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Paint Creek Trailways Commission Meeting

Tuesday, March 21, 2017 at 7:00 PM

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

MEETING AGENDA

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
4. **Public Comment**
5. **Consent Agenda:**
 - a. Minutes: Regular Meeting, February 21, 2017
 - b. Treasurers Report – February 2017
6. **Approval of Invoices**
7. **Discussion:** Memorial Policy
8. **Discussion:** Wader Wash Stations
9. **Discussion/Approval:** Google Trekker Application
10. **Discussion:** Orion Township Maintenance Concerns
11. **Discussion:** Trademarks of Paint Creek Trail Logo(s)
12. **Update:** Southeast Rochester Property Ad-Hoc Committee
13. **Manager's Report**
14. **Commissioner Reports**
15. **Adjournment of Meeting**

Next Regular Meeting: **April 18, 2017 – City of Rochester Municipal Offices, 400 Sixth Street, Rochester, MI 48307**

Enclosures: Agenda Summary
February 21, 2017 Draft Minutes
February 2017 Treasurer's Report
Memorial Policy Discussion Minutes & Rochester Hills Naming Policy
Memo: Wader Wash Stations
Memo: Google Trekker
Memo: Trademarks of Paint Creek Trail Logo(s)
March Manager's Report
FYI: Update on Bridge Renovation Project & Joint Agreement

Agenda Summary

March 21, 2017

1. Call To Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment
5. **Consent Agenda:**
 - a. **Minutes: Regular Meeting, February 21, 2017**
 - b. **Treasurer's Report – February 2017**
6. **Approval of Invoices**
7. **Discussion: Memorial Policy**

Summary: Chris and I have gone through our minutes and have pulled excerpts regarding a naming policy/memorial policy. Dr. Bowyer has also provided the recently approved naming policy for the City of Rochester Hills. Please review the information.

Desired Action: Discussion/Direction

Budget Impact: None
8. **Discussion: Wader Wash Stations**

Summary: I contacted Cleyo Harris from the DNR Fisheries Division to get more information on the Wader Wash Stations. A memo is in your packet for review.

Desired Action: Discussion.

Budget Impact: None
9. **Discussion/Approval: Google Trekker Application**

Summary: Google offers the ability to “check out” a 360 camera for use on trails, parks, etc. The branding committee feels that having the entire trail photographed and added to Google Maps would be an asset to the trail. I've included a memo regarding the application process in your packet.

Desired Action: Discussion/Approval

Budget Impact: None
10. **Discussion: Orion Township Maintenance Concerns**

Summary: Orion Township has briefly discussed concerns about the maintenance of their section of trail, especially with the vandalism issues and the ongoing maintenance of the restroom. We would like to open dialog and work together with them to solve the issues.

Desired Action: Discussion

Budget Impact: None
11. **Discussion: Trademarks of Paint Creek Trail Logo(s)**

Summary: The Branding committee discussed whether or not the Commission should trademark present and future logos. A memo is in your packet for review.

Desired Action: Discussion

Budget Impact: None.
12. **Update: Southeast Rochester Property Ad-Hoc Committee**

Summary: The SE Rochester Property Ad-Hoc Committee is meeting on Thursday, March 16 at 5:30. Chairman Becker will provide an update at the meeting.

Desired Action: Receipt of Report

Budget Impact: None

13. **Manager's Report** - included in your packet.
14. **Commissioner Reports**
14. **Adjournment of Meeting**

**Next meeting April 18, 2017 – City of Rochester Municipal Offices, 400 Sixth Street, Rochester,
MI 48307**



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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, February 21, 2017 meeting was called to order by Chairperson Becker at 7:00 p.m.

Voting Members Present: Rock Blanchard, Susan Bowyer, Frank Ferriolo, Kim Russell, Hank VanAgen, Alice Young

Voting Alternates Present: David Becker

Non-Voting Alternates Present: Robin Buxar, Lynn Loebs, Martha Olijnyk

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

Voting Members Absent: Brian Birney, Linda Gamage

Alternates Absent: Ben Giovanelli, Jim Kubicina, Lisa Sokol, Richard Schultz, Donni Steele

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:

MOTION by Russell, seconded by Blanchard, ***Moved***, to approve the February 21, 2017 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: Ms. Myers introduced Scott Hummon and Jeff Gerwitz from the Vanguard Chapter Trout Unlimited. They presented a project regarding proposed access to Paint Creek at the Gallagher parking lot area. They are willing to build stairs going down to the water for anglers. Information about their proposal was given to the members. They will be applying for a grant from the Michigan Fly Fishing Club for the materials, part of which involves getting letters of support. Ms. Myers has written a draft letter of support for Commission review. She spoke with Oakland Township Parks & Rec Director, Ms. Milos-Dale, who is in favor of the project and asked that they coordinate efforts with the Parks maintenance foreman as well as the Commission. Messrs. Hummon and Gerwitz explained their project. There are numerous spots along the trail where stairways have been built by Vanguard and other chapters of Trout Unlimited. They are cloning the same type of stairway system adjacent to the parking lot, and will use pressure treated lumber set into the ground backfilled with gravel, staked in with steel stakes to hold them in place. They are asking for a letter of support and permission from the Commission. Ms. Myers added this is addressed in the Master Plan, so this project is compatible with goals and objectives in terms of angler access and is an appropriate project. It was suggested that Trout Unlimited consider adding handrails to the steps. The applicants agreed to add handrails to the project. After discussion, the Commission is in favor of this project.

MOTION by Bowyer, seconded by Young, *Moved*, to approve the project and send the letter of support.

Ayes: All Nays: None

MOTION CARRIED.

CONSENT AGENDA:

- a. Minutes – January 17, 2017 Regular Meeting, approve and file
- b. Treasurers Report – January 2017, receive and file

MOTION by Blanchard, seconded by VanAgen, *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 \$761.28. This amount includes payment for Nunez Design’s presentation to the City of Rochester, office supplies, a new printer, nameplates for new Commissioners and website database storage. Estimated unrestricted fund balance is estimated at \$97,000.

MOTION by Young, supported by Blanchard, *Moved*, that the invoices presented for payment are approved in the amount of \$761.28 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL: Oakland County Sheriff’s Office – Mounted Patrol Contract (2 years): Ms. Myers contacted the County in January to request services this year. They asked if the Commission wanted a multi-year contract. Ms. Myers replied yes. They presented a two year contract. Our pro-bono attorney reviewed the contract and had no issues. The contract will cover 428 patrol hours this year. When next year’s budget is reviewed, the Commission will have to discuss how many hours they would like for next year because their rates are going up. If the budget remains the same, it would cover 419 hours for 2018. The Commission used to fund 450 hours per year, but the cost increases have reduced the hours, while the budget has not increased. It was suggested that when reviewing the 2018 budget, the cost of 450 patrol hours be reevaluated as the safety on the trail should not be compromised. Ms. Myers feels the contract is fine, and there is a 30-day opt-out clause included if the Commission decides to cancel. If the contract is approved, Ms. Myers is looking for a motion to approve the two year contract and authorization for the Chairperson to sign it on the Commission’s behalf. Patrols will occur at different times, so users won’t know when to expect them, and are available if needed for special events. It was suggested to advertise on the website that mounted/bike patrols and cameras monitor the trail. This needs to be communicated and marketed. When the large trail signs are updated, perhaps a small indication of this could be added; it could also be added to the brochure.

MOTION by Bowyer, seconded by Blanchard, *Moved*, to approve the two year Mounted Patrol contract with the Oakland County Sheriff’s Office and to authorize the Chairperson to sign the document on the Commission’s behalf.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL: Paint Creek Trail Brochure Re-Order: Ms. Myers indicated that the Trail Branding Ad-Hoc Committee met recently and is recommending we order a short supply of the current brochure to get through the end of the year. The quotes from Sir Speedy, who handled the last two printings and have all the files, are 2,500 brochures/\$1,020, 5,000 brochures/\$1,260 and 7,500 brochures/\$1,555. Ms. Myers is recommending a reprinting of no less than 5,000. There is \$3,000 in the brochure budget, but that was contingent upon receiving sponsorships or donations. The Commission can use either fund balance or ask the Friends Group for assistance. There is also \$1,000 in the promotions budget, but this is usually used for the Labor Day Bridge Walk

event. The Friends Group has not helped with brochure cost in the past, as they weren't organized at that time and didn't have enough money. Their next meeting is not until March.

MOTION by Blanchard, seconded by Russell, *Moved*, to reorder 7,500 brochures at a cost not to exceed \$1,555 and take the money from the budget rather than ask the Friends Group for assistance.

Ayes: All Nays: None

MOTION CARRIED.

REPORT: Trail Branding Ad-Hoc Committee: Ms. Myers indicated when the Committee met (Ms. Gamage, Ms. Olijnyk and Ms. Myers) they discussed whether or not the trail logo should be updated. Before proceeding with redesigning the brochure or signage, she asked for input on the current logo. If the logo needs to be updated, the Ad-Hoc Committee suggested having a contest to be rolled out on Earth Day with submissions due by National Trails Day, choose a winner in August and have the winning logo printed on the T-shirts for the Labor Day Bridge Walk. Cash prizes could be involved. It should be emphasized that there is no guarantee that the winning logo will be a permanent logo. The Committee likes the current logo, but it is a little dated. The same stick figures could be used in the new logo. Currently, the logo is used with just the figures or the figures with the words "Paint Creek Trailways Commission". We need to brand "Paint Creek Trail". The logo could add the words Paint Creek Trailways Commission for business purposes. It was thought the symbols could still be used while incorporating the beauty of the trail. Discussion ensued with the suggestion that the contest is a great idea, but not to give any guidelines on the logo design. It should also be stated for the contest that the Commission can refuse any or all submissions. The contest would also generate publicity for the trail. It was suggested that a summary of the history of the trail be included in the instructions, so people could possibly use it in their design. The Commission is in favor of the contest idea. The Committee will meet again and bring additional information back for discussion next month. The Committee will also start revising the brochure. Oakland County Economic Development has agreed to update the map. It was suggested that courtesy information is fine on the brochure, add information about cameras and patrol on the trail, but don't be preachy on what you can't do on the trail. The Commission will review drafts of the revised brochure.

DISCUSSION: 2017 Commission Goals – Priorities & Timelines: The Commission thanked Ms. Myers for her work on this document. Ms. Myers took all the goals brought up last month and broke them down into categories and developed a timeline assuming nothing major will change it. Everything listed under administrative has a timeline listed. There are a few items listed for removal, i.e., parking at Orion/Adams and at Gallagher. Oakland Township has grant projects and capital improvement projects that are taking priority this year, so this parking will not be worked on in 2017. She is recommending the Foley Pond improvements be postponed due to other project commitments and coordination with the DEQ and the Watershed Council – this was listed in the Master Plan for 2017. The Bridge 33.7 renovation project will take a lot of prep work, and will take priority for the next two years. Under Planning & Development, National Trails Day and the Labor Day Bridge Walk will take place. The Paint Creek Crawl may be cancelled or postponed depending on what happens this year – she is hoping to get together with the Friends Group to see if they can get it organized. The Memorial Program and development of Interpretative Materials is recommended for postponement. Trail identification/road crossing signage and the Dave Moutrie Memorial project is in progress. Benches and Bike Fixit at Atwater can be done this year. The Native Plant Approval and Conservation Stewardship Policy can't be completed without expert assistance; they need to be postponed until someone can be found to assist with this effort. The Maintenance issues are all ongoing and in progress. The Long Term Goals are all dependent on other stakeholders. Ms. Myers met with the Parks and

maintenance staffs from all the communities in 2015. She plans the same type of meeting this spring to see what issues need attention. More information will be available after these meetings. It was suggested that a projected completion date be listed for the Southeast Rochester project. The Committee on this project will meet soon, especially with the positive response from the City of Rochester and bring more information back for Commission discussion. The decision still has to be made with the type of deck railings for the observation deck. The Rochester Hills Art Project is not listed. Ms. Myers indicated this is planned for part of the educational pathway and resurfacing needs to take place first. This is planned to be coordinated with the 2019 resurfacing project. It was suggested every goal have a recommended timeline date listed. The Foley Pond erosion issue needs to be addressed as it is a safety issue, perhaps yellow tape can be installed or a cement pad installed at the edge. Ms. Myers will address this issue with the Parks and Rec staff. Perhaps the bike patroller can install some tape in the meantime.

DISCUSSION: Paint Creek Trail Smart Phone App: Ms. Gray presented her research on the app, primarily you can hire a company that you can bring your idea to, then they do all the work. This is the most expensive way to do it, but the end product will be high quality. You can use an existing template and hire a free-lance developer, which is a little less expensive, but there is still an associated cost. There is on-line app maker software, but would probably expend simple apps. The other option is to look for volunteers to help develop. The biggest issue is maintenance of the app. The costs are not only initial for development, but on-going for maintenance. Rochester Hills paid a company \$5,000 to develop their website and app and \$1,200 a year for maintenance. A volunteer developed an app for the Clinton River Trail. There are a lot of GPS apps out there, but it is frustrating if it doesn't work. Traillink is a good app that includes trails all over the country, including the Paint Creek Trail. Perhaps we could ask for more detail about our trail on this app. This could be linked to the website without the expense of creating our own app, which would save a lot of time and effort. Oakland County's GIS department has an interactive map for all their existing parks. Perhaps the Commission could talk to them about whether they would help us develop a map to link to the website. Some trailways apps are free to download, but if you want to view the interactive map to tell you where you are, then you pay a cost. Lengthy discussion ensued. Issues brought up were the cost of the app and whether or not the Commission has enough interest to warrant an app. Perhaps we could do something less costly rather than develop a high quality app. The comment was made that the trail is not ready for an app at this time because we don't have the user interest or traffic on social media. The Traillink app could be put on the brochure and website. It is the consensus not to spend the money for app development, and Dr. Bowyer indicated there are a lot of colleges that would love a project like this for computer science students – perhaps a grant could be awarded. She will be going to a SEMCOG grant conference next month and will get information. QR codes along the trail could link back to the trail website at a much lower cost. Everything an app could supply should be accessible on the website. An easy access to an interactive map on the website is needed. After discussion, it was agreed that Traillink should be contacted to see if additional information could be added about the trail. Ms. Myers was also asked to contact the County and Dr. Bowyer will research possible grants for college computer science projects for app development.

DISCUSSION: John G. Makris Memorial: Ms. Myers brought this issue last month, and it was requested to be brought back to this meeting for discussion. Dr. Bowyer donated bluebird boxes today, perhaps a project involving birds to honor Mr. Makris? Chairperson Becker suggested a sub-committee work on this project after discussion tonight. There is not a “memorial policy” at this time. A few years ago the Commission tried to develop a memorial program committee to talk about benches, etc., but there was opposition and it wasn't approved. Ms. Myers will review past minutes on this issue and bring information back to the Commission next month. It was suggested a policy should be developed on memorial guidelines. Dr. Bowyer

commented that Rochester Hills just instituted a naming policy that was approved by City Council and will send this policy to Ms. Myers. It was suggested that Mr. Makris' memorial be included with the Mr. Moutrie memorial. Ms. Myers indicated that the Moutrie project will be moved to the Flagstar site to get it done soon. Ms. Myers had a conversation with the Chairperson about including Mr. Makris' name in that pathway, but it would need Commission approval. Given the concerns, a policy should be reviewed.

MANAGER'S REPORT: In addition to her written report, Ms. Myers indicated the new auditor is coming in tomorrow to start his work. The DNR contacted Ms. Myers about putting three Wader Wash Stations along the trail at Tienken, Gallagher and Silverbell. Brochures were passed out to the Commission. They are trying to prevent the spread of the New Zealand Mud Snail and would like to place the stations on the trail where anglers use it. The stations would be placed on the trail, not by the water. The question was asked where the water will come from to wash the boots and why they can't be placed near the water. Ms. Myers has aesthetic concerns with the stations and offered to get more answers for these questions. After discussion, the Commission is not in favor of placing the stations on the trail.

MOTION by Ferriolo, to not pursue this idea for the trail. No second was heard. Motion died for lack of a second.

Ms. Myers then updated the Commission about the vandalism on the trail. The individuals, from West Bloomfield, have been identified. There were also pictures of a family that were published. Those people contacted the Township asking to have the pictures removed as they had nothing to do with the issue. These people were actually involved with the graffiti. Ms. Myers is working with the Sheriff's office on the reward. Ms. Myers then updated the Commission on the grant project for the bridge restoration and how the bidding will work and the funds will be paid. It was suggested by MDOT that the Commission and Oakland Township Parks enter into a joint agreement specifically for this grant that outlines project responsibilities and commitments. There is a lot of paperwork involved to keep the funds straight. She contacted Attorney Hamameh for help, and there is someone in the firm who has done this type of work. The estimated cost is \$1,250. The attorney would write this agreement, get approval from the Commission, and send to Oakland Township for approval, so everything is clear for auditing purposes. Before Oakland Township can put out a request for proposals for an engineer, this agreement needs to be done between the two agencies. Ms. Myers recommends that Ms. Hamameh start work on this agreement. There is \$1,500 in the unallocated legal budget.

MOTION by Blanchard, seconded by Russell, ***Moved***, to direct Ms. Myers work with Ms. Hamameh to develop the contract at a cost not to exceed \$1,500.

Ayes: All Nays: None

MOTION CARRIED.

Ms. Myers indicated the Polly Ann Trail invited anyone available to the unveiling of the Iron Belle Trail signs tomorrow at the corner of Clarkston and Rhodes, just south of Joslyn.

COMMISSIONER REPORTS: Commissioner reports were heard. Chairperson Becker suggested a site visit on the trail after a meeting – perhaps in June.

ADJOURNMENT:

Upon motion by Young, seconded by Ferriolo, the Chairperson adjourned the Regular Meeting at 9:15 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: March 21, 2017 at 7:00 p.m. – Paint Creek Cider Mill

Respectfully submitted,

KRISTEN MYERS, Trail Manager

HANK VANAGEN, Secretary

DRAFT

Paint Creek Trailways Commission

Treasurer's Report - Flagstar Bank

February 2017

Balance:	1-Feb-17		
	Checking Balance	\$162,928.22	
	Outstanding Checks (3113,3120,3132, 3138)	<u>\$553.26</u>	
			\$ 162,374.96

Revenues:	Deposit - ITC Annual License Fee for Right of Way Crossing	\$650.00	
	Deposit - Interest Income	<u>\$31.25</u>	
	Total Revenues	\$681.25	
			\$163,056.21

Expenditures:	3141 - Nunez Design- Rochester Council Presentation	\$300.00	
	3142 - Chase Card Services	<u>\$461.28</u>	
	Total Expenditures	\$761.28	
			\$162,294.93

Balance:	28-Feb-17		
	Checking Balance	\$162,824.93	
	Outstanding Checks (3141, 3138)	<u>\$530.00</u>	
	TRAILWAYS COMMISSION BALANCE		\$162,294.93

Signed By: _____
 Trailways Commission Treasurer Trail Manager

Date: _____

Naming Policy Discussion from Paint Creek Trailways Commission Meetings:

Excerpt from Approved Trailways Commission meeting minutes May 20, 2014:

DISCUSSION/APPROVAL: Pathway Development Concept Plan: Ms. Myers indicated Rochester Hills has been scheduled for the next Millennium Legacy Trail Art Project. In addition, the Master Plan has included interpretive side paths as a goal. After the passing of David Moutrie, former bike patroller, the Friends group collected over \$3,500 in his memory for a trail project. Ms. Myers is thinking of melding these three ideas together into one project, perhaps developing a small path just north of Tienken near Kings Cove that could be used for an educational display or historical information. She contacted Leah Groya of livingLAB, who facilitated the master plan workshops. She has a lot of experience with these types of projects and displays. Ms. Myers and Ms. Groya walked the area to see if the idea was feasible. No problems were detected in possible development of this site. Ms. Groya was asked to come up with a design and cost proposal for a concept plan to determine if there are any ADA issues, and look at property lines and utility corridors. The proposal for the concept plan would cost \$3,000. The Commission put aside \$5,000 for a Master Plan project in this year's budget and there is \$3,500 earmarked in fund balance for the Rochester Hills Art Project. The site is about a ¼ mile long, but doesn't necessarily have to be that long. If this is not something the Commission would like to pursue, then some direction needs to be given to the money raised for Mr. Moutrie and what type of project is being looked at. Perhaps a panel of information could be placed there describing who Mr. Moutrie was and why he is being honored. After a short discussion, it is the consensus of the Commission the idea is a good fit, although thought should be given to naming the interpretive side path after Mr. Moutrie. This would set precedent for future requests. Ms. Myers envisions the Friends group taking over the fundraising of this project once the concept plan and guidelines are approved by the Commission, as the Commission will manage the project. As a side note, it was suggested the trail logo be placed on a future agenda for discussion.

MOTION by Young, seconded by Thalmann, *Moved*, to approve funding of up to \$3,000 for the development of a concept plan and associated costs by livingLAB for the David R. Moutrie Pathway development.

Ayes: All Nays: None

MOTION CARRIED.

Excerpt from Approved Trailways Commission meeting minutes August 19, 2014

DISCUSSION: David R. Moutrie Pathway – Concept Design: Ms. Myers explained this pathway is ¼ mile long adjacent to the trail north of Tienken along Kings Cove Condos. Mr. Moutrie was a former bike patroller who passed in 2012 and almost \$4,000 has been collected for a project in his memory along the trail. A side path project has been in the Master Plan for a long time and Rochester Hills is the next municipality for an art project. Combining these three ideas was discussed and LivingLAB was hired to look at the area and come up with a concept plan for the best idea for this area. They developed a concept plan that has four areas along the way for interpretative kiosks or stations that could be used for education on different subjects. There are areas for native plantings, benches and gardens. They provided a cost estimate of \$225,000. Most of the cost is for the surfacing and the need to be ADA compliant. Ms. Myers has talked to Rochester Hills' Park Director, Mr. Hartner. In the past when doing a project with the National Resources Trust Fund, the community has provided the match money. Mr. Hartner indicated the budget is done and this money is not included, but he could add the project to the CIP when appropriate. Budget consideration could be discussed next August as the project would not be started until 2016. This is further down the road if this project is to move forward. Discussions have not occurred with Kings Cove yet as it has not been determined if the project is a go. The Friends Group is actively fund-raising and could possibly come up with \$20,000-\$30,000 of the match. The Commission

was asked for input as to this concept idea and LivingLAB will incorporate suggestions into another concept design idea. After discussion, the consensus is that the concept is great. The benches could be purchased by individuals as a memorial; Ms. Myers has five people on the waiting list since the bench program was halted in 2012 due to bench capacity being reached. The interpretative signs could also be sponsored. Ms. Myers sees other partners coming into this project, but the surfacing is what the concern is. The Commission may have to apply for an MNRTF grant, where we would be the project manager. Ms. Gamage loves the idea, but is not in favor of naming anything on the trail after people and suggested a policy be drafted for naming things on the trail and/or new memorial donations. Ms. Myers indicated the word “memorial” is not in the project name as she didn’t want to open the idea up to other people wanting the same, and feels this is a special circumstance for the contributions Mr. Moutrie made to the trail. The grant may not allow a project to be named after an individual; that needs to be researched. A naming policy should be drafted and put on a future agenda for discussion. Ms. Myers will also ask LivingLAB to break the project into phases to see what if it makes the project more manageable. Some of the Commission’s fund balance could also be used for funding the project. It was suggested a meeting take place with Rochester Hills officials, Ms. Morita, Mr. Becker, Mr. Blanchard and Ms. Myers in September or October to start discussions of placement of this project in the CIP and the 2016 budget.

MOTION by Russell, seconded by Blanchard, *Moved*, that the Commission supports the pathway concept project in its proposed location and directs Ms. Myers to move forward with the concept design of the project.

Ayes: All Nays: None

MOTION CARRIED.

Excerpt from Approved Trailways Commission meeting minutes January 20, 2015:

UPDATE/DISCUSSION: Educational Pathway Project north of Tienken: Ms. Myers indicated she met with the Rochester Hills Parks Director Mr. Hartner last week to discuss plans for the educational pathway project. A memo relative to the concept design map and cost estimate was included in the packet. They discussed the scope of the project and possible changes to the surface. There is already a footpath that residents have been using off the trail. Side path interpretative sites are included in the Master Plan, Rochester Hills is next in line for a cultural enhancement/art project, and there is money that was given in memorial for former bike patroller, Dave Moutrie, for an educational project. Three ideas are involved in this concept. Tienken Road has been under construction last year, and will be again this year. Dan’s Excavating is the contractor doing the work. There have been flooding issues with the Road Commission and the contractor, and they are aware of the impact to the trail this project has had. There are thoughts that instead of the Commission going out for a large grant project, that development of this path can be mostly done in-house by Rochester Hills. They are thinking that Dan’s Excavating might be open to the idea of doing the earthwork for the Commission. Because of all the construction on Tienken tearing up the asphalt, they thought they could recycle it into crushed asphalt like what is used on their portion of the Clinton River Trail. Instead of the path being limestone, it would be the crushed asphalt, which has had a lot of success. Mr. Hartner wanted this idea brought to the Commission to see if they had an interest in going this route and if it’s something that could be considered. Ms. Myers likes the idea because it is a lot less expensive. She likes the idea of having a different surface because it shows a different use from the trail. There still will be money involved for the surface, but the contractor could do the earthwork and Rochester Hills’ crews could lay the crushed asphalt. The biggest cost of this project is the surfacing. After discussion, it is the consensus of the Commission that this is a great idea and that Ms. Myers not pursue a grant at this time. The life expectancy of the surface is at least 10 years and Rochester Hills will be in charge of maintenance. Perhaps the contractor could assist with a pad for the restroom as their workers are using this facility. Ms. Myers will check into this possibility and bring more information next month. Rochester Hills was thanked for their assistance in this endeavor.

Excerpt from Approved Trailways Commission meeting minutes September 15, 2015:

DISCUSSION – Naming Policy: After a previous discussion whether to name the proposed Tienken Pathway the David R. Moutrie Pathway, and the concern that others may want to name improvements after someone, Ms. Myers would like a preliminary discussion whether the Commission needs to develop a naming policy. Chairman Becker feels the Commission doesn't need a policy, because he trusts the judgment of the Commission on a case by case basis for anything that comes up for approval. If a project is funded with MNRTF or other State/Federal Funding, it can't be named after a person. The Tienken Pathway project is funded without state or federal funding, so it could be named after someone without penalty from the MNRTF. A memo regarding other trail policies was provided in the packet. The Commission has been without a policy, but some sort of guidelines may be important because of unintended consequences. This is the first time a request has been made to name a side trail amenity after someone. It was brought up that this issue had previously been discussed and it was thought that a consensus was reached. Ms. Myers explained no decision was made in the previous discussion, so it is before the Commission again. Perhaps a plaque honoring a person could be placed along the trail where an improvement has been made, rather than naming a portion of the trail after someone. Ms. Myers' take on this issue is that if the Commission wants to have a policy, it be very simple – the Commission determines on a case by case basis, and if someone is deceased, they must have made a significant contribution to the trail or community, and there be a minimum time span, e.g., two or three years deceased. Comments were made that a person doesn't necessarily have to be deceased. Consensus needs to be ascertained first on whether the Commission is in favor of naming a portion of the trail after someone - then that will determine the direction of how the policy is drafted. The subject pathway is not part of the trail, it is a side path off the trail. Money has been donated in Mr. Moutrie's name, and if used for interpretative/educational signage, Ms. Myers feels his name needs to be on the project. This item will be placed on the November agenda for a decision on whether or not portions of the trail could be named for someone. Ms. Myers was asked to draft a preliminary policy. A copy of the minutes where this issue was previously discussed should also be included in the packet.

Excerpt from Approved Trailways Commission meeting minutes October 20, 2015:

DISCUSSION: Naming Policy: Based on input from the Commission last month, a draft Naming Policy has been developed for review and discussion, should the Commission decide they want a policy. Excerpts from previous minutes regarding this issue are also included in the packet for information. Chairman Becker commented that the Commission can't force future Commissions to accept any policy that it passes. He pointed out that there are no other side trails other than the Tienken path. He is not in favor of having a policy and commented even if the Commission adopts a policy, it may not be used in the next five years because he doesn't see any other side parcels coming up in the future. Mr. Zale is not in favor of making new policies, however if the Commission is going to name something for someone, it might make sense to have a policy to prevent issues in the future; i.e., the benches. He feels the draft policy is a good start. Mr. Ferriolo feels that the Commission will make the right decision by taking each request on a case by case basis. Ms. Young reminded members that in the case of the Tienken side path, a lot of money has been donated in Mr. Moutrie's name as people knew about the possibility of the path being named for him. Would the money have to be returned if the path is not named for Mr. Moutrie? This is a restricted fund in the Friends budget. Mr. Blanchard feels there needs to be some guidelines for naming as this may come up again. The comment was made that actual portions of the main trail can't be named after someone. The side path is not part of the developed trail. The funds used to purchase the trail prohibit naming any section of the trail after anyone. Staff was asked to research this issue and bring information to the next meeting –

whether it covers the main trail or includes the right-of-way property. Ms. Russell feels the draft policy is too vague especially if money is associated with the request. A policy should be in place even if it just states that the Commission is not allowed to name portions of the trail per the by-laws. It was suggested a policy subcommittee be formed. Ms. Morita has no issue with naming the side path after Mr. Moutrie, but is concerned about setting a precedent. She feels a policy needs to be in place to set parameters of what the Commission will consider. Information relative to the funds used to purchase the trail and any restrictions about naming portions of the trail needs to be received before further discussion can occur regarding this issue.

Excerpt from Approved Trailways Commission meeting minutes November 17, 2015:

DISCUSSION: Naming Policy: Per Commission direction last month, Ms. Myers reported she contacted DNR Grant Coordinator Amy Matisoff regarding a naming policy, who indicated the MNRTF rescinded the prohibition of naming of parks acquired with their funds some time ago. As long as the MNRTF plaques are displayed at the project site, they do not have a problem with naming things. Their only concern falls when the public would be prohibited from a recreational use on the site that was funded. Ms. Myers updated the draft naming policy if the Commission wanted to consider one, and also provided a list of Commission policies for member information. Discussion occurred on suggested changes - maybe not naming a section for an entity, that a significant contribution be made to the Trail - not the community, removing reference to being deceased 3 years, and that requests must be presented to and approved by the majority of the Commission. It was mentioned that an entity would include the Friends Group, Trout Unlimited or an Eagle Scout and they should not be excluded. Some Commissioners still voiced opposition to having a formal naming policy and that the Commission should deal with the requests on a case by case basis as it does not come up often. After discussion, it was decided to bring the Mr. Moutrie naming issue back as an agenda item in January for a decision, as Ms. Myers is still working with Rochester Hills to see if the path will be built. If consensus can't be reached on this request, then the Commission will then discuss whether or not to have a naming policy.

Draft Policy that was presented to the Commission:

Paint Creek Trailways Commission Draft Naming Policy

Paint Creek Trailways Commission property may be named for a person or entity subject to the following conditions:

- 1. The developed portion of the surfaced trail (the Paint Creek Trail itself) is exempt from this policy, and will not be named for a person or entity.*
- 2. If the request is to name another area or facility of the Trailways Commission property, such as a side-path or extension of the trail, bench, garden, bridge, interpretive sign, amenity, or cultural display for a person, the person must be deceased for a minimum of 3 years.*
- 3. The person or entity must have made a significant positive contribution to the Paint Creek Trail, or to a member community, or enhanced a Paint Creek Trail program or Paint Creek improvement.*
- 4. Although Trailways Commission property will not normally be named for living persons, exceptions to this policy may be made at the discretion of the Trailways Commission.*

CITY OF ROCHESTER HILLS

Naming/Renaming of City Parks, Buildings, Green Space and Facilities Policy

Introduction

The naming or renaming of City parks, buildings, green space and facilities can be challenging and controversial since assigning a name is a permanent identity for a public place and/or facility. The naming and renaming of City parks, buildings, green space, and facilities may require significant resources in terms of changing names on signs, maps, and literature. In addition, excessive and frequent name changing can be the source of confusion to the public. The purpose of this policy, which is designed to replace any existing naming policy, is to provide guidance to those interested in the naming and or renaming of the City's parks, buildings, green space, and/or facilities.

Policy Statement

It is the policy of the City of Rochester Hills to reserve the naming or renaming of City parks, buildings, green space, and facilities for circumstances that will best serve the interests of the City and ensure a worthy and enduring legacy for the City. To this end, the City of Rochester Hills supports consideration of naming requests within the following broad categories.

Historic Events, People, and Places

The history of a major event, place or person may play an important role in the naming or renaming of a City park, building, green space, or facility as communities often desire to preserve and honor the history of a city, its founders, other historical figures, its heritage, local landmarks and prominent geographical locations, and natural and geological features through the naming.

Outstanding Individuals

The City has benefited, throughout its history, from the contributions made by many outstanding individuals. This category is designed to acknowledge the sustained contribution that has been made by such individuals to the City and the development and management of the City's parks, buildings, green space, and facilities.

Major Gifts

Over the years, the City of Rochester Hills has benefited from the generosity of some of its residents, businesses, and donors. On occasion, the significance of such donations may warrant consideration being given to requests from either the donor or another party to acknowledge such a gift by naming.

Guiding Principles

In considering proposals for the naming or renaming of a City park, building, green space, or facility, the following general principles will be taken into account:

When naming a new park, building, green space, or facility, the proposed name should:

- Engender a strong positive image;
- Be appropriate in regard to the park's, building's, green space's, or facility's location and/or history;
- Have historical, cultural or social significance for future generations;
- Commemorate places, people or events that are of continued importance to the city, region, state, and/or nation;
- Have symbolic value that transcends its ordinary meaning or use and enhances the character and identity of the park, building, green space, or facility;
- Have broad public support; and
- Shall not result in the undue commercialization of the park, building, green space, or facility if it accompanies a corporate gift. Naming a park, building, or facility with a company name is disfavored, but this shall not be construed to discourage recognition of donors on walls, plaques, monuments or similar means.

Renaming a City park, building, green space or facility

Proposals to rename parks, buildings, green space, or facilities whether for a major gift or community request are

disfavored. Likewise, names that have become widely accepted by the community should not be abandoned unless there are compelling reasons and strong public sentiment from the broader community for doing so. Historical or commonly used place names should be preserved wherever possible.

Naming/renaming City parks, buildings, green space or facilities for Outstanding Individuals

Naming or renaming a park, building, green space, or facility for an outstanding individual is favored only for those who have been deceased for at least three years (This provision can be waived in Council's discretion) and where that person's significance and good reputation have been recognized in the City's, State's and/or Nation's history.

In considering the naming/renaming of a park, building, green space, or facility after a deceased person, priority will be given to those who made a sustained and lasting contribution to the City of Rochester Hills, the State of Michigan, or the Nation.

The naming of a park, building, green space, or facility after people who may have lost their lives due to war or a tragic event should be considered only after the shock of such event has lessened within the community.

Naming/renaming for Historic Events, People, and Places

When a City park, building, green space, or facility is associated with or located near events, people, and places of historic, cultural or social significance, consideration may be given to naming that park, building, green space, or facility after such events, people, and places. In considering such proposals, the relationship of the event, person or place to the park, building, green space, or facility should be demonstrated through research and documentation.

Naming for Major Donations

From time to time, a significant donation may be made to the City. On such occasions, recognition of this donation by naming a new park, building, green space, or facility in honor of or at the request of the donor may be considered.

As a guideline, the threshold for considering the naming of a park, building, green space, or facility may include one or more of the following:

- Land for the majority of the park, building, green space, or facility was deeded to the city.
- Contribution of a minimum of 60% of the capital construction costs associated with developing the park, building, green space, or facility.
- Provision of a minimum 20-year endowment for the continued maintenance and/or programming of the park, building, green space, or facility.

Donors seeking naming rights for major donations with respect to an individual will be encouraged to follow the principles that apply to naming a park, building, green space or facility for an outstanding person. Exceptions to this will be considered on their own merits.

Reservation of Right to Rename

The City reserves the right to rename any park, building, green space, or facility if the name, or the person or organization for whom it is named, is deemed to be offensive or disreputable.

Other Considerations

To minimize confusion, City parks, buildings, green space, and facilities will not be subdivided for the purpose of naming unless there are readily identifiable physical divisions. However, naming of specific facilities within parks, buildings, green space, or facilities will be permitted.

Procedures & Guidelines

These procedures and guidelines have been established to ensure the naming or renaming of City parks, buildings, green space, and facilities will be approached in a consistent and sensible manner.

Requests for naming/renaming of parks, buildings, green space, or facilities

All requests for the naming or renaming of a City park, building, green space, or facility shall be made in writing to the Mayor who shall initially determine, whether a naming proposal merits further consideration.

Requests should contain the following minimum information:

- The proposed name;
- Reasons for the proposed name;
- Description/map showing location and boundaries of the park, building, green space, or facility;
- If proposing to name a facility within a park or building, include a description/map showing the location of the facility;
- If proposing to rename a park, building, green space, or facility, include justification for changing an established name; and
- If proposing to name a park, building, green space, or facility after an outstanding person or organization, include documentation of that person's or organization's significance and good reputation in the City's, State's or Nation's history.

Assessing and approving naming/renaming requests

Each proposal the Mayor determines to be worthy of consideration will be referred to a standing committee that is comprised of the Mayor or his/her representative, and the Director of Rochester Hills Parks Department, a member of the Historic Districts Commission, a City Councilmember, and one or more City resident volunteers. This committee shall:

- Review the proposed request for its adherence to this policy;
- Ensure that supporting information has been authenticated, particularly when an individual's or organization's name is proposed; and
- Elicit and consider public input.

The standing committee will then present a recommendation to the City Council for a final decision.



MEMO

To: Commissioners, Alternates & Staff
From: Kristen Myers, Trail Manager
Subject: Wader Wash Stations
Date: March 14, 2017

I contacted Cleyo Harris, Fisheries Biologist with the DNR Fisheries Station in Waterford to get clarification on the Wader Wash Stations. They would like to put just one on the trail, at the Silver Bell parking lot. They are flexible with the placement, but they would prefer to have it off the parking lot, by the grassy side of the rocks at the south end by the parking lot. In terms of maintenance, some of the Trout Unlimited chapters have offered to keep an eye on them and help with the water. If the tub goes dry from time to time, it is not a huge issue. People will still be able to brush off their boots and waders with brushes. He also provided the following photo of an assembled station (it is just missing the boot brush which looks like one you'd see at a golf course)





MEMO

To: Commissioners, Alternates & Staff
From: Kristen Myers, Trail Manager
Subject: Google Trekker Application
Date: March 15, 2017

Google Maps offers a program to enable organizations to use their camera equipment to collect 360-degree photos of their areas. It helps make Google Maps more comprehensive and useful for all. They encourage groups to utilize this service so they may contribute to Google Maps. With 360-degree interactive imagery trail, people from our communities and people from all over the world will be able to see and explore the Paint Creek Trail before they come to visit. The imagery collected can be used to increase awareness and interest in the Paint Creek Trail. If our request is granted, we will have the camera for 45 days.

Their application is lengthy. I've included some of their questions and my answers below:

Describe your interest in the Google Street View camera loan program and your proposed project. Provide detail about what you'd like to photograph, the locations you want to share with the world via 360 photography, and why you think it'd be useful to have imagery of those sites on Google Maps. Tell us what makes the places you're proposing amazing, describe the type of imagery and any highlights you expect to capture.

We propose photographing the entire 8.9 mile Paint Creek Trail, located in northeastern Oakland County in the State of Michigan. The trail was the first non-motorized Rail-to-Trail in the State, and receives approximately 100,000 visitors annually (Cyclists, pedestrians, nature enthusiasts, and equestrians). The non-motorized trail traverses through five communities (urban, suburban, and rural), and follows a designated trout stream, the Paint Creek, as it meanders through fields, prairies, woodlands, and marshlands. The developed trail is 8 feet wide, and our Right-of-Way is 100 feet. It is surfaced with crushed limestone, and a very small section is paved with asphalt. The trail crosses twelve historical railroad bridges, and has many points of cultural and historical interest. It would be useful to have imagery for visitors who are new to the trail so they may determine interest and access. In addition, imagery will be helpful to those who are disabled so they can learn about our accessible trail, amenities, parking, and features. Imagery will capture native trees, native plants, and prairies, as well as parking areas, road crossings, benches, the Paint Creek, and wildlife.

What date would you like to begin the loan?

09/01/2017

What are the goals you're hoping this imagery collection/publication will achieve, and how do you plan to evaluate the success of this project?

For example, if you're trying to improve tourism, do you intend to track for increased foot traffic to your location following the publication of the imagery? If you're interested in increasing online traffic to your webpages with the embedded imagery, are you planning to implement tracking tools

such as Google Analytics to measure success? What other goals do you have for this imagery – positive press, increased number of donations, etc.?

Our goal is to document and enhance the availability and accessibility of our beautiful nature trail. We receive many inquiries about the access, surface, appropriate use, wildlife, and points of interest that visitors may see while on the trail. The trail is free and open to the public, and there is no charge to enter or visit. No special permits are required. We are interested in increasing online traffic to our webpages with embedded imagery, and we currently use Google Analytics to measure our site and page traffic. The statistical information helps us plan and enhance the user experience, and provide the information our visitors need like parking, location, restrooms, and maps. Our goal is to receive positive feedback and press, and utilize feedback for planning future enhancements, and for updating our Five Year Recreation Master Plan. With this imagery collection and publication, it may help us apply for and receive State, Federal, or private foundation grants for future projects. We plan to evaluate the success of this project by promoting it on social media, our websites, and press releases. Based on the number of likes, shares, hits, and increased traffic, we hope to increase attendance at our free community events like our Labor Day Bridge Walk, as well as increase daily use for those looking to incorporate exercise into a healthy lifestyle.

Please share your or your organization's proposed PR and marketing strategy for this project. For example, are you interested in promoting our partnership and the imagery at the collection and/or launch of the imagery? Might you build a custom viewing experience via our Google Maps and Street View APIs? Would you issue a press release or corporate blog post, host a local event with key policymakers, pitch the story of our partnership to relevant audiences, etc.?

We are interested in promoting Google's partnership with the public, State and Local agencies, and will launch the imagery that was collected as many ways as possible. The Paint Creek Trail is an important link in the State of Michigan's Iron Belle Trail, a proposed 774 mile trail connecting the southern Lower Peninsula of Michigan with the northern Upper Peninsula. This initiative is currently being completed and will become a central focus to market Michigan as the Trails state. We would be happy to learn how to build a custom viewing experience via Google Maps and Street View APIs, and provide that to the public. We will issue a press release, promote on our website and social media, and will pitch the story of our Google partnership with the Oakland County Trails, Water, and Land Alliance, a large group of representatives from local, county and state governments along with private companies that discuss ways to work more effectively to preserve and enhance Oakland County's trails, water and natural areas. If appropriate, we would be happy to host a local event with key policymakers and agencies.

*Are you planning to promote, share and repurpose the 360 photographs you collect on your website, mobile app, and in other pieces of marketing material via our Google Maps or Street View APIs? **

Yes

I would like the Commission to consider a motion to approve submitting an application to Google Street View camera loan program.



MEMO

To: Commissioners, Alternates & Staff
From: Kristen Myers, Trail Manager
Subject: Trademark of Paint Creek Trail Logo
Date: March 14, 2017

When the Branding Ad-Hoc Committee met last month, we briefly discussed whether or not we should trademark our current and future logos. Commissioner Olijnyk is very familiar with the process, and her law firm has had experience it. We discussed trademarks vs copyrights, and Ms. Olijnyk provided the following information for the Commission's discussion:

"For the logo, the appropriate vehicle is trademark/service mark rather than copyright. A trade or service mark is a word, phrase, picture or other mark that identifies the source of a product or service. A copyright protects writings of various kinds. So, for example, in our paper maps, a trademark might protect our logo and a copyright might protect the text in the map. A trademark applies to goods or products and a service mark applies to services. What a trademark does is provides a vehicle to litigate against someone and obtain certain kinds of damages if that person infringes, by using the mark for their own purposes. So, if we think we will never want to sue someone for using our logo, then it may not make sense to apply for a trade/service mark. If we think it unlikely that someone uses our logo, the same applies. However, if we are worried about someone else using it for their own purposes then it might make sense. There is an application process that can be done electronically. An attorney does not have to apply. There is a \$275-\$325 application fee per category, depending on how the application is submitted. There are numerous categories and they can be very specific or general. I have not looked but there might be categories relating to operation of recreation areas or parks that might fit us. I have attached a checklist and also a general timeline (about 6 mos or so) for the process."

Here is the checklist that she references:

1. What does the entity want to trademark/service mark. Is it just a word or term? Is there an associated design or logo that it also would like to trademark/service mark? Is there a special font for the word or term (I'll refer to it as a "mark") and only that font will be used, or does the font not matter? Does color matter? If so, the specific color needs to be identified.
2. Who will be listed as the owner of the mark?
3. The US Patent and Trademark Office (USPTO) will need to know what category of goods or services are associated with the use of the mark. There are literally thousands of categories. We need to identify the most appropriate together. There is a separate application fee for each category. The fees are either \$275 or \$325 per category, depending on the type of application.

4. To apply for a trademark/service mark you will also need to know the first date that the mark was used in commerce. There may be different dates for different categories. For example, the date the charity first solicited a donation might be different from the date it held its first event using the mark.

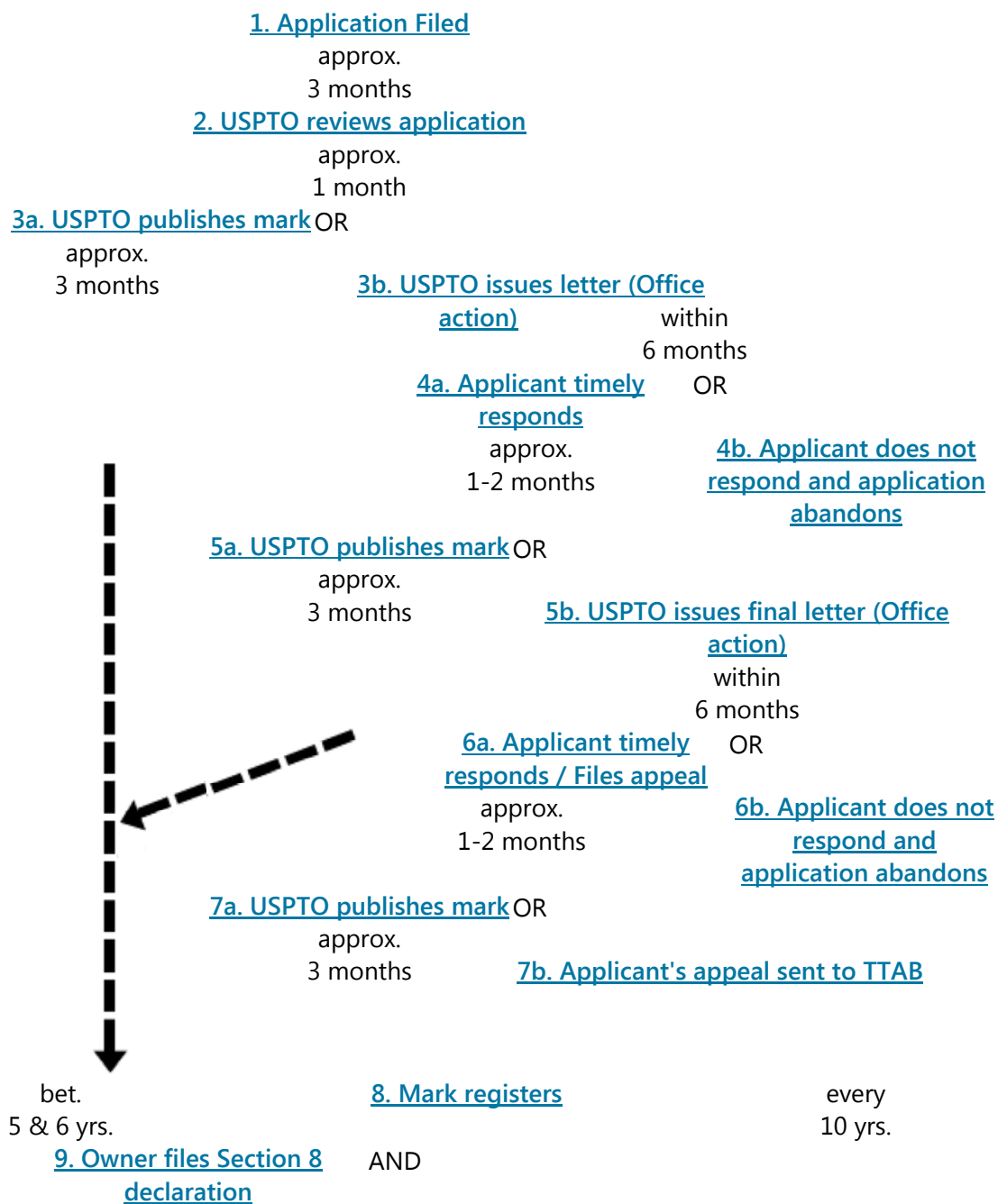
If there has not been a use yet, then there can still be an application based on intent to use in that category.

5. You will need to give the USPTO a specimen of the use of the mark. For example, a copy of a letter using the mark or promotional materials for an event, etc.

The Timeline is attached to this memo. Thank you Martha for the information!

Section 1(a) Timeline: Application based on use in commerce

Place your mouse over the steps for more information on each step.



[10. Owner files Section 8 declaration/Section 9 renewal](#)

This timeline does not cover every application scenario. If you find that you are well outside of the listed timeframes, call your assigned examining attorney or the Trademark Assistance Center (TAC) at 571.272.9250.

Step 1. Application filed: The filed application is assigned a serial number. This number should always be referenced when communicating with the USPTO. The applicant can check the status of any application throughout the entire process by entering the application serial number at <http://tsdr.uspto.gov/> (<http://tsdr.uspto.gov/>) or by calling the trademark status line at 571-272-5400. Approximately 3 months go to [step 2](#).

Step 2. USPTO reviews application: If the minimum filing requirements are met, the application is assigned to an examining attorney. The examining attorney conducts a review of the application to determine whether federal law permits registration. Filing fee(s) will not be refunded, even if the application is later refused registration on legal grounds. Approximately 1 month go to [step 3a](#) or [step 3b](#).

Step 3a. USPTO publishes mark: If no refusals or additional requirements are identified, the examining attorney approves the mark for publication in the *Official Gazette* (OG). The OG, a weekly online publication, gives notice to the public that the USPTO plans to issue a registration. Approximately 1 month after approval, the mark will publish in the OG for a 30-day opposition period. Any party who believes it would be harmed by the registration may file an objection (opposition) within that 30-day period with the Trademark Trial and Appeal Board. No further action is taken until the opposition is resolved. Approximately 3 months go to [step 8](#).

Step 3b. USPTO issues letter (Office action): If refusals or requirements must still be satisfied, the examining attorney assigned to the application issues a letter (Office action) stating the refusals/requirements. Within 6 months of the issuance date of the Office action, the applicant must submit a response that addresses each refusal and requirement. Within 6 months go to [step 4a](#) or [step 4b](#).

Step 4a. Applicant timely responds: In order to avoid abandonment of the application, the applicant must submit a timely response addressing each refusal and/or requirement stated in the Office action. The examining attorney will review the submitted response to determine if all refusals and/or requirements have been satisfied. Approximately 1 to 2 months go to [step 5a](#) or [step 5b](#).

Step 4b. Applicant does not respond and application abandons: If the applicant does not respond within 6 months from the date the Office action was issued, the application is abandoned. The term "abandoned" means that the application process has ended and the trademark will not register. Filing fees are NOT refunded when applications abandon. Abandoned applications are "dead," since they are no longer pending or under consideration for approval. To continue the application process, the applicant must file a petition to revive the application within 2 months of the abandonment date. If more than 2

months after the abandonment date, the petition will be denied as untimely and the applicant must file a new application with the appropriate fee(s).

Step 5a. USPTO publishes mark: If the applicant's response overcomes the refusals and/or satisfies all requirements, the examining attorney approves the mark for publication in the *Official Gazette* (OG). The OG, a weekly online publication, gives notice to the public that the USPTO plans to issue a registration. Approximately 1 month after approval, the mark will publish in the OG for a 30-day opposition period. Any party who believes it would be harmed by the registration may file an objection (opposition) within that 30-day period with the Trademark Trial and Appeal Board. No further action is taken until the opposition is resolved. Approximately 3 months go to [step 8](#).

Step 5b. USPTO issues final letter (Office action): If the applicant's response fails to overcome the refusals and/or satisfy the outstanding requirements, the examining attorney will issue a "Final" refusal letter (Office action). The Office action makes "final" any remaining refusals or requirements. An applicant may respond to a final office action by a) overcoming the refusals and complying with the requirements or b) appealing to the Trademark Trial and Appeal Board. Within 6 months go to [step 6a](#) or [step 6b](#).

Step 6a. Applicant timely responds and/or files appeal: To avoid abandonment of the application, the applicant must submit a timely response addressing each refusal and/or requirement stated in the "Final" refusal letter (Office action). Alternatively, or in addition to the response, the applicant may also submit a Notice of Appeal to the Trademark Trial and Appeal Board (TTAB). The examining attorney will review the submitted response to determine if all refusals and/or requirements have been satisfied. If the applicant's response fails to overcome the refusals and/or satisfy the outstanding requirements, the application will be abandoned unless the applicant has filed a Notice of Appeal, in which case the application is forwarded to the TTAB. The term "abandoned" means that the application process has ended and the trademark will not register. Filing fees are not refunded when applications abandon. Abandoned applications are "dead," since they are no longer pending or under consideration for approval. Approximately 1 to 2 months go to [step 7a](#) or [step 7b](#).

Step 6b. Applicant does not respond and application abandons: If the applicant does not respond within 6 months from the date the Office action was issued and the applicant has not filed a Notice of Appeal to the Trademark Trial and Appeal Board, the application is abandoned. The term "abandoned" means that the application process has ended and trademark will not register. Filing fees are not refunded when applications abandon. Abandoned applications are "dead," since they are no longer pending or under consideration for approval. To continue the application process, the applicant must file a petition to revive the application within 2 months of the abandonment date, with the appropriate fee. If more than 2 months after the abandonment date, the petition will be denied as untimely and the applicant must file a new application with the appropriate fee(s).

Step 7a. USPTO publishes mark: If the applicant's response overcomes the refusals and/or satisfies all requirements of the "Final" refusal letter (Office action), the examining attorney approves the mark for publication in the *Official Gazette* (OG). The OG, a weekly online publication, gives notice to public that USPTO plans to issue a registration. Approximately 1 month after approval, the mark will publish in the OG for a 30-day opposition period. Any party who believes it would be harmed by the registration may

file an objection (opposition) within that 30-day period with the Trademark Trial and Appeal Board. No further action is taken until the opposition is resolved. Approximately 3 months go to [step 8](#).

Step 7b. Applicant's appeal sent to TTAB: If the applicant's response does not overcome the refusals and/or satisfy all of the requirements and the applicant has filed a Notice of Appeal with the Trademark Trial and Appeal Board (TTAB), the appeal will be forwarded to the TTAB. Information about the TTAB can be found at [www.uspto.gov \(/\)](http://www.uspto.gov/).

Step 8. Mark registers: Within approximately 3 months after the mark published in the *Official Gazette*, if no opposition was filed, then the USPTO issues a registration. If an opposition was filed but it was unsuccessful, the registration issues when the Trademark Trial and Appeal Board dismisses the opposition. After a registration issues, to keep the registration "alive" the registrant must file specific maintenance documents. Between 5 to 6 years go to [step 9](#) and every 10 years go to [step 10](#).

Step 9. Registration owner files Section 8 declaration: Before the end of the 6-year period after the registration date, or within the six-month grace period after the expiration of the sixth year, the registration owner must file a Declaration of Use or Excusable Nonuse under Section 8. Failure to file this declaration will result in the cancellation of the registration.

Step 10. Registration owner files Section 8 declaration/Section 9 renewal: Within one year before the end of every 10-year period after the registration date, or within the six-month grace period thereafter, the registration owner must file a Combined Declaration of Use or Excusable Nonuse/Application for Renewal under Sections 8 & 9. Failure to make these required filings will result in cancellation and/or expiration of the registration.



MEMO

To: Commissioners, Alternates and Staff

From: Kristen Myers, Trail Manager

Subject: March Manager's Report

Date: March 15, 2017

Advisory Committee Reports

The Trail Branding Ad-Hoc Committee will be meeting soon to finalize the logo contest requirements. The Southeast Rochester Ad-Hoc Committee is meeting on March 16 and will have an update at the meeting.

Complaints/Vandalism

There have been no new instances of vandalism, or complaints. Chris and I attended a meeting in Orion Township on March 7 to discuss the removal of the dam remnants. It was a very productive meeting. I researched the Carpenter-Rudd Mill Historic site, and met with Janine Saputo (former member of the Orion Historical Society, and catalyst for the historic marker) and Orion Parks Director Aaron Whatley on site to review the historic remnants and get background information for the site. The DNR has set up a meeting with a representative from the Michigan State Historic Preservation Office to review the site, and determine if there is any historic significance to the dam. If they do not have any objections, we will start working on the logistics and funding to get the spray painted dam remnants removed.

Medical Emergencies/Police/Fire Calls on the Trail

I am unaware of any calls on the Trail. Orion Township is still patrolling Clarkston/Kern and have been issuing tickets.

Follow Up

- **Southeast Rochester Property Plan**

We were contacted by and met with the Clinton River Watershed Council regarding our concept plan for the site. They have been working with the City of Rochester to find an appropriate location for a handicapped accessible kayak launch and removal area. The City recommended that we look at the opportunity to install one here. It would be funded by a crowd-funding source, with a match from the MEDC. They recently had a very successful crowd-funding project for a similar project in Mt. Clemons. Expect this item on a future agenda. In the meantime, the CRWC will be coordinating with the City of Rochester regarding their help in maintaining this launch if the Commission agrees to it.

- **MNRTF/TAP Grants – Bridge Project:** Chris and I have spent a lot of time working out the administration kinks of this project. See informational memo that is attached to this manager's report.
- **Tails for Trails:** Chris and I have been working on our Tails for Trails event scheduled for June 3. Goodison Veterinary Center has agreed to be an event sponsor. Oakland Township Parks and Recreation will be a co-event sponsor. They will help promote our event and provide water, and a children's craft via Dinosaur Hill. At this point, the event will run from 9am-1pm.

We will have a “parade” on the trail starting at the Cider Mill, a costume contest, children’s craft, face painting, training demonstrations, and two pet rescue groups will be on site with dogs and cats available for adoption. This will be a free event, with a suggested donation of \$5 per family that will be split between the two rescue groups. We are in the process of securing other sponsors and vendors for the event.

- **AT& T License Agreements:** Attorney Hamameh is still in talks with AT & T regarding our license agreements.
- **Girl Scouts:** The Girl Scouts have been fundraising and working on the project. The Adopt a Trail program will be rolled out on April 22, 2017. Two of the sections of trail have been adopted. A press release regarding this program will be sent out next week. On April 22, the Girl Scouts will have everyone meet at the Cider Mill. Supplies, refreshments, and a gift will be distributed to the volunteers. I have provided them the volunteer waiver. I will provide an update when one is available.

Financial

- The auditor is doing a great job on our 2016 audit. It is almost completed. Expect the report on the April agenda.
- We have received 2017 Operations and Patrol funding from the City of Rochester. All have now been received.

Friends of the Paint Creek Trail

- The next meeting of the Friends group is on Thursday, March 16 at 7:00pm at the Paint Creek Cider Mill. They will be discussing the upcoming Bike & Brew event, Tails for Trails, and other events. All are welcome to attend!

Manager's Goals

Promotion of the Trail:

- Our Facebook page has 4,922 followers, an increase of 129 since last month
- Our Twitter account has 459 followers, an increase of 10 since last month.
- Our Instagram Account has 251 followers, an increase of 2 since last month.
- On March 7, Chris and I attended a meeting in Orion Township of stakeholders to work on removing the dam at Clarkston/Kern that attracts vandals.
- I have updated our Social media several times this month.
- On March 9, Chris and I met with the CRWC to discuss universal access at our proposed kayak launch.
- I’ve been on the trail for 2 hours this month.
- I will be attending a meeting at the Village of Lake Orion on March 16 to discuss the Iron Belle Trail route and the trail extension through downtown Lake Orion,

Future Agenda Items

- ◆ Memorial Policy
- ◆ License agreement reviews
- ◆ Logo Contest update
- ◆ Tails for Trails Update
- ◆ Smart Phone App Update
- ◆ 2016 Audit
- ◆ Joint Agreement with the Oakland Township Parks and Recreation Commission
- ◆ Project Agreement and Resolution for the Michigan Natural Resources Trust Fund Grant

2017 Approved Temporary Permits:

- Run Michigan Cheap – April 23, 2017 – (Tentative Approval)
- Cruisin’ for the Trails – Motor City Brew Tours – May 6, 2017 (Admin Approval)
- Hometown Hustle – RCS Foundation – May 13, 2017 (Admin Approval)
- Run Michigan Cheap – July 16, 2017 – (Tentative Approval)
- Michigan Nature Association 5K Run – September 17, 2017 (Admin Approval)

Paint Creek Trail Website Analytics

In the last 30 days, we had 3,014 unique visitors and 8,588 page views on our website. The top 10 visited pages:

Top Pages	Last 30 Days Visits
About Parking	1006
Trail Maps	799
Paint Creek Trail: Maps	595
Paint Creek Trail: Home	421
About Maps	337
Paint Creek Trail: Mileage	175
FAQ’s	173
Trail Conditions	172
Events	142
Location	127



MEMO

To: Commissioners, Alternates & Staff
From: Kristen Myers, Trail Manager
Subject: Bridge Replacement Project – Grant Administration Update
Date: March 15, 2017

I wanted to provide the Commission with an update on the Bridge 33.7 Renovation project. As I mentioned last month, this project will take some intense coordination and paperwork. Since the last meeting, I have written a draft request for Attorney Hamameh so she can get started on the Joint Agreement between the Oakland Twp Parks and Rec Commission, and the Paint Creek Trailways Commission. This agreement needs to spell out expected responsibilities and requirements between our two agencies. I have not provided the draft to Ms. Hamameh yet.

We needed to clarify billing procedure with the Road Commission and MDOT, and clarify the reimbursement process with the MNRTF. In addition, Ms. Milos-Dale, Ms. Gray, and I had a conference call with our auditor and with the township's auditor today to clarify what is expected of both of us regarding accounting and auditing of this project. Specifically, how the bridge will end up being a fixed asset on the PCTC's books, even though the funds are coming from Federal and State grants, as well as cash match from Oakland Township. Because we have different fiscal years, we needed direction on proper accounting procedure.

In addition, the Road Commission has indicated that they can have a project agreement with the Trailways Commission instead of the Parks Commission for the construction and payment. This will help streamline the process a little bit, and remove some red tape.

Based on our research, phone conferences, and clarifications, our joint agreement with the OTPRC will include the following elements:

Items that need to be included in the agreement:

- The project agreement between the DNR and PCTC cannot be signed until both the PCTC and OTPRC approve this joint agreement and pass the required resolutions from both local government bodies that are accepting a grant from the DNR and providing matching funds.
- The OTPRC and PCTC both need to approve the RFP for Design Engineering. When both have approved, the PCTC has the authority to send out RFP's for Design Engineering in 2017 for the project, prior to a project agreement being signed by the PCTC with the DNR.
- The OTPRC and PCTC both need to approve the hiring of a qualified Prime Professional (Engineer) for Design Engineering in 2017, and have them start assessing the project, secure permits, and begin the design.
- Any engineering expenses incurred prior to the project agreement being signed can be submitted for reimbursement under the MNRTF after the project agreement is signed. If for some reason, funding falls through and is no longer available, the OTPRC and PCTC are both responsible to absorb those costs.

- The PCTC will sign a project agreement with the RCOC for use of the TAP funds, and a commitment to pay for the remaining project costs after the TAP funds are exhausted.
- If the engineer recommends obtaining a Temporary Construction Easement from an adjacent property owner to access the site, the PCTC will be responsible for all costs involved (including attorney services, surveying services, appraisal, and any acquisition funds needed).
- With that easement, the PCTC will ensure that the OTPRC, RCOC, MDOT, and approved contractors have access to the site when construction begins.
- The PCTC and OTPRC will work with engineer on a timeline and decision points for the design process. The PCTC and OTPRC will coordinate with the timeline and hold joint meeting to jointly review, discuss, and approve the design.
- Design and cost (+10%) recommendations from the engineer will be received, and if within budget + 10% the PCTC and OTPRC will need to formally approve the bridge design and included cost estimate. If the cost estimate + 10% is over budget, both the PCTC and OTPRC will need to determine how to address it (change the scope? Come up with the funds? Etc)
- The project agreement between the DNR and PCTC cannot be signed until both the PCTC and OTPRC approve this joint agreement and pass the required resolution from local government body accepting a grant from the DNR

Procedures for funding the project:

1. Engineering invoices will be sent to PCTC who will then invoice OTPRC. OTPRC pays PCTC who pays engineer.
2. At PCTC earliest moment (after 25% of construction has been completed), PCTC will submit engineering and construction paid invoices for MNRTF grant reimbursement according to the MNRTF project agreement specifications. When reimbursement is received, PCTC provides that revenue to OTPRC.
3. MDOT will bid the construction phase of the project, and will award to qualified bidder if it's within 10% of estimate (If it's estimated to cost \$600,000, but comes back up to \$659,999, they will award contract)
4. MDOT pays the contractors. Once the TAP funds are exhausted, MDOT will invoice the Road Commission for Oakland County for the rest of the project cost.
5. RCOC will invoice PCTC for 50% of the remaining cost UP FRONT, after the TAP funds are exhausted. They will switch to "progress billing" once a month for the rest of the costs.
6. PCTC will invoice the OTPRC for the 50% of the remaining cost referenced in #4 above.
7. OTPRC will pay the PCTC. PCTC will then pay the RCOC. RCOC will pay MDOT.
8. When the initial 50% is depleted, and progress billing starts, the RCOC will invoice the PCTC. PCTC will invoice OTPRC. OTPRC will pay PCTC. PCTC will then pay the RCOC invoice. All billing approvals from the PCTC and OTPRC will be processed in a timely fashion.
9. PCTC will continue to submit eligible engineering and construction invoices to the DNR, for reimbursement.
10. DNR will reimburse the PCTC, less the match amount.
11. PCTC will cut a check back to the OTPRC for whatever the DNR paid.

This is still in draft format, but we expect it to be finalized this week so I can send it to Attorney Hamameh. Expect this joint agreement to be on the April agenda for approval.