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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, July 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, Hank Van Agen

**Voting Alternates Present:** None

**Non-Voting Alternates Present:** David Becker, Martha Olijnyk

**Village of Lake Orion Non-Voting Member Present:** None

**Voting Members Absent:** Jeff Stout

**Alternates Absent:** Chris Barnett, Robin Buxar, Ben Giovanelli, Chris Hagen, 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:** All rose and recited the Pledge.

**APPROVAL OF AGENDA:**

**MOTION** by Bowyer, seconded by Van Agen, ***Moved***, to approve the July 16, 2019 agenda as presented.

Ayes: All      Nays: None

**MOTION CARRIED.**

**PUBLIC COMMENT:** None

**CONSENT AGENDA:**

- a. Minutes – June 18, 2019, Regular Meeting, approve and file
- b. Minutes - June 12, 2019, Joint Meeting with OTPRC, approve and file
- c. Treasurers Report – June 2019, receive and file

**MOTION** by Blanchard, seconded by Van Agen, ***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 \$8,678.45. In addition to the recorder's fee, this amount includes Giffels Webster professional services for the Master Plan, Graphic Takeover printing services related to the Master Plan user survey, Mannik Smith Group services for Bridge 33.7 Renovation Construction Administration, reimbursement to

the bike patroller for bicycle repair and attending a CPR/first aid course, 2<sup>nd</sup> qtr. staff shared copier costs and Foster Swift Collins & Smith legal services for the resurfacing contract. Estimated unrestricted fund balance is \$53,136.

**MOTION** by Bowyer, seconded by Gamage, *Moved*, that the invoices presented for payment are approved in the amount of \$8,678.45 and orders be drawn for payment.

Ayes: All      Nays: None

**MOTION CARRIED.**

**DISCUSSION: East Clarkston Road Pathway Project:** Ms. Ford introduced Mr. Mark Landis from OHM who will present information on behalf of Orion Township about the project. Mr. Landis explained he is seeking permission and approval for connecting into the trail just west of Kern Road, and summarized the slide presentation. The project is being partially funded through grants from MDOT, SEMCOG Path Grants and DNR Trust Fund Grants. The regional trails map shows the recently constructed Clarkston Road connector, and the proposed phase 3 connector going from M24 to the Paint Creek Trail. It will be a connector between the Paint Creek Trail and the Polly Ann Trail, all of which are a part of the Iron Bell Trail project. The 10-foot wide asphalt pathway will start on the south side of Clarkston Road, and the area further to the east will be installed by a proposed private development. The pathway will then continue through Bald Mountain Road. A boardwalk will be constructed across the section of wetland. Shortly after the wetland, the pathway will cross to the north side of Clarkston Road, and will go through Bald Mountain Rec area, crossing the Paint Creek with a steel truss pedestrian bridge, and continue to the trail. Tree clearing will happen after October 1<sup>st</sup> due to bat habitat restrictions, and the pathway construction will start in the spring. He is seeking approval and/or a permit for the proposed work within the trail right-of-way. A concrete apron is proposed to abut the trail surface. Mr. Blanchard commented sometimes there are issues when different surfaces meet. Ms. Gamage suggested a way finding sign be placed in this area. A question was asked if an easement is required as their material will be on trail right-of-way, if staff discussed this issue with our attorney and who will own the apron. Ms. Ford has not spoken to the attorney. Mr. Landis said a temporary construction easement would suffice. Ms. Bowyer suggested the applicant follow the same process as others have through the encroachment process. Ms. Melinda Hill, Friends of the Clinton River Trail, suggested the applicant consider pulling the concrete apron back a bit and install more limestone before it meets the actual trail surface. This way concrete would not abut the trail. The Commission is excited about this connection and thanked Orion Township for the proposed project.

**MOTION** by Blanchard, seconded by Steele, *Moved*, to approve the concept of the connection project contingent upon following the procedures for allowing an access encroachment to the trail or a license.

Ayes: Ayes      Nays: None

**MOTION CARRIED.**

**DISCUSSION: City of Rochester Draft Trailway Setback Ordinance:** Ms. Ford introduced Mr. John Jackson of McKenna who is present on behalf of the City of Rochester. Mr. Jackson came forward, apologized for missing the last meeting, and thanked individuals who attended the meeting in Rochester to provide feedback. He took the comments into consideration and has alternatives and a slide presentation to talk about tonight. He explained the City of Rochester is in the process of making text amendments in an effort to implement their Master Plan. Some amendments include language for new zoning districts. One district is at the corner of Rochester Road, just north of the trail and is designated as a Mixed Use district. Standards for this district are being developed; building height and setbacks that might occur in this area. The question came up at the Council meeting – how will this property address the trail. This district was put on hold until that was resolved. It's not a question of how the Mixed Use district abuts the trail – there are no setback requirements along the trail in any districts. This not only affects the Paint Creek Trail, but also the Clinton River Trail. He pointed out other areas along the Clinton River

Trail that will be designated as Multiple Family. Setbacks can't be a "one size fits all" situation based on the variety of uses. Multiple zoning districts abut both trails. The Rochester River Walk will not be eliminated – only that this area will be eliminated from the setback discussion. He commented about photos that identify non-conforming and/or encroachment conditions along the trail. These conditions date back to when the trail was a rail line with industrial abutting it. In the ordinance, the trail definition has been tweaked as he wants it to be clear that setbacks would not be measured from the trail itself, but measured from the property on which the trail exists. The ordinance is proposed to read that trailway shall refer to a parcel of property on which the Paint Creek or Clinton River Trail is located. Any building located in a single, multiple or mixed residential district shall be set back a minimum of 25 feet or the required yard setback for that district, whichever is greater. No buildings, structures, parking lots, dumpster pads or other impervious surfaces may be located in the setback with the exception of a six foot wide sidewalk or boardwalk. Any building located on the OTR (research/light industrial) district shall be set back a minimum of 40 feet from a public trailway. A development within this district shall provide a 20 foot naturalized buffer along the trailway consistent with other provisions in the zoning ordinance. Property owners are encouraged to maintain a vegetative strip setback which is intended to have vegetation to filter storm water and enhance the natural environment along the trailways. This is on private property that abuts the trail, not on trail property. This vegetative strip makes sense where incompatible land uses abut the trail. He summarized alternative language for the more urban areas in Rochester, where a vegetative setback is not proposed. Also added is the requirement that any access to the trail by new developments must be reviewed by the appropriate trailway organization for any connections. A pdf of the slide presentation will be provided to the members. Mr. Jackson is here to hear input from the Commission, and does not expect final approval. He will be happy to return to a future meeting.

Ms. Gamage commented the language is inconsistent throughout the document when it talks about the property occupied by the trail, and would like to see something consistent reflecting the whole property owned by the trailway, not just the trail. Possibly it could say the former Penn Central right-of-way, which is a clear definition of the property. Mr. Jackson could define the trailway as the former railroad right-of-way. She also questions the intent of the six foot pathway mentioned previously. Mr. Jackson indicated this is for private property, and allows people to have some improvements on their property close to the trail. They could not connect to the trail unless approval is granted by the Commission. Mr. Van Agen suggested not to take the Rochester River Walk out of the setback equation, so continuity is maintained between all the trails; variances or exceptions could be granted in the areas where there is non compliance with the new ordinance, and as things change, maintain the natural look in an urban area. Mr. Blanchard commented there is an area in Orion Township in a residential area that the trail is fairly close to the townhomes where he feels the limestone surface was a mistake, and eventually was paved because of the urban feel there. Mr. Ferriolo agrees with the recommendation that any future developments on the trail seeking access to the trail come before the appropriate body for input and approval. Ms. Russell asked about the screen wall noted in the definitions and indicated that's not natural at all. This negates from a natural look. Mr. Jackson said the screen wall is the title of the buffer section in the zoning ordinance, and it allows for a naturalized landscaping as an alternative to a screen wall. Ms. Russell doesn't feel this should be an alternative on the trailway, nor on the Rochester owned property. What Mr. Jackson is trying to say is that in this particular situation, the naturalized buffer is not an exception to the screen wall, it's the rule. He will clarify this. Ms. Russell mentioned the Dillman & Upton and Solaronics sites, the lumber that is on the corner, and asked if this is trail property or if they rent it. She believes both sites pay the Commission for use of our right-of-way. It's important when the new ordinances are written, how it could create non-conformities. If something happens to either site with redevelopment, how will the setbacks work? Mr. Jackson said there are two issues; one is

the zoning issue and the other is the property encroachment. The property is legally non-conforming right now if the proposed language was adopted, and they can continue with their existing conditions. If the property is redeveloped, they would have to go through the site plan process and would be required to do site improvements, including the buffer along the trailway. He explained what would need to happen if rezoned and redeveloped as mixed residential – no building or parking lot any closer than 25 feet from the property line with no vegetative strip, only the setback. A pathway could be built on their property. If the property was leased by a new tenant for another industrial use, it would have just to comply with the current ordinance language with no improvements.

Mr. Fred Phillips with the Friends of the Clinton River Trail, said there's nothing to address the question of storage – Dillman & Upton's lumber is stacked on the ground in the back. Mr. Jackson said they are legal non-conforming so they can continue to do what they're doing now. Mr. Jackson will add something in the proposed language to clarify this issue. Mr. Phillips would prefer that trailways be defined as trail right-of-way. He added that the ordinance as worded is specific only to the Paint Creek and Clinton River Trails, and does not address any future trail property that might be created in the City. He asked if that was the intent, or is the intent what the title says – abutting public trails. Mr. Jackson will look into this. Mr. Phillips also asked if the ordinance could require that Planning Commissions notify the appropriate trail authority of any new development abutting a trail. Ms. Melinda Hill wants clarification between mixed residential, which means a combination of residential types, and mixed use. Mr. Jackson explained mixed residential is a district that allows multiple types of units. The mixed use district can allow residential. Ms. Hill has a concern with section (e) and mixed use properties which are only required to have a 20 foot setback, but nothing is mentioned about dumpsters or parking, as was mentioned in the mixed residential section. In a mixed use area, you can have more disturbing factors influencing the trail; parking up to the trail and other noise factors that would be less desirable for the trail. She also agrees that site plans abutting the trail be reviewed by the appropriate trail authority. Mr. Jackson said this was an oversight on his part, and will look into this. Ms. Kristen Wiltfang, Oakland County Economic Development, thanked Mr. Jackson for bringing the proposed ordinance to the trail groups, and suggested under Letter A – the word Trail should be added after Paint Creek. She commented there is a water trail on the Clinton River and asked if there was a setback or any consideration for water trails that could be included. She mentioned the six foot wide sidewalk/boardwalk, and commented that the County strives to encourage trailways to be ASHTO compliant, which requires boardwalks to be 14 feet wide. Mr. Jackson said the proposed sidewalks would be on private property, not trail property. Under Letter D – if the City has a preferred tree planting list, it should be referred to here. Also, under Letter F she wonders if something about the surface type should be mentioned.

Mr. Blanchard agrees that site plans along the trail should be reviewed by the trail authority. Mr. Ferriolo agreed any site plan abutting the trail needs to be reviewed, not just developments with plans to access the trail. Mr. Becker referred to the section of trail not owned by the Commission but the City of Rochester, and said the ordinance refers to Paint Creek Trailway Commission property, so he assumes this ordinance does not apply to this area even though it's next to an extension of the trailway. The Commission thanked Mr. Jackson for coming and explaining this ordinance. Mr. Jackson thanked everyone for their input and indicated the Commission will have another chance to review this ordinance.

**UPDATE: Louis Carrio, President – Friends of the Paint Creek Trail:** Mr. Louis Carrio came forward and commented the Group continued their membership with the Chambers of Commerce in Rochester and Orion Township as a way of interfacing with the business community. He feels there will be opportunities for business to capitalize on the trail. He met

with the Friends of the Clinton River Trail people as a way of establishing communications to collaborate on things. He is in the process of updating the Friends website. Regarding the Moutrie project, included in the packet is an email he received on behalf of the family, and he needs to respond to this as they inquired about the status of the memorial. He and Mr. Blanchard met at the Tienken site to see where a pollinator garden might be located, and feels there is enough information to go to the Moutrie family with a concept and asked the Commission how to proceed. Mr. Blanchard said they were out at the site, agreed on the location and met with a few landscape planners; Wiegand's Nursery was available, will come to sites and is fairly inexpensive. He was quoted \$350 which is considerably less than the others. They have met on site with the planner, and they are ready to finish a plan, but wants to make sure the family is agreeable to the Tienken site versus the Flagstar site. At one point there was a \$200,000 elaborate plan for this site, but we don't have the money for that. He feels if we can build something for the \$8,000 that is in the fund, we should do that with the idea that the rest can be phased in in the future, and get this project started. Mr. Carrio indicated he would be happy to respond to the family and give them a status of the project if the Commission is OK with it. He will send the response to staff and copy the family on it. Mr. Blanchard indicated the plan should be ready by the August meeting. We could have the designer attend the next meeting for an additional cost, or the plan could be in the packet for member feedback. It was suggested when the plan is ready, it could be emailed to the Commission, and any comments could be sent back to Ms. Ford. Mr. Blanchard indicated that Wiegand's will put together a bid package for the work, but we could bid the plan out to others. Wiegand's would like to be able to bid on it. The Rochester Pollinators Group mentioned there is someone on Wiegand's staff that is very knowledgeable about native plants and pollinating. Mr. Carrio asked how the Commission feels about referring to the project as the Moutrie Garden. There was no objection, and Mr. Carrio was asked to move forward.

**DISCUSSION/APPROVAL: Signage Design Services Proposals:** The signage committee consists of Ms. Gamage, Ms. Olijnyk and Ms. Ford. Ms. Olijnyk indicated the committee looked through the four bids received, all had impressive pictures and items, and all had enthusiastic references which were called. The bid was primarily for design and then potentially also for fabrication. They talked about contacting the Rochester Hills sign shop to see if they can fabricate the signs, whether in-kind or a payment. When they looked at the bids there was one that was very strong on design, which was Landscape Architects & Planners (LAP). The other bids were strong on fabrication; and references indicated they did not do the design, they were given the design. She feels we need help in figuring out what we want as our design, so the committee thought it was best to go with someone who had that as their strong suit. Their recommendation is LAP. She doesn't think they do the fabrication, but they have coordinated fabrication on other projects including Clinton River Trail. Some of the other companies did fabrication for the Clinton River Trail, so that would be an option.

**MOTION** by Bowyer, seconded by Gamage, ***Moved***, to award the RFP for signage design services to LAP, Inc.

Ayes: All      Nays: None

**MOTION CARRIED.**

**UPDATE: Bridge 33.7 Project:** Ms. Ford stated continued progress is being made on the bridge, and a progress report was handed out tonight. Photos have been taken and are available for members to view. The new bridge installation is scheduled to begin on July 22<sup>nd</sup>. The biggest issue is the pedestrian traffic in the construction work zone. Better barricades have been put in place as well as increased warning signage. The problem is that heavy equipment is being moved during the day and people are taking advantage of this to come in to take a look. A suggestion was made to consider signage a bit further out to warn people of the closure to prevent them from getting to where it's actually closed. Ms. Ford added the mounted patrol is aware of the project,

but will contact them to advise of the pedestrian issues. It was suggested that pictures of the project be posted at the closure warnings, on the website and member community's websites so users can see the progress.

**UPDATE/DISCUSSION/APPROVAL: 2019 Trail Resurfacing:** Ms. Ford indicated she passed out an updated memo tonight. Included in the packet is a copy of the resurfacing contract with WCI. There are some changes to what's in the packet. Because of some things done to reduce the cost, there will be a supplement added to the contract that shows which items have been eliminated. Also, the Bear Creek portion of the project has to go before the Oakland Township Board of Trustees to be approved. If and when that occurs, the amount of the contract will be changed to what is indicated in the updated memo – from \$571,621 to \$622,255. If the contract is approved tonight, it will have to wait until Oakland Township approves the Bear Creek portion before it can be signed. This contract was drafted by the attorney. WCI has been on the trail several times looking for staging areas for equipment. There is no set schedule for when or where the work will start, but it sounds like they will start in the Rochester portion because of the upcoming events. Ms. Ford indicated she contacted the DNR for any discretionary additional funding, and they indicated it might be something they would be interested in. She provided them the list of items that were removed from the project, and they were interested in anything safety related. Mannik Smith provided a list of items removed from the project and ranked them according to safety value, which was provided to the DNR. The DNR is now internally discussing this and will get back to Ms. Ford by the end of the month.

**MOTION** by Ferriolo, seconded by Blanchard, *Moved*, to approve the Paint Creek Trailways Resurfacing project, and to award the contract to WCI, Inc. based on the bid amount of \$622,255.

Ms. Russell said they have come out to Rochester and the Parks Department has spent a lot of time into where the concrete goes in, but she doesn't understand why it's their responsibility to find a place for them to store their materials. She offered a place close, but they said it would damage the pavement. In the contract, where does it state that the City is responsible for staging areas? Ms. Ford indicated they are looking at different staging areas. Ms. Russell feels with the cost of the contract, the contractor should work this out, because now they have to scramble for staging areas. It could have been done at the DPW area, but it's not close enough for the contractor. Ms. Gray explained she was with WCI when the contractor was on the trail to review areas. The staging close to the trail is intended to expedite the process and shorten trail closures.

Vote on the Motion:

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

Nays: Russell

**MOTION CARRIED.**

**UPDATE: 2020-2024 Master Plan:** Ms. Ford indicated hard copies of the survey have been available for the public to complete since the beginning of June. The on-line survey has been posted on social media, the website and all the member communities. Press releases have been published, the Oakland Press and the Lake Orion Review ran a story about it. The Rochester Post will be running a story shortly. As of July 11<sup>th</sup>, 438 responses have been received. The survey will be open through July 22<sup>nd</sup>. Tomorrow a stake-holder open house will be held from 4:00-6:00 p.m. with the Planning firm; about 50 individuals have been invited to attend. She encouraged everyone to attend if they can. Because the survey is still open and we haven't had the stake-holder meeting, she hasn't been able to draft the next section of the Master Plan, which is on planning and public input because she needs the results. Once the results have been received, staff will draft the next section.

**MANAGER'S REPORT:** In addition to the written report, Ms. Ford reported she included the Community Foundation of Greater Rochester's monthly fund statement in the written report.

**COMMISSIONERS REPORTS:** Ms. Gamage thanked Ms. Wiltfang for her help with the signage RFP. Ms. Russell said we should consider increasing Dillman & Upton's license fees as there's a lot of use there and suggested this be on a future agenda. She provided a brochure relative to bike education she received about bikes on the roadway – maybe something similar could be done for the trail. Mr. Becker thanked the Clinton River Trail representatives for being at the meeting. The Commission wished Ms. Ford blessings on her child's birth.

**ADJOURNMENT OF REGULAR MEETING:**

**MOTION** by Gamage, seconded by Blanchard, *Moved*, to adjourn the Regular Meeting at 9:25 p.m.

Ayes: All      Nays: None

**MOTION CARRIED.**

**NEXT MEETING: August 20, 2019 at 7:00 p.m. – Rochester Municipal Offices**

Respectfully submitted,

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MELISSA FORD, Trail Manager

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HANK VAN AGEN, Secretary