a precedent. He referenced someone off Dutton Road who got authorization to carve steps into a berm to get up to the trail and then installed a metal gate. He is angry about this as it changes the trail. He is concerned once exceptions are made, anyone that has adjoining property will request a permit for access to the trail. This is an access for private property, not a common access for a community. In response to a question, Dr. Franklin indicated his nearest access point to the trail is either Adams Road or Clarkston Road. Without access from their property, they would have to bike or drive on Orion Road. There is no safety path along Orion Road. Ms. Buxar confirmed that in order for the homeowners to gain access to the trail other than walking out their back door, they would have to drive to Clarkston Road. Dr. Franklin indicated his intention is to plant landscaping to make it more natural. He commented his yard will look like a park once he's finished. Ms. Myers confirmed if anyone gets hurt on this footbridge, it is not the trail's liability, if they agree to the terms of the permit. Dr. Franklin said he intends to install a railing on the bridge. Mr. Blanchard is not in favor of this request and would rather see access for groups. He feels private accesses will eventually ruin the rural look of the trail and thinks a fee should be associated with these requests. Ms. Myers indicated three permits have been approved in the last few years, and prior to that when settling the encroachment lawsuit, 14 or 15 were approved for accesses that already existed. Ms. Gamage is hesitant to start a new precedent for allowing access, but believes criteria was established when considering previous encroachments. One of the criteria was if the encroachment was the only access without sacrificing safety. She does not believe riding along Orion Road is a good solution for this case. Ms. Olijnyk doesn't feel the Commission has to worry about what was done in the past; everything is reviewed on a case-by-case basis. She is concerned that the footbridge is close to the limestone and is worried about the safety of someone entering/exiting. Ms. Russell would like to see what the criteria has been in past cases, and would like to know the depth of the gully. She feels the limestone under the bridge makes it look stark and unnatural. She would like this issue on a future agenda to review

the request against criteria guidelines and/or policy. Mr. Ferriolo asked if any standards are in place to review these types of requests, as he feels the bridge is contrary to the nature of the trail. He wouldn't have a problem if it looked more rustic. Ms. Buxar commented most homeowners in Oakland Township that live on the trail are individual owners with larger lots, not subdivisions. These owners are just trying to make their access safer as it's inconvenient for them to access other ways. Mr. Van Agen feels a brown color on the bridge would be less noticeable with the landscaping. Chairperson Becker commented that if the use permit was granted, the Commission could re-evaluate the work in a few months, and if not acceptable, could request the bridge be removed – there is a 30 day clause for cancellation of the permit. Ms. Myers added that once the proposed enhancements are completed around the bridge, it shouldn't be as obvious. She commented the other encroachment mentioned by Mr. Straky was approved because the safety factor was important to allow access for the 10 homes in the subdivision, as their only other alternate was to walk down Dutton, where there is substantial site distance and safety concerns. The criteria used in that case, although not in written form, was safety first and group access. Ms. Myers indicated because there is not a written policy, the Commission has to go with precedence to allow homeowners access to the trail safely. Mr. Becker suggested the Commission may grant the permit tonight and give the homeowners some time to improve the bridge to make it more natural – the work could be revisited after the summer. It was suggested the request be tabled tonight and the property owners provide a rendering of proposed improvements on an actual site plan. Possibly a few Commissioners could work with the owners on a design that would be approved before the homeowner goes through the actual expense of improvements. Mr. Ferriolo commented the Commission is micromanaging this issue. The homeowners have a good idea of what the Commission's objections are and suggested tabling this issue. Ms. Bowyer feels that if the issue is tabled, it will be next year before the homeowner can build, and will not be able to access the trail until then. She feels the owners know what the Commission wants, and the request could be approved. If the Commission wants, Dr. Franklin said he would replace the bridge with a brown color or different material immediately. Mr. Van Agen and Ms. Buxar agreed to work with the homeowner on the design.

**MOTION** by Bowyer, seconded by Gamage, *Moved*, to approve the use permit to allow construction and use of the footbridge. The Commission will review the final improvement design within 90 days.

Ayes: Birney, Bowyer, Ferriolo, Gamage, Russell, Van Agen

Nays: Blanchard, Stout

**MOTION CARRIED.**

**TEMPORARY PERMIT REQUEST: KUKA Cares Family Bike Ride, TBD:** Ms. Gray said they originally wanted to have the event on September 30, 2017 and introduced Mr. Roger Schmidt, the sponsor. Mr. Schmidt, 175 Gersch Rd., Leonard, MI, introduced himself and indicated KUKA is based in Sterling Heights. The CEO wants to have a family bike event. He explained the history of the business and their many family oriented events. 30 plus participants are expected, and they plan to start at Rochester Municipal Park, to the Paint Creek Cider Mill and return. Ms. Gray explained there is already a large event planned and approved for September 30<sup>th</sup>. Mr. Schmidt explained that because of the conflict, they would like to have their event on October 1, 2017 and it could be an annual event. It was suggested Mr. Schmidt check with the City of Rochester regarding parking. His goal is to donate some of the money raised to the trail.

**MOTION** by Blanchard, seconded by Ferriolo, *Moved*, to approve the temporary permit for the KUKA Cares Family Bike Ride event on October 1, 2017, pending receipt of the application fee and insurance paperwork.

Ayes: All      Nays: None

**MOTION CARRIED.**

**LABOR DAY VIRTUAL BRIDGE WALK, September 4, 2017:** Mr. Ferriolo suggested this item be added to the agenda. He indicated the discussion is partly for the benefit of the two new Orion members. Mr. Ferriolo stated this event is great and he photographs it to merchandize for future events and to solicit people to get involved in the future. He feels the event is important as it's grown over time. It is not there at the convenience of the Commission – it is there at the request and enjoyment of all the residents the trail serves. The primary annual event has been the Labor Day Bridge Walk. The Friends Group is totally separate from the Commission. The Commission has to deal with their responsibility; it doesn't tie in to the Friends Group other than a thank you whenever they decide to help out. If they can't help, it doesn't mean this event can't take place. The issue is the trail needs volunteers for this event – there is a month and a half to secure them in order to hold this event. He supports another event in addition to the Bridge Walk, but feels the Commission has an obligation to the residents to continue with the Bridge Walk. He has five volunteers ready to help out along with the two Friends Group members who are interested. He doesn't have an issue with not having fudge and suggested small Michigan flags instead because there is no work involved. He does not want to say to the residents and his board members the event will not take place because volunteers are not available. This event is the Commission's responsibility, not the Friends Group's. He feels Ms. Gray can carry the ball for this event, as Ms. Myers has carried the responsibility for the last 10 years. He suggests getting a few more volunteers and make this event happen. Chairperson Becker feels this discussion is tied to the suggestion to have a Paint Creek Trail Fall Walk & Run instead of having the Labor Day Bridge Walk. Most Commissioners feel these are separate discussions. Ms. Bowyer said the Labor Day event was a Commission event, not a Friends Group event. She has been advertising the Labor Day event. Ms. Bowyer has volunteers for this event and commented this walk has so much momentum and turnout it's a shame to cancel for lack of volunteers. It's great if the Friends Group can help out, but she feels this event will be bigger this year. The Friends Group can always hold their event in October. Ms. Buxar is under the impression that this event is a Commission event, and to change the date for an event that people start relying on is not right. Once an event tradition is established it should be held and volunteers/sponsors should be solicited. Ms. Myers explained the walk is a Commission event, but only one or two Commissioners have been willing to work because they have other plans for the holiday. That's why the Friends Group became the volunteer base several years ago. They thought the fall event could be even bigger by moving it to day when fall colors are popular. Ms. Myers prepared a three page list of what volunteers are responsible for in order to hold the Labor Day walk. She never indicated she was not available to work this event, she expected to do so. The only two Friends Group volunteers for this event both have mobility issues. She indicated the Friends Group loves the Labor Day event, but they would have more volunteers for a fall event. She also understands what the members are saying about tradition, but many volunteers commit, then back out prior to the event as there is no penalty for this. She's trying to avoid this situation and is trying to have a great family event. Having 15 volunteers for a fall event that know how to run it is great. New volunteers for the Labor Day event would need to be trained on what needs to be done. Ms. Myers suggests if the Labor Day event is to be held, it be cut way back on a few things to make it easier. Participation and donations were down 15% two years ago due to weather issues. Ms. Myers and Ms. Gray will do whatever the Commission wants. If the Labor Day Walk is scheduled, the Friends Group will not hold their October event. They were trying to hold that event as a favor to the Commission knowing that a walk is very important. Chairperson Becker indicated he has been against changing the Labor Day Walk and feels it is a good tradition, but thinks that an organization that doesn't innovate and entertain new ideas is not prudent in moving toward the future. He acknowledges the difficulty in getting volunteers for the Labor Day event. He feels that for at least one year, trying to do something different with available volunteers is quite important for the staff. He suggests giving the change a shot to see what happens. If it doesn't work, the Commission can always go back to the Labor Day event.

Ms. Steele feels it's fair to give the Friends Group and staff a break to not have to hold the event on a holiday weekend. All the hard work is done up front but it always falls on staff and the Friends Group to pull off the event. She indicated the event could be held every other year. She suggested letting the event go for a year out of respect for the people that have helped so much for the trail. Mr. Ferriolo commented the Friends Group's fall event is a great idea, but not for the Commission. Inconvenience is part of the reason the members are a part of what they do. The Commission needs to commit to the community to have these events, so that image of the trail is vibrant and active. If the Commission would be interested in supporting the Friends Group event in October, that would be great. Mr. Ferriolo recommends the Commission go forward with this event. Ms. Russell commented the communities are not being utilized for volunteers. As this walk is a family event on Labor Day, come October, families have school and sports commitments that prevent a family from participating. Ms. Gamage suggested putting something out to the "adopt a trail" groups for volunteers. She feels with enough effort, many volunteers could be secured. Ms. Myers wants to make it clear that they continually make the effort, and she still plans on working this event if that is what the Commission wants. She confirmed that Ms. Gray was hired for events and does spend her time on the Labor Day event, as well as all the others. This is a wonderful event, but within two years, the Friends Group will more than likely be disbanding because of elderly individuals who can no longer serve and recruiting is not working. They are getting burned out and volunteers are few. If events are the most important thing to the Commission, perhaps her title should be changed to Events Coordinator, but then the important Capital Improvement projects can't get done. She can only do so much with 24 hours a week and Ms. Gray's 12 hours a week, with the bridge project and the observation deck needing completion, and the upcoming resurfacing project and master plan revision. Priorities need to be set. Ms. Olijnyk feels this is a great event and recognizes the struggles. If there is a bad event, people will stop attending. You have to have people who are excited and able to help with the event. She volunteered for the day of the event, but can't help with what is necessary ahead of time. Mr. Ferriolo challenged the Commission to put the Labor Day event back on and get the volunteers needed. Ms. Bowyer offered to be the Volunteer Coordinator. In regard to difficulty in getting sponsors, Ms. Myers commented the problem is that they want to have a presence at these events, and they have a hard time finding people to man tables because it is a holiday. Staff can handle all the paperwork, but needs assistance with everything else. Mr. Ferriolo offered to be the Sponsor Coordinator. Ms. Gamage suggested a promotional handout be available to participants. Ms. Buxar offered to be the Promotional Handout Coordinator. Ms. Myers indicated there is \$1,000 in the budget.

**MOVED** by Russell, seconded by Blanchard, *Moved*, to continue the Labor Day Bridge Walk with Ms. Bowyer as Volunteer Coordinator, Mr. Ferriolo as Sponsor Coordinator and Ms. Buxar as the Promotional Handout Coordinator.

Ayes: All      Nays: None

**MOTION CARRIED.**

**APPROVAL: 2016 Audit:** Ms. Myers indicated the auditor made the corrections, sent the Commission another copy which contained another error. They corrected this error, staff reviewed and the audit was sent to the State Finance Division in time for the June 30<sup>th</sup> deadline. Ms. Myers released final payment for the audit. She is asking the Commission to approve the corrected audit to receive and file. The audit has been sent to the member communities.

**MOTION** by Blanchard, seconded by Bowyer, *Moved*, to approve and file the 2016 Audit Report.

Ayes: All      Nays: None

**MOTION CARRIED.**

**APPROVAL: Observation Deck Revised Design Build RFP:** Ms. Myers indicated because only one proposal was received, the Commission asked her to revise the RFP. The draft revised

RFP was included in the packet for review and comment. Ms. Myers summarized the revisions. Instead of a sealed bid, it's more of a quote process. She streamlined the RFP request.

**MOTION** by Blanchard, seconded by Stout, *Moved*, to approve the revised RFP and send it out for bids.

Ayes: All      Nays: None

**MOTION CARRIED.**

**UPDATE: RFP Engineering Design Services – Paint Creek Trail Bridge 33.7 Renovation:**

Ms. Myers gave a brief update. There was a mandatory pre-proposal meeting, 9 firms showed up. These are the only firms that will be able to submit proposals. A site visit was held to show the issues with the bridge. She put out an addendum answering some questions about construction and engineering services which is separate from the RFP. A topo survey was given to all proposers. They were interested in whether a hydraulic survey had been done. A basic one was done in 2013, but a more detailed study needs to be done to complete the hydraulic study required by MDEQ. There was also a question about how many meetings the engineers would be expected to attend – probably two public meetings and two in-house staff meetings. More public meetings could be scheduled only if there is a change in the scope or a financial aspect that needs to be voted on. They asked if there was a load capacity for bridge 33.4 and 34. Ms. Myers provided that information. The RFP was posted on the website, Oakland Township's website and MITN site. Proposals are due Thursday at the Oakland Township Clerk's office. Three members of Oakland Township Parks Commission and three members of the Trailways Commission will be an Ad-Hoc Subcommittee to review the proposals. A meeting is scheduled for July 27<sup>th</sup> at the Cider Mill to score the proposals and narrow them down. A meeting is tentatively scheduled for August 3<sup>rd</sup> to conduct interviews. The Township Board of Trustees meets August 8<sup>th</sup>, the Parks Commission meets on August 9<sup>th</sup>, and the Commission meets on the 15<sup>th</sup>. Ms. Myers will attempt to have a resolution in support of signing the MNRTF Project Agreement to the Board of Trustees on the 8<sup>th</sup> for approval. Because the Board has to approve the match money the Parks Commission is spending, she's hoping to get their approval that the Trails Commission can sign the project agreement and pass a Resolution saying this money can be used, contingent upon the Parks Commission and the Trailways Commission approving it. On August 9<sup>th</sup> it will go to the Parks Commission for approval and on the 15<sup>th</sup> to the Trailways Commission for approval. Ms. Myers is looking to hold a joint meeting between the Parks Commission and Trailways Commission at 6:00 p.m. prior to the August 15<sup>th</sup> Commission's regular meeting. Both groups can review whatever engineer is being recommended. After this is done, the Commission's regular meeting can be held. She is recommending next month's meeting be held at the Cider Mill so it easier for the Parks Commission to attend the joint meeting. Ms. Myers will confirm these arrangements.

**UPDATE: Paint Creek Trail Fall Walk & Run – October 8, 2017:** The Chair commented that Ms. Myers indicated the Friends Group would not be interested in holding this event if the Labor Day event is scheduled. They do not meet until late August. Chairperson Becker indicated this issue is moot. The Commission thanked the Friends Group for their interest in their idea.

**MANAGER'S REPORT:** In addition to the written report, Ms. Myers reported that the logo committee has been trying to find a date to meet to review the submissions and make recommendations for the winners. This will be placed on the August agenda. A site visit to the Lake Orion extension is planned for this coming weekend. Arrangements were made for Saturday morning.

**COMMISSIONER REPORTS:** The Commission thanked the Friends Group for their many years of service and appreciates everything they have done. Perhaps the Commission could consider them for an award at Trail's Day. Rochester's bi-centennial celebration will be held

August 12<sup>th</sup> in the park. Mr. Ferriolo would like copies of past minutes if the Village of Lake Orion ever requested to be a voting member of the Commission. Ms. Myers will research this.

**ADJOURNMENT:**

Upon motion by Gamage, seconded by Bowyer, the Chairperson adjourned the Regular Meeting at 9:43 p.m.

Ayes: All      Nays: None

**MOTION CARRIED.**

**NEXT MEETING: August 15, 2017 at 7:00 p.m. – City of Rochester Municipal Offices**

Respectfully submitted,

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KRISTEN MYERS, Trail Manager

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HANK VAN AGEN, Secretary

DRAFT