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REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION
Rochester Municipal Offices
400 Sixth Street, Rochester, MI 48306

CALL TO ORDER: The Tuesday, April 16, 2019 meeting was called to order by Chairperson Becker at 7:00 p.m.

Voting Members Present: Rock Blanchard, Susan Bowyer, Frank Ferriolo, Linda Gamage, Kim Russell, Donni Steele, Jeff Stout, Hank Van Agen

Voting Alternates Present: None

Non-Voting Alternates Present: David Becker, Lynn Loeb, Martha Olijnyk

Village of Lake Orion Non-Voting Member Present: Brad Mathisen (*enter 7:15 p.m.*)

Voting Members Absent: None

Alternates Absent: Chris Barnett, Robin Buxar, Ben Giovanelli, Chris Hagen, David Walker

Village of Lake Orion Non-Voting Member Absent: None

Village of Lake Orion Non-Voting Alternate Absent: Vacant

Others Present: Melissa Ford, Trail Manager, Chris Gray, Assistant Trail Manager, Sandi DiSipio, Recording Secretary

PLEDGE OF ALLEGIANCE: All rose and recited the Pledge.

APPROVAL OF AGENDA: Chairman Becker suggested removing item #20 – Request to Enter into Closed Session. This was for discussion of the Lake Orion License Agreement that was item #21 – the attorney has informed that this is not privileged communication and could be discussed in open session; therefore a Closed Session is not required..

MOTION by Gamage, seconded by Bowyer, ***Moved***, to approve the April 16, 2019 agenda as amended.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

a. Minutes – March 19, 2019, Regular Meeting, approve and file

b. Treasurers Report – March 2019, receive and file

MOTION by Blanchard, seconded by Bowyer, ***Moved***, to approve the Consent Agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL OF INVOICES: Ms. Ford presented the list of invoices totaling \$598.72. In addition to the recorder's fee, this amount includes payment to Oakland Township for staff's 1st qtr. shared copier costs. Estimated unrestricted fund balance is \$90,923.

MOTION by Steele, seconded by Stout, *Moved*, that the invoices presented for payment are approved in the amount of \$598.72 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL: 2018 Audit: Ms. Ford stated Mr. Phillips completed the 2018 financial audit. The assets of the Commission exceeded the liabilities at the end of the year by \$657,091; of this, \$86,187 is unrestricted and \$2,824 is restricted. Information is included in the packet. Commissioners commented they have not had a chance to review the audit, and asked if this can be put on next month's agenda for approval. The audit must be submitted by the end of June.

DISCUSSION AND APPROVAL: Master Plan Update

Giffels Webster Agreement for Professional Services: Ms. Ford indicated Mr. Eric Fazzini from Griffels Webster is present to give an overview of the services. Mr. Fazzini summarized the scope of work included in the agreement. They will assist in the accessibility evaluation and public input including an on-line survey. There was a question about reimbursable expenses – to which Mr. Fazzini indicated any additional expenses would be provided to the Commission prior to completion. A question was asked about a “not to exceed” clause. Mr. Fazzini indicated the contract is for a \$7,000 flat fee, so the cost will not go beyond this amount. Ms. Ford added there is money in the budget to cover printing of the master plan. She also commented our attorney reviewed the agreement and suggested three changes – under reimbursable expenses, delete the reference to the use of subconsultants, invoices will be paid within 45 days instead of 30 days, and approval rights for the use of photographs. Giffels Webster is aware of the suggested changes and approved them.

MOTION by Steele, seconded by Blanchard, to approve the Giffels Webster agreement for professional services including the attorney's review comments, and to have the PCTC Chair execute the agreement.

Ayes: All Nays: None

MOTION CARRIED.

Administrative Structure: Ms. Ford indicated the committee has reviewed the work done by staff and provided a recommendation for approval. Ms. Olijnyk stated the committee members were Ms. Bowyer, Mr. Blanchard and herself, and they provided some changes to the section. Ms. Ford and Ms. Olijnyk summarized the minor changes to the document that were not included in the packet. There is no need for a motion to approve at this time as the Master Plan will be approved in its entirety, and the committee was thanked for their work.

Master Plan Ad Hoc Committee to review Recreation Inventory: Mr. Blanchard, Mr. Stout and Mr. Van Agen volunteered to serve on the committee. Mr. Becker will also review the chapter.

UPDATE: 2019 Trail Resurfacing: Ms. Ford indicated there is a memo in the packet regarding the resurfacing project. Originally, it was intended to advertise the bid for the project in January. Quite a few delays and communication issues with Mannik Smith Group resulted in staff discussing their concerns about plans they received, resulting in a new contact person with MSG. Since then, better responsiveness has been received, their new engineer has been out twice and staff received the documents they've been requesting. Chris Zangara, the new engineer, rode and walked the entire trail with Ms. Ford and Ms. Milos-Dale and has submitted a new cost estimate based on what he viewed on the trail. The cost estimate for resurfacing has increased significantly – up \$118,000, from what was originally received. Ms. Ford handed out the new estimate and explained the list of line items has gone from one page to two, and is much more detailed. That was one of staff's concerns about the original specs received – that it was not detailed enough and there were no drawings showing different segments of the work that had to

be done showing erosion issues and how that was going to be fixed. The new engineer noted all of these issues in the new estimate, and that's where the cost increase is. Mr. Ferriolo explained this issue was brought up at the Oakland Township's Parks meeting as well, and commented Ms. Milos-Dale was a little heavier on complaining about this surprise. He thanked Ms. Ford and Ms. Milos-Dale for taking care of business as this is a shock. We're seeing more problems with this company and it's upsetting. Mr. Becker said if this goes out to bid, it will delete any excess the Commission has from the grant, plus leave us about \$12,000 short. Ms. Ford added in the new plan, only two of the parking lots are being resurfaced, so she has added on alternate bid items to get the Dutton and Gallagher parking lots done if the Commission chooses. This was not included in the original cost estimate. The cost for the observation deck and side path increased only slightly. The Commission has enough money to cover this project as long as there is no overrun on the bridge project. Hopefully this bid will come in under estimate. Upon a question about where the extra cost comes from as the Commission only received this information tonight, Ms. Ford explained there are more costs associated with drainage, the stairs at Dinosaur Hill are getting replaced and bridge railings are being replaced. The increase is basically due to noticing details that were overlooked in the cost estimate. Ms. Ford was asked to forward the original cost estimate to the members. Mr. Becker thinks the stairs are the responsibility of Dinosaur Hill and asked Ms. Ford to check with them to determine that. Ms. Ford indicated the next step is that there is a meeting on Thursday with MSG and members of the four communities to go over the revised plans, so any community that has concerns can address them with MSG at this meeting. Once that is done, any changes can be added to the bid documents, and then submitted to Rochester Hills to advertise. Ms. Russell indicated the scope has changed because it was just resurfacing last time and the project is now being looked at as a whole. She referred to line items #10, #32 and #54, and wants to understand the difference between the shared use path grade and compact versus the aggregate. The compaction has a hefty price. She also wants to know what the aggregate is, as this is also a significant amount. She wants to know what the cost for modified slope restoration is, and if it's necessary. Ms. Russell feels an expert should explain these issues, and what is necessary and what is a "nicety". Ms. Olijnyk commented the original cost estimate had 18 line items, and the revised estimate has 54, which is a big difference. The biggest thing is the slope restoration as the original cost was \$1,500, and now it's \$76,500. That's \$75,000 out of the \$118,000 increase – we need to know what this is and why it was so off in the first estimate. There are also a lot of items on the new estimate referring to signs, and she's not sure what signs they are. Ms. Ford thinks they are temporary signs having to do with the trail closure. Mr. Blanchard commented when the trail was resurfaced the last time, we did spec out a particular limestone to use, and wants to make sure MSG is using the same specs. Ms. Ford indicated they are using the specs from the last resurfacing project. Upon a question about the difference between a proposed 4" and 8" base, which would change the trail, Ms. Ford circulated a copy of the plans showing maps of the proposed changes where an aggregate base is planned. Mr. Blanchard asked since the bid has not gone out yet, is this a good time to bid – since we don't know all the details. He feels we may have missed the window to bid this year and may want to wait until January or next spring. Mr. Ferriolo doesn't feel the scope has changed, only the engineering execution. If we delay, construction costs will increase. If we get answers to questions quickly, he wants to move forward. Mr. Stout agreed. It is the consensus of the Commission to move forward, but also receive answers to the questions raised tonight. Ms. Ford indicated the plan is for the work to begin within two weeks of the notice of award, and the trail would open to traffic no later than September 30th. Mr. Van Agen suggested that resurfacing should be looked at sooner, as 15 years was too long and we're paying for damage that wasn't addressed in a timely fashion. Ms. Gamage indicated there was discussion in the past about sharing equipment between the communities to a regular grading of the trail, and suggested this be added to the Master Plan. Mr. Becker suggested that after Thursday's meeting, any answers to questions raised tonight be forwarded to the members.

MOTION by Steele, seconded by Ferriolo, *Moved*, to approve the additional expense on the engineer's opinion of cost and move forward with the project as presented.

Ayes: All Nays: None

MOTION CARRIED.

DISCUSSION AND APPROVAL: Resurfacing Project Cost Participation Agreement with the Oakland Township Parks & Recreation Commission:

Ms. Ford indicated Oakland Township's attorney drafted the cost participation agreement for the Bear Creek project that was added on our resurfacing project. The Commission attorney has reviewed and approved the agreement. Ms. Olijnyk suggested one change – in the second paragraph, Oakland Township Parks and Recreation Commission should be changed to Oakland Township.

MOTION by Blanchard, seconded by Van Agen, *Moved*, to approve the Agreement as amended.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL: Temporary Permit, Aaron Palaian – Onurmark Race Productions, Lake Orion Challenge – October 5, 2019:

Mr. Palaian, 3735 Rolling Hills, Lake Orion, came forward and explained his event. In talking to the Lake Orion DDA, they mentioned they always wanted a triathlon. The issue is the streets are not in good enough shape to ride a bike on, and there are not enough 4-lane roads to close one down for bikes and there are no shoulders. He came up with an event that starts with a kayak paddle and riding a bike on the trail for safety and then a run. He is hoping the trail projects are done in September as the event is planned for October 5th. If this date is not safe and the event has to be moved a week, that's not a problem. He realizes the Commission is concerned about the amount of traffic on the trail – this event will be limited to 250 people. In future years, if the Commission agrees, the participant number could be increased. They will go a mile on Lake Orion in the boats, before they get on bikes, so they should be spread apart before they get on the trail. There would be temporary signs and tape on the trees two days before and removed the day of the event. Police would assist with road crossings. At Gallagher, he proposes temporary restrooms if approved, and medical personnel. Registration is \$80, and the cost will go up as the event gets closer, but he feels it will sell out quickly. He is comfortable with donating \$500 to charity, and about \$1,500 is budgeted to volunteer groups that help out. Mr. Van Agen stated this is a good addition to the trail given the challenge of construction projects on the north end of the trail. Ms. Ford feels the October 5th date is cutting it close as it's only five days out from when the trail is anticipated to open. There is also concern with the Brooksie Way event on 9/22, so resurfacing may start on the south end first. Mr. Palaian is aware of the construction issues. Ms. Olijnyk feels this will be a fun event, but feels the date is cutting it too close to construction dates, and feels October is very iffy. Mr. Blanchard agrees the date is cutting it too close, and if planned and for some reason it wasn't done, the good promotion may go bad for the trail. He doesn't feel it should be planned for that date because of the timing. Mr. Becker also believes this is cutting it close, but that is Mr. Palaian's issue. Mr. Palaian said he would notify participants from the beginning of the potential issues that resurfacing may not be done in time, and if the event needs to be rescheduled or cancelled, he will offer a full refund. This notification will be part of the registration form, and participants would have to indicate they agree. He is OK with this. Mr. Ferriolo commented the Commission will know within a month or two which sections of the trail will be done and when, so if this is helpful to the applicant in terms of promoting the event - if he can wait a month, he will have a better idea as to whether it's a go or no go. Ms. Steele is in favor of approving the request, with the understanding the applicant can pull the event if necessary. The applicant's request was approved by Orion Township yesterday.

MOTION by Van Agen, seconded by Stout, *Moved*, to approve the temporary permit for Onurmark Productions for their October 5th event, with the option to move the date out a week if necessary due to trail resurfacing.

Ayes: Bowyer, Ferriolo, Gamage, Russell, Steele, Stout, Van Agen

Nays: Blanchard

MOTION CARRIED.

UPDATE: Louis Carrio, Present – Friends of the Paint Creek Trail: Mr. Carrio, representing the Friends Group, 1257 Candlestick Lane, Rochester Hills, came forward and indicated he lives 50 feet from the trail. The members received an outline of what he's going to talk about. There are 12 active participants who meet quarterly to discuss projects and organizational matters; trail management attend the meetings and provide updates and input. They provide branded merchandise, maintain the website and Facebook, coordinate the bicycle ride with Motor City Brew Tours, which will not occur every year and is unfortunate because it generates income, volunteer and support trail related and community events and accept and disburse funds donated and money raised. Restricted funded projects include the Moutrie, Audubon, Paint Creek Junction and Educational Pathway. Part of the Junction fund includes \$2,500 specifically for a drinking water source. The Junior Women's Club gave \$5,000 for the educational display. Then there was discussion about a project at Flagstar Bank, which is now on hold. As a consequence, none of this money has found a project. Discussions with the Friends Board membership is, if they found a project that recognized Mr. Moutrie that had an element of bird education and an element of education, the funds could be coupled to come up with a project. This is still on hold because there is not a home for the project, which is further complicated by the fact that a commitment was made to the Moutrie family that they would be made aware of what the project was and sign off on it. It's now been six years, and it was previous members that were in communication with the family. He feels what would be attractive to the Friends Group is to have a member from the Commission to work with to come up with a project, the location, and then present this to the Moutrie family. He doesn't want to go to the family until we have a plan. Mr. Becker added the Commission recognized this deficiency, and formed a committee last month to work on this, and it's hoped to have a firm plan to start the project this year. Mr. Carrio indicated he's had conversations with Mr. Blanchard. The Commission is committed to moving forward on this project. Mr. Ferriolo said Mr. Carrio's presentation of this effort and concern is spot on in terms of potential opportunity and encourages him to sit down with the committee and come up with a plan. If they can come up with something that everyone is comfortable with, and then approach the Moutrie family with something the Commission and Friends Group agrees on, that's the best way to proceed. Mr. Blanchard agreed to meet with Mr. Carrio as soon as possible, and as Mr. Moutrie was an educator, the money from the education pathway and the Audubon Program could all be grouped into a great project that honors Mr. Moutrie and education. The Commission committee consists of Messrs. Becker, Blanchard and Ferriolo, and a meeting will be set up soon to discuss. Ms. Russell commented there will be a presentation about monarch butterflies at a future meeting, and suggested this could be an educational component incorporated into the project. Mr. Blanchard indicated there is a group called Bees in the D, which is working with pollination and would like to be involved. Mr. Carrio then talked about income and expenses of the Friends Group. Minimal income is expected due to the lack of the annual bike tour. There is a Moosejaw sponsored event at the Rochester Mills Tap Room in Auburn Hills on May 17th, and they asked if the Friends Group would mind being the recipient of these funds. He accepted their offer. They receive sporadic donations, but expenses are expected to be \$2,400, well in excess of income. The Commission thanked Mr. Carrio for his presentation, and indicated full support of the Group. Mr. Carrio looks forward to working on the Moutrie project. Ms. Ford will send out information to Commissioners on the Rochester Mills Tap Room event.

APPROVAL: TAP Agreement: Ms. Ford indicated the Commission needs to formally approve the Transportation Alternatives Program Agreement with the Road Commission, which was already signed off due to time constraints.

MOTION by Blanchard, seconded by Gamage, *Moved*, to approve the TAP Agreement as presented.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL: 2019-2021 Mounted Police Contract: Ms. Ford circulated a memo relative to the contract regarding the Mounted Patrol. A three year contract is proposed and it would fund 507 patrol hours this year, which would allow for the use of bike patrol deputies if necessary. They were used in the past when there were vandalism issues, but unless that occurs again, it's unlikely we would use a bike patroller. Hours to be funded for 2020 and 2021 are yet to be determined, but if the same amount was budgeted in the next two years, in 2020 it would fund 497 hours and in 2021 it would fund 488 hours. There is one revision to the contract included in the packet – which is the amount of two mounted deputies per shift, and then specifies the hours per deputy per day – that's the only change. Upon a question if we can opt out of the contract, Ms. Olijnyk indicated there is a clause in the contract that either party can cancel the contract with notification. Mr. Ferriolo asked about the hourly rates and asked if these are appropriate. Mr. Becker indicated there was previous discussion about the rates. Upon a question about the schedule, Ms. Ford indicated we can request them for certain times if necessary, but they usually set their own schedule to vary the times. Ms. Gamage questioned the hourly rate for mounted versus bike patrol. Ms. Ford indicated the bike patrol is more per hour; the mounted patrol pays their own horse fees. Ms. Olijnyk also indicated the mounted patrol is paid for their trailoring times, not only the time on the trail. Ms. Russell asked if the mounted patrol is needed for that many hours if there is a bridge closure, and how that's going to work this year. Ms. Ford indicated the mounted patrol only goes north of Dutton, and the bridge will be closed from Dutton to Silverbell for the project. Ms. Gray commented the Mounted Patrol does patrol the entire trail. Ms. Ford anticipates the patrol being out there to prevent people from going into the closed area, so we may need them more if there's problems with people crossing barricades going where there they are not supposed to be when the construction is occurring. Ms. Russell commented the bike patrol rate is very high and she doesn't want them in the Rochester Community as they have their own bike patrol. She would like to limit the bike patrol. Ms. Ford indicated the Commission did not use any bike patrol last year, it's only used when needed. Ms. Steele agrees with the safety of the trail and Oakland County and feels the Mounted patrol is a little bit of a luxury item, but feels there is a big draw from the horses. This issue will be looked at in the future. Mr. Blanchard agrees safety is important, but we need to keep an eye on the patrol hours.

MOTION by Bowyer, seconded by Van Agen, *Moved*, to approve the Mounted Police Contract as presented.

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

Nays: Steele

MOTION CARRIED.

DISCUSSION AND APPROVAL: National Trails Day Plans: Ms. Ford stated she has been working with the Lake Orion DDA on the plans. National Days is June 1st and is the same day the Lake Orion United Methodist Church and the Police Department will be holding their annual Clergy, Cops & Kids event. She has decided to join forces to increase attendance for both events. Their event is in the afternoon, so the Trail Day event has been moved to 1:00-4:00 pm to coincide with their event. A memo is included in the packet outlining the schedule of events. The theme of the events is bikes. Also in the packet are suggested promotional items to be given away at the event – a cooling towel, bike bells or a reusable straw. The members liked the event and the idea of teaming up with other event. Ms. Steele is more in favor with gifts that are biodegradable and brought some samples. Ms. Gamage agreed and suggested a biodegradable pot with plant seeds. Mr. Ferriolo likes the bike bells for kids, and a cooling towel for the adults. He feels kids would rather have a bike bell than plant seeds. Mr. Van Agen stated we can't go wrong with a bike bell as we want to promote trail etiquette. Also, some plant seeds are not

Michigan native. Ms. Olijnyk is on the Recognition Committee and asked if the presentation is planned for Trails Day or the Labor Day Bridge Walk. She suggested three honorees. Ms. Gray commented due to the resurfacing project, the recognition should take place at the National Trails Day event. Ms. Ford indicated there is \$500 budgeted for this event and sponsors are being sought.

MOTION by Blanchard, seconded by Ferriolo, *Moved*, to approve the National Trails Day Event as presented.

Ayes: All Nays: None

MOTION CARRIED.

MOTION by Ferriolo, seconded by Van Agen, *Moved*, to approve the bike bell as the promotional item for this event.

Ayes: Bowyer, Ferriolo, Russell, Stout, Van Agen

Nays: Blanchard, Gamage, Steele

MOTION CARRIED.

DISCUSSION AND APPROVAL: Oakland Township Historic District Commission

Bicentennial Sign: Ms. Ford explained that Oakland Township HDC has been looking for locations for signage to educate people about the bicentennial, so they are asking if the Commission would consider putting a sign at or near the location of Dutton and Livernois Roads, which would commemorate the first land purchase in 1819. They have given a mock-up of an idea of what they would be doing. They are very willing to work with the Commission if we are going to do a signage project this year to accommodate our brandage. They are open to the sign being a temporary sign just for this year, and understand that the historical aspect is something the Commission could enhance on the trail. A memo regarding the concept is included in the packet. Mr. Blanchard indicated the Commission has been meaning to brand their signage, and if we could get ours branded, and if they could match their sign to match the ours, then go ahead and do a permanent sign, otherwise, just do a temporary sign now. It's a great sign and historic sites are important to recognize on the trail. Mr. Ferriolo agrees with a temporary sign. Ms. Ford also agrees with a temporary sign this year, and then work with them as part of the signage grant to put in permanent signage.

MOTION by Blanchard, seconded by Bowyer, *Moved*, to approve a temporary sign this year and then work on a permanent sign.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL: 2019 Goals: Included in the packet is an updated goals list which was prioritized by the Commission. Ms. Ford thanked the members for submitting information.

MOTION by Steele, seconded by Stout, *Moved*, to approve the 2019 goals as presented.

Ayes: All Nays: None

MOTION CARRIED.

MANAGER'S REPORT: In addition to the written report, Ms. Ford indicated staff has received some complaints on social media, website and phone calls regarding the surface of the trail after the tree trimming work about ruts. She has talked to both Orion and Oakland Townships. Oakland Township has graded the trail, and Orion assured staff this will be taken care of. Since these communications, no complaints have been received. Once the complainants heard the trail was going to be resurfaced this year, they were happy. The date for the commencement of the bridge project is still unknown – anywhere from mid May to early June. Mr. Ferriolo commented he didn't know anything about a Mr. Hogan coming in to replace Ms. Hamameh, and would have appreciated an email about this. Ms. Ford indicated other attorneys are filling in for Ms. Hamameh during her leave.

COMMISSIONERS REPORTS: Ms. Russell indicated Arts & Apples is the second week in September and the resurfacing money is in this year's budget. If this doesn't happen, the money

goes back to general fund. Hopefully this can be taken care of in this year's Rochester budget. The ROTC uses the trail for security for this event, so this is a consideration if the trail is closed. She reported Second Street is closed off of Rochester due to a broken main. Earth Day will be celebrated at the park next weekend. Hopefully there will be a presentation about Monarch Butterflies to the Commission soon. The Farmer's Market opens May 4th for their 20th anniversary. She asked how the trail closure will be advertised – Ms. Ford indicated it will be on social media, the website, in the kiosks, press releases and each community will be asked to put it on their websites. Ms. Loeb feels there will be an issue with keeping people off the trail when it's closed. Mr. Van Aken indicated May 4th is Oakland Township's Clean Scene event – their 50th anniversary. Ms. Steele reported Orion Township has a clean-up on April 27th in conjunction with their expo. Mr. Becker suggested the Commission conduct a site visit next month after the meeting.

DISCUSSION: Next Steps for the Village of Lake Orion Trail Extension: Ms. Ford indicated all the members received the latest copy of the agreement. The committee met last Thursday with representatives from the Village. The Commission's attorney has reviewed and approved the agreement. Lake Orion has reviewed and approved it. The committee is recommending approval.

MOTION by Blanchard, seconded by Steele, *Moved*, to approve the agreement as presented.

Discussion: Ms. Olijnyk went through the contract and the attorney's recommendations, and out of the 10 recommendations, 8 of them were met. Mr. Becker indicated the committee thought all 10 recommendations were met in some way, but could have missed something. Ms. Olijnyk said the only thing she thinks is an issue is in the acknowledgements where it says – paragraph 2 – that the additional .3 miles of trail is the property of the licensor, when she still thinks that Lake Orion Lumber owns part of this property. She was asked what language could be suggested that would remedy this issue. Ms. Olijnyk is not sure we need the statement that says who owns the property, just that everyone has the authority to enter into this agreement. If the contract acknowledges that we have the authority to make the license agreement, that would remedy it. The paragraph should read "the licensee acknowledges and the licensor acknowledges where the land is located and that all parties have authority to enter into this license agreement". Mr. Ferriolo agrees that this has gone a long way to address the motion made last December, and that the questions our attorney put to Lake Orion have been addressed to a large extent. The only question is that the DDA and Lake Orion both have the idea they both own the property – wouldn't the document itself show that the DDA has responsibility over the easement or Lake Orion – why would there be a question? Although it appears that a lot of the attorney's issues were addressed, Mr. Ferriolo doesn't see any correspondence going back from the Commission attorney relative to this issue. After the last draft of the agreement, we pushed the point to get the attorney involved, and then found out she had addressed the issue in three or four emails that the Commission did not have. It was in our pursuit of that, that we made the motion in December to go through the appropriate course to get the issues addressed. Mr. Ferriolo said the Commission should at least have an email from the attorney stating he is approving the agreement, and asked if there are any other emails the Commission has not seen that relate to this issue. Ms. Ford indicated the attorney, Mr. Hogan, did approve the agreement via email. After the meeting last Thursday, the committee wanted some changes made, which is the draft the Commission has tonight. The revised agreement was sent to the attorney. He did not have any issues with the agreement, and circulated his approval email. Ms. Ford indicated as far as she knows, there has been no communication between Mr. Hogan and Lake Orion's attorney. Ms. Gamage feels we got mired in the legalities of this issue, and her question of what the Commission is gaining from this transaction hasn't been answered; she doesn't understand why we are doing this. She feels the Commission is taking on the responsibility of an additional .3

miles of additional trail that requires attention and is an added cost to our management of the trail system. This is a great addition to the community, but she's not convinced on why we are taking on additional responsibility. Ms. Steele mentioned that the park has been designated by the DNR as an Iron Belle Regional Trail Lot, which is a great attribute to the trail. We have to look at what the whole trail system entails. Mr. Becker said the trail is for the benefit of users and communities. This helps the Village of Lake Orion and part of our responsibility is to be an aide to our surrounding communities. Mr. Blanchard added that we have been looking for years at ways to connect the Village to the trail. Ms. Russell appreciates all the work that has gone into this issue. She suggested the maker of the motion premise the change on licensee, as the property is owned by Lake Orion Lumber. Ms. Olijnyk suggested striking the words "is the property of the licensor which includes the DDA". Ms. Ford read the changes to paragraph 2 – "Licensee acknowledges the additional .3 miles of trail within the Village limits and physical jurisdictional limits of Orion Township extending to Children's Park. The parties acknowledge that this license will be maintained in perpetuity with the conditions as set forth in this agreement. The licensor has authority to enter into this agreement." Ms. Russell asked if the additional .3 miles of trail is being added on to the patrol program that every community pays – will this be added to Orion's bill? Mr. Becker said no as they are not formally becoming part of the PCT; it's not owned by the Commission. They are getting a license for the use of the name PCT. Ms. Russell asked the difference between the portion of Rochester's trail, that Rochester owns, and this extension. Mr. Becker said the Commission does not own this new extension, only giving permission to Lake Orion to call it part of the PCT, and they are giving a lot of maintenance on this extension to the standards of the PCT. Ms. Russell said if Orion is not paying patrol for this segment, she's not in support of the motion. Mr. Becker corrected his previous statement and said this portion of the trail will be added to Orion Township's bike patrol.

Amended Motion

MOTION by Blanchard, seconded by Steele, *Moved*, to approve the agreement as amended.

Ayes: Blanchard, Bowyer, Ferriolo, Russell, Steele, Stout, Van Agen

Nays: Gamage

MOTION CARRIED.

ADJOURNMENT OF REGULAR MEETING:

MOTION by Bowyer seconded by Stout, *Moved*, to adjourn the Regular Meeting at 9:50 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: May 21, 2019 at 7:00 p.m. – Rochester Municipal Offices

Respectfully submitted,

MELISSA FORD, Assistant Trail Manager

HANK VAN AGEN, Secretary