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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, December 13, 2022 Regular Meeting was called to order by Chairperson Steele at 7:00 p.m.

Voting Members Present: Brian Blust, Steve Sage, Donni Steele, David Walker

Voting Alternates Present: David Becker, Russell George, Martha Olijnyk, Patrick Ross

Non-Voting Alternates Present: None

Voting Members Absent: Robin Buxar, Ken Elwert, Linda Gamage, Aaron Whatley

Alternates Absent: Julia Dalrymple, Dave Mabry, Carol Morlan, Ann Peterson

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 (*enter 7:20 p.m., exit 8:15 p.m.*), Sandi DiSipio, Recording Secretary

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

**APPROVAL OF AGENDA:**

**MOTION** by Blust, seconded by Becker, ***Moved***, to approve the December 13, 2022 agenda as presented.

Ayes: All      Nays: None

**MOTION CARRIED.**

**PUBLIC COMMENT:** Mr. Alek Mizikar, City of Rochester's Director of Public Works came forward, introduced himself and said he's been employed for about six months. He has been working with Ms. Ford on grant opportunities for the bridge replacement in Rochester. The Commission welcomed Mr. Mizikar and thanked him for coming in. The Commissioners then introduced themselves. Mr. Mizikar indicated his support for the Spark grant application.

**CONSENT AGENDA:**

- a. Minutes – November 15, 2022 Regular Meeting, approve and file
- b. Treasurers Report – October 2022, receive and file
- c. Treasurers Report – November 2022, receive and file
- d. Invoices Presented for Payment – November 15, 2022, receive and file

Ms. Ford said at the last meeting an error was noticed in the October Treasurers Report – this has been corrected and is back for approval. On the November 15 Invoices for Payment, there was an error on the amount of a check, but the check was correctly written, so the invoice sheet is just being presented with the correct check amount.

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

**Roll Call Vote:**

Ayes: Becker, Blust, George, Olijnyk, Ross, Sage, Steele, Walker

Nays: None

**MOTION CARRIED.**

**APPROVAL: 2022 Per Diem Report:** A summary memo showing per diems through November was included in the packet. Ms. Ford said if anyone had corrections to the report, please let her know so they can be corrected before checks are written. No special meetings were held and meeting attendance is at \$4,025, which is as expected before tonight. She thanked all the Commissioners and Alternates that attended meetings this year. The per diem amount will be added to the invoice sheet for approval later in the meeting.

**APPROVAL: Officer Elections:** Chairperson Steele explained we try to have a slate in place, explained she is stepping down and has asked everyone if they would continue to serve next year, but is open to anyone who would like serve. She suggested the slate of candidates as Ms. Olijnyk as Chairperson, Mr. Walker as Vice-Chairperson, Mr. Ross as Treasurer, and Mr. Becker as Secretary. She opened the floor for any further nominations to the suggested slate of candidates to serve as officers/Executive Committee for next year. Mr. Becker nominated the slate as suggested by Chairperson Steele. Chairperson Steele closed the floor for nominations.

**MOTION** by Steele, to accept the slate of officers as presented.

**Roll Call Vote:**

Ayes Becker, Blust, George, Olijnyk, Ross, Sage, Steele, Walker

Nays: None

**MOTION CARRIED.**

Ms. Steele said Orion Township is still formulating what their Commission appointments are for next year, but her goal is for Mr. Ross as the primary, Mr. Whatley the alternate, Ms. Dalrymple as primary and an alternate Trustee to be named.

**APPROVAL: Review of Spark Grant Application:** Ms. Ford indicated the draft application and preliminary plans received from AEW are included in the packet. The application is due next Monday. The application is available on our website, Rochester's website and the Friends website for review. The floor was opened to public comment. No members of the public came forward to comment on the application. The floor was then closed for public comment. Mr. Becker complimented staff on the quality of their proposal – it's very nicely done and very clear and convincing. Ms. Olijnyk suggested under 2c. (what programs exist that bring people to your project) adding the Free Little Library. Mr. Sage commented the City of Rochester is very impressed with and grateful for all the work done on this application.

**APPROVAL: Resolution #2022-005 – Resolution of Authorization, Paint Creek Trailways Commission Application to Spark Grant Program:** Ms. Ford indicated a resolution is required by the main body showing support of the application and authorizing the Manager submit said application on behalf of the Commission indicating the proposed development is supported by both the Commission's and Rochester Park's Master Plans, and we acknowledge the Commission is not committing any of their funds for financial obligations toward the \$958,800 grant application to the DNR.

**MOTION** by Sage, seconded by Olijnyk, *Moved*, to accept and approve Resolution #2022-005 as presented.

**RESOLUTION #2022-005 – RESOLUTION OF AUTHORIZATION – PAINT CREEK  
TRAILWAYS COMMISSION APPLICATION TO SPARK PROGRAM**

WHEREAS, the Paint Creek Trailways Commission, an intergovernmental agency, owns, manages, and operates the 8.9-mile Paint Creek Trail in Oakland County, Michigan; and

WHEREAS, the Paint Creek Trailways Commission supports the submission of an application titled, “Paint Creek Trail Bridge 31.7 Renovation” to the Spark grant program for the development of a seventy-foot-long pedestrian bridge between Ludlow Avenue and Tienken Road in Rochester, Michigan; and

WHEREAS, the location of the proposed project is within the jurisdiction of the Paint Creek Trailways Commission; and

WHEREAS, the the proposed project, if completed, will be a benefit to the community and the thousands of trail users annually; and

WHEREAS, the proposed development application is supported by the approved 2020-2024 Paint Creek Trail Recreation Master Plan and the city of Rochester’s 2019-2023 Parks & Recreation Master Plan; and

WHEREAS, with this resolution of authorization it is acknowledged that the Paint Creek Trailways Commission is not committing any of their own funds to any financial obligations; and

NOW THEREFORE, BE IT RESOLVED that the Paint Creek Trailways Commission of Oakland County, Michigan hereby authorizes submission of a Spark Grant Application for \$958,800 by the DNR.

Ayes: Becker, Blust, George, Olijnyk, Ross, Sage, Steele, Walker  
Nays: None

**MOTION CARRIED.**

**UPDATE: Grant Opportunities & Trail Capital Improvement Projects:** A memo was included in the packet summarizing the six upcoming grant opportunities for Bridge 31.7 replacement project. Ms. Ford said we already discussed the Spark Grant; she has gotten letters of support from entities around the community and two responses from disability organizations to add to the application. We should find out in late January relative to the first round of this grant. Regarding the Fisheries Habitat Grant Program, Ms. Ford submitted the pre-proposal and will find out on Monday if we were selected to submit the full application which is due in January. There is no new information on the Community Foundation grant or the MNRTF grant. Ms. Ford and Mr. Mizikar had a call with Ms. Yost, the grant coordinator for the TAP grant to discuss the possibility of Rochester applying for this grant on behalf of the Commission. Ms. Yost seemed enthusiastic about the project; the one consideration right now is whether or not the State would deem the bridge historic because of its age or significance in the community. So we have to complete a State Historic Preservation Office review, which the engineering firm will be handling and starting work on. Ms. Ford said if it’s designated as a historic bridge, it will cause some problems. She does not believe the bridge in Oakland Township was designated historic and they are very similar design-wise, but not in location. We can’t proceed with the TAP grant until this is resolved as it will affect the cost, time frame and design – there is also a match required for a percent of construction costs. Mr. Walker asked how long this review will take; Mr. Mizikar said he doesn’t know, maybe two months. Mr. Walker commented this will impact everything we’re doing for this project. Ms. Ford said the next application deadline for the TAP grant is the end of February. There is no update on the Land and Water Conservation grant. The Commission thanked staff for all their work towards this effort.

**UPDATE/DISCUSSION: Solaronics:** After a discussion with Ms. Ford, Chairperson Steele said there was a concern about the building being vacant after comments made at Rochester’s Planning Commission. Ms. Steele suggested we submit a letter indicating we believe that Solaronics is in contention of losing the license based on the fact that premises are vacant, and we would like to dissolve this agreement. Ms. Ford has asked our attorney to write the letter, which she has not sent yet as she has some questions. After Ms. Hamameh reviewed the license and relevant portions of the Planning Commission meeting, she came back to Ms. Ford and suggested we approach their attorney, not saying we are going to terminate the agreement, but that we want to amend the agreement so that with the sale of the property it ends the agreement. Right now it states that if it’s being used for the same purpose of a loading dock, it gets transferred to the next

owner. Ms. Hamameh has gone to their attorney and proposed that with any sale of the property it immediately ends the license agreement and returns the land back to the Commission. We are waiting to hear if they accept this option. Mr. Becker feels we should try and work cooperatively with the property owner, as they are civic minded. He feels if we work with them, they won't try to block us. Mr. Sage concurs; the developer's proposal was not warmly received at the meeting, and would require a zoning change – the Planning Commission could approve a site plan, but the zoning request would have to go before the Council. Currently the property is not zoned for a multi-family development, and Mr. Sage believes the developer has an understanding now based on the public, Planning Commission and Council feedback, and has to re-work their plans. He thinks they will come back in January with revised plans realizing they need a zoning change. Rochester's Master Plan does not call for multi-family use on this property. Mr. Walker said our first attempt would be to recover our land based on the terms of our agreement; Ms. Ford indicated yes. Mr. Walker asked if we would go into it with this premise, but if that's not agreeable, then try to amend the agreement? Ms. Ford said they are leading with the amendment to the agreement, so that if the property ever sells, it terminates the agreement. Presently it states if it's sold to someone who's not going to use the loading area for an industrial purpose it would terminate the agreement. Mr. Walker said this devaluates the property for the owner; Ms. Ford did bring this up with our attorney who feels it's worth a try. Mr. Walker said the owner of the property is who we should be negotiating with, the developer is not relevant in this. Ms. Ford believes what our attorney is saying is we could terminate the agreement now, or work towards an amendment. Mr. Walker understands, and said we should be respectful of the property owner.

**REPORT: 2022 Summary of Events and Accomplishments:** Chairperson said she is very proud of and commends the staff for accomplishing what they did all year. Congratulations and thanks for the great job to everyone!!

**MOTION** by Olijnyk, seconded by Walker, *Moved*, to receive and file the 2022 Summary of Events and Accomplishments Report.

Ayes: All      Nays: None

**MOTION CARRIED.**

Before the Commission adjourns for the break, Ms. Ford brought forward flowers and a card honoring Chairperson Steele. Everyone thanked Ms. Steele for her time and service on the Commission, and wished her luck in her new position as State Representative.

**MOTION** by Steele, *Moved*, to adjourn the meeting for a 20-minute recess at 7:45 p.m.

Ayes: All      Nays: None

**MOTION CARRIED.**

The meeting resumed at 8:20 p.m.

**APPROVAL OF INVOICES:** Ms. Ford presented the list of invoices totaling \$29,557.52. In addition to the recorder's fee, this amount includes credit card charges for GoToMeeting monthly fee and dog waste bags; reimbursement for Bridge 31.7 engineering review fees to Rochester, Mounted Patrol services for October, mileage reimbursement to Trail Manager, invoice for attorney fees, 4<sup>th</sup> Qtr wages and FICA for three staff positions, and shared copier costs, annual rent, postage and phone services for Trailways office, and the 2022 Per Diems in the amount of \$4,305.00. Estimated unrestricted fund balance is \$93,000.

**MOTION** by Olijnyk, seconded by Becker, *Moved*, that the invoices presented for payment are approved as presented in the amount of \$29,557.52 and orders be drawn for payment.

Roll Call Vote:

Ayes: Becker, Blust, George, Olijnyk, Ross, Sage, Steele, Walker

Nays: None

**MOTION CARRIED.**

**DISCUSSION/APPROVAL: 2022 Final Amended Budget:** An updated summary memo was provided to Commissioners. Ms. Ford indicated the final budget for 2022 was \$149,424 and revenue was higher than anticipated - transfer from Legal Services was higher due to late 2020 and 2021 license fee payments received from DTE in January, LDBW sponsorship was higher, grant funds were higher due to reimbursement from the DNR for the 2019 Iron Belle Challenge grant, and money received from MMRMA's asset distribution was higher. Overall, expenses were lower than anticipated, although some line items were higher. Savings were realized in the publicity budget as expenses for both National Trails Day and Labor Day Bridge Walk were less than anticipated, as well as staff travel, training and developments expenses. The projects budget was higher than anticipated due to the final phase of the signage project, and the Mounted Patrol budget was lower due to the late start of patrols this year and cancellation of some shifts because of weather conditions. Rent this year was \$1,250 higher than expected as staff was not notified of the new rent schedule back in 2020. Our expenses were \$42,546 less than revenue, so this will be put into the unrestricted fund balance, which is estimated to be \$131,943 at the end of 2022.

**MOTION** by Blust, seconded by Walker, *Moved*, to accept the 2022 Final Amended Budget as presented.

Ayes: All      Nays: None

**MOTION CARRIED.**

**MANAGER'S REPORT:** Ms. Ford summarized her written report included in the packet. The e-bike log is attached to her report. An updated 2023 budget was passed out earlier due to the discussion about the member communities splitting part of the cost for the website, which all four communities have agreed to do. Ms. Ford did check into Microsoft Teams for availability to save money on our on-line meetings, but you must have the Office 365 subscription, which the staff does not have. Subscribing annually with GoToMeeting would save \$2 per month. Ms. Ford, Ms. Grupido, Ms. Steele and Mr. Whatley attended the SEMCOG Regional Trails Summit on 12/8. The summit was very informative and interactive - all the potential funders for the Bridge project also attended, so staff was able to meet them in person. Ms. Ford talked to staff at Bald Mountain and their engineering firm about their bridge connection to our trail; that project is moving along and they want to get a limited use permit similar to what we did with Orion Township on the Clarkston connector path. They will fill out the paperwork so the Licensing Committee can review it and possibly discuss at the February meeting. Everyone receive an update relative to the beach encroachment – the homeowner did submit plans, but EGLE had comments and sent it back to the owners for revision. Once these are received Ms. Ford will share them with the Commission.

**COMMISSIONER REPORTS:** Ms. Olijnyk talked to her contact regarding the Tiger's donation, there was \$600 in triples that should be donated to the Community Foundation. The Commission thanked Ms. Olijnyk for suggesting this idea, and a letter will be sent to the donor. Mr. Blust reported Oakland Township will move down to a five year schedule from a 10 year schedule for bridge inspections; the next one scheduled for 2024. Mr. Ross said Orion Township has a new hockey rink that opened today on the old Township hall site. Ms. Steele commented it's been a privilege and honor to serve the Commission and feels confident to pass the baton to the new officers. The Commission thanked Ms. Steele and wished her well. Merry Christmas and Happy Holidays to everyone!

**ADJOURNMENT OF REGULAR MEETING:**

**MOTION** by Olijnyk, seconded by Becker, *Moved*, to adjourn the Regular Meeting at 8:45 p.m.

Ayes: All      Nays: None

**MOTION CARRIED.**

**NEXT REGULAR MEETING: January 17, 2023 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