



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

REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION

Held at the Rochester Municipal Offices, 400 Sixth Street
Rochester, Oakland County, Michigan 48307

CALL TO ORDER: The Tuesday August 19, 2014 meeting was called to order by Chairperson Becker at 7:00 p.m.

Voting Members Present: Rock Blanchard, Linda Gamage, Stephanie Morita, Neal Porter, Kim Russell, Alice Young, Andy Zale

Voting Alternates Present: None

Non-Voting Alternates Present: David Becker, Donni Steele

Village of Lake Orion Non-Voting Member Present: None

Voting Members Absent: Maureen Thalmann

Alternates Absent: Mike Bailey, Cathy Daldin, Martha Olijnyk, Richard Schultz, Danielle Shurkus, Lisa Sokol, Michael Webber

Others Present: Kristen Myers, Trail Manager, Sandi DiSipio, Recording Secretary

PLEDGE OF ALLEGIANCE: All rose and recited the Pledge.

APPROVAL OF AGENDA:

MOTION by Blanchard, seconded by Zale, ***Moved***, to approve the August 19, 2014 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

a. Minutes – July 15, 2014 Regular Meeting, approve and file

b. Treasurers Report – July 2014, receive and file

MOTION by Young, seconded by Blanchard, ***Moved***, that the consent agenda be approved as presented.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL OF INVOICES: Ms. Myers presented the invoices in the amount of \$677.92. In addition to the normal monthly expenses, this amount includes the monthly service fee for the portable restroom at Tienken and 19 hours of Oakland County Mounted Patrol Services. The estimated unrestricted fund balance is \$55,723.

MOTION by Blanchard, seconded by Zale, ***Moved***, that the invoices presented for payment are approved in the amount of \$677.92 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

RECOGNITION: Eagle Scout Candidate Mike Alspach: Ms. Myers introduced Mr. Alspach and explained he completed his brochure box project for the trail. He built 11 boxes which are double the size of the previous boxes and explained his fund-raising efforts for the project. A sample of the box is on display tonight. The Commission thanked him for his efforts and presented him with a recognition certificate.

DISCUSSION: DNR/Kern Road Connector to the Paint Creek Trail: Ms. Myers explained that Orion and Oakland Townships and the DNR have been working with OHM to develop a trail connection between Bald Mountain and the Paint Creek Trail, from Kern Road to the trail. Part of the report was included in the packet showing mapping of the potential connection. She introduced Kristen Wiltfang, Senior Planner with Oakland County and Ryan Raymond from OHM who will give an overview of the project. Andrew Cole from Bald Mountain State Rec is present to answer any questions. Ms. Wiltfang explained there are four main routes that were identified to fill the gap between Paint Creek and Polly Ann Trails. They summarized each route listing the pros and cons of each. Discussion then turned to grant application being the next step in the process and who would take the lead for this effort. It was thought that OHM could apply for the grant, but because it is a joint community effort, the likely person to apply for grants would be the person that represents all the communities, i.e., the Trail Commission, even though Orion and Oakland Townships would pay for the application. The Commission could possibly help with the required public hearing aspects of the grant, but should not be responsible for the accounting aspect of the project. Ms. Myers indicated when applying for an MNRTF grant, the applicant had to show they had to show they were in control of the area being worked on. She does not know how this would work as most of this property belongs to the DNR. It was also suggested that our attorney should be consulted to see if this can even be done per the interlocal agreement on property the trail does not own. The project is great, but it is the consensus that the Commission is not comfortable with taking the lead on it. Perhaps Orion and Oakland Townships could enter into their own interlocal agreement to support this project in conjunction with the DNR. Since this project is in very preliminary feasibility stages, no decision needs to be made tonight as to who will be the grant applicant. The project overview was just for informational purposes. More information will be provided at a future meeting.

DISCUSSION: RFP for Attorney Services: Ms. Young requested this item be on the agenda. She did not like the way the Commission hired an attorney last time at the last minute. If the Commission is to have attorney services, she feels we should go out for RFP's and have the Commission decide who the attorney would be. A pro-bono attorney is fine for everyday issues, but we should have a paid attorney on call for extraordinary things. A comment was made that the budget is not just for salaries and attorney fees, but for things on the trail as that is what people expect. The Chair explained the attorney that was hired was for an emergency situation and was agreed to by the Commission. Ms. Young indicated that is why we should have an attorney on board – in case these types of situations arise in the future and the pro-bono attorney does not have the capability to handle it. The RFP should be for a general attorney who could advise the Commission. This issue will be put on a future agenda for discussion. A draft RFP for a three-year contract with an attorney with municipal experience (when necessary), or a job description of what the attorney will do, should be available for the discussion. Perhaps a list of Mr. Makris' responsibilities would assist in this discussion.

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.

UPDATE: Easement in Oakland Township: Ms. Myers indicated Chairman Becker and she met with Attorney Hamameh, Attorney Dan Kelly from Orion Township and Supervisor Barnett, to discuss the draft easement that was presented. There are few points that need to be overcome. Our attorney suggested adding language about liability insurance or a hold harmless clause for those that would be using the driveway. The stop sign issue was not well received but is still in the easement language. The Commission also wanted to make sure the easement is for single residential use only; the concern is the possible sale of one of the properties for subdivision development. Originally they agreed to this provision, but are now backing down. Mr. Becker suggested the easement be mute regarding the stop signs as this is trail property, and after the easement is granted we can move forward with the issue. Ms. Myers contacted the trail insurance rep who indicated if anything happens on this section of the trail the Commission is still covered. There is nothing in the language to indicate the insurer will not cover the Commission if something happens. The liability question has been adequately answered by the insurance agent, but the trail attorney still has reservations and would like to see some kind of liability coverage that the property owners would need to provide to the Commission. Mr. Becker is comfortable

that the Commission is covered by insurance and that the easement should move forward without the insurance section. Mr. Porter summarized the history of the property swap. Bottom line, the purchase agreement for the property swap expired on August 17th, but the Orion Board agreed to renew the agreement. There are four parties in Oakland Township that have to sign the easement agreement, one is Orion Township and one is a seller, and the other two parties don't care. He met with Orion's attorney today, and there are still four issues to be worked out. If the Commission wants to go ahead with the deal, they must get with their attorney and work out details or it will be the end of the deal. If the deal dies, Orion Township gets all their money back except for the cost of the extension. Mr. Becker indicated the Commission is not the reason for the extension or the holdup. His meeting with Mr. Kelly and the trail attorney ended on a very cordial basis saying that the attorneys had to work out the details about the issues. Chair Becker said if this deal falls through, the Commission has to go to court the next day to obtain quiet title of the easement crossing. There are good reasons to get this easement done. It was suggested that we get an opinion letter from our attorney about what needs to be included in the easement language. Mr. Porter indicated Orion Township does not need to proceed on this property swap, as they purchased other property, but the easement is important for the trail. The consensus is to let the attorneys work out the details on the easement and send a draft to the Commission as soon as it's complete. If a special meeting is necessary, it will be scheduled. It was also suggested that Orion Township not vote on this issue as there is a conflict of interest.

UPDATE: Labor Day Bridge Walk – September 1, 2014: A flyer for this event was included in the packet. Donations will go toward the pathway project. Online registrations are being received and weather permitting, 250-300 participants are expected.

MANAGER'S REPORT: In addition to her written report, Ms. Myers reported issues have been raised relative to the cleaning of the vault toilet. She has spoken to Orion Township regarding this. They do not have the staff to clean it twice a week so the Commission may have to look at other solutions to keep it clean because it is an eyesore on the trail when it's not kept up. The toilet is used by more than trail users and it's creating maintenance problems. There is a fencing encroachment issue in Orion Township that Ms. Myers is working on.

COMMISSIONER REPORTS: Rochester's comments regarding the budget included that only a certain percentage should be spent on salaries and that an evaluation process should be put in place. They don't want most of the budget spent on salaries and attorney fees. Chairman Becker indicated there is an evaluation process in place. Ms. Steele thanked the Commission for the time and effort they put into the easement issue for the eventual trail connection.

ADJOURNMENT:

Upon motion by Zale, seconded by Morita, the Chairperson adjourned the Regular Meeting at 10:00 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: September 16, 2014 at 7:00 p.m. – City of Rochester Municipal Offices

Respectfully submitted,

KRISTEN MYERS, Trail Manager

ANDY ZALE, Trailways Secretary