



4393 Collins Road
Rochester, MI 48306
(248) 651-9260
(248) 601-0106 (FAX)
www.paintcreektrail.org

REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION

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

CALL TO ORDER: The Tuesday, October 17, 2017 meeting was called to order by Vice-Chairperson Blanchard at 7:00 p.m.

Voting Members Present: Rock Blanchard, Susan Bowyer, Frank Ferriolo, Linda Gamage, Kim Russell (*exit 9:25 p.m.*), Jeff Stout, Hank Van Agen

Voting Alternates Present: None

Non-Voting Alternates Present: Lynn Loeb, Martha Olijnyk

Village of Lake Orion Non-Voting Member Present: None

Voting Members Absent: Brian Birney

Alternates Absent: David Becker, Robin Buxar, Ben Giovanelli, Chris Hagen, Jim Kubicina, Richard Schultz, Donni Steele

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

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

Others Present: Kristen Myers, Trail Manager, Chris Gray, Assistant Trail Manager, Alice Young, Former Commissioner, Sandi DiSipio, Recording Secretary

PLEDGE OF ALLEGIANCE: All rose and recited the Pledge.

APPROVAL OF AGENDA: Add the Village of Lake Orion membership on the Commission after the Update on Orion Township and Village of Lake Orion Trail Projects.

MOTION by Bowyer, seconded by Gamage, ***Moved***, to approve the October 17, 2017 agenda as amended.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: No public comment was heard.

CONSENT AGENDA:

a. Minutes – September 19, 2017 Regular Meeting, approve and file

b. Treasurers Report – September 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 \$3,174.03. This amount includes the recorder's fee for the September meeting, Turner Sanitation for September vault toilet cleaning, Mounted Patrol Program for August and September, installation of 4 memorial benches, attorney services for review of Mannik Smith Group professional services

contract, and Facebook advertising for Labor Day Bridge Walk event. Estimated unrestricted fund balance is estimated at \$93,000.

MOTION by Bowyer, seconded by Van Agen, *Moved*, that the invoices presented for payment are approved in the amount of \$3,174.03 and orders be drawn for payment.

Ayes: Blanchard, Bowyer, Ferriolo, Gamage, Stout, Van Agen

Nays: Russell

MOTION CARRIED.

APPROVAL: Franklin Footbridge: Ms. Myers stated that Commissioners Van Agen and Buxar have continued meeting with the Franklin family regarding the footbridge. Per the Commission's request last month, Dr. Ben Vander Weide has been contacted regarding native plants and landscape screening. His recommendations were provided in a memo. Based on these recommendations, the Franklin's have incorporated them into their plans. The homeowners have complied with all of the Commission's requests and as there is no other safe access to the trail, it is recommended they receive approval for a limited use permit for their footbridge. There have been discussions about looking at a policy again. Since the Franklin's fall under the current policy to approve their permit, discussion about an updated policy can be placed on a future agenda for discussion. Ms. Myers encouraged anyone interested in volunteering to serve on an ad-hoc committee to bring this back for discussion. Messrs. Van Agen and Stout, as well as Ms. Myers, agreed to serve on the committee. Ms. Myers will survey the other Commissioners for interest.

MOTION by Gamage, seconded by Van Agen, *Moved*, to approve the limited use permit for the footbridge.

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

Nays: Stout

MOTION CARRIED.

UPDATE: Orion Township and Village of Lake Orion Trail Projects: Ms. Myers indicated everyone is invited to the ribbon cutting ceremony for the Iron Belle Trail Wednesday, October 25th at 1:00 p.m. near Camp Agawam. The Rudd's Mill Dam Remnants have been removed, photos are included in the packet. There was a lot of push back on social media about this project. The work was done at no cost - it was pro-bono by Superior and Jack Warren companies. The cost was estimated at six digits. Thanks also go out to Orion Township, the DNR, Clinton River Watershed Council and the Sheriff's Office for their assistance. The trail extension into the Village is going well and photos were included in the packet. There are new crosswalk signals on Atwater. The Village and the Township met to discuss a proposal between both agencies. A draft summary of their meeting was included in the packet. The Lake Orion Ad Hoc Committee will meet on October 26th to begin discussions on management/control of the new segment. The renovation of the Fire Station and restroom has been delayed because bids came back higher than anticipated. Ms. Myers commented the Friends Group has approved donating \$2,500 to fund a bike fix-it station and some bike racks at Children's Park. They are also willing to fund other trail extension projects. The Commission thanked everyone involved in the trail extension and dam projects. Ms. Myers will let everyone know when the ribbon cutting is planned for the trail extension.

LAKE ORION VILLAGE MEMBERSHIP UPDATE/DISCUSSION: Ms. Myers indicated that the information in the packet and update is informational only, and the Commission is not being asked to take action this evening. She received an update on a tentative agreement between the Village and the Township on how they may handle the Village becoming a voting member on the Commission. The best option now is that Orion Township would consider agreeing to let the Village have one of their votes— meaning the Township would have Mr. Stout and an alternate for him, and the Village would have Mr. Mathisen and an alternate for him. They would both be voting on behalf of the Township which includes the Village. They would look at the funding

issues. Ms. Myers received an email agenda summary from Ms. Steele about action taken yesterday at the Township meeting – Ms. Myers read this email into the record. In lieu of amending the interlocal agreement by adding the Village as an additional municipality member, an interlocal agreement between the Village and the Township would be a better solution. This interlocal agreement would create one voting member from the Township and one voting resident member from the Village, instead of two Orion Township voting members. The Village and Township would be responsible for trail maintenance on their respective portions of trail, each pay for their own patrol, and the Township would continue to pay the operating expense. Supervisor Barnett and Commissioner Steele believe no formal interlocal agreement should be composed or executed by the Orion Township Board of Trustees until the Commission incorporates the new portion of the trail within the Paint Creek Trail system. They would like this agreement to come back to the Commission to discuss and make a formal motion that the extension be part of the trail. At that point, the Supervisor will direct the Township attorney to draft a formal interlocal agreement between the Township and Village and bring it back to the Orion Township Board of Trustees for formal approval. Mr. Ferriolo feels this is a significant change from the way the trail's Ad Hoc Committee was moving in terms of exploration. He feels this is much better and didn't want it to be an urban trail, and didn't want Orion to have four votes on the Commission. He also believes the interlocal agreement might have to be addressed because we're dealing with a member having two votes. He does not know how we can't address the interlocal agreement, and that legal might have to review this, but the agreement might be fine. Ms. Myers reiterated that the discussion tonight is for information only, to update the Commission on the progress the ad-hoc committee is making. No action is being requested this evening, and more information will be provided when available. Ms. Myers added that what Orion Township is saying, is that instead of doing the interlocal with the Village first and then coming to the Commission, they want the Commission to agree to have the extension as part of the trail, and have a mechanism for management or limited control. The PCTC interlocal agreement will not have to be opened because it's an internal process between the Township and Village – it will be their separate, internal agreement. The Commission wants to see where this issue would go – because the Village is part of the Township and they pay taxes to the Township, would the Township allow the Village to have one of the votes. When the Village votes, it will be on behalf of Orion Township. Mr. Ferriolo asked what the reference to “currently 1 voting member and three unspecified (2 voting and 2 alternates)” means. Ms. Myers specified that reference in the packet was written by the Lake Orion DDA Director at a meeting she did not attend, and clarified there are 2 voting members, and 2 alternate members for Orion Township. The DDA Director was incorrect in her understanding – the proper information is that there are 2 Commissioners and 2 Alternates. The timeline included in the memo should have a 4th issue – the easement or ownership by the Commission which is still unresolved. Ms. Myers explained this issue is in the hands of the Village attorney, and the ad-hoc committee is waiting for options to review and discuss. The Village wanted to make sure the Commission wanted the trail extension and wanted confirmation whether Orion Township would be willing to share their votes to the Village, before continuing. Their attorney is supposed to give options to the ad-hoc committee on whether to assign an easement (which the Commission doesn't want, in its current form). A license to the Commission is being considered so the Village would still maintain the easement, but the Commission would have a license for the extension. The Township will still pay the operational fee for their whole segment, and the patrol expenses for their 1.5 mile segment, and the Village will pay patrol expenses for their .66 mile segment. Ms. Russell feels this issue should be brought up to the municipalities. Rochester has the least amount of trail miles, and as a member, pays the same amount as other municipalities, so they pay more per mile than any other entity. Ms. Myers explained that the Village pays taxes to the Township, which makes this a unique situation. If the Village paid for operations, they would be double-taxed. This agreement won't affect anything the Commission does, other than gain a bit more money towards patrol

from the Village. The trail attorney will review all paperwork. This information is being given as an update, and all information/agreement will be on a future agenda for Commission discussion and approval. Ms. Olijnyk said from her perspective, nothing will change other than the addition of .33 miles of new trail and additional funds coming from the Township. Ms. Myers said no, and clarified the Commission will be invoicing the Village for their patrol separately, it will not be coming from the Township. Everything will go through the Township except for the patrol. Ms. Olijnyk asked why everything doesn't go through the Township. Ms. Myers said it doesn't matter one way or another to the Commission – it's something the Village has offered to do to show commitment. Ms. Olijnyk asked what the Village is waiting for the Commission to do. Ms. Myers is waiting for more information from the Village. Eventually the Commission will be asked to agree that they will, by some legal means, have management authority or limited control over the new .33 miles of trail, either by easement transfer or a license – this is yet to be determined. This issue is in the hands of the Village at this point. Ms. Gamage would like the Village to specifically lay out what assets they are providing by the extra mileage and what they anticipate to get as a benefit by having it named the Paint Creek Trail. Ms. Myers explained the value of the easement is over \$100,000, but this issue is still at the ad-hoc committee level. Ms. Gamage also would like to know how the easement/license would affect the Commission if they were to seek grant money for something across the entire length of the trail. Ms. Bowyer feels everything should be funneled through the Township, the Village should not be billed for their patrol. Mr. Van Agen clarified everything brought up by the Commission tonight has been discussed by the ad-hoc committee several times, and they are aware of the issues and concerns. When the recommendation is ready, they will list everything out for the Commission. Tonight's update is informational only. They are still working on the status of the easement. More information will be provided to the Commission when available.

MOTION by Stout, seconded by Ferriolo, *Moved*, to receive and file the update on the status of discussions between the Township and the Village.

Ayes: All Nays: None

MOTION CARRIED.

UPDATE: Paint Creek Trail Bridge 33.7 Renovation: Ms. Myers provided a memo including the minutes from the Kick-off meeting, which Ms. Russell, Ms. Myers and Ms. Gray attended. This is information to let the Commission know what was discussed at the meeting, what the coordination items were, project scope, and the new schedule. The next item in the memo is a project update created October 3rd by the engineer listing what has happened since September 7th. There is still an ongoing historic review. The bridge is located at the northeast corner of a recorded Native American village. The boundaries of the archaeological site are not well defined, and this is a potentially sensitive area for archaeological impacts. More information forthcoming. Per the engineer, worst case scenario would be, it would limit the excavation site but will not affect the project site. They are still working with SHPO to get more information. There is a slight possibility they might have to do an archaeological dig – this will be answered at the next joint meeting. The engineers feel they can get to the project site from Silverbell, and might not need a construction access easement. MDOT had suggested putting aside \$20,000 for possible acquisition of an access easement. Ms. Myers suggested the Commission keep this money aside as a contingency just in case something happens, but is hoping to get more information at the joint meeting. The engineers have developed five alternative designs with cost estimates which will be presented in detail tomorrow at the joint meeting. There is an updated project schedule. If the groups are able to approve a bridge design tomorrow, the engineer will know how quickly he can get a turnaround for final cost estimates that will be presented at the next joint meeting on October 30th. The Chair asked if any public would like to speak on this topic.

Mr. Martin McClure, 5660 N. Livernois, Oakland Township 48306, came forward, explained he backs to the trail, and asked if the Committee was going to approve a design at tomorrow's

meeting. Ms. Myers explained the goal is for both agencies to approve the same design. The engineer would then complete a cost analysis and bring that information back for approval on October 30th. Mr. McClure asked what will direct that decision. Ms. Myers replied the biggest concern is the budget, but also that the aesthetics would match the trail. The engineers are aware of what the Commission's concerns are. Mr. McClure said a few of the designs don't come close to what the existing bridge is like, which concerns him. When he looks at the plans, it is not clear where the creek currently exists. He would like to see that on the plans and feels it is critical on the bridge design. Ms. Myers indicated this information will be presented at tomorrow's meeting with more enhanced drawings. Mr. McClure asked if this information can be provided prior to the meeting. Ms. Myers will ask, and if available, will provide it to Mr. McClure as soon as feasible. Mr. McClure was asked to bring his concerns to the meeting tomorrow for explanation and answers by the engineers. **Mr. Jim and Jane Komendera, 1260 Sunniwood Place, Oakland Township, 48306**, live on the west side of the bridge, and were also in attendance. Their main concern is having a bridge design that is compatible with other bridges and the nature of the trail. Ms. Myers affirmed this is important to the Commission, as whatever bridge design is approved might be replicated for the bridge north of Ludlow that is also due to be replaced in the City of Rochester.

Ms. Russell feels it is important that the City of Rochester be given information on bridge design for their input as it might be replicated for their bridge. Ms. Myers will supply this information to the City of Rochester tonight. Mr. Ferriolo reminded members that the bridge engineering design will belong to the Commission.

Ms. Gamage is interested in how the Commission feels about the bridge design. Ms. Myers asked the Rochester members if they had comments to bring to tomorrow's meeting, she would be willing to do that. Ms. Gamage commented there's more than aesthetics to the design. The life span of the bridge is important. Ms. Myers reminded everyone that the bridge alternatives described are only examples of that design, and there are different things you can do with every design. Ms. Gamage feels that alternative #2 is more fitting for the trail. Mr. Van Agen commented that trail users do not see 98% of the bridge. Mr. Ferriolo indicated the Historic District Commission is going to give their opinion on the design tomorrow as well. The railing feature of the bridge, which users will see, is up for design and change, but that will not be decided at tomorrow's meeting. Ms. Myers indicated alternative #2 is within budget by \$3,000 right now. When the groups decide on the design, 90% of budget costs is the threshold. Total cost right now can't exceed \$680,500. The truss option comes in at about \$677,000. The truss option will probably be the best option based on information available now. Mr. Ferriolo favors the truss option. Chairman Becker emailed his opinion to Ms. Myers, and recommends the truss option also. Ms. Gamage also feels the truss option makes the most sense especially knowing it's not necessarily how it will be designed.

MOTION by Bowyer, seconded by Ferriolo, *Moved*, to receive and file the update on the status of the Paint Creek Trailways Bridge 33.7 Renovation.

Ayes: All Nays: None

MOTION CARRIED.

DISCUSSION & APPROVAL: Paint Creek Trail Resurfacing – Engineering Contract:

Ms. Myers indicated she brought forward a proposal which is a change order with Mannik and Smith, where they would be willing to also do the engineering for the resurfacing of the trail as well as the educational pathway at Tienken, the observation desk on the southeast Rochester property and the pathway in the southeast Rochester property. In order for them to do the engineering for the current surfaced trail from mile 31.2 to mile 39.8, it will cost \$20,450. The paved section from Newton to Atwater is not included, but the section owned by the City of

Rochester that the Commission manages on their behalf is included. Engineering for the Tienken pathway is \$1,550, engineering for the southeast Rochester parcel and the small pathway going to the water is \$1,400, and the observation deck is \$4,025. The Friends Group has said if the Commission agrees to this quote, they would be happy to fund the engineering for the educational pathway and the southeast Rochester surfacing – which is around \$3,000. Commissioners asked for clarification regarding the engineering of the observation deck, based on the quote received from Earth Environments (approximately \$24,000) whether money would be saved – the engineers said this is a pretty close estimate. The Commission might not save money, but the beauty is there might be cost savings and that the engineering would all be done at one time. The Commission would get a very accurate bid for the construction. The cost is broken down further in phases. The engineer's task list is also included in the packet. It's up to the Commission if they would like to entertain a change order (specific only to the Trailways Commission) to have Mannik Smith do the engineering while they are doing the other projects. If the Commission is able to get the bridge done and immediately do the resurfacing, trail operations would only be disrupted one year instead of two. Ms. Myers would like to have an answer tonight because of the engineer's timeline. They need to know if the Commission would like to go forward with the option of engineering the four items, or just resurfacing only, or if we are not interested. Ms. Russell feels this is a great idea as everything would be done at the same time and the trail would only be disrupted once. Plus engineering for the observation deck would be done, as there were not any second bids on that. She would like to move forward. The bid for the engineering of the regular trail is actually less than it was in 2004 - \$21,260 then versus \$20,450 today. Mr. Stout asked what the anticipated cost of trail resurfacing is. Ms. Myers indicated at least \$300,000. Mr. Stout commented that engineering usually represents about 10% of a project, so if the resurfacing cost is \$300,000, \$20,000 for engineering is a good deal.

MOTION by Ferriolo, seconded by Bowyer, *Moved*, to approve and move forward with Mannik Smith Group's resurfacing engineering estimate of \$27,425, which includes the educational pathway, southeast Rochester property surfacing, and observation deck engineering.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL: 2017 Audit Contract: Ms. Myers included a summary memo in the packet and indicated Ms. Young, former Commissioner, and Ms. Steele have reviewed the information. Four bids were received, ranging from \$3,400 to \$6,000. Mr. Ramie Phillips came in the lowest at \$3,400 – he was the auditor for about 8 years. There was nothing wrong with his work, but the Commission decided to have a new auditor complete last year's audit, to get a new perspective. There was some unfortunate, sloppy issues with last year's auditor. Commissioner Steele's opinion, based on price and past experience, was that Mr. Phillips is the best choice. Ms. Myers' recommendation is to contract with Mr. Phillips or the Mattina Group. All four firms would do a great job, but the two lowest deserve consideration. Ms. Young critiqued all four firms, and her opinion is that Mattina, Kent, & Gibbons is the best option. After a brief Commission discussion, it was suggested to contract with the prior auditor, Mr. Ramie Phillips, based on successful performance in the past and being the lowest bid. Ms. Young was thanked for her time and input on this issue.

MOTION by Bowyer, seconded by Ferriolo, *Moved*, to approve a five year contract with Mr. Phillips for the Commission's audit, beginning with the 2017 audit.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL: 2018 Budget: Ms. Myers indicated she presented the draft budget in August and received some written comments from Commissioners Bowyer and Ferriolo, which were incorporated into the document. She reduced the per diem amount, the bike patroller's pay to starting pay because Mr. Boboltz will not be returning, and increased the mounted patrol program budget, based on the Commission's request to increase Oakland County Mounted and Bike Patrol

presence. Other changes include adding \$2,500 toward the signage project, and \$5,500 in the southeast Rochester development project which may be used toward the observation deck project. She added funds for the possible easement acquisition, trail resurfacing and the observation deck. Regarding the restroom cleaning, Ms. Myers is suggesting \$750 in the budget, based on discussions with Chairman Becker, because he feels the Commission has an obligation to keep the restroom open and clean for the public. \$750 will not be enough, but it would cover approximately two cleanings a week from May through October. At this time, we need a minimum of 4 cleanings a week during that time period, and two cleanings a week the rest of the year. It has to be determined if Orion will split the cost with the Commission, or if funds will be available from the Friends Group or others. Ms. Russell stated Rochester pays the most per mile, and they clean their own restrooms in the park. It seems only fair if each community takes care of their own section. This needs to be consistent and it's not fair to other communities. Ms. Bowyer stated the Commission agreed to help with the cleaning until December because Orion had issues with supplying the money and had a lot of problems with the vault toilet. She suggested locking the door. Mr. Stout would like Ms. Bowyer to make that motion. Ms. Bowyer feels there should not be any Commission costs for the restroom cleaning. Ms. Myers explained if the vault toilet is closed permanently, we would have to give money back to the trust fund, because it was partially paid for with their grant dollars. This is not to say it can't be closed for the winter. There will probably still be costs when it is opened in the spring to keep it clean. Ms. Loeb added it wasn't that the Township wasn't cleaning it, they couldn't keep up with the trash and the abuse of it. Mr. Stout agreed, the Township would clean in the morning and 30 minutes later, there were issues. That was the whole issue with the restroom deal. Ms. Myers indicated in the busy season, the restroom needed to be cleaned four times a week - \$208 a month. If it is closed 3 months in the winter, and opened in the spring - if cleaning is scheduled twice a week, that's another \$304. Even if it's closed during the winter and opened in the spring and we continued with what the Commission is doing now, it will still cost \$1,552 a year if contracted out. Chairman Becker has commented in the past that the restroom is a reflection of the Commission - they owe it to the users to make sure that it is cleaned and if one of the member communities isn't able to do that, then the Commission should help them. Mr. Stout indicated he has a staff of four that maintains all of the parks and rec facilities. They will go out once or twice and clean the restroom, and then every other day, there will be issues and the Commission will be talking about this again. This is a far reaching issue - its location, the vehicle traffic and the whole area of the woods. Mr. Stout is open for suggestions, but the restroom is a magnet for trouble. Ms. Russell commented every community is paying over \$17,000 and should be responsible for their own portion. This is not a responsibility the Commission should be taking on. Ms. Loeb added that since the Commission made the decision a year or two ago to help with the cleaning, this cleanliness issue has not come up. Ms. Bowyer indicated it sounds like Orion Township does not care if the bathroom is there or not, and in fact would like it to be gone and suggested it be closed temporarily. Mr. Stout said the Township is building a brand new restroom attached to a Fire Station so it can be better maintained. Mr. Stout added there is no power to the current restroom; it's down a road and would cost a minimum of \$75,000 to bring power to a one-hole bathroom. If power was there, there could be lights and security cameras. Despite all efforts, it's a costly restroom. Ms. Russell stated the first steps should be closing it for the winter. Mr. Stout urged the Commission to close the restroom during the winter. Ms. Myers commented there has been discussion that if a parking lot is ever built in the Adams/Orion corridor by Oakland Township, the restroom could possibly be moved there with their approval and commitment to maintain it, where it will be better monitored.

MOTION by Russell, seconded by Ferriolo, *Moved*, to close the Kern/Clarkston restroom during December 2017, January 2018, February 2018 and March 2018.

Ayes: All Nays: None

MOTION CARRIED.

Closure of the restroom will be posted on the website and Ms. Myers will have a sign made to notify users. Ms. Myers will remove the \$750 for restroom maintenance money from the 2018 budget and move half the money to the Tienken pathway project and half to the southeast Rochester pathway. (Ms. Russell exited at 9:25 p.m. before the vote.)

MOTION by Bowyer, seconded by Gamage, *Moved*, to approve the 2018 budget as amended.

Ayes: All Nays: None

MOTION CARRIED.

MANAGER'S REPORT: In addition to the written report, Ms. Myers added the vault restroom got hit with a spray painted racial slur, and the inside was painted with "bring back the rocks". Ms. Myers has increased the county mounted and bike patrols on the weekends and they have reported no issues. The Friends Group has hired the Earth Environment Group to design a concept for the Moutrie project at the Flagstar site. Ms. Myers has met with them for recommendations. They will be developing a plan on behalf of the Friends Group, and will come before the Commission for input and approval. The Commission thanked staff and the Friends Group for moving the Moutrie project forward. The concept plan should be done by the end of the year.

COMMISSIONER REPORTS: The Commission thanked the Friends Group for the donation of the Fix-It Station and the engineering charges. Ms. Myers indicated the Friends Group will be coming to the November meeting to present a check for these projects. Ms. Bowyer will post a video of the music entertainment presented at last month's meeting.

ADJOURNMENT:

Upon motion by Gamage, seconded by Ferriolo, the Vice-Chairperson adjourned the Regular Meeting at 9:32 p.m.

Ayes: All Nays: None

MOTION CARRIED.

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

Respectfully submitted,

KRISTEN MYERS, Trail Manager

HANK VAN AGEN, Secretary