



4393 Collins Road
Rochester, MI 48306
(248) 651-9260
Paintcreektrail.org

Paint Creek Trailways Commission Meeting

Tuesday, March 21st, 2023 at 7:00 PM
Paint Creek Cider Mill, 4480 Orion Road, Rochester, MI 48306

MEETING AGENDA

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
4. **Public Comment**
5. **Consent Agenda:**
 - a. Minutes: Regular Meeting, February 21st, 2023
 - b. Treasurers Report – February 2023
6. **Approval of Invoices**
7. **Discussion:** Presentation of Preliminary Design for Paint Creek Trail Bridge 31.7 Renovation
8. **Public Hearing:** Michigan Natural Resources Trust Fund (MNRTF) Grant Application TF23-0002 – Paint Creek Trail Bridge 31.7 Renovation
9. **Approval:** Resolution #2023 – 002 - Resolution of Authorization – Paint Creek Trailways Commission Application to the Michigan Natural Resources Trust Fund
10. **Update:** Grant Opportunities & Trail Capital Improvement Projects
11. **Discussion/Approval:** Southeast Rochester Property Preliminary Cost Estimate
12. **Discussion:** Ad Hoc Committee Assignments
13. **Discussion/Direction:** Village of Lake Orion License Agreement - Trail Maintenance and Snow Removal
14. **Discussion:** Trail Manager Position
15. **Manager's Report**
16. **Commissioner Reports**

Mission

The Paint Creek Trailways Commission provides trail users a natural, scenic, and educational recreation experience while preserving the natural integrity of the Paint Creek Trail for the enjoyment of present and future generations.

17. **Adjournment of Regular Meeting**

Next Regular Meeting:

April 18, 2023 – City of Rochester Municipal Offices, 400 Sixth Street, Rochester, MI 48307

Enclosures: Agenda Summary
February 21st, 2023 Regular Meeting Draft Minutes
February 2023 Treasurer's Report
Memo: Paint Creek Trail Bridge 31.7 Preliminary Plans
Paint Creek Trailways Commission MNRTF Grant Application
Resolution #2023-002 – Resolution of Authorization -Paint Creek Trailways Commission
Application to the Michigan Natural Resources Trust Fund
Memo: Grant Opportunities & Trail Capital Improvement Projects
Memo: Southeast Rochester Property
2023 Paint Creek Trailways Commission Operations Budget – Amended January 17, 2023
Ad Hoc Committee Descriptions
Memo: Village of Lake Orion License Agreement – Trail Maintenance & Snow Removal
Village of Lake Orion License Agreement
2023 Reaffirmation of Understanding Maintenance Responsibilities & In-Kind Services
March Manager's Report

Mission

The Paint Creek Trailways Commission provides trail users a natural, scenic, and educational recreation experience while preserving the natural integrity of the Paint Creek Trail for the enjoyment of present and future generations.

Agenda Summary
March 21, 2023

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
4. **Public Comment**
5. **Consent Agenda:**
 - a. Minutes: Regular Meeting, February 21st, 2023
 - b. Treasurers Report – February 2023
6. **Approval of Invoices**
7. **Discussion:** Presentation of Preliminary Design for Paint Creek Trail Bridge 31.7 Renovation
Summary: Aseel Putros from AEW will present preliminary designs for the Bridge 31.7 renovation
Desired Action: Discussion
Budget Impact: None
8. **Public Hearing:** Michigan Natural Resources Trust Fund (MNRTF) Grant Application TF23-0002 – Paint Creek Trail Bridge 31.7 Renovation
Summary: As part of the Trailways Commission’s application to Michigan Natural Resources Trust Fund, we are required to receive public comment on our application. A public hearing notice was printed in the Lake Orion Review on March 8th and the Rochester Post on March 9th and on the trail website and social media. The application and supplemental materials were posted online and hard copies were made available at the Trail office and Rochester City Hall.
Desired Action: Receive comment on Grant Application TF23-0002
Budget Impact: None
9. **Approval:** Resolution #2023 – 002: Authorizing Submission of Grant Application TF23-0002 to the Michigan Natural Resources Trust Fund
Summary: As required by our grant application, the Commission needs to approve a resolution authorizing submission to the MNRTF.
Desired Action: Approval
Budget Impact: None
10. **Update:** Grant Opportunities & Trail Capital Improvement Projects
Summary: Trail Manager Ford will provide an update on the upcoming grant opportunities for the Bridge 31.7 project.
Desired Action: Discussion/Direction
Budget Impact: TBD
11. **Discussion/Direction:** Southeast Rochester Property
Summary: Trail Manager Ford will provide an update on developments with the Southeast Rochester Property.
Desired Action: Discussion/Direction
Budget Impact: Reduction in Unrestricted Fund Balance
12. **Discussion:** Ad Hoc Committee Assignments
Summary: Discuss and finalize Ad Hoc Committee assignments.
Desired Action: Approval
Budget Impact: None

13. **Discussion/Direction:** Village of Lake Orion License Agreement – Trail Maintenance and Snow Removal
Summary: Trail staff received a complaint about the snow not being removed from the section of the trail south of Atwater St. and it possibly being a violation of the ADA. The current license agreement with the Village of Lake Orion does not list snow removal as one of the maintenance duties.
Desired Action: Discussion/Direction
Budget Impact: TBD
14. **Discussion:** Trail Manager position
Summary: Trail Manager Ford has given notice and will be leaving her position effective April 26, 2023. The Commission will discuss how to proceed with finding her successor.
Desired Action: Discussion
Budget Impact: TBD
15. **Manager's Report:** Included in your packet.
16. **Commissioner Reports**
17. **Adjournment of Regular Meeting**

Next Regular Meeting:

April 18, 2023 – City of Rochester Municipal Offices, 400 Sixth Street, Rochester, MI 48307



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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, February 21, 2023 Regular Meeting was called to order by Vice-Chairperson Walker at 7:00 p.m.

Voting Members Present: Brian Blust, Ken Elwert, Linda Gamage (*enter 7:04 p.m.*), Patrick Ross, Steve Sage, David Walker

Voting Alternates Present: Dave Mabry

Non-Voting Alternates Present: Russell George, Carol Morlan

Voting Members Absent: Robin Buxar, Julia Dalrymple

Alternates Absent: David Becker, Martha Olijnyk, Ann Peterson, Matt Pfeiffer, Aaron Whatley

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, Sandi DiSipio, Recording Secretary

PLEDGE OF ALLEGIANCE: All rose and recited the Pledge.

APPROVAL OF AGENDA: Discussion of the Southeast Rochester Property will occur after the Public Hearing regarding the TAP Grant Application.

MOTION by Blust, seconded by Mabry, ***Moved***, to approve the February 21, 2023 agenda as amended.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

a. Minutes – January 17, 2023 Regular Meeting, approve and file

b. Treasurers Report – January 2023, receive and file

MOTION by Elwert, seconded by Sage, ***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 \$10,796.00. In addition to the recorder's fee, this amount includes credit card charges for GoToMeeting monthly fee and the WebHostingPad annual fee; reimbursement to Rochester for Bridge 31.7 engineering review fees, the contribution into our Community Foundation of Greater Rochester account, and the cost of the public hearing notice advertised in C & G Newspapers. Estimated unrestricted fund balance is \$93,000.

MOTION by Sage, seconded by Elwert, *Moved*, that the invoices presented for payment are approved as presented in the amount of \$10,796.00 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC HEARING: Transportation Alternatives Program (TAP) Grant Application

TA2023037 – Paint Creek Trail Bridge 31.7 Renovation: A public hearing is required for the grant application. Ms. Ford indicated a copy of the application draft is included in the packet and was also available on the website, social media, at the City of Rochester, and at the Trailways Commission's office for public review. **The public hearing was opened at 7:04 p.m. for any comments.** No comments were heard. **The public hearing was closed at 7:07 p.m.** The application is due tomorrow, and we have fulfilled the public hearing aspect. Ms. Ford added she also notified all the adjacent property owners of the hearing.

DISCUSSION/DIRECTION: Southeast Rochester Property: A memo is included in the packet. Ms. Ford explained she has been working with the City of Rochester's engineering firm to get an updated cost estimate for the property as we have a donor who is willing to finance the project, but wants an updated cost estimate before they committed pursuing it. AEW requested several documents from Mannik Smith including whether they applied for a permit from EGLE for the project. Mannik Smith responded they did not apply for a permit. AEW looked into it further and determined the observation deck would be in the floodway, which requires a permit. The deck is about 50' west from the bridge, and the floodway limit per the FEMA map is about 110' west from the bridge. AEW doesn't think we'll be able to get a permit as EGLE doesn't allow fill/obstacles in the floodway. AEW has reached out to EGLE to see if they would accept the deck in the floodway. Ms. Ford feels we may have to rethink this project; if we can't build in the floodway, the deck will have to be moved outside the floodway and would not overlook the river. Also, after reviewing the documents Mannik Smith had, Ms. Ford indicated AEW does not have enough information to give a cost estimate for the deck if EGLE allows it to be built at the proposed location. They would need to charge \$1,500 for their time to do that. The documents that AEW needs to give to a construction company have never been created; that would cost an additional \$21,000 to design the project and complete the necessary surveys. The Mannik Smith drawings are not adequate to construct the deck. Ms. Ford introduced Ms. Aseel Putros from AEW who is here and can answer any questions. Mr. Elwert commented the Mannik Smith plans weren't construction plans, they were concept plans, and based on the \$21,000 cost for AEW's construction plans, this project will potentially cost about \$250,000. Mr. Elwert is hesitant to move further until we have funding. Ms. Gamage asked what the original cost estimate was; Ms. Ford said it was a little less than \$60,000 and the bids came in between \$30,000 and over \$100,000. Ms. Putros said getting this EGLE permit is highly unlikely, but they are going to try. She sent an email with the observation deck location and asked if this is something we could even submit for a permit. Vice-Chair Walker asked if any action is needed tonight. Ms. Ford said at this point, we're waiting to see what EGLE says to see if we proceed or not. Ms. Putros said she should have an answer from EGLE next week. Ms. Gamage commented this could be an opportunity to conceptualizing the project differently, as the available funding wasn't for any specific project, just that it be along the trail, and the donor appreciated that the project was ready to go. If we could come up with a different project on that property that could be put together quickly and get this information to the donor, we could move in that direction – maybe the side trail to the river. Ms. Ford said this was presented to the donor's attorney, but they are focused on a structure as it's supposed to be a respite spot in honor of the donor. Ms. Ford asked how the Commission wants her to approach this with Michigan Trails and Greenways Alliance who is acting as the intermediary between us and the attorney. The last update to them was we were working on the cost estimate. Mr. Sage likes the idea of re-imagining the project, and would ask the Commission and the donor their ideas. Ms. Gamage said the donor appreciated having a

project ready to go and doesn't really want involvement. Mr. Sage suggested the subcommittee meet on this issue. The Commission suggested Ms. Ford's update to the Michigan Trails is that we are waiting on EGLE's response to the conceptual plan we currently have, and that the subcommittee meet and report back at the next meeting.

APPROVAL: Temporary Permit, Deanna Skelcy, Eastside Racing Company – Train to Trails Half Marathon – September 10, 2023:

Ms. Deanna Skelcy, of Eastside Racing Company, came forward introduced herself and summarized the event. Mr. Mark Skelcy, her husband is also present. She explained Eastside Racing Company hosts local running events; this one is a half marathon starting from the Cider Mill going down to Rochester and then to the Clinton River Trail, to the Macomb Orchard Trail and finishing at Stoney Creek Metro Park. The event is in conjunction with a donor who wished to sponsor an event in memory of his wife who passed from pancreatic cancer and raise funds for the Pancreatic Cancer Action Network. She's excited as longer running events in this area have gone away, and feels they are filling a void in the running community and helping a charity. Mr. Walker asked if 400 participants is an accurate number. Ms. Skelcy responded there are over 120 people already registered, but will cap the event at 1,000 people, which includes the people for the 5k event happening at Stoney Creek Metro Park. She estimates 600 to 800 people participating and is working to find shuttle companies – people will park at Stoney Creek Metro Park and be shuttled to Cider Mill. The staging area will be at Flagstar Bank's parking area with a coffee cart and porta-johns. The participants will be walked up to the trail and start in waves. Mr. Walker said this will be an impressive number of people running down the trail, and asked if signs or water tables will be on the trail. Ms. Skelcy said yes there will be signs and one water stop between here and the Clinton River Trail. She is very conscientious about the environment, and will make sure nothing is left on the trail. Mr. Walker indicated we are not closing the trail to other users, so runners will have to be sensitive to this. Ms. Skelcy anticipates people will spread out quickly and will also let the participants know the trail is open to other users and to be mindful of other people passing on bikes or dogs. Mr. Elwert commented that participants need to be aware that they can't park at the Cider Mill. Ms. Skelcy said she talked with the owner of the Cider Mill to make him aware of the event and he was willing to open early to offer coffee. Mr. Elwert said because of the number of participants, they should be encouraged to leave a couple feet on the left side of the trail for other users. Mr. Skelcy said they like to put signs out on the trail, but they are taken if out too early. Ms. Skelcy asked what the policy is for when signs (such as yard signs) can be put up. Ms. Ford said we have never had an event of this level where that was necessary – it's usually smaller scale and it's just day of signage; possibly something could be put in the kiosks earlier. Mr. Skelcy said the signs would be placed in the parking lots, by Tienken and in the Rochester Park. He also commented that 99% of the time, people are courteous to event participants. Mr. Mabry indicated the applicants need to talk to Oakland Township relative to anything regarding the Cider Mill itself as they own the building. He then asked where the start strip will be located and how many waves are expected. Ms. Skelcy said the strip will be across the trail at Flagstar Bank and explained they could start in waves of 100 participants with a minute or two between each wave, lasting about 20 minutes. Mr. Skelcy said he could provide the Commission with registration numbers as time goes on – we will be in the information loop. Mr. Sage asked how competitive this race will be because if you're having 500 or more competitive racers on the trail, he's curious about good courtesy. Mr. Skelcy said they're courteous. Mr. Sage is not worried about the runners, but if he's riding on the trail – if something were to happen, who's to blame? Ms. Skelcy said CRAMBA is assisting the event and will inform their membership, and is in close contact with Infinite Multi-Sport who train for triathlons on the trail and will know about the event. Mr. Sage asked what's the largest event that's been held on the trail. Ms. Ford said the Brooksie event used a small portion of the trail. Mr. Sage commented we're talking about at least four miles of trail that will be used. Ms. Gamage's concern is that we try to keep the trail open for all users, not just races, and that bikers have space to continue on the trail, not just to get off

the trail in time for runners to come through, they still have space. She encourages knowledge to the racers that it's a shared space and they need to make room for other bikers or walkers as this is a busy time of the year. Ms. Skelcy said this is on their website and will be in the guide that is given to every participant, and also have signs posted and announcements at the start of the event. Ms. Gamage added she has concerns about the trail crossings and asked what is planned at the roads. Ms. Skelcy said this will be assisted by public safety, and is being handled by another partner in the event who will be contacting the police, but there will be law enforcement at the crossings. Mr. Walker asked in a timed event, how do you navigate the crossings? Ms. Skelcy said as the waves are coming, enforcement might stop traffic until there is a break for traffic. Mr. Skelcy said there have been soft or hard road closures until the last participant crosses. Ms. Gamage asked if there will be a cap on participants using our trail and if the waves are 100 participants. Ms. Skelcy said 1,000 is the max, and the wave count will depend on total participants, with 100 as the max. Ms. Gamage said if the event could be done with trail users in mind so that we don't have complete interruption of the trail for users, that is something we would appreciate. Ms. Skelcy said waves of 50 could be an option. She understands the Commission's concern about minimizing the interruption of trail for users is very important. Ms. Skelcy said she will try to keep the waves to a smaller size and maybe stretch the timing out. She feels a lot of the Commission's concerns will be alleviated by educating the participants. Mr. Sage said the problem is that the liability rests on the Commission. Mr. Skelcy said all participants sign a waiver for liability before the event. Mr. Elwert asked for references on previous races of this size that could be contacted. Ms. Skelcy said Bay Shore Marathon or Color of Wellness. Mr. Ross would like to see either the Oakland County Sheriff's Office or Rochester Police Department approval before the Commission approves this event. He also asked if there is a rain date, as he was involved in a cross country meet in precipitation that resulted in a lot of damage – and is concerned about what the trail condition would be left in afterwards in the event of rain. Ms. Gamage asked if the applicants would come back with information regarding the trail crossings and what will be done to mitigate trail interruptions. Vice-Chairperson Walker said we need to know how early signs are proposed on the trail, how you are going to limit the waves and how the Oakland County Sheriff's Office and the Rochester Police Department are going to respond. We have some unanswered questions, and asked if the applicant is willing to come back with answers in a month or two for approval. Ms. Skelcy agreed to return with answers to the Commission's concerns.

REPORT: Licensing Committee: Vice-Chairperson Walker said he, Ms. Gamage and Ms. Olijnyk are on this committee and tried to have someone from each municipality participate; they still needs someone from Orion Township to serve. A report is included in the packet, and Ms. Gamage summarized the findings. They are following up on the beach encroachment in Oakland Township and will continue to monitor the progress. On the Dillman & Upton issue, the Commission received plans to add fencing along their parking lot on trail property that is licensed to them. In reviewing the plans, they discovered an additional structure containing hazardous materials encroaching on trail property by three feet. The Licensing Committee recommends to the Commission that we send a written request that Dillman & Upton conform to our license agreement, including removing the hazardous material and the fuel tank from trail property in accordance with all local, state and federal requirements. They also recommend that rather than constructing additional structures on our property, we encourage additional native plantings as a buffer between the parking lot and trail property. Mr. Walker commented they were going to add over 100' of fence starting at 11' high, tapering down 9' and then 7'. This fence would come within 50' of the road, which is aesthetically unappealing, and we would not look for more structures on our property – it's not the intent of the trail. If they want to do a buffer from their storage area, plantings would be a better option and concurs with the recommendation. Mr. Walker explained the reason for the proposed fence is to shield what is stored on their property,

and on the back side of the existing fence they have shelves where they are able to store material against it; an additional 100' of fencing would allow an additional 100' of storage which is to their benefit. Regarding the hazardous materials, Ms. Ford reached out to the City of Rochester and spoke with the Ordinance Department – they said there wasn't anything in the ordinances that applied. Mr. Sage said after our last discussion, he reached out to Council and City administration saying the Commission would not support the fence and that the structure is on trail property.

MOTION by Elwert, seconded by Mabry, **Moved**, that the Commission send a letter to Dillman & Upton per the Licensing Committee's recommendation, with a copy to the City of Rochester.

Ayes: All Nays: None

MOTION CARRIED.

Ms. Gamage continued with the Consumer's Energy Additional Gas Line Placement and Existing Pipe Abandonment - She did some research on abandoning a pipe or if it was in their best interest to leave it in, and didn't find information about risks of leaving the pipe in the ground other than it's sometimes not mapped out clearly where the pipe is, and when work is done the pipes are pulled up and does damage to equipment. The subcommittee recommends a request for removing the pipe and restoring the property, fully understanding that this may not happen. We don't have an application for the limited use permit – Mr. Walker indicated Consumers said they have filed with the Road Commission because it's in their right of way. Ms. Gamage noted the license agreement for the existing pipe was not located, so the committee requests that a license agreement for the new pipeline including fair market value be in place. It should also include the location, size, material and content of the pipeline and conditions for abandoning it or discontinuing use (removal and restoration of the property). The committee also recommends if our request to remove the existing pipeline is denied, an updated license agreement, or addendum to the new agreement, including the pipeline that will remain on trailway property. Mr. Walker said the subcommittee feels an application for a limited use permit is appropriate; if the pipeline is abandoned, the property be restored, and a license agreement should be in place for both the new pipeline and the existing pipeline if abandoned. Ms. Ford will draft a letter to Consumers Energy and send it to the License Committee for review and approval prior to sending it.

MOTION by Sage, seconded by Mabry, **Moved**, that the Commission send a letter to Consumers Energy per the Licensing Committee's recommendation. Ms. Ford will draft said letter for review and approval by the committee prior to sending.

Ayes: All Nays: Nays

MOTION CARRIED.

General Recommendations of the Subcommittee – Ms. Gamage said a couple years ago we reviewed all the license agreements and recommended the fee schedule be updated; however, this was not accomplished last year. The subcommittee recommends that all license agreements are reviewed and updated, including a fair market value fee structure with the intent to put them in place in 2024, which fits in with our goals. Mr. Sage agrees as long as there's a date certain.

MOTION by Sage, seconded by Blust, **Moved**, that all license agreements be reviewed including a fair market assessment structure by September 1, 2023.

Discussion on the Motion – Mr. Elwert asked who reviews the licenses. Ms. Ford explained the issue was we were all ready to go until the conversion issue came up, and if all the licenses had gone through the conversion process – that was the hold up. Ms. Ford was trying to find the documentation for the attorney, but she had to go through all the grant agreements to make sure that has been followed with the licenses. She thinks she has found the document that goes with the original agreement for when the trail started that references a lot of existing license agreements from when they were with the railroad. This document needs to be sent to our attorney to make sure it's valid. Dillman & Upton went through its own conversion process, so that's taken care of. Solaronics is a separate issue because it did a quiet title. That's why this has

been on hold – we didn't want to increase the rates without making sure they were appropriately done in following the conversion process with the DNR. If the document gets confirmation from the attorney that it's correct and we're good, the timing is not a problem. If it's not the correct document, Ms. Ford will have to continue searching for it. **Mr. Sage retracted his Motion until we get further guidance from the Commission.**

Relative to the Bald Mountain Bridge Connection, Ms. Gamage explained the subcommittee still has questions about the project. Hopefully the next agenda item will address these questions. The concerns were mitigating erosion where the bridge abutment meets the trail, potential safety hazards with the abrupt connection to the trail including limited sightlines, appropriate space for passing traffic on the trail adjacent to the structure and potential railings close to the trail, appropriate signage announcing the crossing, and what best practices were implemented in the bridge design, specifically where it connects to the trail. The subcommittee does recommend a license agreement to cover maintenance and liability if the project is approved. Vice-Chair Walker closed this agenda item and moved on to the Limited Use Permit Request discussion for this project.

DISCUSSION/APPROVAL: Limited Use Permit Request, Bald Mountain Recreation Area

Bridge to PCT, Oakland Township: Mr. Adam Lepp, Bald Mountain, and Mr. Steve Sutton, Nowak & Fraus Engineers, came forward and introduced themselves. Mr. Lepp indicated this project was discussed last month, but the Commission wanted specific questions answered by Mr. Sutton, the project engineer (a memo is also included in the packet with answers). Mr. Sutton explained Ms. Ford sent last month's questions to him, which he answered and sent a graphic of the interface of the bridge with the trail. Regarding mitigating erosion, Mr. Sutton said the concrete abutment will be up against the side slope and there will be heavy duty erosion matting on the sides of the slope, which has project been submitted as part of their EGLE permit, so they are on board with the slope stabilization. Mr. Walker commented the material used on the trail is very fine and he feels that when water comes off the cement pad, it can wash away the trail there. Mr. Sutton stated the slab will be pitched away from the trail on the side slope back toward the water. From where the slab interfaces with the trail material, it should be draining to the sides, not the trail. Mr. Walker commented the bridge at Clarkston/Kern has a nice gravel apron between the bridge and the trail and noted there is a 1'6" aggregate base between the concrete and the trail for this project. Mr. Sutton said they could expand the aggregate pad to the north and south of the slab interface if the Commission wants. The 5' concrete pad is an ADA compliance issue for a landing, and doesn't think it can be reduced. Mr. Walker asked if there will be a stop sign on the bridge as there is at Clarkston/Kern. Mr. Lepp doesn't know if this is an engineering decision, and asked what the Commission wants. Mr. Walker said when coming off the bridge, people are right on the trail with no transition. Mr. Lepp said they will be signage prior that people are coming up to an intersection with the trail. Ms. Ford said there is a similar warning sign at Clarkston/Kern along with a stop sign, and suggests using that project as a model for signage. She has not had any issues with that intersection. Ms. Gamage mentioned the railings – the subcommittee isn't sure if railings will be extended toward the trail that would limit passing; there is a concern bikers may run into a rail close to the trail. Mr. Sutton wasn't sure what the Commission's desire was as he can see it both ways. Right now, there are no side rails proposed along the bridge, but he has seen locations where there are railings to funnel people on and off a bridge. Mr. Walker said the subcommittee sees railings as a hazard. A question was asked about tree removals. Mr. Sutton said there might be some tree removals on the slopes to build the bridge, but nothing other than what they need in order to build the substructure. No trees will be taken down north or south of the intersection. Vegetation will be cleared out on both sides of the bridge to place erosion mats, which will be restored. Ms. Ford said for the Bridge 33.7 project, native Michigan seed was specified, and will forward the specs to them. Mr. Lepp said on the State side, they have their own stewardship division that dictates what needs to plant on their

land. Mr. Sutton reiterated that no railings or fencing are proposed that run parallel with the trail at the intersection. Ms. Gamage asked if people on the trail will be able to see anyone on the bridge. She's not sure if signs on the trail will be needed for users to know they are approaching a bridge because of the sightlines. Mr. Sutton suggested signs on the north and south side of the trail about an upcoming intersection, as no trees will be taken out on the sides of the trail. Mr. Walker mentioned the license agreement and asked if the applicants were the right entity to request an agreement from – who should be contacted for this? Mr. Sutton said the DNR has a real estate group that would probably be the best contact. Mr. Walker noted this is a structure on trail property so something needs to be in place for future generations. Mr. Lepp thinks the agreement would be a lot like the 30-year lease agreement that there was with the trail that runs off of the PCT, the spur. Ms. Gamage said the concern is the maintenance – to ensure the bridge falls under the jurisdiction and responsibility of Bald Mountain. Mr. Elwert said it's not a license agreement as there is no compensation, but rather a maintenance agreement. Ms. Ford said it's more of a memo of understanding for maintenance. Mr. Sutton asked if a temporary construction easement is granted for when the project gets to the construction phase. Ms. Ford indicated this is the Limited Use Permit, which the applicant has filled out. Mr. Walker said this permit is required as they will be closing the trail for a period of time and allowing the use of the trail, which still needs to be approved, and asked about the timing of the project. Mr. Lepp said he was in the process of securing funding, and it sounds like the project will happen in 2024, as the funding comes through the DNR and MDOT TAP grants. Mr. Sutton said the plans are with MDOT now for their review and doesn't know when the bid is scheduled to come out. He also learned that bridges are 52 weeks out from when the order is place, so he's looking at spring of 2024. Mr. Walker said we have some time, so let's investigate the maintenance agreement and not approve the temporary use permit until we are fully satisfied with all the items. Mr. Sutton said they will take the signage issues into consideration and include that in the project; he has feedback from Ms. Ford about restoration, and will include natural vegetation in the plans. Mr. Walker said we would keep this as an open item and continue to work on it because the Commission wants it to happen. Ms. Ford asked if approvals are needed by a certain time for any of the applicant's grants. Mr. Sutton said there could be a need to certify the right of way for the MDOT process, and may need something from the Commission. The Commission thanked Mr. Lepp and Mr. Sutton for coming to tonight's discussion.

UPDATE: Grant Opportunities & Trail Capital Improvement Projects: Ms. Ford indicated we were not awarded the Spark grant during the first round of applications and is waiting to get the scores back which will determine whether or not we pursue the second round of funding. The TAP grant application will be submitted tomorrow. Ms. Ford went to Rochester's City Council meeting last week and they agreed to serve as the lead applicant and also provide the 20% match for the project – thank you Rochester. The next step is to get the rest of the funding. Ms. Ford feels we should apply for the MDNR Trust Fund next. Based on information she's gotten about the Land & Water Conservation Fund; we can't apply for that if we're using the TAP grant as the match – you can't match federal to federal funds. The DNR also said in their webinar, if we send in both applications, they would only fund one of them and would choose what program it best matched with, so there's no point in doing anything but the Trust Fund. As part of the Trust Fund application, we have to host an accessibility workshop which is planned for March 9th at 6:00 p.m. at the Cider Mill, invitations will be sent out to disability advocates to get feedback. No new updates available on the Wilson Maintenance Fund; she has followed up with them as last year's application was due March 31st. Regarding the Fisheries Habitat Grant, Ms. Ford will work with them to get our project listed on their Priority Habitat Conservation Projects List for this year, and apply again in the fall if needed.

DISCUSSION: Ad Hoc Committee Assignments: Mr. Walker said the only reason this is on the agenda was to secure an Orion Township representative on the Licensing Committee so we have someone from each municipality. Unfortunately, only Mr. Ross is present tonight. This item will be discussed next month. Mr. Walker suggested the Memorial Program be included with the Trail Improvements/Resurfacing Committee and hopefully get some energy incited and get this implemented as a great report with ideas was completed by Ms. Grupido. The Ad-Hoc Committees are where all the heavy activity is accomplished.

DISCUSSION: 2023 Goals: The results of the 2023 goal rankings are summarized in the list included in the packet. Ms. Ford said there were some notes about eliminating some things. Vice-Chairperson Walker said we should narrow the focus on what is attainable this year in what timeframe; perhaps three to six items and focus our efforts and energy towards these. He suggested looking at priority 1 goals with a timeframe for this year, not necessarily on-going items. Ms. Ford said we have the bridge project, upgrading the website, and adding the license agreement review for 2023. We should also add celebrating the 40th anniversary to the goals. Mr. Walker feels the goal summary document is lengthy; Ms. Ford thinks it helps as when she does the Manager's Report, the members can see updates on what is happening, but agrees it's lengthy and could be reformatted. Mr. Sage said as far as the coordination with the Friends Group being a priority 1 goal, it's noted the Memorandum of Understanding is currently under review. Ms. Gamage said this review is in progress and near recommendation. It was suggested the 2023 priority goals be listed on the first page, then a calendar of events section for recurring events, and everything else afterwards as they are operational items. The 2023 goals are the bridge project, website upgrade and the license agreement review. The members concurred to the reformat of the document.

MANAGER'S REPORT: Ms. Ford summarized her written report included in the packet. She's met with the 40th Anniversary subcommittee to brainstorm ideas. The first event will be the ribbon-cutting at Paint Creek Junction in conjunction with the anniversary celebration for National Trails Day. Also discussed was a possible 5k race in Lake Orion in late fall; she's talking with Mr. Carrio about Friends involvement – we could also do an auction for the signs. Ms. Ford's not sure what event the Recognition Ceremony will be held at. She mentioned updating the video that was done for the 30th anniversary, and asked members to look for photos, stories or people to interview. They are looking to partner with one of the communities' television stations to do that work; she believes Rochester Hills did the last video.

COMMISSIONER REPORTS: Ms. Gamage asked the members to think about who should be considered for recognition this year. Mr. Elwert indicated they are looking at trail counters on the Clinton River Trail and may want to ask us for approval for one at Tienken. Ms. Ford said this would be nice for grant applications and suggested a formal user survey be conducted in the next few years. Mr. Ross commented that the temporary permit request indicated it will be held rain or shine, and has concerns about the trail conditions if they run in the rain – perhaps something could be in the permit that if they do hold the event in the rain and it causes any damage, the trail has to be restored. Mr. Sage talked about the lengthy Planning Commission meeting regarding Solaronics and said he believes the developer came away with an understanding or appreciation that the Commission, the City and the residents have concerns regarding the project, and thinks they may have to make a decision as to resubmit something that is more palatable or just abandon the project – March 6th is the next meeting and he will let us know if this is on the agenda. Mr. Sage also has concerns about the number of people anticipated for the run for the temporary permit request – unless they will sign a blanket assurance for liability for everything that could happen, he wouldn't want that on the trail.

ADJOURNMENT OF REGULAR MEETING:

MOTION by Gamage, seconded by Elwert, *Moved*, to adjourn the Regular Meeting at 9:22 p.m.
Ayes: All Nays: None **MOTION CARRIED.**

NEXT REGULAR MEETING: March 21, 2023 at 7:00 p.m. – Paint Creek Cider Mill

Respectfully submitted,

MELISSA FORD, Trail Manager

DAVID BECKER, Secretary

Draft

Balance:	31-Jan-23		
	Checking Balance	\$	167,802.81
	Outstanding Checks (3623,3640,3649)	\$	655.00
	TRAILWAYS COMMISSION BALANCE		\$ 167,147.81
Revenues:			
	Oakland Township Annual Contribution & Patrol	\$	30,563.00
	Charter Township of Orion Annual Contribution & Patrol	\$	21,574.00
	City of Rochester Hills Annual Contribution & Patrol	\$	22,011.00
	Temporary Permit Fee: Frank Race Management	\$	30.00
	Interest Income - February 2023 Interest Income	\$	127.06
	Total Revenues	\$	74,305.06
			\$ 241,452.87
Expenditures:			
	3652- Chase Card Services	\$	26.00
	3653 - Sandi DiSipio - Records Fee - January 17, 2023	\$	240.00
	3654 - Community Foundation of Greater Rochester Fund Contribution	\$	4,500.00
	3655 - City of Rochester - BRDG 31.7 Engineering Review Fees	\$	5,790.00
	3656 - C&G Publishing - Public Notice of TAP Application & Hearing	\$	240.00
	Total Expenditures	\$	10,796.00
			\$ 230,656.87
Balance:	28-Feb-23		
	Checking Balance	\$	241,867.87
	Outstanding Checks (3640,3649,3652,3653,3654,3655,3656)	\$	11,211.00
	TRAILWAYS COMMISSION BALANCE		\$ 230,656.87

Signed By: _____
Trailways Commission Treasurer

Trail Manager

Date: _____



4393 Collins Road
Rochester, MI 48306
(248) 651-9260
Paintcreektrail.org

MEMO

To: Commissioners, Alternates, & Staff
From: Melissa Ford, Trail Manager
Subject: Paint Creek Trail Bridge 31.7 Preliminary Plans
Date: March 16, 2023

AEW is still finalizing some details on the preliminary plans for the bridge as well as preparing an updated cost estimate per MDOT's request for the TAP grant. They should be available by late afternoon on Friday, March 17. Trail manager Ford will post them on the website and email them to the Commission once they are available for review.

Section A: Applicant Site and Project Information

Instructions:

1. Click **Save** to save changes.
2. See the Michigan Natural Resources Trust Fund Application Guidelines [here](#) for guidance.

Michigan Natural Resources Trust Fund

2023 Grant Application

This information is requested by authority of Part 19 of Act 451 of 1994, to be considered for a recreation grant.

Is the application for site development or land acquisition?

☒ Development

☐ Acquisition

*Name of Applicant (Government Unit)

Paint Creek Trailways Commission

*SIGMA Vendor Number



*SIGMA Address ID



*Name of Authorized Representative

Melissa Ford

*Title

Trail Manager

Address

4393 Collins Road

City

Rochester

State

MI

*ZIP

48306

*County

Oakland County

Telephone

(248) 651-9260

*E-mail

manager@paintcreektrail.org

*State House District

District 55

*State Senate District

District 9

*U.S. Congress District

District 10

The following link contains District Maps - <https://www.michigan.gov/micrc/mapping-process/final-maps>

*Proposal Title (Not to exceed 60 characters)

Paint Creek Trail Bridge 31.7 Renovation

***Proposal Description**

Development of a single-span prefabricated seventy-foot long steel truss bridge on the Paint Creek Trail, a regional trail included in the Iron Belle Trail. A structural inspection of the existing nearly 100-year old timber railroad bridge documented extensive decay of its structural components which compromises the safety of the bridge. The bridge traverses the Paint Creek, southeast Michigan's premier cold-water trout stream. Existing recreation opportunities which will continue with this bridge's renovation include fishing, bicycling, walking and running, cross-country skiing, and nature observation. The renovation will greatly improve accessibility for both trail users as well as emergency and maintenance vehicles, increasing clear width from less 8' to 14' and ensuring the ability to support a 10-ton emergency vehicle.

Address of Site**City, Village or Township of Site*****Zip**

Sidwell 15-10-452-016

Rochester

48307

Park Name**County in which Site is located**

Paint Creek Trail

Oakland

***Town, Range and Section Numbers of Site Location**

*Letters must be upper-case:
(examples: T02N, R13E, 22)*

Latitude/Longitude at park entrance*(Town)****(Range)****(Section)****(Latitude)****(Longitude)**

T03N

R11E

10

42.688710

-83.142521

\$

\$

\$

Section B: Project Funding and Explanation of Match Sources

Instructions:

1. Click **Save** to save changes.
2. See the 2023 Natural Resources Trust Fund Application Guidelines [here](#) for guidance.

SOURCES OF MATCHING FUNDS

PROJECT COST AMOUNTS

*Grant amount requested (round to the nearest hundred dollars)	\$300,000
Total Match (Must be at least 25% of total project cost)	\$658,800
Total Project Cost (Must equal the total estimated cost on Section C: Project Details page)	\$958,800
Percentage of match commitment (Must be at least 25% of total project cost)	68 %
a) General Funds or Local Restricted Funds (Applicant's own cash)	\$191,800
b) Force Account Labor/Materials (Applicant's own paid labor or materials)	\$
c) Federal or State Funds	\$467,000

You have entered a value for item c). **Please provide the information below for each federal or state program from which matching funds will be provided.**

*(1) Program Name	*Administering Agency
Transportation Alternatives Program	Michigan Department of Transportation
*Contact Name for Administering Agency	*Telephone
Caitlin Yost	(517) 241-2152
	*Amount
	\$467,000

*Type of Funds

Grant funds awarded

Date grant funds approved

☒ Grant funds applied for, not yet approved

7/19/2023
Estimated approval date

Appropriated funds

Date appropriated

Other, explain

*Is documentation containing the scope of work and budget for the other grant funds included with application?

☒ Yes

No

*Is documentation (such as grant approval letter) that verifies the availability of funds included in the application?

Yes

☒ No

Check to add program information for additional State or Federal funds that will be used as Match.

*(2) Program Name		*Administering Agency
*Contact Name for Administering Agency	*Telephone	*Amount
		\$

*Type of Funds

Grant funds awarded

Date grant funds approved

Grant funds applied for, not yet approved

Estimated approval date

Appropriated funds

Date appropriated

Other, explain

*Is documentation containing the scope of work and budget for the other grant funds included with application?

Yes

No

*Is documentation (such as grant approval letter) that verifies the availability of funds included in the application?

Yes

No

Check to add program information for additional State or Federal funds that will be used as Match.

*(3) Program Name		*Administering Agency
*Contact Name for Administering Agency	*Telephone	*Amount
		\$

*Type of Funds

Grant funds awarded

Date grant funds approved

Grant funds applied for, not yet approved

Estimated approval date

Appropriated funds

Date appropriated

Other, explain

*Is documentation containing the scope of work and budget for the other grant funds included with application?

Yes	No
<p>*Is documentation (such as grant approval letter) that verifies the availability of funds included in the application?</p>	
Yes	No
d) Cash Donations	\$
e) Donated Labor and/or Materials	\$
f) Donated Land Value (acquisition applications only)	\$

Section C2: Project Details

Instructions:

1. All required fields are marked with an *.
2. Use the Save button to save text and calculate data on each page.
3. Save at least every 30 minutes to avoid losing data.
4. See the 2023 Michigan Natural Resources Trust Fund Application Guidelines [here](#) for guidance.
5. You may upload a cost breakdown in the required uploads page as supporting documentation.

Development Applications ONLY

* Applicant's current control of the site:

☒ Fee Simple

☐ Lease

☐ Easement

☐ Other (describe)

* Age of Park

40
Years

* Acres

109.44

Project Cost Estimate Table

YOU MUST CHOOSE SCOPE ITEM(S) FROM THE LIST IN THE DROP DOWN BOX.

<u>SCOPE ITEM</u>	<u>DNR ONLY Accessibility Guidelines</u>	<u>QUANTITY</u>	<u>TOTAL ESTIMATED COST</u>
Pedestrian Bridge		1	\$887,800

Select the plus sign button to create new rows.

Other:			\$
--------	--	--	----

Do not list the aspects of project execution, such as labor, construction equipment, contingency, site work, grading or raw materials.

Select the plus sign button to create new rows.

Permit Fees	\$
MNRTF Sign	\$
Subtotal	\$887,800
Engineering (These fees may not exceed 20% of subtotal)	\$71,000

Total Estimated Cost *(Must equal Total Project Cost amount on Section B page.)***\$958,800**

Section D: Justification of Need

Instructions:

1. Click **Save** to save changes.
2. See the 2023 Natural Resources Trust Fund Application Guidelines [here](#) for guidance.

***1) If you are submitting multiple acquisition or development applications, what is the priority for this application? (1 = highest)**

1

***2) What page(s) of your recreation plan is the need for the proposed project discussed?**

If proposed project is on only one page, please enter the page number in both boxes

From:

To:

94

94

***3) What was the date(s) of public meeting to discuss submission of the grant application?**

3/21/2023

Additional dates:

***4) Did you gather public input from individuals with disabilities, their families, or advocates?**

No

☒ Yes

***5) Are you the primary provider of recreation services to any surrounding communities, as documented in your recreation plan?**

☒ No

Yes

List Communities:

***6) Explain how you plan to address safety considerations and crime prevention in the project area?**

Hours of the trail are clearly posted. Since 1991, the Oakland County Sheriff's Office (OSCO) Mounted Division has patrolled the trail, seasonally. May - October. An OSCO bike patroller compliments the Mounted Patrol. The city of Rochester's Police Department also patrols their section of the trail via bicycle. The Trailways Commission employs a part-time bike patroller from May - October, whose presence on the trail reduces user conflict and reminds users of municipal ordinances.

***7) Explain how you will make the public aware of the project, as well as the efforts you will use to publicize and promote your project. Include marketing methods that will effectively communicate with persons with disabilities.**

The project will be marketed through newsletters, press releases to local media, website and social media promotion, a formal ribbon-cutting ceremony, and installation of MNRTF marker on the site. Any images related to the project on the trail's website will include alt text and any project videos on the trail's website will include descriptive audio for the blind and closed captioning for people who are hard of hearing.

***8) Does the applicant have a formal recreation department or committee? Please explain below. For park committees, describe how members are appointed, their roles and responsibilities. List of members and meeting schedule.**

The Paint Creek Trail is owned and operated by the Paint Creek Trailways Commission, formed under the Michigan Urban Cooperation Act 7 of 1967. The Commission was established through an Intergovernmental Agreement between the four communities of Avon Twp (now Rochester Hills), Oakland Twp, Orion Twp, and the city of Rochester. Each community has two Commissioners and two Alternates on the Commission. The Commission meets on the third Tuesday of every month at 7:00 p.m.

Section E: Application History and Stewardship

Instructions:

1. Click **Save** to save changes.
2. See the 2023 Natural Resources Trust Fund Application Guidelines [here](#) for guidance.

NO **YES**

***1) Questions 1 is for acquisition applications only - for development projects, leave blank and move to question 2.**

Will the applicant have adequate funds on hand to complete the acquisition transaction without any third party assistance (i.e. loans, lines of credit, etc.) **until partial reimbursement and final audit is completed** (approximately 180 days after closing)?

If yes, please provide documentation that supports this on the Required Attachments page.

***2) Has applicant received DNR recreation grant(s) in the past?**

[X]

If yes, does applicant currently have an open, active grant?

[X]

***3) Has applicant closed, sold, or transferred any parkland or recreation facilities in the past 5 years?**

(If yes, provide comments below)

[X]

*** 4) Does applicant have a known unresolved conversion of grant-assisted parkland?**

(Note: a conversion is a change from public outdoor recreation use to some other use.)

(If yes, provide comments below)

[X]

***5) Does applicant have a "residents only" policy for this park or other parks or recreation facilities?**

(If yes, provide comments below)

[X]

***6) Do you now or do you intend in the future to charge an entrance fee to the project site?**

[X]

***7) What is the applicant's current year budget for parks and recreation?**

\$124,679.00

***8) What are the estimated operation and maintenance costs associated with the project?**

\$4,000.00

Comments:

Regarding question 7, the city of Rochester's Parks and Recreation 2022-2023 budget will total x and is paid from the city's x. The Paint Creek Trailways Commission's annual operating budget is \$124,679 for fiscal year 2023.

Regarding question 8, the city of Rochester funds the improvements, operation, and maintenance of their 0.6 miles of the Paint Creek Trail. Rochester's 2022-2023 budget for these services will total \$26,128 and is paid from the city's Facilities and Grounds Maintenance Fund.

The attached maintenance plan includes details regarding the renovated bridge's \$4,000 annual maintenance cost.

Section F: Site Conditions

Instructions:

1. Complete the following property checklist on the environmental Conditions at the project site and adjacent areas, using information from the past ten years or longer, as appropriate.
2. If you answer **YES** or **UNKNOWN** to questions 1-15, you are required to prepare an environmental report. See the 2023 Natural Resources Trust Fund Application Guidelines [here](#) for guidance.
3. Click **Save** to save changes.

NO **YES** **UNKNOWN**

*1) Does the applicant, landowner, or others have knowledge that any portion of the property is or has been used for industrial purposes, including manufacturing and/or minerals' processing or extraction (sand, gravel, oil, or gas) at this time or in the past?

[X]

*2) Does the applicant, landowner, or others have knowledge that any portion of the property is currently being used or has been used in the past for a gas station, motor vehicle service or repair facility, commercial printing facility, dry cleaners, photo developing lab, junkyard, landfill, waste treatment, storage, processing or recycling or disposal facility?

[X]

*3) Does the applicant, landowner, or others have knowledge that any of the following are or have in the past been stored, discarded, or used on the property – automotive or industrial batteries, pesticides or other chemicals used in agricultural practices, paints, industrial waste, or other chemicals in drums or other containers?

[X]

*4) Does the applicant, landowner, or others have knowledge that fill dirt or other fill material of unknown origin is on this property or has in the past been placed on the property?

[X]

*5) Does the applicant, landowner, or others have knowledge of any evidence of leaks, spills, or stains from a substance other than water at this time or in the past?

[X]

*6) Does the applicant, landowner, or others have knowledge that there are or have in the past been waste disposal pits, lagoons, or ponds on the property?

[X]

*7) Does the applicant, landowner, or others have knowledge that there are at this time or have in the past been registered or unregistered storage tanks on the property?

[X]

*8) Does the applicant, landowner, or others have knowledge that contaminated groundwater lies below the property?

[X]

*9) If there is a water well on the property, does the applicant, landowner, or others have knowledge that contaminants have been identified in the well that exceeded legal standards or has the well been identified as contaminated by a government agency?

[X]

*10) Has the landowner been notified about any current violations of environmental laws pertaining to activities on the property or does applicant, landowner, or others have knowledge about past violations?

[X]

*11) Has the landowner been notified of any environmental assessments of the property that identified a) the presence of hazardous substances, petroleum products, or contamination; or b) the need for further assessment?

[X]

*12) Does the applicant, landowner, or others have knowledge that any hazardous substances, unidentified waste materials, tires, or automotive or industrial batteries have been dumped above ground, buried, or burned on the property?

[X]

*13) Is the property listed on any federal or state list of contaminated sites, including the site of a leaking underground storage tank?

[X]

*14) Does the applicant, landowner, or others have knowledge that any of the adjoining properties are currently being used or have been used in the past for the purposes listed in the previous questions 1-13?

[X]

*15) Has an environmental assessment been completed for the site?

[X]

If yes, please provide documentation that supports this on the Required Attachments page.

*16) Are permits required for the development of the site?

[X]

If yes, please complete the following table:

TYPE OF PERMIT	PERMITTING AGENCY	EFFORTS TAKEN TO OBTAIN PERMIT OR DETERMINING PERMIT REQUIREMENTS
ROW/Construction Access Permit	City of Rochester	x
Inland Lakes or Streams Permit	EGLE	x
Floodplains Permit	EGLE	x
Soil Erosion Permit		x

If 'Yes' or 'Unknown' was selected for any of the questions on this page, please explain here:

Adjacent to the site is a manufacturing facility that is currently vacant. The facility was most recently occupied by Solaronics, a manufacturer of infrared heating products. The facility was built in 1963.

Section G: Natural Features of The Project Site

Instructions:

1. Click **Save** to save changes.
2. Great Lakes connecting waters are defined in the *2023 Michigan Natural Resources Trust Fund Application Guidelines*.
3. See the 2023 Natural Resources Trust Fund Application Guidelines [here](#) for guidance.

To the best of your knowledge, does the project site include:

***Great Lakes shoreline or Great Lakes connecting water frontage?**

☒ **No** **Yes**

***Inland lake frontage?**

☒ **No** **Yes**

***River and/or tributary frontage?**

No ☒ **Yes**

If yes, name of water body:

Paint Creek

How many linear feet of frontage?

100

Is the river or tributary a state natural river or a federally dedicated wild and scenic river?

☒ **No** **Yes**

***Wetland acreage or frontage?**

☒ **No** **Yes**

***Other water acreage or frontage?**

☒ **No** **Yes**

***Sand dunes?**

☒ **No** **Yes**

***Dedicated state or federal listed wilderness or dedicated natural area or Pigeon River County State Forest land or inholding?**

☒ **No** **Yes**

***Rare species or any other significant feature as defined by the Michigan Natural Features Inventory?**

☒ **No** **Yes**

Section H: Wildlife Values of The Project Site

Instructions:

- 1. Click **Save** to save changes.
- 2. See the 2023 Natural Resources Trust Fund Application Guidelines [here](#) for guidance.

Will the proposed park or park development:

*** Protect wildlife habitat** (for example, breeding grounds, winter deeryards, den sites)? **No** ☒ **Yes**

If yes, list species: *Brown trout*

How many acres of habitat does the site provide? *.10*

*** Act as a wildlife corridor between existing protected areas or buffer an existing protected area?** ☒ **No** **Yes**

Section I: Natural Resource Recreation Opportunities

Instructions:

1. Click **Save** to save changes.
2. See the 2023 Natural Resources Trust Fund Application Guidelines [here](#) for guidance.

Will the proposed park or park development provide new or additional:

***Water recreation opportunities?** ☒ **No** **Yes**

***Motorized recreation opportunities (ORV and/or Snowmobile)?** ☒ **No** **Yes**

***Hunting Opportunities?** ☒ **No** **Yes**

***Fishing opportunities?** **No** ☒ **Yes**

If yes, what type of fishing opportunities will be provided?
(species/methods)

Brown Trout/Fly fishing and spin casting

***Bird watching or other nature viewing opportunities?** **No** ☒ **Yes**

If yes, what species can be viewed?

TBD

***Nature interpretation or education opportunities?** **No** ☒ **Yes**

If yes, how are the interpretation or education opportunities provided? (check all that apply)

☒ Interpretive signage ☐ Part time or volunteer naturalist

☒ Interpretive brochures ☐ Full time naturalist

Nature center

Have you formed a partnership with another organization to provide interpretive/educational services? **No** ☒ **Yes**

If yes, name of organization:

Friends of the Paint Creek Trail

Provided examples of interpretive materials, descriptions of classes, and other documentation on the interpretive/educational services provided with application:

In partnership with the Friends of the Paint Creek Trail, the Trailways Commission maintains a pollinator garden along the trail in Rochester Hills. The garden features low-maintenance, native plants in support of pollinators. The goal of the garden is to provide an inspirational space that invites and supports pollinators and stewardship by an informed and motivated public. Interpretative signage can be found throughout the garden to help educate the public about the importance of pollinators in our environment and the role native plants can play in helping to save them. An informational brochure is also available at the garden site and is attached.

Additionally, the Trailways Commission works in conjunction with Oakland Township Parks and Recreation and Six Rivers Nature Conservancy to host annual invasive species removal workdays along the Paint Creek Trail.

Two interpretative solar powered audio signs can also be found along the trail, one focused on the Paint Creek and the brown trout fishery and the other focused on the wet prairie located along the trail in Oakland Township. Additionally, kiosks located at each of the trailheads include interpretative content about the trail's history, natural features, or other relevant topics.

In addition, we have attached a brochure entitled "Wildflowers along the Paint Creek Trail" which details the many native plants found along the trail. We have also attached our popular Paint Creek Trail brochure.

Section J: Public Access Opportunities

Instructions:

1. Click **Save** to save changes.
2. See the 2023 Natural Resources Trust Fund Application Guidelines [here](#) for guidance.

* Will the site be open to the general public?

No

☒ Yes

List the hours open to the public:

	From	To	Closed
Sunday	6:00 a.m.	10:00 p.m.	
Monday	6:00 a.m.	10:00 p.m.	
Tuesday	6:00 a.m.	10:00 p.m.	
Wednesday	6:00 a.m.	10:00 p.m.	
Thursday	6:00 a.m.	10:00 p.m.	
Friday	6:00 a.m.	10:00 p.m.	
Saturday	6:00 a.m.	10:00 p.m.	
Holidays	6:00 a.m.	10:00 p.m.	

Comment:

Section K: Trails

Instructions:

1. Click **Save** to save changes.
2. See the 2023 Natural Resources Trust Fund Application Guidelines [here](#) for guidance.

* Is the proposed site a trail?

No

☒ Yes

Who is the primary intended user? (Check one)

Hikers/Pedestrians

Road Bicyclists

Equestrians

☒ Mountain Bicyclists

Cross-Country Skiers

Snowmobilers

Other motorized vehicle users

Other, explain:

Who are the secondary users?

☒ Hikers/Pedestrians

☒ Road Bicyclists

☒ Equestrians

Mountain Bicyclists

☒ Cross-Country Skiers

Snowmobilers

Other motorized vehicle users

☒ Other, explain:

Anglers

Is the trail connected to another trail(s) or part of a larger trail network?

No

☒ Yes

If yes, what is the name of the network?

Iron Belle & Oakland County Oak Routes

How long is the trail?

46,992

Total linear feet

1,320

Linear feet bituminous (paved)

Linear feet boardwalk (if applicable)

Linear feet sidewalk

45,672

Linear feet other hard surface

What is the width of the trail?

8

Linear feet

*** Is this proposed project part of the Iron Belle Trail (Governor's Showcase Trail)? View the interactive IBT map [here](#).**

(Applicable for Development or Acquisition)

No

☒ Yes

Application Narrative

Instructions:

1. The application narrative is an important source of information used to evaluate and score your application. It will provide Grants Management with an overall picture of your proposed project. It is strongly recommended that you review the MNRTF Application Guidelines for additional clarification of what items should be included in the application narrative.
2. Click **Save** to save changes.
3. See the 2023 Natural Resources Trust Fund Application Guidelines [here](#) for guidance.

*I. Project Justification and Support:

Need – A structural inspection of Bridge 31.7 over the Paint Creek by engineers from AEW documented extensive decay of the bridge's structural components which compromise the safety of the bridge, necessitating its replacement. This project is listed on page 56 in the city of Rochester's 2019-2023 Parks and Recreation Master Plan and on page 94 of the Paint Creek Trailways Commission's 2020-2204 Recreation Master Plan.

Alignment with SCORP & MNRTF Priorities – The Paint Creek Trail, a popular regional trail, is a key link in Oakland County's Oak Routes Network as well as the Iron Belle Trail. Bridge 31.7 provides access across Paint Creek for pedestrians, bicyclists, and skiers.

Public Input – Input was received on this grant application at a Paint Creek Trailways Commission meeting held on March 21, 2023 after it was made available for review on three websites, social media, and at the Paint Creek Trailways Commission office and Rochester City Hall. In addition to the public hearing notice printed in local newspapers, the meeting was advertised at five municipal locations, two public libraries, and at the Paint Creek Trailways Commission office. Adjacent property owners were notified about the project and the public hearing via certified mail.

Public Support – Public support will be demonstrated via letters of support from our organizational stakeholders, residents, and government, non-profit, business, and user group organizations. Please see Attachments section to review these letters.

Accessibility and Universal Design – As part of the Paint Creek Trailways Commission's unsuccessful application to the Michigan DNR Spark grant program for this project, it solicited feedback from several area physical therapists and individuals who work directly with the disability community. Based on feedback currently received, trail staff plans to discuss with our engineers the feasibility of adding a hand rail at an accessible height along the bridge to allow people in wheelchairs with the ability to stand to use it for support in order to observe the Paint Creek. We will also work with our engineering firm to ensure that the transition from the trail surface to the bridge surface is as seamless as possible and look into potential non-slip surfaces and/or surfaces that don't promote moss/algae/mold growth.

Further features may be incorporated into the project's design following an in-person meeting with additional accessibility advocates scheduled for March 9, 2023. Thirty-five invitations to the workshop were sent to disability/accessibility advocates and organizations based on resources provided by the Michigan DNR and through our own research. A press release was sent to several local and regional news offices and information about the workshop was posted on the trail's website, social media, and sent via email to the trail's 400 e-newsletter subscribers.

*II. Project Description:

During the project, the existing bridge will be replaced with a keystone style prefabricated truss bridge in weathered steel with corrosion allowance & IPE timber decking. The new bridge will be 70 ft in length & a GRS (Geosynthetic Reinforced Soil) abutment wall construction will be used to provide support for the bridge. Based on these specifications, the expected lifespan of the bridge is 75 years & requires almost no maintenance during its lifespan. Aesthetically, this bridge will look similar to Paint Creek Trail Bridge 33.7, which is also a steel truss bridge & was constructed in 2019.

The bridge's universal design adheres to ADA & AASHTO guidelines for bicycle & pedestrian facilities & provides minimum clear bike/multi-use path width of 14 ft. & supports a 20-mph bicycle speed. The 14-ft path width is to provide adequate shy distance between a walking individual & a bicyclist meeting at the same location on the pathway. The bridge slope is less than 2% allowing easy access for those using wheelchairs or other power-driven mobility devices. The 54" tall railings will provide a safe vantage point for nature observation.

Trail Projects – The non-motorized Paint Creek Trail is part of the Oakland County Oak Routes Trail Network as well as the Iron Belle Trail. The trail connects the business districts of Rochester, Goodison & Lake Orion & connects directly to Bald Mountain State Recreation Area. With the Paint Creek Trail's connection to the Polly Ann Trail to the north & west, & the Clinton River Trail & Macomb Orchard Trail to the southeast, users of these three trails are able to enjoy a system of over 65 miles.

The trail is 8' ft. wide & surfaced with crushed limestone. It is 8.9 mi long with 0.6 mi in the city of Rochester. The trail receives over 100,000 users annually & they are comprised of cyclists, pedestrians, equestrians, nature enthusiasts, & anglers. Amenities include picnic areas, benches, restrooms, drinking fountains, nature observation decks, interpretative signage, free little libraries, & bicycle repair stations.

Renovation – A structural inspection of this nearly 100-year-old timber railroad bridge that is 46' ft. long documented the extensive decay of its structural components which compromises the safety of the bridge, necessitating its removal & replacement.

Sustainable Design Systems or Features – Streambank disturbance will be remedied with native plants by either live staking or joint planting techniques. Both revegetation techniques establish permanent vegetation, stabilize streambank slopes & reduce potential streambank erosion.

Park Visibility & Ease of Access – Wayfinding signage is found throughout the trail & this location is easily identifiable as a trail due to the gateway sign & road crossing signs located at the intersection just south of the project site. Bridge 31.7 is located just north of downtown Rochester & is accessible via public sidewalk from the nearby residential & business districts.

***III. Natural Resource Access and Protection:**

Natural Features Description – The bridge traverses the Paint Creek, southeast Michigan's premier cold-water trout stream & the dominant vegetation located within the upland adjacent to Paint Creek include basswood, Norway maple, amur honeysuckle, border privet, common woodland sedge, & Pennsylvania sedge.

The city of Rochester manages the sections of the Paint Creek which lie within the trail right-of-way with assistance from local chapters of Trout Unlimited. Most creek maintenance includes supporting the trout fishery, addressing creek shoreline erosion including removal of log jams, & maintaining fish access routes. In addition to providing excellent fishing opportunities, this stretch of the Paint Creek provides opportunities to view wildlife including deer, mink, muskrat, beaver, & birds.

Type of Natural Resources on Property – The bridge crosses the Paint Creek, one of the few designated brown trout streams. The trail & bridge provide anglers with multiple access points to the wade-able trout stream. The DNR stocks the stream with 5,600 brown trout annually to maintain the brown trout fishery that has limited natural reproduction. Paint Creek has high banks & stairs down to the water next to the bridge provide a safe path to & from the water's edge.

Quality & Quantity of the Natural Resources – The Paint Creek is a high-quality natural resource. Southeast Michigan is dominated by warm-water streams & most of what is available as a cold-water stream is typically a small headwater stream with little access or ability to maintain a fishery. Paint Creek is one of the few cold-water streams in southeast Michigan. It has high water quality with temperatures rarely exceeding 70°F. This high-quality stream also has a fair amount of good habitat with most of the river bed being made of sand, gravel, cobble, & in-stream woody habitat. The stream averages 26.3 ft. & much of it is wade-able water allowing anglers the ability to move throughout the stream. The combination of high gradient, good groundwater inflow, & abundant public access makes this one of the best river stretches in the Clinton River watershed for fisheries management activities.

Sustainability – Any maintenance or improvements performed on the Paint Creek will adhere to EGLE requirements, including closure during the trout spawning season. The Trailways Commission maintains shoreline vegetation which, when partially submerged, deflects & slows the current, reducing erosion energy, as well as overhanging vegetation which provides shade, cover, & substrate for fish habitat, their food, & to reduce (marginally at this scale) water temperature.

The bridge's design eliminates piers within the waterway, thus eliminating log jams that currently occur. Replacing Bridge 31.7 with a bridge that has a clear span will benefit fish passage, natural sediment regime, & the natural flow regime. Fish passage is crucial in the Paint Creek to serve the highly functional cold-water fishery.

IV. Other Information:

See attached Intergovernmental Agreement for the Paint Creek Trail which describes how the four member communities, including the city of Rochester, collaborate to improve, manage and operate the Paint Creek Trail. See attached Reaffirmation of Understanding of Maintenance Responsibilities and In-Kind Services which shows the collaboration among the five trail communities to provide maintenance and operational support of the Paint Creek Trail.

Required Attachments for Development Projects

Instructions:

1. All required fields are marked with an *.
2. Attachments may be in **Word, PDF, JPG, XLS** or **GIF** format.
3. Save at least every 30 minutes to avoid losing data.
4. See the 2023 Michigan Natural Resources Trust Fund Application Guidelines [here](#) for guidance.
5. You may upload a cost breakdown in the required uploads page as supporting documentation.

Upload Attachments:

- Click the **Select** button and navigate to the file in your computer or network.
- Once selected, the file name will appear under the **Select** button.
- Click the **+** button to add a new upload area.
- Click the **–** button to remove an upload area or file.
- Click the **Save** button to apply the changes.
- **NOTE:** When the file is named to be uploaded, **DO NOT** leave any spaces, place a period between the words OR use any special characters, e.g. "/", in the document name. Attachments may be in **Word, PDF, JPG, XLS** or **GIF** format.

All location maps, site development plans, boundary maps, and other graphic information must be clear, legible, detailed, and appropriately labeled. Grants Management staff use these materials to help evaluate your application and to find and evaluate many of the sites. We must also photocopy many of the graphic materials in black-and-white; be sure that what you submit will photocopy legibly.

REQUIRED CONTENT FOR DEVELOPMENT APPLICATIONS

* **Maintenance Plan:**

* **Project Location Map(s):**

* **Site Development Plan:**

* **Boundary Map(s)** delineating the legal boundaries of the park site(s) outlined in **red**; show easements in **green**:

* **Photographs of the site** - digital images, combine into one file:

* **Certified Resolution:** from the highest governing body:

* **Advance Notice of the public meeting** for public comment and to pass the resolution for the application:

* **Minutes of the Public Meeting** held for public comment and to pass the resolution for the application:

* **Copy Site Control Form and Deed** (commitment letter to transfer property, *for development projects*)

* **Notice of Intent Form and copy of letter transmitting form** to regional clearinghouse to the regional clearinghouse:

ADDITIONAL INFORMATION FOR DEVELOPMENT APPLICATIONS:

Letter(s) of support:

Documentation of match commitment(s), (if required on the Section B form):

Universal Design Documentation:

Preliminary floor plans and elevation drawings for the proposed structures, if applicable

Correspondence regarding regulatory permitting issues, if applicable:

Expert documentation, to support the project:

Environmental Report, if applicable based on Property Checklist of application form:

Additional Information

Instructions:

1. Click **Save** to save changes.
2. See the 2023 Natural Resources Trust Fund Application Guidelines [here](#) for guidance.

Provide the information listed below, as applicable, and any other information you believe will give us a more complete understanding of your proposed project and assist us in evaluating your application.

- 1) Explain the circumstances under which you closed, sold, or transferred control of any parkland or recreation facilities within your park system.
- 2) List any parks within your system for which you have a "residents only" policy.
- 3) Discuss any health advisories for the water bodies accessed by your project. Describe how these advisories will affect the use of the site and your proposed facilities.

1. *The Paint Creek Trailways Commission has not closed, sold, or transferred control of any parkland or recreation facilities.*

2. *The Paint Creek Trail does not have a "residents only" policy. It is completely free and open to the public.*

3. *There are no known health advisories for the Paint Creek.*



4393 Collins Road
Rochester, MI 48306
(248) 651-9260
Paintcreektrail.org

**Resolution #2023-002 - Resolution of Authorization - Paint Creek Trailways
Commission Application to the Michigan Natural Resources Trust Fund**

At a regular meeting of the Paint Creek Trailways Commission held on Tuesday, March 21, 2023, the following Resolution was moved by Commissioner _____ and supported by Commissioner _____:

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 Michigan Natural Resources Trust Fund, for the development of a 70' 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 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;

WHEREAS, the city of Rochester has made a financial commitment to the project in the amount of \$191,760; and,

WHEREAS, if the grant is awarded to the Paint Creek Trailways Commission, we commit the donated amount of \$191,760 from the city of Rochester for matching funds in combination with a proposed \$467,040 Transportation Alternatives Program Grant; and,

WHEREAS, with this resolution of support 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 HEREBY RESOLVED THAT the Paint Creek Trailways Commission of Oakland County, Michigan, hereby authorizes submission of a Michigan Natural Resources Trust Fund Application for the "Paint Creek Trail Bridge 31.7 Renovation" project for \$300,000, and further resolves to make available a local match through financial

commitment from the city of Rochester and Transportation Alternatives Program Grant funding of \$658,800 (68.7%) of a total of \$958,800 project cost, during the 2024-2025 fiscal year.

AYES:

NAYS:

ABSENT:

MOTION APPROVED

I, Martha Olijnyk, Paint Creek Trailways Commission Chairperson, do hereby certify that the foregoing is a Resolution duly made and passed by the Paint Creek Trailways Commission at their regular meeting held on March 21, 2023 at 7:00pm, at 4480 Orion Road, Rochester, Michigan, with a quorum present.

Martha Olijnyk, Chairperson

March 21, 2023
Dated



4393 Collins Road
Rochester, MI 48306
(248) 651-9260
Paintcreektrail.org

MEMO

To: Commissioners, Alternates, & Staff
From: Melissa Ford, Trail Manager
Subject: Upcoming Grant Opportunities for Bridge 31.7 Replacement Project
Date: March 13, 2023

There are six upcoming grant opportunities that the Commission could apply for funding from for the Bridge 31.7 replacement project.

Michigan Department of Transportation - Transportation Alternatives Program

Application for the TAP grant submitted. Tentative funding decision date is July 19, 2023.

Following an initial review of our application by MDOT, Trail Manager Ford received an email stating that our application has been opened for revision. The email follows this memo for your reference. We are working with AEW to update the cost estimate as requested. The larger issue is whether the bridge is eligible for listing on the National Register of Historic Places. At the time of this memo, Trail Manager Ford is working with AEW to secure a cultural resources consultant to make an eligibility determination and an archaeologist to see if the bridge is in an archaeologically sensitive area and requires an archaeology survey. I hope to have an update on this issue for you at the meeting.

We must have an answer from the cultural resources consultant regarding the status of the bridge by March 31st. Otherwise, this will move our application into the next funding cycle (application deadline of 6/21/23 with tentative funding decision date of 11/15/23) and therefore push our project into the 2025 construction season.

Michigan Department of Natural Resources – Michigan Natural Resources Trust Fund

An accessibility workshop was held on March 9th to receive feedback on the bridge's design from individuals with disabilities and disability/accessibility advocates. AEW Structural Lead/Project Manager Kevin Zauel was present to discuss the bridge design and answer any questions. We received positive feedback on the bridge with a few suggestions on how to improve the design so that it is more accessible for individuals in wheelchairs. These comments will be added to our grant application.

The Commission is requesting \$300,000 in grant funds from MNRTF. The remaining balance will hopefully be funded by the TAP grant and the city of Rochester has committed \$191,760 towards the project.

Trail staff sent notices to all affected adjacent property owners about the public hearing at this month's meeting. All public comment from the hearing will be incorporated in the grant proposal narrative.

Application deadline is April 1, 2023. Final recommendations for funding by the MNRTF Board are in early December 2023.

Michigan Department of Natural Resources – Michigan Spark Grants

No new information at this time. Once our application's scores are available, I will be sure to share them with Commission. No date has been announced yet for the second round of funding.

Community Foundation for Southeast Michigan - Ralph C. Wilson, Jr. Trails Maintenance Fund

I spoke with the Program Officer at CFSEM about the grant. At this time, they are working with their grants management team as well as their external advisory committee for the fund to get an updated timeline. A new application date has not been determined but will be pushed back a bit from last year's date of March 31st in order for applicants to set up calls with the Program Officer to review ideas and work on the application.

Minimum grant request is \$50,000 - \$400,000 maximum. All Trails Maintenance Grants require a minimum 1:1 funding match (\$1 of Trails Maintenance Grant money for every \$1 from other sources).

Michigan Department of Natural Resources – Fisheries Habitat Grant Program

Commission can reapply for the grant in November 2023 if it wishes. Trail manager Ford will work with DNR Fisheries Division to get project/bridge listed on the 2023 Priority Habitat Conservation Projects List.

Michigan Department of Natural Resources – Land and Water Conservation Fund

The Trailways Commission decided not to apply for this grant as it is federal funds and cannot be used as a match for the TAP grant. The TAP grant requires that matching funds be from non-federal sources.

From: [MDOT Grant System](#)
To: [manager@paintcreektrail.org](#); [amoggio@rochestermi.org](#); [nbanda@rochesermi.org](#)
Cc: [YostC1@michigan.gov](#); [HamiltonK9@michigan.gov](#); [pawlik@semcog.org](#); [vettrino@semcog.org](#); [smithm13@michigan.gov](#)
Subject: TA 2023037.01 Paint Creek Bridge Reconstruction Application Opened for Revision
Date: Tuesday, February 28, 2023 4:30:14 PM

Below is an initial review of the above noted TAP Grant Application. Your application has been opened for you to login, respond to any questions, and/or make any requested changes. All responses must be made in MGS. You may find it most convenient to make your responses in one uploaded document, giving both the questions and the responses, but please keep them in the same order as listed below. If you need to change the budget, schedule, documents, etc., please change the information on the corresponding tab in the system and/or upload new documents as appropriate. When all responses or changes are complete, please re-submit the grant application. This grant application may not be processed any further until it has been re-submitted. To remain in the current application cycle, the application must be re-submitted by 3/31/23. In the MGS, there is a circular blue "i" icon that contains further details and requirements for most of these tabs listed below. The pages with content relevant to these tabs in the Applicant Guide have also been supplied for further guidance. A link to the Applicant Guide is below. If you have any questions, please contact Caitlin Yost at [YostC1@michigan.gov](#).

[TAP-Applicant-Guide.pdf \(michigan.gov\)](#)

The MDOT historian that assists with reviewing TAP applications has advised there is a chance the bridge is eligible to be listed on the National Register of Historic Places. At this time, until the question of eligibility on the National Register of Historic Places is determined, the TAP application cannot be moved forward.

For this bridge to be eligible for TAP grant funding under the Bike and Ped Category, it would have to be ineligible for listing on the National Register (in other words not historically significant) for the proposed work to be funded. If the bridge is ineligible, then the proposed work (pending engineering review, comments, revisions, and acceptance by the FHWA) could potentially be funded. As such, without knowing whether the bridge is or is not eligible for listing on the National Register of Historic Places, an accurate scope of work and cost estimate cannot be determined. If the bridge is eligible for listing, the proposed work will need to be carefully vetted by an engineer with experience in historic bridge projects to determine what work is/is not appropriate. If the bridge is National Register eligible, the project could then possibly, depending upon the scope, be funded under the Historic Preservation or the Bike and Ped category or a combination of the two.

Therefore, to determine National Register eligibility, we recommend hiring a qualified cultural resources consultant to make an eligibility determination for this bridge. The SHPO maintains a list of qualified consultants at <https://www.miplace.org/4a776e/globalassets/documents/shpo/programs-and-services/archaeology/archaeology-in-michigan/archaeologist-architectural-historian-and-historian-consultants-list.pdf>. We would recommend hiring someone at the same time to investigate the archaeology and see if the bridge is in an archaeologically sensitive area - many firms can do both above-ground and archaeology. Figuring out if this is archaeologically sensitive and if any archaeology surveys are necessary and will need to be done throughout the TAP process anyway, as there is proposed abutment work and brush clearing. Once complete, you will need to provide the consultant reports to the MDOT & SEMCOG Grant Coordinators (Brian Pawlik and myself), who will then coordinate with MDOT LAP Cultural Resources staff. **Please do not upload any archaeological information to MGS as it is sensitive data.**

Below you'll find additional questions about the application. You may choose not to make these changes until the question of historical significance has been answered.

ENGINEER ESTIMATE

- Mobilization should be added to the estimate at 10% of total construction cost

- Line items #1 & #11, Structures and Path Work, should be broken down into individual pay items instead of a lump sum
- Please ensure contingency is built into each line item

BUDGET/FUNDING

- There is a note in the Environment and Community tab that mentions a SPARK grant application. In general, federal funds cannot be combined in the same phase of a project (for example, SPARK and TAP cannot be used for construction in the same project). Please clarify if the SPARK application is for this same project or a different one.

SCHEDULE

- No action is needed at this time, but please be advised that if a Conditional Commitment of funding is awarded for this project it may be awarded for a different fiscal year than the requested 2024. If there is an extenuating circumstance that you feel necessitates 2024 construction, please advise.

This is an automated email. Please do not reply as this mailbox is not monitored.

Thank you,
MDOT Grant System



4393 Collins Road
Rochester, MI 48306
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Paintcreektrail.org

MEMO

To: Commissioners, Alternates, & Staff
From: Melissa Ford, Trail Manager
Subject: Southeast Rochester property
Date: March 13, 2023

During last month's meeting, Aseel Putros from AEW expressed her concern about EGLE permitting the observation deck at the Southeast Rochester property as it would be located in the floodway. She reached out to EGLE to see if they would accept the deck and they responded that they can permit the deck if we can be above BFE (7'-8' above ground per proposed current condition) and if the area of the piers are less than 1% of the floodway area. Aseel believes that we can achieve that. We would still need to apply for a permit from EGLE for working in the floodway and the floodplain, but it can be permitted.

As discussed at the February meeting, AEW does not believe it has enough information to give us a cost estimate for the observation deck. In order to provide the Commission with a preliminary cost estimate for the scope of work, AEW would need to charge us \$1,500 for their time. We need to provide a cost estimate to the potential donor before he is willing to commit funds to the project.

As a reminder, AEW estimates it would cost \$21,000 to design the project and complete the necessary surveys, such as soil borings for the depths of the footings and a topographical survey for the elevation. The drawings we have from Mannik Smith are not adequate to construct the project.

Therefore, I am requesting that the Commission amend the 2023 Operations Budget and approve the \$1,500 expense to have AEW develop a cost estimate for the project.

2023 Draft Operations Budget
Amended January 17, 2023

								2021 Final	2022 Approved	2023 Draft	Difference from 2022	2024 Projected
REVENUE												
Member Unit Contribution for Commission and Office Operations and Staff								\$72,000	\$73,440	\$74,909	\$1,469	\$76,782
	Rochester			18,727								
	Rochester Hills			18,727								
	Oakland Township			18,727								
	Orion Township			18,727								
Member Unit Contribution for Patrol Program, based on community mileage								\$14,680	\$15,901	\$19,500	\$3,599	\$19,883
	Rochester			1,533								
	Rochester Hills			3,284								
	Oakland Township			11,836								
	Orion Township			2,847								
Member Unit Contribution for Commission and Office Operations and Staff								n/a	n/a	\$5,000	\$5,000	\$0
	Rochester			1,250								
	Rochester Hills			1,250								
	Oakland Township			1,250								
	Orion Township			1,250								
Interest								\$77	\$300	\$300	\$0	\$300
Adopt-a-Trail								\$50	\$0	\$0	\$0	\$0
Trailways Saleable Items								\$0	\$0	\$0	\$0	\$0
Miscellaneous/Donations								\$185	\$200	\$200	\$0	\$200
Transfer from Legal Services								\$12,542	\$11,500	\$11,500	\$0	\$11,500
Trail Brochure Sponsorship								\$0	\$0	\$0	\$0	\$3,000
National Trails Day Sponsorship								\$575	\$500	\$500	\$0	\$500
Labor Day Bridge Walk Donations								\$974	\$0	\$0	\$0	\$0
Labor Day Bridge Walk Sponsorship								\$1,769	\$1,000	\$1,000	\$0	\$1,000
40th Anniversary Celebration Sponsorship								n/a	n/a	\$2,500	\$2,500	n/a
Bench/Trail Amenity Donations								\$0	\$1,250	\$2,500	\$1,250	\$2,500
Temporary Permit Fees								\$90	\$70	\$70	\$0	\$70
Transfer from Fund Balance (Rent & CFGR)								\$1,750	n/a	\$5,400	\$0	n/a
Program/Project Grants								\$106,582	\$0	\$0	\$0	\$0
MMRMA Asset Distribution								\$1,321	\$1,300	\$1,300	\$0	\$1,300
								\$212,595	\$105,461	\$124,679	\$19,218	\$117,035
EXPENSES												
Office												
Telephone and Computer Network Services								\$426	\$550	\$550	\$0	\$650
Office Furnishings								\$0	\$400	\$250	\$150	\$500
Office Materials & Supplies								\$276	\$975	\$975	\$0	\$1,350
Office Operating Expenses								\$688	\$1,750	\$1,250	\$500	\$1,500
Rent								\$6,250	\$6,250	\$7,650	-\$1,400	\$7,000
Postage								\$71	\$500	\$225	\$275	\$500
Office & Trail Equipment								\$12,120	\$925	\$2,700	-\$1,775	\$1,550
Bench donations								\$856	\$1,250	\$2,500	-\$1,250	\$2,500
Restroom Maintenance								\$0	\$0	\$0	\$0	\$0
Subtotal								\$20,687	\$12,600	\$16,100	-\$3,500	\$15,550

2023 Draft Operations Budget
Amended January 17, 2023

Staff Travel/Training/Development						2021	2022	2023	Difference	2024
Travel/Mileage						\$0	\$350	\$150	\$200	\$400
Education/Memberships						\$54	\$250	\$150	\$100	\$350
Per Diems						\$4,620	\$5,500	\$5,500	\$0	\$5,500
Subtotal						\$4,674	\$6,100	\$5,800	\$300	\$6,250
Insurance/Professional Services (other than legal)										
Auditing Fee						\$3,700	\$3,800	\$4,000	-\$200	\$4,100
Insurance (MMRMA)						\$4,120	\$4,100	\$4,200	-\$100	\$4,300
Worker's Compensation Insurance						\$814	\$900	\$900	\$0	\$1,000
Recorders Fee						\$2,820	\$3,120	\$3,120	\$0	\$3,185
Subtotal						\$11,454	\$11,920	\$12,220	-\$300	\$12,585
Publicity/Raising awareness/Educational Projects										
Trailways Student Project						\$0	\$500	\$200	\$300	\$550
Brochures						\$1,385	\$0	\$0	\$0	\$3,000
Trail Promotional Items						\$0	\$1,100	\$500	\$600	\$1,250
Labor Day Bridge Walk						\$951	\$1,000	\$1,000	\$0	\$1,000
National Trails Day						\$590	\$500	\$500	\$0	\$500
Trail Etiquette Program						\$0	\$300	\$150	\$150	\$450
Recognition Ceremony						\$539	\$25	\$200		\$300
Subtotal						\$3,465	\$3,425	\$2,550	\$875	\$7,050
Administrative Personnel										
Wages - Manager						\$33,763	\$34,470	\$35,608	-\$1,138	\$36,214
Longevity Salary - Trail Manager						n/a	\$1,000	\$1,059	-\$59	\$0
FICA/MESC - Manager						\$2,583	\$2,713	\$2,724	-\$11	\$2,757
Wages - Part-time Administrative Assistant						\$10,076	\$10,541	\$9,641	\$900	\$9,738
Longevity Salary - Admin. Asst.						n/a	\$800	\$0	800	\$0
FICA/MESC - Admin. Asst.						\$771	\$868	\$737	\$131	\$745
Subtotal						\$47,193	\$50,392	\$49,769	\$623	\$49,454
Trail Projects										
Signage Project						\$64,825	\$0	\$0	\$0	\$0
Trail Improvement Project - South Rochester						\$0	\$0	\$0	\$0	\$0
Property Acquisition Projects						\$0	\$0	\$0	\$0	\$0
Bridge 33.7/Resurfacing Ribbon						\$505	n/a	n/a	\$0	n/a
Moutrie Pollinator Garden Ribbon Cutting Ceremony						\$0	\$0	\$0	\$0	\$0
Fence & Railing Replacement						\$20,320	n/a	n/a	\$0	n/a
Ralph C. Wilson, Jr. Foundation funds to OTPRC for Paint Creek Junction						\$20,226	\$0	n/a	\$0	n/a
Document Scanning						n/a	\$3850	\$0	\$3,850	\$4,500
PCT Website Redesign						n/a	n/a	\$10,000		\$0
40th Anniversary Celebration						n/a	n/a	\$2,500		\$0
Subtotal						\$105,876	\$3,850	\$12,500	-\$8,650	\$4,500
Patrol Program										
Wages - PCTC Bike Patrol						\$4,094	\$5,073	\$5,225	-\$152	\$5,330
FICA/MESC-Bike Patrol						\$313	\$388	\$400	-\$12	\$408
Contracted Mounted Patrol Services						\$6,254	\$10,217	\$13,575	-\$3,358	\$13,845
Commission Contribution to Bike Patrol Services						\$0	\$0	\$0	\$0	\$0
Bike Patrol Equipment & Misc						\$128	\$223	\$250	-\$27	\$300
Subtotal						\$10,789	\$15,901	\$19,450	-\$3,549	\$19,883

2023 Draft Operations Budget
Amended January 17, 2023

								2021	2022	2023	Difference	2024
Printing/Logo Expenses												
Trail Saleable Items								\$0	\$0	\$0	\$0	\$0
Subtotal								\$0	\$0	\$0	\$0	\$0
Miscellaneous/Contingency								\$282	\$1273	\$1,790	-\$517	\$1,763
Transfer to Community Foundation for Greater Rochester								n/a	n/a	\$4,500		n/a
Transfer to fund balance								\$8,175	\$0	\$0	\$0	\$0
Subtotal								\$8,457	\$1273	\$6,290	-\$5,017	\$1,763
Total Expenses								\$212,595	\$105,461	\$124,679	-\$19,218	\$117,035
Revenue minus Expenses								\$0	\$0	\$0	\$0	\$0
Legal Services Project Budget												
								2021	2022	2023	Difference	2024
REVENUES												
Member Unit Contribution								\$0	\$0	\$0	\$0	\$0
License Fees								\$12,869	\$14,000	\$14,000	\$0	\$14,000
License Fees Paid in Advance								\$0	\$0	\$0	\$0	\$0
Transfer From Fund Balance								\$1,500	\$1500	\$1,500		\$0
New License Preparation Fees								\$0	\$0	\$0	\$0	\$0
Total Revenue								\$14,369	\$15,500	\$15,500	\$0	\$14,000
EXPENSES												
Legal Retainer								\$0	\$0	\$0	\$0	\$0
License Preparation Fees								\$1,827	\$2000	\$2,000	\$0	\$0
Transfer to Operating Budget								\$12,542	\$11,500	\$11,500	\$0	\$11,500
Advance License Fees Carried Forward								\$0	\$0	\$0	\$0	\$0
Legal Services								\$0	\$1,500	\$1,500	\$0	\$1,500
Unallocated								\$0	\$500	\$500	\$0	\$1,000
Total Expenses								\$14,369	\$15,500	\$15,500	\$0	\$14,000
Revenue Minus Expenses - Legal								\$0	\$0	\$0	\$0	\$0
Special Project Budget - Bridge 33.7 Renovation Project												
Source of Funds								2021	2022	2023		2024
Paint Creek Trailways Commission Fund Balance								\$1	\$7,819	\$0		\$0
Member Unit Contributions								\$0	\$0	\$0		\$0
MNRTF Reimbursement								\$25,832	n/a	\$0		\$0
Ralph C. Wilson Foundation								\$3,928	\$0	\$0		\$0
Total Revenue								\$29,761	\$7,819	\$0		\$0
EXPENSES												
Bridge 33.7 Renovation								\$0	\$7,819	\$0		\$0
Legal Services								\$0	\$0	\$0		\$0
Tree Removal								\$0	n/a	\$0		\$0
Design Engineering								\$0	\$0	\$0		\$0
Construction Engineering								\$0	\$0	\$0		\$0

2023 Draft Operations Budget
Amended January 17, 2023

Soundpost Audio Sign								\$0	\$0	\$0		\$0
Recognition Plaques								\$0	n/a	\$0		\$0
MNRTF Reimbursement to OTPRC								\$0	n/a	\$0		\$0
Stairway at Bridge 33.7								\$29,761	n/a	\$0		\$0
								\$29,761	\$7,819	\$0		\$0
Special Project Budget - Pollinator Garden								2021	2022	2023		2024
Source of Funds												
Paint Creek Trailways Commission Fund Balance								\$0	\$0	\$0		\$0
Friends of the Paint Creek Trail								\$496	\$0	\$0		\$0
Donation								\$0	\$0	\$0		\$0
Community Foundation of Greater Rochester								n/a	n/a	\$0		\$0
Weigand's Nursery								n/a	n/a	\$0		\$0
								\$496	\$0	\$0		\$0
Expenses												
Deposit								\$0	\$0	\$0		\$0
Temporary Sign								\$0	\$0	\$0		\$0
Split Rail Fence								\$0	n/a	\$0		\$0
Garden Construction								\$0	n/a	\$0		\$0
Reimbursement to PCT Friends for Weigand's								\$0	n/a	\$0		\$0
Informational Sign								\$0	n/a	\$0		\$0
Bike Rack								\$496	\$0	\$0		\$0
								\$496	\$0	\$0		\$0
Special Project Budget - Bridge 31.7 Renovation Project								2021	2022	2023		2024
Source of Funds												
Paint Creek Trailways Commission Fund Balance								n/a	n/a	\$0		\$0
Member Unit Contributions								n/a	n/a	\$0		\$0
Friends of the Paint Creek Trail								n/a	n/a	\$1051		\$0
Community Foundation for Southeast Michigan								n/a	n/a	\$50000		\$0
								\$0	\$0	\$51,051		\$0
EXPENSES												
Design Engineering								n/a	n/a	\$51,700		\$0
Ecological Services								n/a	n/a	\$16,000		\$0
								\$0	\$0	\$67,700		\$0
2022 Unrestricted Fund Balance								\$ 93,432.00				
2023 Unrestricted Additions								\$ -				
2023 Unrestricted Subtractions (Rent, CFGR & Legal)								\$6,900				
							Balance	\$ 86,532.00				
2023 Total Restricted Funds for future expenditures												
	Rochester Art Project - Maintenance fund							\$ 720				

2023 Draft Operations Budget
Amended January 17, 2023

	Art Project Brochure (Greenbaum)						\$ 100					
	Moutrie Pollinator Garden Maintenance						\$ 841					
					Subtotal		\$ 1,661					
2023 Unrestricted Fund Balance							\$ 86,532.00					
2023 Restricted Fund Balance							\$ 1,661.00					
2023 Total Fund Balance (as of 10/20/22)							\$ 88,193.00					

2023 Paint Creek Trail Ad-Hoc Committee Descriptions and Vacancies		
Recognition Ad Hoc committee	The Recognition Subcommittee is tasked with the planning and budget for a Recognition Ceremony, recognizing the many who have contributed their time, talent, or financial resources to the trail.	1. Linda Gamage 2. Dave Mabry 3. Steve Sage 4.
Paint Creek Trailways Commission Personnel Ad Hoc committee	The Personnel subcommittee is charged with reviewing job descriptions and conducting employee evaluations/reviews. The Subcommittee makes recommendations to the Commission for employee wages for the upcoming fiscal year. One representative from each member community is required, and historically have been the PCTC officers	1. David Becker 2. Martha Olijnyk 3. Patrick Ross 4. David Walker
Orion Art Project committee	The subcommittee will work with the Orion Township and/or the Village of Lake Orion to develop an art project in the northern section of the trail. Subcommittee should include one or two reps from Orion Township and/or the Village of Lake Orion.	1. David Becker 2. Jason Peltier 3. 4.
Development of Property in S.E. Rochester committee	This subcommittee is looking at ways to develop 2 parcels that the PCTC owns in Southeast Rochester. One parcel is 1/2 acre; the other is approx. 1.4 acres. The properties border the Clinton River Trail and Bloomer Park.	1. David Becker 2. Ken Elwert 3. Linda Gamage 4. Steve Sage
Labor Day Bridge Walk September 4, 2023	Held each year on Labor Day, the walk is our most successful event. Due to parking issues, it's held at the Rochester Municipal Park each year, and we provide two options – a 1-mile walk, or a 5K run on the trail. It's a free, family event. We will need assistance recruiting sponsors and volunteers.	1. Robin Buxar 2. Julia Dalrymple 3. Ken Elwert 4. Martha Olijnyk 5. David Walker
Trail Branding & Signage Ad-Hoc Committee	This committee has been reviewing PCT branding options, brochure updates, map updates, and ideas to increase awareness of the trail.	1. Melissa Ford 2. Linda Gamage 3. Martha Olijnyk 4. Steve Sage
Trail improvements/Resurfacing Ad-Hoc Committee	This Committee prioritizes Commission goals and projects. The Commission may decide this committee is not necessary, based on current projects in 2023.	1. David Becker 2. Brian Blust 3. Steve Sage 4. David Walker
Licensing Ad-Hoc Committee	This committee is charged with reviewing the Limited Use Permit applications, Encroachment Policy and Removal Procedures, License Agreements, and proposed easements.	1. Linda Gamage 2. Martha Olijnyk 3. David Walker 4.

Paint Creek Trail 40th Anniversary Celebration Committee	This committee will lead planning of the event in honor of the Paint Creek Trail's 40 th anniversary in 2023.	<ol style="list-style-type: none"> 1. Brian Blust 2. Dave Mabry 3. Jason Peltier 4. Aaron Whatley/Patrick Ross
Friends of the Paint Creek Trail Committee	This committee is tasked with working in conjunction with the Friends Group to discuss ideas relative to the sustainability of the organization and provide recommendations to the Commission on how it might assist the Friends moving forward.	<ol style="list-style-type: none"> 1. Robin Buxar 2. Linda Gamage 3. Dave Mabry 4.



4393 Collins Road
Rochester, MI 48306
(248) 651-9260
Paintcreektrail.org

MEMO

To: Commissioners, Alternates, & Staff
From: Melissa Ford, Trail Manager
Subject: Village of Lake Orion License Agreement – Trail Maintenance & Snow Removal
Date: March 16, 2023

Last week, trail staff received a phone call from an upset citizen saying the Trail is in violation of ADA for not clearing the paved trail surface behind Atwater Commons in Lake Orion. Historically this section of the trail has not been cleared during the winter months. She stated that she witnessed a private individual shoveling the sidewalk at this location so that residents from the nearby senior apartment complex could safely travel to the adjacent shopping plaza and the trail.

Following the phone call, trail staff contacted the Village of Lake Orion DPW to request that they clear that section of sidewalk. The DPW responded that the property is not contracted for them to clear as snow removal is not specified in the Village's license agreement with the Trailways Commission. Additionally, the Village is concerned about their liability if someone falls. The DPW Director indicated that if the Commission wants to have snow removed from this section of the trail, the license agreement would need to be amended and it would need to be approved by the Village Council.

Trail staff contacted the individual who made the original complaint explaining that the Village DPW would not be clearing the sidewalk and that Trail staff do not have equipment to clear the path but that trail staff would bring the issue up at the next Commission meeting to see if steps could be taken to start the process of amending the agreement to include snow removal. She was very unhappy with this response and wanted to know who would be clearing the snow that was predicted for the following day. Unfortunately, staff had to inform her that no one would be clearing the snow until a new agreement was in place.

Following my discussions with the Lake Orion DPW and the concerned resident, I reached out to the Trail's attorney for guidance on whether the Trailways Commission was in violation of ADA for not clearing this portion of the trail. Unfortunately, based on Ms. Hamameh's research there is no clear case law that relates to trails and snow

removal that she could find. Ms. Hamameh felt that this is something that the DPW should be doing and planned to reach out to the Village's attorney to see if it could be added to the DPW's maintenance list without amending the agreement as the DPW is already clearing the trail extension across the street and this is a very short section of trail (0.1 miles). I hope to have an update on her conversation with the Village's attorney at the meeting.

LICENSE AGREEMENT FOR THE PAINT CREEK TRAILWAYS

THIS AGREEMENT ("Agreement") is entered into as of May 14, 2019 between the **VILLAGE OF LAKE ORION**, whose municipal offices are located at 21 E. Church St., Lake Orion, MI, 48362, ("Licensor") and the **VILLAGE OF LAKE ORION DOWNTOWN DEVELOPMENT AUTHORITY ("DDA")**, whose offices are located at 118 North Broadway St., Lake Orion, MI 48362 ("Co-Licensor") (Licensor and Co-Licensor may be referred to collectively as "Licensors"), and the **PAINT CREEK TRAILWAYS COMMISSION**, ("Licensee"), on the following terms and conditions:

1. **Background.** Within the jurisdictions of the Village of Lake Orion and Orion Township are presently .33 miles of the Paint Creek Trail. The Village and the DDA recently acquired a permanent easement through the Lake Orion Lumber Company, et al. Along with Meek's Park, this has created an additional .33 miles of trail within the jurisdiction of the Village and the Township which includes the easement, Meek's Park, and the Children's Park area. The easement was granted with consideration by and through the Lake Orion Lumber Company, et al. The DDA and Village and the Township desire to incorporate the additional .33 miles of trail to be considered as part of the Paint Creek Trailways and designated as such on all maps and publications and designated as a Trail Head at the Children's Park area.

The DDA, Village of Lake Orion and Orion Township would like to enter into this License Agreement for the benefit of Licensors and Licensee so that the above described additional .33 miles of trail located within the Village and the Township can be part of the Paint Creek Trailways system. It should also be noted that the additional .33 miles of trail includes a permanent easement by the Lake Orion Lumber Company, et al, and who granted the easement for the purpose of public use and enjoyment, and to develop the easement to be part of the Trailways.

2. **Acknowledgements.** Licensee acknowledges the additional .33 miles of trail within the Village limits and physical jurisdictional limits of Orion Township extending to Children's Park. The parties acknowledge that this license will be maintained in perpetuity with the conditions as set forth in this Agreement. The Licensor has the authority to enter into this agreement.

3. **Grant of License.** The DDA and Village of Lake Orion hereby grant a perpetual license to the Licensee to improve, build, maintain and operate the public trails, access sites and appropriate structures on the additional .33 miles of trail within the Village and Orion Township limits. The Licensors grant the Licensee the ability to accept funds, voluntary work or other assistance to carry out the Trailways Commission functions or obligations from any source, public or private, including, but not limited to local government funding of specific projects, state or federal grants, and private donations. A complete record of all funds received from any source shall be maintained and made part of the annual financial report as is done through the Licensee. The Licensors further license the Licensee to establish policies or rules governing the use of the additional .33 miles of trail, not inconsistent with state or local law. The Village will maintain

the trail within the Village limits which includes the southern Village limits of the trail through Children's Park area on Anderson Street just south of Front Street in accordance with the regulations as set by the Commission in the AGREEMENT TO ESTABLISH PAINT CREEK TRAILWAYS COMMISSION.

The Licensors will agree to provide meeting space as needed for the Trailways Commission. The Licensors will provide assistance and access to MITN and the Village staff will assist the Trailways Commission as needed and provide office space at the Downtown Development Authority Office as needed.

This license shall be a revocable license, however, the Licensors will provide to Licensee a 60 day written notice and explanation of the intent to revoke this license in order to place Licensee on notice of potential revocation. If the Licensors revoke this license, the termination of license will occur three (3) months from the date of the vote to revoke the license by the Village of Lake Orion Council and the DDA. However, revocation may occur at any time, if an emergency is declared by the Licensors. If revocation should occur, the entire additional .33 miles of trail located within the Village and Orion Township will cease to be called Paint Creek Trail.

4. **Maintenance.** Maintenance will include, but is not limited to surface repairs, ensuring surface transitions are flush to ADA standards, maintaining the public parking lots at the trailhead area, removing down trees and tree limbs on the Paint Creek Trail, removing graffiti and repairing vandalized areas, mowing and pruning adjacent areas to the trail within a reasonable distance, emptying trash containers and recycle bins when full, maintaining amenities and inspecting, maintaining and repairing bridges, bridge decking and bridge railings. Maintenance of the trail shall be completed by the Village Department of Public Works, Police Department, and the DDA, in accordance with the regulations as set by the Commission in their AGREEMENT TO ESTABLISH PAINT CREEK TRAILWAYS COMMISSION. If the Licensors fail to maintain the additional .33 miles of trail located within the Village of Lake Orion and the Township, then the Licensee may terminate this Agreement after providing a 60 day written notice of the intent to do so and after allowing 30 days to cure any violations of the standards of maintenance.

5. **Liability and Insurance.** The Licensors and Licensee agree that all times and for purposes of this License Agreement, there is no employer/employee relationship between any of the parties. The Licensors and Licensee shall assume responsibility for the acts and omissions of its own sworn or civilian personnel acting under this License Agreement as to liability to the same extent that personnel are insured, indemnified or otherwise protected when acting within each participating parties' respective Village and Trailways Commission duties. Licensors acknowledges that they are responsible for maintaining insurance and responsible for all use to the public. Licensors and Licensee agree to be responsible for the negligent or wrongful acts or omissions of their respective employees or volunteers. Licensors will maintain property insurance for their additional .33 miles of trail. Nothing in this License Agreement shall be construed as creating an obligation to indemnify or defend any other party or parties for claims including each other, damage or liability arising out of or stemming from an act or action of any party. Licensors

must purchase and maintain public liability insurance for the additional .33 miles of trail covering any cause of action, claim, damage, accident, injury or liability that may arise as a result of the ownership, construction, maintenance or operation of the additional .33 miles of trail within the jurisdiction of the Township and Village, in an amount and in such limits as the Licensee deems appropriate. Licensors shall file certificates evidencing same with Licensee. Such insurance shall be maintained in full force and effect until this License Agreement is terminated. The insurance shall name the Paint Creek Trailways Commission as additional insured.

6. The easement by the Lake Orion Lumber Company, et al grants permission to the Village and DDA to allow the public to enjoy the easement property as this was its intended purpose. The conveyance was to provide to the DDA a permanent easement to construct, install, improve, repair, modify, and enhance the Paint Creek Trail, and to provide the DDA with access across a portion of the premises for the purpose of constructing, installing, improving, repairing, modifying, and enhancing the Paint Creek Trail. Part of the easement condition is the land only be used as a trail. Furthermore, it is the DDA and the Village of Lake Orion who accepts all risks and liability regarding the easement. There is no intention to transfer any risks or liabilities to the Commission, rather the DDA and Village maintains the easement, and the Commission shall have no part of indemnifying the DDA or Village for the easement.

7. **Assignment.** Neither the Licensors, nor the Licensees, shall assign or transfer any of their rights under this Agreement.

8. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the Licensors and Licensee, and their respective representatives, successors or assigns.

9. **Entire Agreement.** This Agreement contains the entire License Agreement of the parties, and the parties acknowledge that there have been no representations or understandings other than those expressly set forth in this Agreement.

10. **Jurisdiction and Venue.** This Agreement shall be governed by and construed according to the laws of the State of Michigan. Venue for any disputes under this Agreement shall lie in Oakland County, Michigan.

11. **Effective Date.** This License Agreement shall be effective on the date as shown above.

In the Presence of:

Melanie Nikel
Melanie Nikel

Monica A. Montenegro
Monica A. Montenegro

Melissa M. Ford
Melissa M. Ford

VILLAGE OF LAKE ORION
("Licensor")

By: Joe Young
Joe Young, Village Manager

VILLAGE OF LAKE ORION
DOWNTOWN DEVELOPMENT
AUTHORITY ("Co-Licensor")

By: Molly LaLone
Molly LaLone, DDA Executive Director

PAINT CREEK TRAILWAYS
COMMISSION ("Licensee")

By: Danil Bush
Commission Chairperson

Paint Creek Trail 2023 Reaffirmation of Understanding Maintenance Responsibilities & In-Kind Services

This reaffirmation of understanding between Rochester, Rochester Hills, Oakland Township, Orion Township, and the Village of Lake Orion is for the purpose of clarification of the annual maintenance responsibilities and of In-Kind Services for the Paint Creek Trail. The In-Kind Service requests are intended for improvements and repairs of the Paint Creek Trail while making the most efficient use of the resources of the four voting member communities. Instead of asking communities to contribute additional funding for all requisite trail staffing or equipment, the communities are asked to contribute staff time or resources already in place.

Therefore, all communities agree to continue to do the following in their respective communities:

1. Mow and prune areas adjacent to the developed trail within a reasonable distance.
2. Maintain trail surface – repair hazardous holes, grade surface as necessary, ensure surface transition to bridges, concrete, and decking is flush to ADA standards.
3. Inspect, maintain, and repair bridges, bridge decking, and bridge railings.
4. Maintain trail parking lots.
5. Maintain any temporary or permanent restrooms ensuring they are clean, stocked, and emptied on a regular schedule.
6. Empty trash containers and recycle bins when full.
7. Install and/or replace signage as requested by the Paint Creek Trailways Commission.
8. Remove graffiti and repair areas that have been vandalized.
9. Perform safety and liability inspections of the trail, bridges, and stream within its jurisdiction, and to take preventative actions to reduce liability.
10. Provide public safety and law enforcement assistance as needed to deter vandalism and motorized use.
11. Remove downed trees and tree limbs in the Paint Creek Trail right-of-way.
12. Ensure that all bridges within the member community's jurisdiction are safe and suitable for emergency vehicles.

In addition, each member community agrees to continue the in-kind services that it has been providing for the last 40 years, pursuant to the intergovernmental agreement:

City of Rochester	Meeting space at Rochester City Hall Staff assistance in professional services, when requested, not to exceed \$1,500 in 2023.
City of Rochester Hills	Sign making and replacement services, in an amount not to exceed \$1,500 in 2023. Staff assistance in professional services, when requested.
Oakland Township	Meeting space and payroll services for Trailways Commission staff. Staff assistance in professional services, when requested.
Orion Township	Engineering assistance when needed, in an amount not to exceed \$1,500 in 2023. Meeting space Staff assistance in professional services, when requested.

Cooperation:

In addition to other areas outlined in this agreement, the Paint Creek Trailways Commission and the communities of Rochester, Rochester Hills, Oakland Township, Orion Township, and the Village of Lake Orion shall cooperate on obtaining grants for improvements of the Paint Creek Trail.



MEMO

To: Commissioners, Alternates and Staff

From: Melissa Ford, Trail Manager

Subject: March Manager's Report

Date: March 16, 2023

Advisory Committee Reports

The 40th Anniversary Committee has met for a second time. It is targeting November 11 or 18 as the date for the 5k race. Trail manager Ford has spoken with three different race management companies, who can manage registration, chip timing, and assist the day of the event. All are in the \$800-\$100 range for their services. The Committee is working to update the sponsorship form and is still brainstorming on a catchy name for the race. As part of the celebration, the Committee would like to update the video that was made for the 30th anniversary. Please take a few minutes to view the video <https://youtu.be/fVt16XPOYNQ> and reflect on how it might be updated for this anniversary.

Complaints/Vandalism

We received a complaint from a Lake Orion Village resident about snow not being removed from the section of the trail adjacent to Atwater Commons. This item is on the agenda for discussion. Please see the memo in your packet for further information.

Medical Emergencies/Police/Fire Calls on the Trail

I am unaware of any Medical Emergencies/Police/or Fire calls on the Trail.

Finances

- All Member Community invoices for 2023 Operations and Patrol have been received.
- 2023 license fees invoices to various utilities will be sent out following review of grants by the Trail manager for compliance with the conversion process and an update to the license.

Follow Up

- **Bridge 31.7 Design Engineering:** SHPO has asked for additional investigation on the bridge. Trail staff are working with AEW and a cultural resource consultant and an archaeologist to make a determination on if the bridge is eligible to be listed on the National Register of Historic Places and if the bridge is located in an archaeologically sensitive area AEW will be in attendance at the meeting to present plans for the bridge for review by the Commission.
- **Southeast Rochester Property:** There is an update on the status of this project in your meeting packet.

- **"Beach" Encroachment in Oakland Township:** The homeowners have submitted their updated restoration plan to EGLE. Work will be done by a licensed contractor and will begin after trout spawning season ends on 4/1/23 and be completed by 5/1/23.

Future Agenda Items

- ◆ Trail safety and maintenance standards
- ◆ Oakland Township Historical Society Railroad Signal Booth
- ◆ Recognition of Eagle Scouts for projects on the Trail
- ◆ Creating digital archive of PCTC records
- ◆ Review of Encroachment Policy
- ◆ Trail brochures at MDOT Welcome Centers
- ◆ Friends of the PCT MOU

Promotion of the Trail

- Our Facebook page has 9,226 followers, an increase of 3 since last month.
- Our Twitter account has 823 followers, an increase of 2 since last month.
- Our Instagram Account has 1,936 followers, an increase of 1 since last month.
- Our E-Newsletter has 398 subscribers.
- I've posted information and photos on social media.

Paint Creek Trail Website Analytics

In the last month, we had 635 visitors, with 2,653 page views. The top 10 visited pages:

Top Pages	Last 30 days
Home Page	970
Trail Maps	588
FAQs	103
MNRTF Grant Application	92
Location	82
Agendas, Minutes & Packets	82
Parking	76
Mileage	58
Commission	50
Policies/Docs	42

In February, we had 718 visitors, with 3,222 page views. The top 10 visited pages:

Top Pages	February
Home Page	1,126
Trail Maps	556
Volunteer	171
FAQs	154
Parking	130
Agendas, Minutes & Packets	124
Mileage	88
Location	82
Trail history	53
TAP Grant Application	46

2023 Temporary Permit Approvals

Charter Township of Orion/Orion Veterans Memorial Run/Walk, May 29, 2023

Run Michigan Cheap 5k, 10k and half marathon, June 4, 2023

Grace Centers of Hope's Pave the Way 5K, October 7, 2023

Commission Ad-Hoc Committee Assignments

Recognition Ad Hoc committee	Gamage, Mabry, Sage
Personnel Ad Hoc committee	Becker, Olijnyk, Ross, Walker
Orion Art Project Ad Hoc committee	Becker, Peltier
SE Rochester Property Ad Hoc committee	Becker, Elwert, Gamage, Sage
Labor Day Bridge Walk (Sept 6) Ad Hoc committee	Buxar, Dalrymple, Elwert, Olijnyk, Walker
Trail Branding & Signage Ad Hoc committee	Gamage, Ford, Olijnyk, Sage
Trail Improvements & Resurfacing Ad Hoc committee	Becker, Blust, Sage, Walker
Licensing Ad Hoc committee	Gamage, Olijnyk, Walker
Paint Creek Trail 40 th Anniversary Celebration Ad Hoc committee	Blust, Mabry, Peltier, Whatley/Ross
Friends of Paint Creek Trail Ad Hoc committee	Buxar, Gamage, Mabry

2023 Goals

<u>Goals</u>	<u>Progress</u>	<u>Timeframe</u>
City of Rochester – Bridge 31.7 Replacement	Trail Manager Ford has completed the TAP grant application. TAP application reopened – additional information needed. Trail Manager Ford working with AEW on updated cost estimate and contracting with cultural resource consultant & archaeologist to determine bridge eligibility for NRHP and if bridge is in an archaeologically sensitive location. MNRTF will be submitted April 1.	Complete by 2025
Upgrade Trail Website	RFP is in draft	1 year
Update Licensing Agreements	Trail Manager Ford has sent trail attorney State Recreation Land Acquisition Trust Fund Project Agreement for review to see if it fulfills conversion process requirements.	1 year

Calendar of Events on the Trail

(All bolded events run by Commission & Friends)

April

Adopt-A-Trail Spring Clean-up – Throughout Earth Day weekend, April 21st, 22nd, 23rd, 2023, Adopt-A-Trail Groups

May

Garlic Mustard Workday – Tuesday, May 16, 2023 from 9AM - 12 PM, held by OTPRC and Six Rivers Land Conservancy

Orion Veterans Memorial Day Race – Monday, May 29, 2023 from 9AM - 10:30AM, held by Lake Orion

June

National Trails Day & Paint Creek Junction Ribbon Cutting Ceremony – Saturday, June 3, 2023

RunMICheap 5K, 10K, Half-marathon – Sunday, June 4, 2023 from 7AM - 12PM, held by Frank Race Management

September

Labor Day Bridge Walk – Monday, September 4, 2023

October

Pave the Way 5K – Saturday, October 7, 2023 from 7AM - 12PM, held by Grace Centers of Hope

Adopt-A-Trail Fall Clean-up – TBD October?, Adopt-A-Trail Groups

40th Anniversary 5K – November 11 or 18

Ongoing Administrative Tasks	Progress	2023 Priority	Timeframe
Continue coordinating assistance with Friends of the Paint Creek Trail (ongoing)	The Friends subcommittee has been working in collaboration with the Friends on a Memorandum of Understanding. The MOU is currently under review (2/16/23)	1	OG
Continue Trail etiquette education (ongoing)	Ongoing. Signage has been placed on the trail to raise awareness about freeze/thaw season etiquette. Posts will also be made on social media about this topic.	2	OG
Continue coordination and participation with Oakland County Trail, Water & Land Alliance (TWLA)	Trail Manager For virtually attended the February 14 th TWLA meeting. The next meeting is scheduled for June 13 th .	2	OG
Trail Closure education/public relations/Communications Plan campaign (Ongoing)	Ongoing. Continue to utilize social media, website, and other resources to provide information to trail users.	2	OG
Adopt –A-Trail program	2023 begins a new 2-year contract for adoptees, trail staff are confirming renewals.	2	OG
Develop a volunteer program to recruit, train to help in the office special projects and special events	TBD	2	OG
Make presentation at member community City Councils and Township Boards	TBD.	2	OG

Master Plan	Progress	2023 Priority	Timeframe
Southeast Rochester Property Development	EGLE can permit the deck if we can be above BFE (7'-8' above ground per proposed current condition) and if the area of the piers are less than 1% of the floodway area. AEW believes that we can achieve that. We would still need to apply for a permit from EGLE for working in the floodway and the floodplain, but it can be permitted. AEW does not believe it has enough	2	OG

	information to give us a cost estimate for the observation deck. In order to provide the Commission with a preliminary cost estimate for the scope of work, AEW would need to charge us \$1,500 for their time. We need to provide a cost estimate to the potential donor before he is willing to commit funds to the project.		
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Policies	Progress	2023 Priority	Timeframe
Native Plant Approval Policy	No progress yet. Need expert assistance	3	LT
Conservation Stewardship Policy	No progress yet. Need expert assistance	3	LT
Establish Memorial Amenity Donation Program	The Trail Improvements and Resurfacing Committee will review and provide recommendations to the Commission.	2	1yr to define a program, then OG

Maintenance and Inspection	Progress	2023 Priority	Timeframe
Assure Restrooms are maintained (ongoing)	Ongoing.	1	OG
Continue vandalism prevention education (ongoing)	Ongoing.	2	OG
Continue surface maintenance inspections and coordination of repairs (ongoing)	Ongoing. Trail staff will begin contacting member communities in mid to late April about grading their sections of the trail.	2	OG
Address ADA compliance issues identified in 2020-2024 PCT Recreation Master Plan	TBD – Trail staff have reached out to Accessibility Assessments – National Center on Accessibility (ncaonline.org) for guidance and planning and are waiting to hear back	2	1-2 yr

Trail Safety	Progress	2023 Priority	Timeframe
Road Crossing improvements – work with RCOC on Adams Rd. crossing	Ongoing. Continue working with RCOC for improvements at our crossings.	2	OG

Long Term Goals	Progress	2023 Priority	Timeframe
Side parcel acquisition for parking and trail access	Will continue looking for opportunities.	3	OG
Acquisition of historic resources	Will continue looking for opportunities.	3	OG
Installation of drinking fountain, where appropriate, in each community		3	LT

Integrate Village of Lake Orion extension more fully into Trail system	Ongoing. Trail attorney Hamameh has reached out to the Village attorney regarding snow removal at section of trail adjacent to Atwater Commons.	2	OG
Connections to Bald Mountain State Park	Licensing Committee working with DNR to develop an agreement for this project.	1	OG
Ensure focus on keeping the trail a “Natural Beauty Trail”.	Ongoing	1	OG

Additional Goals	Progress	2023 Priority	Timeframe
User survey of trail use	TBD – consider performing every 2 years. Trail staff will contact MSU to see if their researchers are still interested in continuing surveys.	1	OG
Review and ranking of all trail bridges by engineer	Administrative Assistant Grupido has compiled all of the bridge inspection reports for an engineer to review and rank. Trail communities need to coordinate bridge inspections within a few years of one another in order to facilitate an accurate review/ranking.	1	OG