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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 September 16, 2014 meeting was called to order by Chairperson Becker at 7:00 p.m.

Voting Members Present: Rock Blanchard (*enter 7:10 p.m.*), Stephanie Morita, Neal Porter, Kim Russell, Alice Young, Andy Zale

Voting Alternates Present: David Becker, Martha Olijnyk

Non-Voting Alternates Present: Donni Steele

Village of Lake Orion Non-Voting Member Present: None

Voting Members Absent: Linda Gamage, Maureen Thalmann

Alternates Absent: Mike Bailey, Cathy Daldin, 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 Morita, seconded by Zale, ***Moved***, to approve the September 16, 2014 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

- a. Minutes – August 19, 2014 Regular Meeting, approve and file
- b. Treasurers Report – August 2014, receive and file

MOTION by Morita, seconded by Russell, ***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 \$11,841.24. In addition to the normal monthly expenses, this amount includes the monthly service fee for the portable restroom at Tienken, attorney services for the Oakland Township Driveway Easement and 3rd quarter wages and FICA for the Trail Manager. The estimated unrestricted fund balance is \$55,723.

MOTION by Young, seconded by Olijnyk, ***Moved***, that the invoices presented for payment are approved in the amount of \$11,841.24 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL: Temporary Permit Request - HOWLween Walk, October 18, 2014: Ms. Myers indicated the representative for this request is not present and requested this item be postponed until the applicant arrives. Ms. Morita asked if a permit has ever been denied. Ms. Myers replied no, and explained the Commission's policy is if a group is requesting a permit for an event that has been held in the past, the request is placed on the consent agenda. For first time applicants, they are asked to appear before the Commission and explain their event. It was suggested that permit requests be an administrative process and this issue be placed on a future agenda for discussion.

DISCUSSION: Contracted Services Agreement with the City of Rochester: Ms. Stephanie Karisny who is helping out with this contract is present. She explained that since July she made changes to the service contract and has considered alternative documents. She considered a memorandum of understanding, which came out to be very similar to the services agreement, but she feels the contract is a little more binding. She removed all instances of the Commission providing maintenance services. The changes are highlighted in the draft. After reviewing a letter from Attorney Staran, she revised paragraph 6 to add language that allows the Commission to engage contractors to perform maintenance and improvements. She also revised paragraph 2 regarding expenses incurred by the Commission in connection with this agreement. She feels the Commission should discuss Mr. Staran's comments regarding the technical issue of managing a segment of the trail that it doesn't own under the interlocal agreement. The Commission was not provided a copy of Mr. Staran's letter. This agreement has not yet been discussed with Rochester's attorney as it is before this Commission for suggestions prior to having their attorney review it. The agreement makes it clear that the Commission does not perform maintenance, and contractors or local units of government are the entities that are providing the maintenance services. After discussion, it was suggested that paragraph 2 be revised to read extraordinary expenses "beyond budgeted amounts or special projects" shall be incurred only with prior approval by the City. Since the interlocal agreement allows lease of land agreement, perhaps the Commission could consider leasing the land Rochester owns and this agreement would not be necessary. In the first "whereas", the word "maintains" should be changed to "manages". Ms. Russell thought this agreement was to be discussed between the PCT's attorney and Rochester's attorney, and is disappointed this didn't happen. Ms. Myers explained this hasn't gone to Rochester's attorney yet because the Commission wanted to review and fine-tune it the way they wanted it done, and then present it back to the City of Rochester. This is not a done deal, it's just to make sure the Commission was happy with the document before presenting it to the City of Rochester. Ms. Karisny will revise the document, render an opinion as to whether the Commission is allowed to sign the contract with regard to the interlocal, and then bring it back for discussion next month. It was suggested that our attorney first determine if the agreement is legal and if so, revise the document for discussion next month.

MOTION by Morita, seconded by Olijnyk, *Moved*, that the agreement be given to our attorney to render an opinion as to whether the Commission can sign the contract.

Ayes: All Nays: None

MOTION CARRIED.

DISCUSSION: Vault Restroom Maintenance: Ms. Myers indicated there have been a lot of issues with the vault restroom at Clarkston and Kern; through no fault of Orion Township, they just can't keep up with the demand and the cleaning schedule. There have been vandalism issues; there have been times it has cleaned one day and the next day there's filth everywhere on the inside. This has been the number one complaint on the trail this summer. One idea is that the Commission hire its own contractor to clean a couple times a week to take the burden off Orion Township, as their seasonal staff is gone and their budget is depleted. Ms. Myers contacted two companies for quotes on twice a week cleaning. She is suggesting cleaning through mid-

November for now and possibly picking up again in April depending on Orion's situation. Turner Sanitation of Lake Orion estimated cleaning twice a week, Tuesdays and Fridays, and restocking the paper products and sanitizer for \$190 per month. Metro Environmental would be willing to clean twice a week for \$150 a month, but they wouldn't be restocking any products. She listed six options to consider in her memo – contract out cleaning services, locking the building at night, surveillance cameras, signage on the building, closing the restroom, and eventually moving the restroom. The Sheriff's office is recommending the building be locked at night, using either a manual lock or a timer lock. Orion Township said they were going to install surveillance cameras on the outside. Ms. Myers is suggesting signage on the building notifying users the restroom is under surveillance and to report suspicious activity. Orion Township Supervisor just wants to close the restroom as he is just as frustrated, but Ms. Myers doesn't know if that would work since grant money was used to purchase the facility. Mr. Porter reported that Orion is cleaning the facility twice a week, but feels signage and cameras might help. Ms. Myers indicated that with the additional contract, it could be cleaned four times a week. She has a wildlife camera that the Watershed Council has loaned her to use temporarily. Upon a question of cleaning the Tienken restroom, Ms. Myers explained the trail pays for the rental of the facility, and the cleaning comes as part of that rental. Next year, Rochester Hills' will absorb this monthly fee. It was suggested that Orion Township pay for the cleaning services, but Ms. Myers said they indicated they do not have the money in their budget. The suggestion was made that the restroom be a seasonal facility, open from Memorial Day when Orion has seasonal staff, and then close it in the fall. The restroom is not used that often during the winter. Mr. Zale offered to help with the surveillance camera that could be put in place for a month to see the activity.

MOTION by Blanchard, seconded by Morita, *Moved*, to make the restroom facility seasonal from April 1st through October 31st, and to close the facility at night splitting the responsibility of opening and closing the facility each day between Orion Township and the Commission.

Discussion – Ms. Myers will have to check to see if the restroom can be seasonal because of the grant money. Ms. Olijnyk commented on the contract for cleaning services, because if the vandalism is done by school age kids, maybe this is not the right time to test cleaning. The camera should be a priority to gather data and catch the vandalism. It was suggested that the contract for cleaning should be tried short-term. It is hoped that cleaning four times a week would prove to solve the issue; why not try this? Mr. Blanchard revised his motion.

REVISED MOTION by Blanchard, seconded by Morita, *Moved*, to make the restroom facility seasonal from April 1st through October 31st, install the wildlife camera now to get some data on the vandalism, that the Commission agrees to pay for the extra cleaning through the end of October and then next year approach Orion Township for paying for the cleaning if it works out, and to continue working with Sheriff's Department in trying to catch the vandals.

Discussion – Paperwork should to be filed with the Sheriff's Department on any vandalism complaints. Orion Township indicated they don't file paperwork when they want the Sheriff's Department to take care of something, they just request it verbally. Ms. Morita rescinded her second of the motion. Mr. Porter indicated he would second the motion. Chairperson Becker is strongly against the motion as the facility should be open year round for trail users. We shouldn't decrease services for the users. Ms. Myers added Orion Township has inquired about the maintenance agreement for this facility. She explained there is no resolution, this issue is handled when the budget is approved – when each community agrees to maintain their portion of the trail.

Motion as voted on:

MOTION by Blanchard, seconded by Porter, *Moved*, to make the restroom facility seasonal from April 1st through October 31st, install the wildlife camera now to get some data on the vandalism, that the Commission agrees to pay for the extra cleaning through the end of October and then next year approach Orion Township for paying for the cleaning if it works out, and to continue working with Sheriff's Department in trying to catch the vandals.

Ayes: Blanchard, Porter, Young
Nays: Becker, Morita, Olijnyk, Zale
Abstain: Kim Russell

MOTION FAILED.

Mr. Zale asked Ms. Myers if it is possible to maintain someone opening and closing the restroom every day for the next two months. Ms. Myers responded this will be difficult as she works four days a week, and the bike patroller's schedule is on and off. She doesn't know what the staff resources are in Orion Township, and feels it's not proper to ask the Sheriff's office to do it.

MOTION by Zale, seconded by Porter, *Moved*, that the Commission contract for the cleaning maintenance two extra days a week until the end of October, install the wildlife camera and to authorize signage be placed on the facility.

Ayes: All Nays: None

MOTION CARRIED.

Ms. Myers indicated she would like to contract with Turner Sanitation even though it is a little more costly as they will restock the supplies. It was also suggested that any data gathered by the camera be available at the next meeting and a determination be made whether the facility can be seasonal. Any formal vandalism complaints and reports should also be available at the next meeting.

DISCUSSION/UPDATE: Property Exchange Easement in Oakland Township: Members were provided a revised copy of the easement as recommended by our attorney, and a proposed resolution to implement that.

MOTION by Blanchard, seconded by Zale, *Moved*, that the Commission approve the resolution to approve the ingress/egress easement as presented.

Mr. Porter stated he believes this resolution is basically the same as the first one that was presented and feels a lot of money was wasted on this issue, both by Orion Township and the Commission for the attorneys. He originally told the attorneys the Commission would not have a problem with the easement because they have something to gain, but he was totally wrong on that. He recused himself from the vote.

RESOLUTION #14-002 TO APPROVE INGRESS/EGRESS EASEMENT

At a regular meeting of the Paint Creek Trailways Commission, whose address is 4393 Collins Road, Rochester, Michigan 48306 (hereinafter "Commission"), held in the City of Rochester Municipal Offices on the 16th day of September, 2014 at 7:00 p.m.

VOTING MEMBERS PRESENT: Becker, Blanchard, Morita, Olijnyk, Porter, Russell, Young, Zale

VOTING MEMBERS ABSENT: Gamage, Thalmann

The following preamble and resolution were offered by Blanchard and supported by Zale.

WHEREAS, the Paint Creek Trailways Commission, an Intergovernmental Commission, has the authority granted under the Urban Cooperation Act of 1967, 1967 Public Act 7 (Ex. Sess.); and

WHEREAS, the Commission owns approximately 14.82 acres of land, as part of the Paint Creek Trail, within the Township of Oakland, known as Tax Identification Number 10-18-503-007 (“Property”), and legally described on the attached Exhibit A; and

WHEREAS, pursuant to Section 7 of the Urban Cooperation Act of 1967, MCL 124.507, the Commission may make or enter into contracts, and may acquire, hold or dispose of property; and

WHEREAS, certain property owners in Oakland Township have been utilizing a portion of the Paint Creek Trail as the sole means of access to their respective adjacent properties; and

WHEREAS, the Commission believes it is in the best interests of the health, safety and welfare of the public using the Paint Creek Trail to enter into the Ingress/Egress Easement attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED:

1. Pursuant to authority granted by MCL 124.507 of the Urban Cooperation Act of 1967, the Commission approves the Ingress/Easement Agreement, attached hereto as Exhibit A, or as amended pursuant to Paragraph 3 of this Resolution.
2. The Commission authorizes the Chairman, David Becker, upon consultation with the Commission's legal counsel, to execute the Ingress/Egress Easement on behalf of the Commission.
3. Chairman Becker is authorized to approve any amendments to the Ingress/Egress Easement necessary to carry out the Commission's intent.
4. Any Resolution inconsistent with this Resolution is hereby rescinded.

YEAS: Becker, Blanchard, Morita, Olijnyk, Russell, Young, Zale

NAYS: None

ABSTAIN: Porter

RESOLUTION DECLARED ADOPTED.

DISCUSSION: 2015 User Survey: Ms. Myers provided a memo relative to this issue and commented the Commission probably can't afford it. The last survey was done in 2004 by MSU, and did not cost anything because they received a grant from MDOT to study some trails around the state. She was hoping to update the user survey next year, but this may have to be postponed in order to research funding sources. MSU can do a survey at a cost of \$20,000 to \$25,000. Oakland University did not quote a price but would be happy to respond to an RFP. They responded to a previous RFP at a cost of \$9,000 at that time. It is the consensus to look into

doing a new survey at some time soon. It was suggested the Southeast Michigan Foundation for Greater Rochester be contacted for possible funding.

MANAGER'S REPORT: In addition to her written report, Ms. Myers reported the trail will be closed completely between Silverbell and Gallagher this Thursday from 8:00 a.m. until 4:00 p.m. to clear a major log jam in the creek next to the trail that is causing a lot of erosion. There is a lot of damage at Tienken Road; the heavy rains pushed a lot of mud down the hill onto the trail. There have been discussions on who is responsible. One of the Friends Group members had a video camera and has proof of the damage and it is hoped this will be fixed ASAP. There is a major encroachment occurring near Golden Gate, and Ms. Myers has been working with Orion Township's Building Department to get this resolved. The property owners have agreed to remove the encroachments that are on trail property within 30 days.

COMMISSIONER REPORTS: Ms. Steele thanked the Commission for approving the easement.

ADJOURNMENT:

Upon motion by Young, seconded by Blanchard, the Chairperson adjourned the Regular Meeting at 8:45 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: October 21, 2014 at 7:00 p.m. – Paint Creek Cider Mill

Respectfully submitted,

KRISTEN MYERS, Trail Manager

ANDY ZALE, Trailways Secretary