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REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION
Paint Creek Cider Mill, 4480 Orion Road, Rochester, MI 48306
and Via Teleconferencing – GoToMeeting
Access code: 549071709, or by phone 1-872-240-3311

CALL TO ORDER: The Tuesday, April 20, 2021 Regular Meeting was called to order by Chairperson Steele at 7:05 p.m.

Voting Members Present: Robin Buxar, Linda Gamage, Steve Sage, Donni Steele, David Walker

Voting Alternates Present: Julia Dalrymple, Dave Mabry, Chris Shepard

Non-Voting Alternates Present: David Becker, Theresa Mungioli

Village of Lake Orion Non-Voting Member Present: Jason Peltier

Voting Members Absent: Brian Blust, Ken Elwert, Jeff Stout

Alternates Absent: Martha Olijnyk, Ann Peterson

Village of Lake Orion Non-Voting Alternate Absent: Jerry Narsh

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

PLEDGE OF ALLEGIANCE: All rose and recited the Pledge.

COMMISSIONER LOCATIONS: Per the virtual meeting requirement, everyone attending virtually stated their name and where they are calling in from – Bonnie Abiko, Rochester Hills; Chris Gray, Atlanta, Georgia; Robin Buxar, Oakland Township; Steve Sage, Rochester; Linda Gamage, Rochester; Eli Stanesa, ??; Dave Mabry, Bel Aire, MI; Anthony Moggio, Rochester; Joe Bruce, Rochester Hills; Theresa Mungioli, Rochester Hills; Jason Peltier, Orion. Those attending in person stated their name – Julia Dalrymple, Dave Becker, Donni Steele, David Walker, Chris Shepard, Sandi DiSipio, Melissa Ford.

APPROVAL OF AGENDA:

MOTION by Walker, seconded by Buxar, *Moved*, to approve the April 20, 2021 agenda as presented.

Roll Call Vote:

Ayes: Buxar, Dalrymple, Gamage, Mabry, Sage, Shepard, Steele, Walker

Nays: None

MOTION CARRIED.

PUBLIC COMMENT: Ms. Ford read an email received from Ms. Bonnie Abiko, 1327 Wagon Wheel Lake, Rochester, who is attending virtually, relative to her accident with bikers on the trail and advocating for right of way signage on the actual trail between the signs posted at the crossroads. Ms. Ford indicated she has had communications with Ms. Abiko at the office as well as the email. Right of way markers are in the kiosks and staff will be on the trail during pop-up events to provide information to users about etiquette and right of way. She will working with Ascension Hospital about bike helmets for kids. We will also continue with educational material

on social media and the website. The two new trail maps also include the right of way markers on them. Ms. Gamage thanked Ms. Abiko for her email and suggested the Commission consider sending a letter sharing this story with local community bike shops to make them aware of what happened and to post it or make their biker teams aware of it. Ms. Buxar concurred. Ms. Abiko added she sent another story about speeding bikes, but Ms. Ford did not receive it. Ms. Abiko summarized that her friend was riding the trail and witnessed an older gentleman walking on the trail who proceeding to turn left onto another trail, and she nearly collided with him and fell off her bike. Ms. Abiko indicated to her friend the walker had the right of way – but bikers need to accommodate, adapt and slow down their speeding to pedestrian traffic. Ms. Ford then read an email from Judith Holman, 28 Williamsburg Rd., Evanston, IL, sister of Ms. Abiko, about the accident Ms. Abiko experienced and suggesting cyclists have a separate path to travel on. Another email was received from Luda Tcherniak, which Ms. Ford read, referring to maintenance needed from Dequindre to Lake Orion, and suggested a company be hired for annual upkeep and maintenance. Mr. Mabry commented that although these sound pretty serious, he believes they are relatively isolated in his experience – he’s been using the trail as a runner for many years and has not experienced anything like this; the bikers have been very courteous and he’s never had a problem like this.

CONSENT AGENDA:

- a. Minutes – March 16, 2021 Regular Meeting, approve and file
- b. Treasurers Report – March 2021

MOTION by Walker, seconded by Buxar, **Moved**, to approve the Consent Agenda as presented.

Roll Call Vote:

Ayes: Buxar, Dalrymple, Gamage, Mabry, Sage, Shepard, Steele, Walker

Nays: None

MOTION CARRIED.

APPROVAL OF INVOICES: Ms. Ford presented the list of invoices totaling \$12,572.25. In addition to the recorder’s fee, this amount includes credit card charges for the bike rack at Moutrie Garden, dog waste bags and GoToMeeting charges for the April meeting; charge for GooseChase Adventure for National Trails Day, 1st Quarter Wages/FICA for the Manager and Assistant Manager, and staff’s shared copier costs. Estimated unrestricted fund balance is \$60,000.

MOTION by Gamage, seconded by Sage, **Moved**, that the invoices presented for payment are approved as presented in the amount of \$12,572.25 and orders be drawn for payment.

Roll Call Vote:

Ayes: Buxar, Dalrymple, Gamage, Mabry, Sage, Shepard, Steele, Walker

Nays: None

MOTION CARRIED.

DISCUSSION/APPROVAL: Trout Unlimited Construction of Angler Access and

Installation of Native Plantings: Mr. Eli Stanesa with Vanguard Chapter of Trout Unlimited introduced himself, and indicated they propose some work near the creek behind Dinosaur Hill. The project involves building an access at Bridge 31.7, and submitted a proposal along with the Limited Use Permit form. There is a trail that’s part of the Dinosaur Hill system which connects to our trail at the bridge. There is an existing stairway from the trail down to the Dinosaur Hill trailway with access to the creek. This area is a source of erosion, and is used by people from the trail to access the creek. A stairway is proposed from the bottom of the existing stairs to the normal high water mark of the creek; not in the creek itself. Native plantings are also planned on both sides of the stairs, to cut down the erosion. A photo of the area was included in the packet, as well as the similar stair access previously built at the Gallagher Road bridge. The stairs would be built out of 6’ x 6”s staked into the ground, start at the base of the existing stairs, and go down to the creek with native plantings on the sides. He would have to hire someone to select the

plantings as they don't have that expertise. Mr. Stanesa added he would need access on the trail to drop the material off the day before construction. The project would probably take two days, one day for building the access and one day for the plantings. Mr. Joe Bruce from the Conservation Committee at the Vanguard Chapter is also present virtually. Mr. Becker said this is an excellent idea, will help the creek and the trail, thanked the applicant, and suggested the applicant notify Dinosaur Hill of the project. Mr. Stanesa indicated he already has approval from Dinosaur Hill. Mr. Sage asked if the grade of the stairs will require a railing or is it similar to the Gallagher access. Mr. Stanesa explained the proposed stairs are at a lower slope than the one at Gallagher Road, it's actually less than the stairway that comes down from trailway itself. If the Commission insists on the railing, he is willing to install it, but it's his opinion that a railing is not needed. Ms. Gamage thanked the applicant for the project as it will improve an area that needs it, and commented we have access to some Master Gardeners who may be able to help with the plantings as the Friends Group is currently working with a Master Gardener; contact Ms. Ford for the contact information. Mr. Walker appreciates all the work Trout Unlimited has done on the trail, and asked what the plans are for the existing bridge – replacement in the near/distant future, and would the replacement would impact this proposed project. Ms. Ford stated she submitted an application to Elisa Slotkin's office for the engineering of that bridge as part of the appropriations package, but it's a ways away from getting it constructed. Without knowing the design of the bridge, she can't say whether or not this project would be impacted. Mr. Walker just wants the applicant to know if we decide to replace the bridge, there is a possibility that all work he's done will be undone. He then commented if you have steps over two rises or three runs, building code would probably require a railing and asked the applicant to check this out. Chairperson Steele just wants to make sure the applicant knows that if we get funding for the bridge, it might impact this project down the road. Mr. Stanesa doesn't know how this will affect the project, and Ms. Steele explained what happened when we replaced Bridge 33.7. Ms. Gamage commented replacement of the bridge could take up to ten years, and hopes if the stairs are impacted by this, we would ensure that the stairs would be replaced as well. Ms. Buxar likes the stairs and asked if there was any requirement from Eagle because you're building into the creek. Mr. Stanesa said no because it will be built above the high water mark of the river and not in the water.

MOTION by Gamage, seconded by Walker, **Moved**, to approve the project as presented, with coordination with Ms. Ford as to when access to the trail is required, and insuring access to trail users is not cut off.

Discussion: Mr. Mabry asked what the requirement is for the railing – is it the steepness of the steps or do we have discretion. Mr. Bruce said there is no fall off from the steps, all it does is define the pathway and prohibits the erosion through the existing trail. No landings or height will be created, you can't fall from the steps. Mr. Mabry would like to add to the motion that no railing be installed unless required. The Commission's mission statement is to provide a natural environment; the less railing there is, the more natural it is. Ms. Gamage doesn't think the addition to the motion is necessary as she approved the plan as presented, which does not have a railing. Mr. Walker suggested the applicant check with the City of Rochester about the liability of not providing a railing. Mr. Stanesa will check with Rochester's Building Department on the rail issue prior the project gets started. The Commission thanked the applicant for the proposed project and appreciates his contribution to the trail. Mr. Stanesa thanked the Commission for their time and approval.

Roll Call Vote on the Motion:

Ayes: Buxar, Dalrymple, Gamage, Mabry, Sage, Shepard, Steele, Walker

Nays: None

MOTION CARRIED.

DISCUSSION: City of Rochester All Abilities Park: Mr. Anthony Moggio summarized the project and displayed photos of proposed location and amenities. He explained they have been looking at replacing the outdated tot lot playground near the Community House, applied for a grant through the DNR's trust fund, but did not receive it the prior year due to an ADA access requirement. They looked at some different areas, one being an area near the Halbach Field, behind Dillman & Upton and near the trail. Options for potential parking and access areas were drawn up. He explained where the ADA access parking is planned on the photo. There is a path to the trail from the parking area. The plan to have a playground in that area was not accepted. The end result was for the playground to be inside the circular sidewalk at the Memorial Grove Park, and the old playground will be phased out. He just wants to present this project to the Commission as it's right along the trail - adding some parking and ADA accessibility near the trail. Mr. Becker asked if the project is on trail property right of way. Mr. Moggio stated it is not on trail property, it's just outside the right of way line. Mr. Walker asked if access to the trail is being proposed, will it require a license agreement. Ms. Steele responded yes, and an application needs to be filled out and have the Licensing Committee approve. Ms. Ford said the question is if they are building an additional path connecting to the trail. Mr. Moggio replied no, it will use the existing connecting paths, which includes the sidewalk that connects to the extended parking lot off of Halbach Field – no new proposed access points are proposed. The Commission thanked Mr. Moggio for his presentation. Mr. Moggio thanked the members for their comments and will make sure it will look very nice from the trail. No action is needed other than to receive and file the information.

UPDATE: Solaronics: Per the Commission's direction, Mr. Ford spoke with Solaronics about the property for sale. The property is currently under contract, but they didn't have any information about who the potential buyer was. They provided contact information for the realtor handling the sale. He confirmed that there's a buyer in place. At this time they haven't decided on how they would use the property; it's dependent on whether they have to get site plan approval from Rochester. It sounds like the majority of the property would be used for a self-storage facility and he's speaking with a possible tenant for the property closest to the trail to be used for a dog daycare. Solaronics also told Ms. Ford they do have another person interested in the property if this sale falls through. Mr. Walker asked if there's a time limit involved. Ms. Ford indicated no, it's up in the air at this point; they didn't say when they anticipated things moving forward. Mr. Walker commented the buyer has a due diligence period and will vet the property, and then a closing and payment. Ms. Ford was not told the closing date. Mr. Becker asked about the easement in place, and recalls if a new tenant comes in, that reverts back to us. If it does revert back to us, we need to go through that process properly to reclaim that license. Ms. Ford believes if a different use is proposed – so if it stays industrial then the license agreement transfers. If it changes to a different use, then it would kick in. Mr. Becker feels that a different use means it's no longer being used for trucks to come and unload goods, which is why we originally granted the license. So if they decide they want to use it as a parking lot, he doesn't think that's an agreement of the easement – we need clarity on this as it doesn't say if the zoning changes, it says a different use. Loading a truck is a different usage from parking, we have no idea what they intend to do with the easement property. Ms. Gamage said we asked Ms. Ford to look into this is because the Licensing Committee had concern with Solaronics. We were talking with our attorney about licensing and with Solaronics being for sale and not in use for so long, we asked the attorney to look into that agreement. Ms. Gamage was under the same impression as Mr. Becker, that if the building was sold, the licensing agreement would be null. Unfortunately, that's not how the contract was drawn up or signed. It might be a good time to approach that with Solaronics; that we would like to negate the license agreement at this time because it has not been in use for the purpose that we granted. She thinks our attorney weighed in and felt we could enact that at this point in time. Ms. Steele appreciates all the work the Licensing Committee has

done so far, but they were not ready to present their findings tonight. She would like to see the Committee come up with a final recommendation, and suggested on the Solaronics issue, it's in our best interests to give it to the attorney to address the owner of the property. It would be best coming from the attorney to negate that contract moving forward versus us. Mr. Walker commented there are three of the four members of the License Committee present, and feels there is a time sensitivity with the Solaronics issue. It's more than just the encroachment, there's a physical fence on our property. He fears if they sold it under the premise that this is extra land for semis to turn around, that's an asset to them. If they are not going to use it for such, now would be the time to approach them and say void the agreement and remove the fence. Because once they sell it, he doesn't know how we can hold someone liable to remove the fence and return the area to its native state. If the Committee members present agree, we could make a motion to have the attorney send a letter to Solaronics about voiding the agreement and see what response we get. Ms. Buxar and Ms. Gamage concurred.

MOTION by Walker, seconded by Buxar, *Moved*, to direct the Trail Manager to have the attorney send a letter to Solaronics to revoke the current license agreement and remove the existing fence.

Discussion: Ms. Gamage is concerned we may also see access points or requests for access points if we have different types of usages with the property instead of using the actual access at Ludlow. She suggested including return the area to its natural state in the motion. Mr. Walker agreed to add this to his motion.

Amended Motion:

MOTION by Walker, seconded by Buxar, *Moved*, to direct the Trail Manager to have the attorney send a letter to Solaronics to revoke the current license agreement, remove the existing fence and return the area to its natural state.

Roll Call Vote on the Motion:

Ayes: Buxar, Dalrymple, Gamage, Mabry, Sage, Shepard, Steele, Walker

Nays: None

MOTION CARRIED.

UPDATE: Friends of the Paint Creek Trail: Mr. Louis Carrio, Present of the Friends of the Paint Creek Trail, gave his update. As an alternative to the Annual May Charity Bike Ride where there are 150+ participants, an independent ride with your own mini-group any time in May is proposed engaged with merchants at both ends of the trail. People will pay \$30, ride whenever they want in May and pick up a Goodie Bag at the Cider Mill which includes merchant benefits. It is being administered by Motor City Bike and Brew Tours. To date 21 people have signed up, but can sign up into May. Regarding the Moutrie Pollinator Garden, Phase 1 of spring clean up has been completed by Jean McBride and Friends Group helpers. Ms. McBride is coordinating volunteers this year as there are limitations with MSU's Master Gardener volunteers. The bike rake and little library was installed today, looks great and a photo was displayed. The surface in front of the library and bike rack has been leveled. Soil and crushed stone was installed. There were previous discussions about putting a brick pad down using the bricks from Rochester. The 250 bricks required for the pad would take a lot of work to remove the attached mortar, so the suggestion is to live with the crushed stone and see how it fares – he believes it will be just fine. Ms. Ford will let Darrin at Rochester Hills know this decision. Additional plants will be located from the south bench to the trail, and replacement plants as needed will be installed including annuals for color. The Friends Group will fund the work necessary this year as it's part of the original project, but ongoing expenses need to be considered by the Commission. Mr. Walker asked for an idea of the cost, to which Mr. Carrio responded he doesn't think this year will be a good benchmark, but the Friends authorized up to \$800 for the plants and other work. The plants will be the bulk of the cost and will be perennials. Beyond this year, there will be a better idea of

what the costs will be. More boulders will be placed to discourage people from walking through the garden. A ribbon cutting event, orchestrated by the Rochester Regional Chamber is planned at the garden for June 24th at 4:00 p.m. The Commission is in agreement with this event. The Moutrie Pollinator Garden Brochure and Friends Information Card have been produced and are available. The Friends also purchased a small ad for the 2021 edition of the Trails Magazine. The Commission thanked Mr. Carrio for all the work and for his update.

MANAGER'S REPORT: In addition to the written report, Ms. Ford said she's secured one sponsor for Trails Day for \$250 – Cookies & Cream in Lake Orion, who has also offered us use of their property for our tent and table that day. They are offering a promo for people who check in at our table and come into their business. She's hoping to put together a gift basket for the winner, and asked if anyone has leads on businesses that would be willing to donate an item to please let her know. Any information on potential sponsors would also be appreciated. The four locations Ms. Ford submitted for the CISMA grant on invasive species management have been accepted and will happen this summer; she will keep us updated on when. Ms. Gamage alerted Ms. Ford about grant opportunities through Ms. Slotkin's office to submit projects for the appropriations committee – Ms. Slotkin will be choosing ten projects from her district to submit. Ms. Ford submitted applications for two projects – one for the engineering of the Dinosaur Hill Bridge and the other for the development of the southeast Rochester property observation deck and kayak landing. No date was given on when the projects will be chosen, but updates will be given. The Tienken Road kiosk will be installed May 1st by the Eagle Scout, and then the one at Atwater.

COMMISSIONER REPORTS: Ms. Buxar thanked Mr. Walker, Ms. Gamage and the Licensing Committee for their work. Ms. Gamage reported her neighborhood completed their Adopt-A-Trail clean up a few weeks ago and noted two areas of trash, one near by Lipuma's where trash accumulates in the river and the other at the Dillman & Upton property. Trees were supposed to be replanted at the edge of Dillman & Upton's property and asked if this will be done. Mr. Sage said the trees will be replanted this spring. Ms. Mungioli noted there are a lot of comments on social media asking if we have plans to smooth the trail surface or put more signs out about not to ride bikes on the soft surface. Ms. Ford is planning to reach out to the communities to ask them to do the grading; one issue is that temperatures need to be above freezing for this work to be successful. Usually this happens around the beginning of May, so hopefully some of this work will be done before the next meeting. Ms. Ford will share any information about upcoming maintenance work on social media. Ms. Dalrymple loves the trail and is excited to be part of the Commission. Ms. Steele commented she talked with Ms. Ford about getting a cost from a uniform contractor to do the grading of the entire trail. Orion's clean up day is Saturday at Camp Agawam from 9-12.

ADJOURNMENT OF REGULAR MEETING:

MOTION by Walker, seconded by Gamage, *Moved*, to adjourn the Regular Meeting at 8:42 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT REGULAR MEETING: May 18, 2021 at 7:00 p.m. – Rochester Municipal Offices

Respectfully submitted,

MELISSA FORD, Trail Manager

DAVID BECKER, Secretary