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REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION

Paint Creek Cider Mill Building
4480 Orion Road, Oakland Township, Michigan 48306

CALL TO ORDER: The Tuesday, March 21, 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, Hank Van Agen, Alice Young

Voting Alternates Present: David Becker

Non-Voting Alternates Present: Martha Olijnyk, Donni Steele (*enter 7:05 p.m.*)

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

Voting Members Absent: Linda Gamage, Kim Russel

Alternates Absent: Robin Buxar, Ben Giovanelli, Jim Kubicina, Lynn Loeb, Lisa Sokol, 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.

Chairman Becker introduced and welcomed Mr. Brian Birney, representing Orion Township.

APPROVAL OF AGENDA: Discussion regarding contracting with an attorney to develop an up-to-date FOIA policy was added before the Manager's Report.

MOTION by Blanchard, seconded by Young, ***Moved***, to approve the March 21, 2017 agenda as amended.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

a. Minutes – February 21, 2017 Regular Meeting, approve and file

b. Treasurers Report – February 2017, receive and file

MOTION by Ferriolo, 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 \$15,600.54. This amount includes the recorder's monthly fee, attorney fees for AT&T license negotiation, 50% payment for the 2016 audit report, trail brochure reprinting, and the Manager and Assistant

Manager's wages and FICA for the 1st quarter. Estimated unrestricted fund balance is estimated at \$97,000.

MOTION by Van Agen, supported by Blanchard, *Moved*, that the invoices presented for payment are approved in the amount of \$15,600.54 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

DISCUSSION: Memorial Policy: Ms. Myers indicated the Commission has discussed this issue since 2014, starting with the Tienken Pathway project when the Commission thought about naming it for David Moutrie as money was donated in his name for a project. As the bench program was at capacity, the members wanted to look at new ways of having memorial programs. Staff has provided excerpts of previous minutes for review. A draft policy was developed, but no action was taken on it. Rochester Hills' Naming Policy, which was recently approved, was provided for review. Ms. Myers indicated that Ms. Gamage, who is not present tonight, stated she is not in favor of naming any part of the trail after anyone, but has no problems with certain things such as an observation deck having a "in memory of" designation. Ms. Russell, who is not present, also indicated to Ms. Myers that she doesn't want any part of the trail named after anybody, but has no problem with decks, benches, trees, etc. Mr. Becker commented this has been a long-standing concern and the Commission decided not to move forward with a naming policy in the past. He suggested forming a subcommittee to work on this issue, especially for people who are in favor of the naming policy. He does not feel the Commission needs a policy, but feels the subject should be entertained if there is a desire. Rochester Hills' policy could be used as a template with minor modifications. Mr. Ferriolo doesn't think a subcommittee is needed given the two examples provided. If the Commission wants to go with either policy with modifications, that would suffice, and the Commission can deal with requests on an individual basis as they come up. Even with the Rochester Hills policy, nothing can happen there unless it's approved by City Council. He feels placing a memorial plaque on something is appropriate. A suggestion was made to develop guidelines, but not a formal policy as each request will have to be approved by the Commission. After discussion, it was agreed not to move ahead with developing a formal policy, and to review any request on a case-by-case basis.

DISCUSSION: Wader Wash Stations: Ms. Myers provided information and a photo of the station in the packet. The DNR is requesting to put one station near the Silver Bell parking lot. Information provided regarding the mud snail indicates the impact is "unknown". The Chair indicated if the impact is unknown at this time, he would not like to see something aesthetically unpleasant installed on the trail. If it becomes a problem in the future, the Commission can revisit the issue. Per the DNR, in order for the station to be used and maintained, it needs to be placed near the parking lot, rather than down by the water. Mr. Blanchard indicated he is against putting the station near the trail, but is willing to explore other locations. He is in favor of working with the DNR and suggested staff recommend a correct location off the trail. The comment was made that the station might be a vandal magnet for kids. After discussion, it was agreed that installing just one station would be ineffective, but the Commission could put educational information for anglers on the website and in the kiosks.

DISCUSSION/APPROVAL: Google Trekker Application: Ms. Myers indicated checking out a camera from Google to complete a 360° view of the entire trail was brought forward last year by Commissioner Gamage. This would be great for trail users and to show off points of interest. It was suggested the Commission consider applying for use of the Google Street View camera. If allowed to borrow it, the camera would be available for 45 days, and come with instructions on how to use it. This information could be promoted locally with press releases, etc., and added to the website. The application is lengthy, and Ms. Myers has drafted answers to the questions. There is no reason not to apply but it's up to the Commission to decide whether or not to pursue.

Ms. Myers feels the Commission will probably be approved for it. The application process takes a few months, and Ms. Myers is suggesting September 1st would be a good time to start the project. The camera would be available until mid-October hopefully allowing time for beautiful fall colors. It is the consensus of the Commission that this is a great idea and the Commission should apply for it. Ms. Myers was thanked for her work on the application.

MOTION by Bowyer, seconded by Young, *Moved*, that the Commission approve submitting the application to Google.

Ayes: All Nays: None

MOTION CARRIED.

DISCUSSION: Orion Township Maintenance Concerns: Ms. Myers stated there has been a lot of vandalism along the trail, especially affecting the Clarkston/Kern intersection in Orion Township. A lot of money and resources have been involved in trying to repair the damage. In addition, Orion maintains the restroom at Clarkston/Kern. They only have seasonal staff from April through October. It's difficult for the Township to maintain the restroom more than twice a week. The restroom gets a lot of use and runs out of supplies quickly. Their budget for the Trail has exploded over the past few years specifically because of the vandalism issue. We are working on trying to get rid of the dam that is drawing people in for spray-painting and then spills over to the trail. While the Commission is addressing the vandalism issue and patrolling the area, Ms. Myers feels it is wise to consider helping Orion out with the maintenance of this section of the trail this year. Ms. Myers has had discussions with the Chairperson about making sure the restroom is cleaned and maintained year 'round. Ms. Gray contacted Turner Sanitation and negotiated a price of \$13.00 per cleaning in the busy months, and \$15.00 per cleaning in the winter months. Ms. Myers recommends the Commission help with maintaining the restroom for the seven months of April 1st to October 31st, with cleaning scheduled four times a week. The price includes restocking all supplies. In the winter, the cleaning and restocking could be reduced to twice a week. She spoke with Orion Township, and since they have already committed to cleaning twice a week, asked if they would cover half the cleaning cost during the seven month period, and they indicated yes. The total cost for year 'round cleaning is \$2,056; Orion Township would pay \$728 and she is asking the Commission to consider covering the remaining \$1,328. If this is too much from the budget, the Friends Group could be asked to help fund this amount. The Commission also offered a \$1,000 reward for the vandalism issue, but because they had over 800 tips, the Sheriff's Department said there was no way they could recommend anyone to receive this money because there were too many people. Ms. Myers feels to keep a good relationship with Orion Township and help them out while they are over budget dealing with the vandalism issue, she suggests using the \$1,000 reward towards this effort. Ms. Steele summarized what Orion Township has had to do to deal relative to the vandalism issue – it wasn't just the restroom issue. Once the connector is completed through the Village, she feels there will be more traffic going through that area, so there will be less vandalism. Ms. Myers added the trail has a contract with the mounted patrol, and it gives the option of supplementing this patrol with deputies on bicycles. We could direct the patrol program to provide more bike deputies when school gets out, holiday weekends and in the fall to target the Clarkston/Kern area. This will help reduce the vandalism damage. It was suggested that the DNR be contacted and/or the Bald Mountain State Park Rangers for extra patrol in these areas as most of the problem is coming from the State land. Ms. Myers will contact the DNR and the State Park Rangers. Mr. Blanchard has concerns about the trail taking on more maintenance because all of the member communities are asked to maintain their section of the trail. He recommends that the \$1,000 reward money be used, one time only, to help supplement the cost of cleaning of the vault toilet for the upcoming season. Dr. Bowyer agrees to use the reward money as a one-time only cleaning supplement. Mr. Ferriolo agrees the \$1,000 could be used as a cleaning supplement because this is a very unique case. Ms. Young also agrees as the vault toilet and the vandalism problem is unique to Orion Township. Ms. Olijnyk commented how this particular site affects

the reputation of the whole trail, and that's why the Commission has paid for extra cleaning in the past. Ms. Steele commented if the \$1,000 is used toward the cleaning, this is still \$328 short on the cost. In addition to trail users, many people use this facility. She would be happy to relocate this toilet to a less used section of trail. Mr. Becker indicated this vault toilet has been a disgrace and an embarrassment to the trail for a number of years. To spend \$1,328 this year to maintain the reputation of the trail is not a lot, given the trail's current fund balance. If we can't maintain this facility properly, maybe we should get rid of it. It was suggested the facility be closed and locked during the winter, and maybe look for another location where it wouldn't invite problems. Ms. Myers reminded the Commission that this facility was paid for with MNRTF grant dollars, so it can't be closed permanently, it would have to be moved somewhere else or return grant money. Orion Township also paid the grant match money. Orion Township Supervisor Barnett indicated the Fire Station in downtown is going through renovations and will be adding public restrooms to that building. Supervisor Barnett feels these bathrooms would be a great addition and the one at Clarkston/Kern would not be needed – Ms. Myers disagrees. If the Commission doesn't want to spend the additional \$328, the facility could be closed during the winter. No matter how the motion is worded, the money will be coming out of fund balance, as there is no separate line item for the \$1,000 vandalism reward.

Discussion started on what to include in a motion. The Commission could use the \$1,000 reward money towards supplementing the cleaning of the restrooms, and to consider closing the facility in the winter. The Commission will ask for additional mounted/bike patrol in the subject area, and will speak with the DNR about their additional patrols. It was decided that both issues should have their own motions. Mr. Blanchard suggested that the \$1,000 reward money could be used towards supplementing the cleaning of the restrooms for this year only. The Commission could still consider closing the facility for winter.

Ms. Steele suggested adding \$328 to a motion to cover maintenance for the rest of the year. This winter has been mild, and the restroom has been used. Closing the facility for the winter is not a good idea. The best thing to do is to keep the facility clean and provide a service for the trail users. The question was asked if the \$328 would be used for winter cleaning or is it necessary for cleaning costs whether it's open during the winter or not.

Ms. Myers clarified the quote calls for cleaning twice a week from November 1st, 2017 through March 31st, 2018 for \$600. If the facility is closed in the winter, then the total cost for cleaning four times a week from April 1, 2017 through October 31, 2017 would be \$1,456. Orion Township would pay \$728, and the Commission would pay \$728. The total cost for the year, with 4 cleanings a week from April 1 through October 31, 2017, and two cleanings a week from November 1 through March 31, 2018 is \$2,056. If we were to split that entire amount with Orion Township, we would each pay \$1,028.

Mr. Blanchard suggested that the Commission pay \$1,028 towards supplementing the cleaning of the vault toilet, with \$1,000 coming from the vandalism reward money and the rest out of fund balance. Ms. Myers stated this means Orion Township would be responsible for \$1,028 and would have to be taken back to their Board for approval.

Ms. Myers clarified the fiscal year for both the Commission and Orion Township is a calendar year, and if we start maintenance April 1st and go through December 31st, 2017, the cost to the Commission would be \$968. Orion Township would still contribute \$728. This would cover maintenance through the end of 2017, which gives enough time to come up with a long-term plan for maintenance/cleaning plans in the future. The Commission will be splitting the cost for the

seven busy months, April through October, and the Commission will pay for twice a week cleaning for November and December, 2017.

MOTION by Blanchard, seconded by Ferriolo, *Moved*, that the Commission pays \$968 out of the vandalism reward money towards supplementing the cleaning of the vault toilet from April 1st through December 31st with Turner Sanitation, with Orion Township providing \$728.

Ayes: Birney, Blanchard, Bowyer, Ferriolo

Nays: Becker, Van Agen, Young

MOTION CARRIED.

MOTION by Blanchard, seconded by Van Agen, *Moved*, that the Trail Manager work with the Oakland County Mounted and Bicycle Patrols to secure additional bicycle patrols in the Clarkston/Kern area in June and September, and that the Trail Manager request the DNR have additional patrols in the subject area.

Ayes: All Nays: None

MOTION CARRIED.

DISCUSSION: Trademarks of Paint Creek Trail Logo(s): Ms. Myers indicated the Branding Committee got together and discussed the logo. She didn't think the logo was trademarked, and was worried about someone using it. Commissioner Olijnyk provided information in a memo in the packet relative to this issue. The question was asked if there have been any problems in the past with the logo. Ms. Myers indicated there is a company that owns property next to the trail and calls themselves Paint Creek Trail, LLC. After a short discussion, it is the consensus that the logo does not need to be trademarked.

UPDATE: Southeast Rochester Property Ad-Hoc Committee: Mr. Becker indicated the committee met and discussed the design of the railing. They chose vertical uprights for the railings rather than horizontal crosspieces. The committee decided they liked the effect of having the black metal railings, in the trex black material. The committee also looked at the timeline of the project. Their recommendation is to use a design-build process - rather than hiring an engineer to draw specific plans, and then use those plans to secure a contractor to build according to the plans - just to have a contractor who can design and build at the same time. The committee also suggests a phased project. Phase 1 is to get the crowd hydrology gauge installed, the deck built, and the extended railing on the north side of the trail installed. Phase 2 includes the plantings and the bench near the proposed canoe landing. Phase 3 is the kayak/canoe launch area and the interpretative signage. Regarding resurfacing, this can wait until the 2019 resurfacing project, or talk to the City of Rochester to see when they will resurface their portion of the Clinton River Trail to see if that will work for this area.

MOTION by Ferriolo, seconded by Young, *Moved*, to proceed with project plans as recommended by the subcommittee.

Ayes: All Nays: None

MOTION CARRIED.

FOIA – Possible Hiring of Attorney to Develop Policy: Ms. Myers explained she received a FOIA request from American Transparency requesting electronic copies of any 2016 employee's compensation, hire date, base salary, bonus amount, overtime, gross annual wages, position title, etc. Oakland Township is aware of this company. This company only wants electronic copies because they don't want to pay the fees associated with paper copies. Staff doesn't have electronic copies of this information that would not have to be created. According to the Township, you are not to create this information. The Commission has a policy for handling requests for documentation that was created in 2001, and FOIA law has changed since then. Ms. Myers sent the request to Ms. Hamameh for her opinion. She replied the policy needs to be updated to protect the Commission. She will send staff a response to answer the current FOIA

request. There is a template policy that could be used to update the Commission's policy. The cost would be \$350 to provide this document. Ms. Myers recommends the policy needs to be updated to reflect current law. In Ms. Hamameh's email, she indicated it would be better for the Commission to write a new policy than try to revise the old one, and her work would include a policy, a detailed itemization of what is required under the new FOIA, and a resolution to properly adopt the documents. It is the consensus of the Commission to move forward and have an updated FOIA policy written. Dr. Bowyer disagreed and feels it is a waste of time to spend the money, because the Commission will still have to follow the law, and send the information requested in any FOIA. The Commission doesn't need a lawyer to spell this out. As the record officer for the Commission, Ms. Myers just wants to make sure she follows the law correctly.

MOTION by Blanchard, seconded by Young, *Moved*, that the Commission contract with the attorney for services as outlined in her March 21st proposal at a cost of \$350.00.

Ayes: Becker, Birney, Blanchard, Ferriolo, Van Agen, Young

Nays: Bowyer

MOTION CARRIED.

MANAGER'S REPORT: In addition to her written report, Ms. Myers stated that nine people have been charged with destruction of property in Orion from two separate cases. Two other people may possibly be charged. Ms. Myers will be advised as the process goes forward. Last week, Ms. Myers, Ms. Gray and Mr. Matheson attended a meeting at the Village of Lake Orion to discuss the Iron Belle Trail. There is concern from the Village that this trail isn't going into the Village. They will work with MDOT, the DNR, Orion Township and the Commission to see if the route will go into the business district and then travel south on M-24 to connect with the Polly Ann Trail. The Adopt the Trail program starts April 22nd with a kick-off at the Cider Mill. Ms. Myers will work with the municipalities to remove any trash. A lot of work was done in the previous month relative to getting the paperwork and billing procedure language ready for attorney review and development of the joint agreement between the Commission and the Parks Commission for the bridge project. The agreement will be presented to the Commission for consideration. Ms. Myers received a letter from Orion Township Operation's Manager, Jeff Stout. They are submitting a MNRTF grant application for the reconstruction of a segment of Polly Ann Trail pathway, and requested a letter of support. Ms. Myers drafted the support letter to the DNR.

MOTION by Blanchard, seconded by Birney, *Moved*, that the Commission approve sending the letter of support and authorizes Chairperson Becker to sign on behalf of the Commission.

Ayes: All Nays: None

MOTION CARRIED.

COMMISSIONER REPORTS: Ms. Olijnyk indicated her husband has connections at Wayne State University Department of Computer Science, and he is willing to talk to the department head to see if there is interest for app development as part of a class. Dr. Bowyer went to a grant writing class yesterday and will try to find a grant to have a student develop the app as a project. Mr. Matheson indicated the trail extension construction is supposed to start late April. In addition there will be more meetings with the DNR, MDOT, and all other stakeholders to discuss options to include the Village of Lake Orion as part of the Iron Belle Trail. It is important to the Village to have the route continue through downtown, utilizing the new extension. The Village is exploring options of becoming a voting member of the Commission.

ADJOURNMENT:

Upon motion by Young, seconded by Van Agen, the Chairperson adjourned the Regular Meeting at 8:46 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: April 18, 2017 at 7:00 p.m. – City of Rochester Municipal Offices

Respectfully submitted,

KRISTEN MYERS, Trail Manager

HANK VAN AGEN, Secretary