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REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION
Paint Creek Cider Mill
4480 Orion Road, Rochester, MI 48306

CALL TO ORDER: The Tuesday, June 18, 2019 meeting was called to order by Chairperson Becker at 6:30 p.m.

Voting Members Present: Rock Blanchard, Frank Ferriolo, Linda Gamage (*enter 6:35 p.m.*), Kim Russell (*enter 7:00 p.m.*), Donni Steele, Jeff Stout, Hank Van Agen (*enter 6:55 p.m.*)

Voting Alternates Present: David Becker (*voting until 7:00 p.m.*), Martha Olijnyk (*voting until 6:55 p.m.*)

Non-Voting Alternates Present: None

Village of Lake Orion Non-Voting Member Present: None

Voting Members Absent: Susan Bowyer

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

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

Village of Lake Orion Non-Voting Alternate Absent: Vacant

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

PLEDGE OF ALLEGIANCE: The Pledge was recited at the previous Joint Meeting.

APPROVAL OF AGENDA: Item #7, Discussion of City of Rochester Draft Trailway Setback Ordinance was removed from the agenda and rescheduled in July as the representative from McKenna was not present to explain and answer Commission questions.

MOTION by Ferriolo, seconded by Stout, ***Moved***, to approve the June 18, 2019 agenda as amended.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

- a. Minutes – May 21, 2019, Regular Meeting, approve and file
- b. Minutes - May 21, 2019, Joint Meeting with OTPRC, approve and file
- c. Treasurers Report – May 2019, receive and file

Chairperson Becker does not want to remove the Regular Minutes from the consent agenda, but suggested two changes. On page 2, under Invoices – add the word “administration” between the words construction and award, and on page 5, the paragraph after the motion to cancel the Labor Day Bridge Walk, add the words “pursuant to the PCTC interlocal”.

MOTION by Blanchard, seconded by Olijnyk, ***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 \$23,424.93. In addition to the recorder's fee, this amount includes staff postage and office supplies, bike bells, advertisement for Trails Day, pet waste bags, Mannik Smith Group's invoice for the Bridge renovation construction administration, reimbursement to Ms. Ford for Trails Day expenses, and 2nd Qtr. wages and FICA for the Manager, Assistant Manager and Bike Patroller. Estimated unrestricted fund balance is \$55,825.

MOTION by Blanchard, seconded by Stout, *Moved*, that the invoices presented for payment are approved in the amount of \$23,424.93 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

DISCUSSION: Interim Trail Manager: Mr. Becker introduced Mr. Brian Marzolf, who was offered and accepted the position of Interim Trail Manager. The Commission welcomed Mr. Marzolf. Mr. Marzolf introduced himself, summarized his background, and said he's looking forward to working with the Commission. The subcommittee was recognized and thanked for their work towards getting an interim manager while Ms. Ford is on leave. There was a request from the Commission to comment on the budgetary impact of hiring this position. A spreadsheet was provided to the Commission showing the impact, which was summarized by Chairman Becker. The net additional expense to the budget, including the overlap periods, would be \$1,483 including FICA. The additional expense is well worth it.

UPDATE: National Trails Day Report: Ms. Ford indicated the event took place on June 1st, and photos are included in the packet. Approximately 75 participants attended, partnering with the Clergy, Cops & Kids event in Lake Orion. Everyone had a good time until a torrential downpour occurred while people were on the trail ride. The bike bells were handed out, the police department did a great safety demonstration and there was a blessing of the bikes. It was a successful event despite the weather. Staff was thanked for their work on the event.

DISCUSSION/APPROVAL: Request for Proposals – Signage Design Services: Ms. Ford explained the Commission received a \$25,000 grant from the DNR to update the signage on the trail to incorporate the Iron Bell logo. Listed in the RFP is updating the gateway signage, railway information station, some of the road crossing safety signs, map signs and way-finding signs along the trail. The RFP is being put out to find a graphic designer who will complete the design work. This is only a small portion of the \$25,000 grant, and the Commission is putting up \$5,000 towards the effort. Most of the money will be used towards the production of the signs. Ms. Ford has talked to Ms. Kristen Wiltfang of Oakland County Planning, who provided a list of firms she feels the RFP should be sent to. Mr. Becker wonders if somewhere on the new signs it could be noted that the trail is Michigan's first non-motorized rail-to-trail. He also mentioned there is an old sign recognizing the trail as the Millennium Legacy Trail, which is quite battered and unsightly. This sign should be updated. Mr. Ferriolo cautioned about too much verbiage on the signs. The trail map signs could be an appropriate place for the first rail-to-trail notation. Mr. Becker commented there are 11 new signs way-finding signs proposed showing local points of interest, and is concerned about over signage on the trail in general. We are trying to maintain the trail's natural beauty, and too many signs make it look like something other than that. Mr. Ferriolo disagrees, and feels that communication is very important on the trail. An additional 11 signs appropriately placed to communicate information to trail users is very important. The signage adds to the amenity of the trail itself, and he is against limiting the way-finding signage. Ms. Gamage commented she's on the subcommittee that is working on this, and is sure they will keep this in mind, because it has been the overall feeling of the Commission to keep signs to a minimum, yet still communicative. The subcommittee can bring something back to the Commission. Mr. Becker said once the Commission sees a more concrete proposal, we will have

a better idea on how to handle the issue. Ms. Steele added the Polly Ann Trail way-finding signs were recently changed, and some people bought the old signs. Ms. Ford indicated she's already received requests from people wanting to purchase the old signs. Mr. Becker said the old signs could also be given to recipients of Recognition awards. Ms. Wiltfang said she helped out with the Clinton River Trail way-finding signage along their trail, and offered her assistance in this endeavor. In order to keep signage down, she tried to combine different elements. The road crossing signs have the name of the road, the community name, a map of the area as the way-finding information, so a lot of information is condensed into one sign. The mile markers indicate users are on the Clinton River Trail, but also part of the Iron Bell Trail, so the logos are built into the markers. The information kiosks also contain a lot of information. Ms. Wiltfang explained the Friends of the Clinton River Trail purchased the designs for the signs, and is not sure they can be shared.

MOTION by Blanchard, seconded by Stout, *Moved*, to approve and send out the RFP as written.
Ayes: All Nays: None **MOTION CARRIED.**

MANAGER'S REPORT: In addition to the written report, Ms. Ford reported the construction on the bridge began yesterday. The closure is official and signage is up advising users they can't go through that section. She has received a lot of calls and emails. She will be getting weekly updates and provided a list of proposed dates for the work schedule to the members. WCI has been selected as the contractor for the resurfacing project, has not received a revised construction administration proposal yet from Mannik Smith Group, but it's expected soon. In regards to the Wilson Foundation grant, she spoke with them this morning, and they did not believe that the Foundation board would be receptive to providing any additional money. They suggested Ms. Ford reach out to the DNR to see if they have any discretionary funds beyond what they would be giving for an MNRTF grant – she did that today and received a message from the State coordinator for trails, indicating one of the staff members is on top of the issue and will be contacting her. The other option is to go back to the member communities to see if they would provide additional funds. Ms. Ford also indicated that some of the Wilson Foundation funding has been paid out to the Road Commission for the bridge project which a portion will be reimbursed by the trust fund grant for the resurfacing project. She is in touch with the Road Commission relative to invoices to make sure the Commission is being reimbursed in a timely manner. Mr. Blanchard suggested speaking with the Rochester Foundation to let them know the Commission is seeking additional funds – Ms. Ford will contact them. Ms. Gamage suggested a pop-up be included on the home page of the trail's website to give a status of the projects. Ms. Ford indicated there is a construction update section on the website. It was suggested the list of proposed dates for construction items be posted, but it could cause issues if these dates can't be adhered to. Ms. Ford is also going to develop a FAQ section for the website to provide answers to frequently asked questions. Ms. Olijnyk knows someone who may be able to help with putting the pop-up on the website. Mr. Stout asked if the Commission could be provided with a cost spreadsheet indicating where we began and where we are throughout the projects. Ms. Ford will try and provide this. She also indicated that Ms. Milos-Dale had asked the bridge construction manager if the Parks Commission could come to the site, which they were open to, so that could be coordinated for this Commission if members wanted. Mr. Ferriolo asked if the projects that were cut out of the resurfacing contract could be packaged into something that might be listed as railway improvements for a future grant. Ms. Ford will look into this. The Foundation could also be approached at a future date for these improvements. The Master Plan survey is now available on line, and an open house focus group meeting will be held on July 17th from 4:30-6:30; invitations will be sent to relevant groups. Mr. Ferriolo asked if a communication could be forwarded to previous advertisers of the Labor Bridge Walk to advise them the event has been postponed. Ms. Ford said they could work together on drafting a letter to previous sponsors.

COMMISSIONERS REPORTS: Ms. Russell apologized for being late, and advised that the trees removed at Dillman & Upton will be replaced by four trees in the fall from Rochester's tree fund. Ms. Gamage also apologized for being a few minutes late and asked what happened with Item 7, Rochester's Trailway Setback Ordinance. Chairman Becker indicated this was removed from the agenda because the McKenna representative could not be present for discussion, but will be on the July agenda. Ms. Russell said she is disappointed in that because this has been on City Council for months, directly affects the Commission and Council is voting on this item next Monday. It was her specific request that a representative be present to speak with the Commission. Ms. Ford stated McKenna called an hour before the meeting stating they had a conflict with attending. Ms. Russell wants to know what the Commission thinks about this. Mr. Van Agen commented that under section 2012, the definition of trailway is a very poor choice of wording for something that deals with setbacks. To him, it refers just to the old railroad bed structure and that is not what the Commission owns – we own much greater than where the trail is constructed. Ms. Russell added that Rochester owns that section as they did not sell it. Mr. Van Agen indicated that some of the photos show what the Commission owns, and this needs to be very clear. Mr. Becker interprets the language as meaning the setback is from the right-of-way, but Mr. Van Agen said that is not what the words say. The photos descriptions are much more descriptive than what the words say. Ms. Russell is very concerned, and feels Commission members should come to Monday's meeting. Mr. Ferriolo suggested legal counsel should look at this document. He doesn't see the Commission driving this item. Ms. Russell has been asking that someone talk to the Commission because it's going to impact us. She said the ordinance changes the zoning for buildings, so anything that could be built could be closer to the trail than we are used to. Ms. Gamage is also very concerned because the only reason you change something is that something is coming down the pipe. She noted this is the second draft of the document dated April 8th, and wishes Rochester or Ms. Russell had come to the Commission with this earlier. She is concerned about what the setback rules were before. There was also something in the document about removing the requirement for trailheads from certain developments, and she's not sure that was the Commission's intent. She believes what we wanted was not multiple access points for the same development. Ms. Gamage is happy they are coming next month to speak – but Ms. Russell said by that time, the vote could be over. Ms. Gamage asked if the Commission needs to write a letter expressing concerns and requesting Council delay action until the Commission gets more information. Mr. Blanchard is also concerned as first it talks about "from the trailway property", but in the recommendation, it says "public trailway", so what is the definition of a trailway? The language as written is not right. Ms. Russell's suggestion is that the Commission write a letter asking Council to table this issue until it is brought before this Commission, and that a few members attend the meeting to express our concerns. If Council tables the items, all our questions can be answered at our next meeting. Ms. Olijnyk asked if McKenna asked the Commission for input. Ms. Ford indicated they talked to her briefly about natural barriers; she responded we want to keep the trail as natural as possible. This is the first time she's seen the documents. Ms. Olijnyk indicated they don't define property, so when they explain it, they define it differently than what it says. The photos also define "so many feet from the edge of the trail" – but what are they defining as the trailway? She thinks we should write a letter to the Council to indicate the Commission would like to give formal input and we have questions about what is meant by the "trailway", and would appreciate them looking into that before they make a decision. Mr. Ferriolo said the right-of-way is what the trail owns, but what is the strength of our request? Are they requests or do we have a formal statement that can be made based on our ownership of the trailway property? He would like Council to describe where the Commission's rights are – because we may have no rights relative to what Rochester is doing. He wants to know what we can say in terms of a legal aspect, and what we can't. Ms. Russell said Council will be voting on what this looks like as far as setbacks, and everyone who backs up to the trail has their opinion. We are just like any other property

owner, so another property owner will not bring their lawyer in – it’s important to write a letter saying setbacks are important, and that’s there’s confusion in the language, and request clarification so we know what they are looking for, and come to the meeting with our concerns. Chair Becker agrees and said no one can build on trail property; the right-of-way is protected, so they can’t build 40 feet off the center of the trail. The problem is the ordinance talks about setbacks from the property line. We can say we don’t want someone to build within 40 feet of our property line, but have no right to say what the setbacks will be in Rochester. We should write a letter to say the ordinance is unclear, the wording is unclear, the Commission has concerns, and the representative did not show up to explain our concerns, and ask for a delay. **MOTION** by Gamage, seconded by Blanchard, *Moved*, to write a letter asking Council to table the discussion on the ordinance, until the Commission has their questions answered and concerns addressed.

Ms. Russell said the letter should say there is a discrepancy in the definition of property, so it has to be very specific of what the Commission is looking for. Ms. Wiltfang added that in the recommendation section of the ordinance, it includes elimination the Rochester Riverwalk, which is pretty key as this is the connection between the Paint Creek and Clinton River trails. Mr. Blanchard disagrees that people will know that public railway means the public railway property line, and the language needs to say 20 or 40 feet from the public railway property line – this needs to be in the letter. Ms. Gamage said one of her questions about Riverwalk – are they talking about removing that from the new rules for setbacks or about removing the Riverwalk itself? This needs to be clarified. Chair Becker summarized the concerns is the lack of clarity of the proposed ordinance which is causing a lot of confusion and concern. Ms. Russell suggested the letter say because McKenna was unable to be present at our meeting, the request is to table the item because there are questions that need to be answered, and that the letter be provided to Council members at their meeting. It was also suggested the letter be forwarded to Commission members.

Vote on the Motion:

Ayes: All Nays: None

MOTION CARRIED.

ADJOURNMENT OF REGULAR MEETING:

MOTION by Gamage, seconded by Russell, *Moved*, to adjourn the Regular Meeting at 7:40 p.m. and proceed to the Site Visit to the Lake Orion Trail Extension.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: July 16, 2019 at 7:00 p.m. – Rochester Municipal Offices

Respectfully submitted,

MELISSA FORD, Trail Manager

HANK VAN AGEN, Secretary