

PAINT CREEK TRAILWAYS COMMISSION

APPROVED

April 16, 2024



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Paintcreektrail.org

**REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION
City of Rochester Municipal Offices
400 Sixth Street, Rochester, MI 48307**

The April 16, 2024, meeting of the Paint Creek Trailways Commission was called to order at 7:02 p.m. in the main conference room of the City of Rochester Municipal Offices.

ATTENDANCE

PRESENT

Voting Members:

Steve Sage (R), Chairperson
David Walker (RH), Vice-Chairperson
Brian Blust (Oakland), Treasurer,
Conner Reiter (Orion)
Robin Buxar (Oakland), left at 8:13 p.m.
Russell George (RH)

Voting Alternates:

David Mabry (Oakland), voting member after 8:13 p.m.
David Becker (R)

A QUORUM WAS PRESENT.

Non-Voting Alternates:

Martha Olijnyk (Oakland)
Carol Morlan (RH)

Village Non-Voting Alternate: Stanley Ford (Village of Lake Orion)

Staff:

Tom Correll, Trail Manager
Nicole Sands, Administrative Assistant

Friends of the Paint Creek Trail:

Louis Carrio, President
Michael Jahn, Vice-President

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ABSENT

Voting Members: Julia Dalrymple (Orion), Ken Elwert (RH), Linda Gamage (R)

Alternates: Matt Pfeiffer (Orion), Aaron Whatley (Orion)

Village Non-Voting Member: Jason Peltier (Village of Lake Orion)

PLEDGE OF ALLEGIANCE

Chairperson Sage led the Commissioners, staff and those present in the Pledge of Allegiance to the flag of the United States of America.

AMENDMENTS TO AND APPROVAL OF AGENDA

MOVED BY WALKER, SECONDED BY BLUST, to approve this evening's agenda as presented.

MOTION CARRIED.

GENERAL PUBLIC COMMENT

There was no one present who wished to comment on an item not already on this evening's agenda.

CONSENT AGENDA

This evening's Consent Agenda consists of the following: (a) minutes of the March 19, 2024, meeting of the Paint Creek Trailways Commission, and (b) Treasurer's Report for March 2024.

Trail Manager Correll noted that under "Expenditures," the Treasurer's Report shows two transfers from the checking to the high yield savings account. We may make up to six transfers per month without incurring a fee.

MOVED BY BECKER, SECONDED BY WALKER, to approve the Consent Agenda as presented, specifically to approve and file the minutes of the March 19, 2024, meeting of the Paint Creek Trailways Commission, and to receive and file the Treasurer's Report for March 2024.

MOTION CARRIED.

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APPROVAL OF INVOICES

Trail Manager Correll and the Commissioners reviewed the list of invoices dated April 16, 2024.

MOVED BY BLUST, SECONDED BY GEORGE, to approve payment of the invoices as presented.

AYES: Becker, Blust, Buxar, George, Reiter, Sage, Walker

NAYS: None

ABSENT: Dalrymple

MOTION CARRIED.

PAINT CREEK TRAIL TOWNHOUSES

Michael Nadolski was present on behalf of the developer, Champion Development, to review the proposed Paint Creek Trail Townhouses development (also known as Creekside Luxury Condominiums), a proposed development consisting of 45 townhouses located on the northeast corner of the intersection of Woodward, Ludlow and the Paint Creek Trail. This proposed development is for the site currently occupied by Solaronics.

Mr. Nadolski reviewed a printout of his PowerPoint presentation. Champion Development has an option to purchase the property currently owned by Solaronics, and is working with the City of Rochester to obtain necessary approvals.

There is license agreement between the Paint Creek Trailways Commission and Solaronics to allow use of Trailways property at the far west of the Solaronics property for a truck turn around. When Solaronics is no longer using the Trailways property that is the subject to that agreement for that specific purpose, the license agreement will be terminated and Solaronics will be responsible for removing the fence that was erected and returning the property to its natural state.

Mr. Nadolski explained that Champion Development had been working with former Trail Manager Melissa Ford. Ms. Ford had asked for designated access points (but no gates and no paving) to the Paint Creek Trail (to avoid multiple accesses). She had also informed Champion Development that Solaronics would need to remove the fence and return the Trailways property to its natural state. Mr. Nadolski had understood that there was to be “native plant growth,” but he wanted to gain a better understanding of specifically what the Commission would like to see. Therefore, in the spirit of being a good future neighbor, he asked for the Commission’s input so that he can include this in the site plan for the Paint Creek Townhouses proposed development.

Vice-Chairperson Walker said that, while Champion Development’s approach is well intended, the license agreement is between the Trailways Commission and Solaronics. Upon termination of the license agreement, it will be the responsibility of Solaronics – not

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Champion Development – to remove the fence and do what is necessary to return the area to its natural state. Commissioner Walker added that, even if the developer’s site plan were to show restoration work, etc. on the Trailways property, the Trailways Commission would have no authority to compel Champion Development to do this work. Rather, we would only have the ability to enforce this as against Solaronics. Mr. Nadolski understood Mr. Walker’s concerns.

Commissioner Becker acknowledged Vice-Chairperson Walker’s concerns, but suggested that the Commissioners consider what we would like to see in this area after the fence is removed. This way, we can provide guidance to the developer for a transition between the townhouse property and the Trail property that the Commission will be happy with. Commissioner Buxar concurred with moving forward with this neighborly dialogue and exploring what the Commission may want to see.

Mr. Nadolski continued that a number of the townhouse units will face the Paint Creek Trail. He said these will be beautiful homes with patios, and he anticipates that the homeowners will be looking for some sort of landscaped area approaching the Trail. Vice-Chairperson Walker noted that there will only be approximately 23 feet between the townhouse units and the Trailways property. The edges of the Trailways property have natural vegetation and have an “organic” and “wild” look. Mr. Walker cautioned that the developer may not manicure the Trailways property or give it the look of an English garden. Additionally, the developer may not erect a fence on or pave Trailways property.

Friends of the Paint Creek Trail President Louis Carrio noted that King’s Cove, a condominium development located just north of the Tienken Road crossing, has at least a half dozen “social paths” where residents access the Trail. He expects residents of the proposed Paint Creek Trail Townhouses may make as many as one access per unit based on his experience with King’s Cove.

Commissioner Olijnyk pointed out that if Solaronics is no longer using the Trailways property for a truck turn around area, Solaronics has the obligation to remove the fence and return the area to its natural state. She was in favor of entering into a dialogue with Champion Development, noting that this will help the Commission determine what we would like this area to look like. With respect to the site restoration work, she noted that if Solaronics has the work done themselves, we would want to make sure it is done to our satisfaction. If Solaronics does not have the work done, then the Trailways Commission can have the work performed and bill Solaronics.

Commissioner Olijnyk referenced Champion Development’s presentation where it states that there has been a “voluntary abandonment of the license use area” by Solaronics, and that the Paint Creek Trail property shall be “returned.” She clarified that this property was never “given,” so the term “returned” is incorrect. Rather, the developer should indicate that the license agreement shall be terminated.

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The Commissioners and Mr. Nadolski then discussed the truck turn around. This area has gravel surfacing, which will need to be removed when this area is restored. The Commissioners and Mr. Nadolski discussed that there was a Phase I environmental assessment done of the property, which revealed some concerns. Vice-Chairperson Walker said he expects that the truck turn around area has been contaminated by drips, spillage, etc. from the trucks. Mr. Nadolski responded that Champion Development is aware of the need to conduct remediation, and feels that this will be manageable. He added that while Champion has their landscape architects working on the project, and will have contractors on site to do the remediation work, Champion is looking for direction on how they can work with the Trailways Commission to make this strip of land what the Commission would like to see.

Commissioner Reiter, who oversees natural areas stewardship for Orion Township, explained that in order to return this area to a “natural state,” Solaronics would need to excavate and remove the gravel surfacing, bring in soil, and then replant the area with native plantings. He added that this can be more involved than simply sprinkling seeds, stating that prairie restoration typically is a three year process.

After further discussion, the Commission agreed to form a committee to look into this matter and develop a specific list of what we would like to see. Commissioners Sage, Reiter and Blust will serve on this committee.

SOLARONICS LICENSE AGREEMENT

Trail Manager Correll prepared a draft letter from the Trailways Commission to Solaronics and Champion Development regarding this matter. The letter states that the Commission will require (1) the removal of the existing fence, (2) that Champion Development shall modify their site plan to remove all landscaping from Trailways property, and (3) that the Trailways property shall be returned to native vegetation.

The draft letter continues, stating that the Trailways Commission hopes to work with the developer to ensure the preservation of the Trail and to prevent encroachments. This may include efforts on the part of the developer to prevent townhouse residents from creating new access trails to the Trail (possibly through landscaping on the townhouse property that would prevent new paths to the Trail). Further, the developer may post signs that direct Trail users to enter the Trail at Woodward/Ludlow.

Commissioner Olijnyk reiterated that the letter should not indicate that the property shall be “returned” to the Paint Creek Trailways Commission, but rather that the license agreement shall be terminated.

The Commissioners agreed that the letter should also state that any hazardous materials shall be removed. Vice-Chairperson Walker recalled that the Phase I environmental study revealed that hazardous materials were found on the property. Chairperson Sage will work with the Rochester City Council to keep current on this matter and will share this information with the Trailways Commission. The Commissioners were thankful for the assistance of the Rochester

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City Council in this regard, recalling that Solaronics has at times been challenging to work with.

Manager Correll will modify the letter to reflect the Commission's concerns expressed this evening.

ENCROACHMENT: 4763 FOREST RIDGE COURT

At the March meeting, Merry Benson, the homeowner at 4763 Forest Ridge Court, presented her Application for Limited Use Permit for Private Access to the Paint Creek Trail dated March 13, 2024, requesting that the Trailways Commission allow her to continue to use the path and stairway that lead from her property to the Trailways property. The Commission decided to send this matter to the Licensing Committee for their prompt review and recommendation to the Commission.

Vice-Chairperson Walker reported that the Licensing Committee met multiple times and considered Ms. Benson's request in detail. The Licensing Committee's view is that it is not in keeping with the nature of the Trail to allow neighboring property owners individual access paths to the Trail. Further, the Licensing Committee is concerned that there may be liability issues, and they were also concerned about potential claims of adverse possession. Therefore, the Licensing Committee unanimously recommends that the Commission deny Ms. Benson's request for a Limited Use Permit, and that she be directed to remove the stairs, handrail and trail, and return the area to its original state.

Commissioner Mabry pointed out that a Limited Use Permit is good for one year, at which time the property owner would have to reapply. Commissioner Becker commented that this becomes an administrative challenge to keep track of all the license agreements and their termination dates.

Commissioner Becker recalled that Ms. Benson had indicated that she had some mobility issues, and he wondered if the Licensing Committee took this into consideration.

Commissioner Olijnyk responded that they did, but still agreed unanimously that the structures and path should be removed. Vice-Chairperson Walker added that there is a public access point only 0.3 miles away from her house and, if she wishes to walk on the Trail, he feels she likely can walk the extra distance to the established public access path.

Commissioner Buxar pointed to two other properties along the Trail that have private access points. If the Commission has made exceptions in the past, she thought we might make an exception for Ms. Benson. Commissioner Becker also felt that this might be an appropriate situation to grant a Limited Use Permit. Treasurer Blust responded that if we continue to grant exceptions, it becomes difficult to establish boundaries. Trail Manager Correll said he received a phone call from a resident who said they were not granted a Limited Use Permit, and felt that the Commission should similarly deny the request of this applicant.

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Commissioner Olijnyk acknowledged that the Licensing Committee serves in an advisory capacity only, and that the decision is up to the Commission as a whole. The Commission discussed the matter further.

MOVED BY BECKER, SECONDED BY BLUST, to accept the recommendation of the Licensing Committee and deny the applicant's request for a Limited Use License, and to direct her to remove the encroachments from the Paint Creek Trailways property within 30 days of the date of the letter of notice, with the understanding that the applicant may appeal this decision within the same 30 day period if she has new or additional information for the Commission's consideration.

AYES: Sage, Walker, Blust, Becker, George, Reiter

NAYS: Buxar

ABSENT: Dalrymple

MOTION CARRIED.

The Commission directed Trail Manager Correll to send a letter of notice to the applicant advising her of the Commission's decision.

(Commissioner Buxar left at this point, 8:13 p.m. Commissioner Mabry took over as the voting alternate for the remainder of this evening's meeting.)

FRIENDS OF PAINT CREEK TRAIL SAFETY AND ETIQUETTE BROCHURE

Louis Carrio, President of the Friends of the Paint Creek Trail, was present. He worked with Trail Manager Correll and Administrative Assistant Sands to develop the brochure entitled "A Guide to Safety & Etiquette on the Trail." They shared copies with those present. The brochure sets out information about general Trail safety tips (the importance of staying aware, yielding appropriately, communicating with other Trail users, and using headphones with caution), as well as safety guidelines for walkers, cyclists and runners. It also presents guidelines for good Trail etiquette, as well as special considerations. The Commissioners thought the brochures looked great and thanked Mr. Carrio, Manager Correll and Administrative Assistant Sands as this is something we've talked about doing for years.

Mr. Carrio continued that he was contacted by a person involved with the "Lids for Kids" project (Lids for Kids distributes bicycle helmets to children at no charge), who asked for copies of the brochure to share at their upcoming event in May. Manager Correll said the brochures could be distributed at Trail events, posted in kiosks, etc. Mr. Carrio suggested that they could be included in Chamber of Commerce welcome packets, and we may also share the brochure with the media. Another idea he had was to somehow use the brochure to teach youth to learn about Trail etiquette and allow them to win prizes in the process.

Commissioner Olijnyk suggested that for future printings, we could add a QR code so people can scan it and obtain a digital copy (this would reduce our printing costs, and would also

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reduce potential littering). Treasurer Blust suggested that we highlight “speed limit of 15 MPH” in the middle panel of the brochure, under “Safety Guidelines for Cyclists.”

Regarding the cost of the brochures, Mr. Carrio said he had 250 copies printed for just under \$200, including shipping, handling and tax. It would be cheaper per piece if we had a larger quantity printed. Manager Correll noted that we have budgeted monies for this, and Mr. Carrio added that the Friends group would also contribute to the printing costs. Manager Correll and Mr. Carrio will discuss how many copies we should have printed.

MASTER PLAN

Manager Correll incorporated into the Request for Proposal the revisions discussed at the March meeting. He also revised the timeline as directed. The Commissioners reviewed the bid document and the timeline. They asked that on the top of page 2, under “Scope of Work,” it be revised to read, “...The Trailways Commission and the Trailways Commission staff will be the primary authors of the new Plan...”

In 2019, the Trailways Commission contracted with Giffels Webster to update the Master Plan for 2020-2024. The cost at that time was \$7,000. When we solicit bids, Manager Correll suggested that we also invite Giffels Webster to submit a bid.

The cost of the Master Plan update was not included in the budget, so a budget amendment will be necessary.

MOVED BY BLUST, SECONDED BY GEORGE, to revise the fiscal year 2024 budget to allocate \$10,000 for the Master Plan update, and to take these monies from the reserve fund.

AYES: Becker, Blust, George, Mabry, Reiter, Sage, Walker

NAYS: None

ABSENT: Dalrymple

MOTION CARRIED.

MOVED BY BLUST, SECONDED BY BECKER, to authorize Trail Manager Correll to post the Request for Proposals for Planning Consultant Services for the Paint Creek Trailways Master Plan Update with the revision on page 2 as discussed this evening, and to adopt the timeline as presented.

MOTION CARRIED.

WEBSITE DESIGN

Manager Correll posted the Request for Proposal for the website design project. The deadline for submittals was April 10th, and we received nine proposals. Manager Correll will review the proposals and present them to the Commission at the May meeting.

MANAGER'S REPORTS

Manager Correll reviewed his memorandum of April 10th.

Complaints, Vandalism, Feedback

Shelley Donoughe: Trees Along Trail

Ms. Donoughe attended a Trailways Commission meeting several months ago to express her concerns about trees near the Trail (one on her property and one on Trailways property but near her property). As she is in Oakland Township, Manager Correll spoke with Oakland Township Parks and Recreation staff, and they have hired an arborist to assess this section of the Trail. Manager Correll will keep the Commission and Ms. Donoughe updated on this matter.

Off-Leash Dog

When using the Trail, Friends President Mr. Carrio encountered an off-leash dog and its owner. The dog was friendly, but jumped on him, damaging his coat.

Water Pooling Near Rochester Municipal Park

There continues to be water pooling on a section of the Trail near Rochester Municipal Park. Chairman Sage said the City of Rochester's Department of Public Works is well aware of this and will be addressing it in the next several weeks.

Follow Up/Ongoing Projects

Bald Mountain Connector

The MDNR is drafting a contract/Memorandum of Understanding that will include provisions regarding erosion, restoration, and ongoing bridge maintenance. When Manager Correll receives this draft document, he will present it to the Commission for consideration.

Government Savings Account

The government savings account has been opened, and Manager Correll transferred a total of \$105,000 into this account. He intends to make a once-monthly deposit, keeping three months of estimated expenses in the checking account and the remainder in the savings account.

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Paint Creek Trailways Commission Investment Policy

Manager Correll shared the investment policy. He confirmed with Flagstar Bank that it would not be a violation of the policy if the Commission were to purchase certificates of deposit.

Trail Grading Educational Article Posted on Website

An educational article regarding Trail grading has been posted on our website.

Encroachment Policy Posted on Website

The encroachment policy has also been posted on our website.

Mailing List for Trail Neighbors

Administrative Assistant Sands has been compiling a mailing list of our Trail neighbors.

2024 Audit

We should receive the 2024 audit from our accountant for review at the May meeting. The audit needs to be filed before the end of June.

COMMISSIONER OLIJNYK'S REPORT

Podcasts, Social Media Posts

Commissioner Olijnyk said she enjoyed the April "Trail Mix" podcast, as well as the April 1st "Big Foot" post.

COMMISSIONER FORD'S REPORT

Trail Etiquette Brochure

Commissioner Ford said the Trail etiquette brochure is excellent and he plans to share copies with the Village of Lake Orion Council.

VICE-CHAIRMAN WALKER'S REPORT

License Agreements

Manager Correll will share notes received from the attorney with members of the Licensing Committee.

TREASURER BLUST'S REPORTS

Maintenance of Trail

Treasurer Blust recalled that a resident had attended a Trailways Commission meeting and expressed his thoughts about Trail maintenance. He shared these ideas with Oakland Township Parks and Recreation Maintenance Foreman Doug Caruso. Treasurer Blust said that if Manager Correll needs any additional maintenance of the Trail, he should feel free to contact Mr. Caruso in this regard.

Investments

Treasurer Blust said we can still invest in certificates of deposit. The Commissioners discussed this briefly, noted that we have some upcoming projects, and agreed that it is best to keep funds liquid at this time.

COMMISSIONER REITER'S REPORT

Maintenance of Trail

Commissioner Reiter said his staff graded the Trail in Orion Township last week.

ADJOURNMENT

MOVED BY MABRY, SECONDED BY BLUST, there being no further business before the Commission, to adjourn the meeting at 8:55 p.m.

MOTION CARRIED.

Respectfully submitted,

Ingrid R. Kliffel
Recording Secretary

Approved,

Julia Dalrymple
Secretary

Approved,

Tom Correll
Trail Manager