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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, September 20, 2022 Regular Meeting was called to order by Chairperson Steele at 7:33 p.m.

Voting Members Present: Ken Elwert, Linda Gamage, Steve Sage, Donni Steele, David Walker

Voting Alternates Present: Julia Dalrymple, Dave Mabry, Martha Olijnyk

Non-Voting Alternates Present: David Becker

Voting Members Absent: Brian Blust, Robin Buxar, Aaron Whatley

Alternates Absent: Russell George, Carol Morlan, Ann Peterson, Patrick Ross

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

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

Others Present: Melissa Ford, Trail Manager, Eryn Grupido, Administrative Assistant, Louis Carrio, Friends Group, Sandi DiSipio, Recording Secretary

**PLEDGE OF ALLEGIANCE:** All rose and recited the Pledge.

**APPROVAL OF AGENDA:**

**MOTION** by Olijnyk, seconded by Elwert, ***Moved***, to approve the September 20, 2022 agenda as presented.

Ayes: All      Nays: None

**MOTION CARRIED.**

**PUBLIC COMMENT:** Mr. Joshua Moo, resident of Rochester, indicated he is here to observe the meeting.

**CONSENT AGENDA:**

- a. Minutes – August 16, 2022 Regular Meeting, approve and file
- b. Treasurers Report – July 2022, receive and file
- c. Treasurers Report – August 2022, receive and file
- d. Invoices Presented for Payment – August 16, 2022

Ms. Ford explained the July Treasurers Report was corrected to reflect the end date as July instead of June, and the August Invoice sheet was corrected to reflect reimbursement to Dan Butterworth instead of to Main Street Bikes, as he paid for the repairs.

**MOTION** by Sage, seconded by Dalrymple, ***Moved***, to approve the Consent Agenda as presented.

Roll Call Vote:

Ayes: Dalrymple, Elwert, Gamage, Mabry, Olijnyk, Sage, Steele, Walker

Nays: None

**MOTION CARRIED.**

**APPROVAL OF INVOICES:** Ms. Ford presented the list of invoices totaling \$35,845.00. In addition to the recorder's fee, this amount includes credit card charges for GoToMeeting August fees, LDBW supplies and promotional items, business cards for staff, and cost for a tech to fix the website; payment to the Friends Group for Pollinator Garden plants, payment to City of Rochester for engineer review fees for the topo survey at Bridge 31.7, payment to Orion Township for the Foley Pond deck board repairs, reimbursement to bike patroller for a bike bag, payment to ASTI Environmental for wetland delineation for the bridge replacement project, and payment to Oakland Township Parks & Rec for their share of the MNRTF grant reimbursement. Estimated unrestricted fund balance is \$93,000.

**MOTION** by Gamage, seconded by Mabry, *Moved*, that the invoices presented for payment are approved as presented in the amount of \$35,845.00 and orders be drawn for payment.

**Roll Call Vote:**

Ayes: Dalrymple, Elwert, Gamage, Mabry, Olijnyk, Sage, Steele, Walker

Nays: None

**MOTION CARRIED.**

**APPROVAL: Resolution #2022-003 – 2022 Paint Creek Trail Pure Michigan Trail**

**Designation Resolution of Support:** Ms. Grupido explained the application is due November 1<sup>st</sup>, and a Resolution of Support from the Commission is requested. Ms. Gamage thanked staff for applying for this designation, and suggested the resolution should be amended to state we are the first non-motorized rail to trail, rather than the first non-motorized trail. Ms. Olijnyk commented the Village of Lake Orion does not contribute to the budget nor has a voting member, and suggested the Village should be removed from the first paragraph of the resolution. Mr. Becker suggested the first sentence should read established by an intergovernmental agreement, rather than established as an intergovernmental agreement. Although not required, a letter of support could also be submitted from the municipalities with the resolution. Mr. Elwert asked if we would be obligated to put up signs on the trail about the Pure Michigan Trail designation. Ms. Gamage suggested any required signage be incorporated on the existing signs. Ms. Ford said they could also be placed on the mileage signs.

**MOTION** by Gamage, seconded by Elwert, *Moved*, to accept and approve Resolution #2022-003 as amended.

**2022 PAINT CREEK TRAIL PURE MICHIGAN TRAIL DESIGNATION  
RESOLUTION OF SUPPORT  
RESOLUTION #2022-003**

WHEREAS, the Paint Creek Trailways Commission was established by an intergovernmental agreement between the communities of Rochester, Rochester Hills, Oakland Township, and Orion Township which all contribute to annual operating and patrol budgets, trail maintenance within their jurisdictions of the Paint Creek Trail, and voting members upon the board of commission; and

WHEREAS, the Paint Creek Trailways Commission owns and operates the Paint Creek Trail to provide trail users a natural, scenic, and educational recreation experience while preserving the ecological integrity of the trail for the enjoyment of present and future generations; and

WHEREAS, the Paint Creek Trail is the first non-motorized rail to trail in the state of Michigan, providing recreation access and alternative transportation across northern Oakland County; and

WHEREAS, the Paint Creek Trail is designated as part of the Iron Belle statewide trail system and has promoted and participated in the development of a connector system to link sections of trails together in our geographical area; and

WHEREAS, there is added benefit not only for recreational opportunity to the public but for the economic benefit to the participating communities due to increased business and tourism; and

WHEREAS, the Paint Creek Trailways Commission desires the entirety of the Paint Creek to be designated as a “Pure Michigan Trail”; and

THEREFORE BE IT RESOLVED the Paint Creek Trailways Commission respectfully requests that the Director of the Michigan Department of Natural Resources approve the Paint Creek Trail as a “Pure Michigan Trail” based upon this request and the submission of our application for trail designation; and

NOW, THEREFORE BE IT FURTHER RESOLVED the Paint Creek Trailways Commission commits to adhering the confirming all conditions upon which the Pure Michigan designation relies upon and authorizes the Chairperson and Trail Manager for the Paint Creek Trail to represent and submit the required information to support the Pure Michigan Trail application and designation.

Ayes: Dalrymple, Elwert, Gamage, Mabry, Olijnyk, Sage, Steele, Walker

Nays: None

**MOTION CARRIED.**

**UPDATE/DISCUSSION: Friends of the Paint Creek Trail Subcommittee:** Ms. Gamage explained the subcommittee presented a summary report included in the packet. They met with the Friends Group and Mr. Carrio a few times and interviewed other Friends Groups in the area, and found a lot of them had an issue with sustainability, which was Mr. Carrio’s concern, and many of them have disbanded. The subcommittee found that the Friends of the Library has a successful group which is due to the involvement of the library itself – they host the Friends address, the storage, sales, IT support and a lot of the events. After several meetings, the subcommittee recommends: continuing use of the Trailways office for Friends’ administrative functions – address, phone number, storage of inventory and records, and board meeting location; consider formal documentation outlining the specifics of the relationship between the Commission and Friends Group regarding support and fundraising operations vs. an informal memo of understanding; continuing support with web updates, but maintaining separate sites, adding a more prominent Friends access point to the Trail’s website (this could be considered if the Commission is reworking their website); assistance publicizing a call for active members interested in specific duties within the Friends group; and inviting all commissioners to consider serving as an active board member or volunteering time and talent with the Friends. Mr. Carrio said if the Commission is looking at an update to their website, it might be an opportunity to do some cost sharing using Friends money that they could use to support an individual website to combine resources. He feels the analysis was very helpful and is gaining some new members, but like the library, the rallying point is around an activity. Regarding sustainability, Mr. Carrio stated what they are doing now is working – the support from Ms. Ford, Ms. Grupido and the active members does work. His concern is once he and the current trail staff is gone, is there a structure in place to continue? Right now, there is no reason to panic as it’s working, but it’s good to look at how to solidify and organize so that it’s sustainable in the future. Ms. Olijnyk asked if a manual has been developed so the next person in charge would know what needs to be done and when. Mr. Carrio said no, but he has a file that has this information and agrees that would be a good idea to do, and will do it. Ms. Steele asked if it was discussed to put the Friends funds into the Community Foundation, as they would do some of the administrative financial work. That would alleviate the staff from keeping up with all these responsibilities. Mr. Elwert stated the Foundation could manage the funds for the 501(c)3, but is not suggesting this idea as it would be a different fund from the Commission. Ms. Ford commented that anytime you need money released, you have to make a request to the Foundation. Mr. Carrio said the amount of financial work that needs to be done is not a lot, but someone needs to know what to do. Mr. Walker also mentioned the Foundation requires a minimum of \$10,000 in the account. Mr. Elwert is in support of formalizing some of the elements, maybe not in a contract but in a memo of understanding so everyone knows what is agreed on. He feels this can be done internally as a one page document without paying our attorney to do that. Ms. Gamage suggested the subcommittee meet with Mr. Carrio and Ms. Ford to draft a memo of understanding and bring it

back to the Commission for discussion in the future. Mr. Carrio said there are by-laws in place, a manual will be developed and a letter of understanding would be great. He thanked the subcommittee and staff for all the work that was done; the discussion was very helpful. Ms. Gamage said the report was concluded with appreciation of all the support, effort and contributions the Friends Group provides to the Commission; the relationship is valued.

**REPORT: Labor Day Bridge Walk:** Ms. Ford summarized the memo included in the packet and expressed appreciation to everyone who helped with a very successful event. 141 participants pre-registered, but only 72 of them checked in. With the walk-in registration, there were approximately 215 attendees, and donations for capital improvements on the trail totaled \$1,104. Participants enjoyed visiting the various tables and donuts from Knapp's, bagels from Bruegger's, snacks from Trader Joe's, coffee from Tim Horton's and the water provided by the Friends Group. The Sponsorship Team did a great job securing \$2,250 from sponsors, and with the donations added, the event raised \$3,354. Expenses totaled \$501, for a total of \$2,853 raised by the event. Ms. Ford asked if the \$1,104 should be kept in the Commission's account as a restricted fund, or move it into the Community Foundation. Mr. Elwert thought we didn't have to link this amount to a specific project, so is our only option to link it to a project or move it to the Foundation; or could it be moved into the Commission's account as unrestricted funds? Ms. Ford explained we could leave it as unrestricted funds in the Commission's account. Ms. Steele stated it doesn't have to be earmarked for a specific project in the Foundation's account, it could be like a savings account as we're trying to get to the minimum balance of \$10,000. Mr. Becker suggested we put the funds into our Fund Balance. Ms. Ford said \$1,000 was budgeted this year for the event and we raised over that in sponsorships, so there will be money going into our account even if we took some out for the Foundation account. Ms. Steele thought we could put the whole amount into the Foundation account, not just the \$1,104.

**MOTION** by Elwert, seconded by Walker, *Moved*, approval to move the \$2,853 raised from the event into the Community Foundation as unrestricted funds.

**Discussion:** Ms. Gamage has concerns with moving the money into the Fund Balance as she thought we've previously talked about spending down the amount as the percentage of the Fund Balance has gotten large in the past, but doesn't know if we decided what the percentage should be. She also commented she thought the funds were for capital improvements. Mr. Elwert said we talked earlier about the donations not being linked to a specific capital improvement, it was for the trail and trail operations. He reiterated his motion was to move the funds to the Foundation account as unrestricted.

Roll Call Vote:

Ayes: Dalrymple, Elwert, Gamage, Mabry, Olijnyk, Sage, Steele, Walker

Nays: None

**MOTION CARRIED.**

**DISCUSSION/APPROVAL: 2022 Audit RFP:** Per the Commission's discussion last month, Ms. Ford said staff will distribute an RFP for the 2022 Audit; the draft is included in the packet for approval. The proposals are due October 12<sup>th</sup>, and will be ready for discussion at the next meeting.

**MOTION** by Olijnyk, seconded by Dalrymple, *Moved*, to publish the RFP as presented.

Ayes: All      Nays: None

**MOTION CARRIED.**

**DISCUSSION: License Agreements:** A memo is included in the packet. Chairperson Steele explained that due to other projects, events and staffing issues, staff has not been able to spend time reviewing the past agreements with the DNR to confirm that the conversion process has taken place for all relevant license agreements; this will be resolved shortly. The Commission

has not collected any of the license fees for this year, and Ms. Steele said staff would like to send out the invoices this month at the old price, with a letter apologizing for the delay on information about updating the agreements. A motion is not needed, and staff will send out the invoices.

**UPDATE/DISCUSSION: Paint Creek Trail Website:** A memo was included in the packet. Ms. Ford explained the Commission has had issues in the past with the website and Mr. Elwert helped staff to resolve those issues. When trail staff were setting up the website to have people register online for the LDBW, Ms. Ford used a plug-in on the site and that was not working, people were registering and it wasn't showing up. Ms. Ford tried to put in a new plug-in and that somehow deleted the tables in the website for the login information, so she could not get into the website. Unfortunately, Mr. Elwert as well as the hosting provider could not provide assistance. Mr. Elwert provided a contact who helped get into the website and fix the issue. It was working fine for about a week, and the same thing happened again. The contact person got Ms. Ford back into the website, but said it was a band-aid fix and created something where if it happens again it can be fixed, but suggested we need to redo the website. Ms. Ford would prefer to use a professional company that will put better security into it and has better support for staff – she feels it's time to update the site to make it more professional looking for marketing purposes. Ms. Ford said Ms. Steele talked to Orion Township Parks & Rec to see what their costs were as well as ONTV – it seems like a \$7,000-\$10,000 range depending on how much support the Commission wants on an annual basis. Ms. Ford would like to include this cost in the budget for next year and put out an RFP for this service. She indicated the contact person who fixed the issue will also give her an estimate of what this should cost. Chairperson Steele said the time spent by Ms. Ford to fix this issue is not a good use of time and feels updating the website is needed. Ms. Steele asked Ms. Ford to consider the existing office computers and monitors to see if they need to be upgraded – this cost may also need to be in next year's budget. Mr. Elwert suggested as Ms. Ford is going through the scope of this, to look at what functions are truly needed and what's not needed on the website, as that's part of the problem and contributes to the total cost. If anyone has an RFP for this service, please forward to Ms. Ford. Mr. Elwert offered his assistance to Ms. Ford.

**MANAGER'S REPORT:** Ms. Ford summarized her written report included in the packet. There is no update to the DNR's Spark grant program. She submitted a pre-proposal for the Southeast Rochester property project to the National Fish & Wildlife Fund's Southeast Michigan Resilience Fund, and will learn in early October if she is invited to submit a full proposal to the Fund. Regarding Bridge 31.7 Design Engineering – AEW is currently performing the topographical survey, and ASTI Environmental is waiting for this and the preliminary bridge design to be completed before it can continue working on the endangered species clearance for the project. They have some questions – when Ms. Ford talked to them originally, they spoke about the bridge at 33.7 and they wanted to know if we wanted an identical bridge. Ms. Ford responded not necessarily, but something that fits the space appropriately. They want to know if we desire a wood plank deck. Is the reason for doing this at Bridge 33.7 based on constructability concerns with pouring a concrete deck in a remote location? Was the wood deck an aesthetic choice or was it because a concrete bridge couldn't be poured at that location – are we open to a concrete deck or keep it wood planking? They also asked if it should be a 14-foot width and for a 10 ton or a 20,000-pound emergency vehicle. Ms. Ford will confirm the weight with Rochester's police or fire. They also asked if the replacement of the stair access to the creek is required as part of the project – the answer was yes. They also want to know if there are any other features of the 33.7 Bridge that are desired or not desired. It was suggested that the gap between the trail surface and the bridge be a smooth transition. The consensus of the Commission was to make Bridge 31.7 not an exact copy of Bridge 33.7, but keeping with the style. Ms. Ford met with the developers of the Solaronics property and viewed some conceptual designs for the condos they

propose to build. The plans show the area that is currently licensed by Solaronics being returned to its natural state and the chain link fence removed. The developers hope to add a flashing crosswalk sign at Ludlow as part of the project. They did ask the Commission to provide a letter of support if possible, or have someone present at the Planning Commission meeting on October 20<sup>th</sup>. Ms. Steele suggested Ms. Ford write a letter on behalf of the Commission remaining neutral on support of the project and to let the project go through the process. Ms. Gamage feels we need to advocate for the aesthetics along the trail being natural. Regarding the beach encroachment along the trail, after Ms. Ford received guidance from the Clinton River Watershed Council on restoration practices, she reached out to the homeowners and explained what they needed to do to restore the area. They came back with some ideas they had after speaking to a contractor about putting in riprap in – CRWC advised that was not the way to go about it. The homeowner also asked for an extension of time to get the restoration done, as a contractor might not be available within the short time frame the Commission gave them. Ms. Ford was not sure if the work would require a permit from EGLE, so she asked them – they said no, that it was an order to restore, and they would reach out to the homeowner and tell them what they needed to do. So, EGLE will be taking over contact with the homeowner and be the ones to tell them what to do. They asked Ms. Ford to contact the homeowner to tell them not to do anything until EGLE contacts them, which she did, so it's in their hands now. Ms. Ford will be in contact with EGLE throughout this process. Ms. Ford handed out the first report from the Sheriff's Department regarding the mounted patrol tonight. It was asked to get an explanation of what citizen contacts means. Ms. Ford said that a Friends Group volunteer came out last week and cleaned off all the old map signs that have been in storage for two years. She has two people that have been patiently waiting to purchase a sign for two years, and asked for permission to sell two signs. Ms. Ford said we never came up with a price and suggested \$100. There are nine or 10 more signs to maybe auction off after the two are sold. Ms. Gamage thinks they are more valuable than \$100, but won't know until we try to auction them. Mr. Walker commented they are aluminum, and are worth \$145 as scrap - maybe go for \$200. Ms. Ford said she would offer the signs to the two people for \$200, they can decline if they think it's too much, and then the rest will be auctioned. They could also offer more if they want to donate to the trail. The consensus is the price is low. Ms. Gamage thought we were going to give one to Mr. Peltier for all the work he has done, the minutes will be reviewed for clarification. E-bike complaints were attached to the report. Mr. Carrio said bikes are speeding on the trail, but not typically e-bikes. When getting complaints, it would be helpful to differentiate what the bikes look like, as the speeds are different. It might be helpful to have a handful of people monitor different sections of the trail. Ms. Olijnyk said her son is looking for service hours and will talk with Mr. Carrio and Ms. Ford.

**MOTION** by Sage, seconded by Steele, **Moved**, to sell two signs at \$250 each to the people who have been waiting to purchase them to see what their response is.

Ayes: All    Nays: None

**MOTION CARRIED.**

**COMMISSIONER REPORTS:** Mr. Sage will mention in his city council meeting about volunteers needed to monitor the trail. Mr. Moo, in the audience, mentioned he is a scout master and will also mention the need for volunteers. As a member of the Sponsor Committee for the LDBW, Mr. Walker thanked everyone for their generous contributions to the event. Ms. Gamage thanked everyone who came out for the field trip tonight. Her Adopt-a-Trail group will have a clean-up of their section of the trail on October 1<sup>st</sup>. She mentioned she was hiking on a trail that had an interesting trail counter. Ms. Ford talked with a counter company earlier this year and there are different options breaking down the types of users. She mentioned having one at the Southeast Rochester property project to show increased attendance by improving the site. Ms. Dalrymple stated Orion just finished their safe roads to school project and every 5<sup>th</sup> and 7<sup>th</sup> grader will be getting bicycle and trail education coming to their classrooms in the next month. Ms. Steele also thanked all the participants that came out for the field trip.

**ADJOURNMENT OF REGULAR MEETING:**

**MOTION** by Gamage, seconded by Walker, *Moved*, to adjourn the Regular Meeting at 8:59 p.m.  
Ayes: All      Nays: None      **MOTION CARRIED.**

**NEXT REGULAR MEETING: October 18, 2022 at 7:00 p.m. – Paint Creek Cider Mill**

Respectfully submitted,

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MELISSA FORD, Trail Manager

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DAVID BECKER, Secretary