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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, October 15, 2019 meeting was called to order by Chairperson Becker at 7:00 p.m.

Voting Members Present: Susan Bowyer, Frank Ferriolo, Linda Gamage, Kim Russell (*enter 7:07 p.m.*), Donni Steele, Hank Van Agen (*exit 8:50 p.m.*)

Voting Alternates Present: Robin Boxar (*voting after 8:50 p.m.*), Clara Pinkham

Non-Voting Alternates Present: David Becker

Village of Lake Orion Non-Voting Member Present: Brad Mathisen

Voting Members Absent: Rock Blanchard, Jeff Stout

Alternates Absent: Chris Barnett, Ben Giovanelli, Chris Hagen, Martha Olijnyk, Dave Walker

Village of Lake Orion Non-Voting Member Absent: None

Village of Lake Orion Non-Voting Alternate Absent: Vacant

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

PLEDGE OF ALLEGIANCE: All rose and recited the Pledge.

APPROVAL OF AGENDA: Ms. Ford removed Item #13 as discussion was not needed; issue has been resolved, and added Dinosaur Hill steps replacement as part of the resurfacing project.

MOTION by Bowyer, seconded by Van Agen, ***Moved***, to approve the October 15, 2019 agenda as amended.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

a. Minutes – September 26, 2019, Special Meeting, approve and file

b. Treasurers Report – September 2019, receive and file

MOTION by Bowyer, seconded by Ferriolo, ***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 \$215,080.57. In addition to the recorder's fee, this amount includes Giffels Webster professional services for the Master Plan, staff's 3rd quarter shared copier costs, 3rd quarter wages and FICA for the Manager, Interim Manager, Assistant Manager and Bike Patroller, WCI billing for resurfacing construction administration, Mannik Smith billings for the resurfacing and Bridge 33.7 construction administration, and credit card charges for

nameplates and check reorder. Estimated unrestricted fund balance is \$53,136. The Mannik Smith payments are a partial payment for resurfacing, and there is one outstanding invoice for the Bridge administration which is a pass-through to the Parks Department.

MOTION by Pinkham, seconded by Van Agen, *Moved*, that the invoices presented for payment are approved in the amount of \$215,080.57 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

DISCUSSION AND APPROVAL: Signage Design Stakeholder Meeting, Landscape Architects & Planners: Mr. Bob Ford came forward and summarized his slide presentation. He started with a map of the trail and explained where the different signs would be located. He asked if a gateway should be located at the southern end. He then presented three sign designs for gateway, kiosks, way finding, road crossing, and mile marker signs. Concept #1 incorporates a river rock base and capstone with steel or hand hewn/recycled lumber verticals with iron/metal brackets, Concept #2 incorporates rounded logs stripped of the bark with iron/metal brackets without a base and a roof over the kiosk, and Concept #3 incorporates the hand hewn or recycled lumber verticals with metal decorative inserts attached running up the in-seam, and a cross section of a tree trunk as the backboard for mounting messages with a smaller base. He presented the logo designs – Concept #1 plays off the existing logo, but with a more modern look, Concept #2 incorporates paint brushes to represent the “paint” in the Paint Creek Trail arranged to symbolize wetland grasses, and Concept #3 incorporates a trout and cattails surrounded by a bicycle gear. He also suggested two alternative graphics ideas, one incorporating a biker holding a fishing pole with fish, and the other incorporating the current logo with the paint brushes.

The floor was opened for discussion. Chairperson Becker suggested a survey of trail users to present them with the different choices and see what they think about it. They might want to be involved in choosing the logo. Ms. Gamage feels these are great ideas, feels the current logo does not include fish which is one of the main usages of the trail, and there is a lot of support from fishermen and Trout Unlimited. She likes the idea of including all uses in the logo. She likes the #1 logo, which is very similar to the current logo, but suggested adding a fisherman. She also likes that some of the railway elements are included in the signs. She’s not familiar with the railway timbers and doesn’t know if they are used anymore. Mr. Ford explained the timbers are known as railroad ties, usually 6’ x 8’ or 6’ x 6’, and were drenched in creosote, which is toxic. He doesn’t recommend using those, but would recommend talking about them in an interpretation sign, to link history to present day. Ms. Bowyer likes the river rock concept base and the metal ties. She likes the #1 logo, but really likes the Alternate #2, although the paint brushes could be replaced with fishing rods. Ms. Buxar likes the #1 logo with the classic look, but is not connected into adding something with a fishing pole, as fishermen are using the trail to get to the creek. We are trying to promote the trail. She likes the #2 design. Ms. Steele agreed with previous comments and suggested replacing the paint brushes with a railroad crossing, and put the fishing pole on the biker with the fish hanging off. She likes #1 logo with her suggested changes and the #1 design concept. If using the Alternate logo, remove the paint brushes and colors. Mr. Van Agen likes #1 sign design, but is concerned that the river rock base could be a safety hazard as they are on the trail and is hard to clean, and the #1 logo as they are universal symbols. He likes the yield sign, and is not in favor of the paint brushes on the Alternate #2. He doesn’t like #3 sign design as a round backdrop will not weather well. Mr. Ferriolo agrees with the #1 logo design because it holds on to the character of history. One of the things in an advertising concept is to keep it as simple as possible. That’s where #1 logo does a better job in communication, it’s not busy. The only thing you’d have to do is insert the fish on the biker, there would still be the four elements. As far as the design, he asked if the river rock base and cement will demand maintenance. He’s leaning more toward #2 design where there is no cement and can be maintained easier. Ms. Russell likes #2 design, and feels there should be a sign at the southern terminus of the trail, but the sign might be too big for the area. She likes the hanging wayfinding sign idea. As far as the logo, no on the paint brushes, but likes the simple bike – it looks like it could be a backpacker, riding a bike, add the fishing pole – and it’s very clean and fresh. Whatever the Commission

decides to go with, she's fine with and thanked the consultant for the design work. She likes the idea of surveying users to get an idea of their thoughts. Ms. Gamage added two of her children liked the #1 logo. Mr. Becker agrees with almost everything he's heard, prefers the #1 logo, but would like to see alternative concepts at the next meeting based on tonight's discussion. He's not in favor of the river rock bases as they look cumbersome and inelegant, while the bases in the #2 design are put right in the ground; it's not only the safety issue which he agrees with, it has simple lines. He suggested the Iron Belle identification and symbol be on each sign, as this is an honor to be chosen for that. Ms. Ford added an Iron Belle grant is paying for this project, and their logo can be any size. Mr. Becker agreed there needs to be an entry sign at the southern end of the trail. Ms. Gamage feels the Ludlow crossing is a better area for the sign. Mr. Van Agen feels a wayfinding sign could be placed at the southern end. The location could be discussed at a future meeting. Regarding the mile marker signs, Mr. Becker commented there are a lot of old markers that Eagle Scouts put up and he strongly objects to removing the old railway mile markers which are historic. In terms of the river rock base and expense and maintenance, Mr. Ferriolo asked if this is more expensive. Mr. Ford said yes, and is more to maintain over the long term. The idea of the capstone was to shield the base from the elements, but eventually the joints will give away. Ms. Buxar commented Oakland Township is very familiar with stone and capstone, as this is located at the Cider Mill, and a lot of pin tucking and repairs are necessary. They also attract bees and children love to climb on them, which could be a liability. She likes the idea of a survey for users. Ms. Ford asked if the #1 design could be done without the river rock base, as she likes the look of the signs and how they hang better than the other two concepts. Mr. Ford indicated yes. Ms. Pinkham asked if there is any signage in Rochester Park identifying the way out to the trail. Mr. Becker doesn't think there is any signage from the Park to the trail. Mr. Ford indicated when being in this area, he was confused about what was the trail, but figured it out as the material changes, but it's not clear. Mr. Becker summarized that Concept #1 for the sign design is the consensus, hasn't heard any objections to eliminating the river rock and concrete to have the posts go directly into the ground, and the consensus for the logo is leaning toward #1 with a fishing pole, and the Iron Belle symbol inserted. The only thing left out is the color. He likes green as he prefers subtle colors rather than bright colors for a natural beauty trail. He asked Mr. Ford if he has enough information to come up with revised designs. Mr. Ford indicated yes, but asked if the Commission was going to survey the users. If this is going to happen, he might want to wait until these results are received. Mr. Becker asked the Commission if they want to proceed with a survey. Ms. Gamage agreed to unveil the concepts, but younger opinions would probably not come in on Facebook, and suggested a different way. She's not in favor of adding a fishing pole to the biker, as it's a separate use, and suggested adding a separate image. Ms. Bowyer suggested taking out the paint brushes out of the Alternate #2 logo, but adding the fish in the river as the fifth element. Mr. Ferriolo said putting a fifth element in as opposed to four makes it busier. If we can communicate what we're trying to do with four elements, it's simpler. Ms. Buxar agreed. Mr. Van Agen suggested on Alternate #2, remove the paint brushes and add a fish. Mr. Ford asked what is the most important - the hiker, the angler or skier, as he agrees we should maintain four elements. Ms. Bowyer suggested putting a trout in the water. As a result of the latest survey, bicycling, walking/hiking and running were the most uses. The horse element shouldn't be removed. Some of the members indicated a survey was not needed as it would provide too many opinions. Mr. Ford appreciated the input and will return with updated concepts.

Chairperson Becker exited the meeting from 8:05 – 8:10 p.m., and Secretary Van Agen chaired the meeting.

UPDATE: Louis Carrio, President – Friends of the Paint Creek Trail: Mr. Van Agen asked Mr. Carrio for an update on the Moutrie Project. Mr. Carrio indicated the project budget is included in the packet. The site preparation and planting needs to be coordinated between the aggregate dump and the garden work, which will be worked out within a week or two. He met with Tom Maliszewski of WCI to show him exactly where to dump the aggregate; a photograph is also included in the packet. The project information was presented to Kings Cove Board of Directors, who put out a newsletter to the entire

population explaining what was going to happen. No negative feedback has been received. The funding section of the budget shows the funds have been allocated. He has paid a \$4,000 down payment to start the project, \$3,700 from the Friends and \$300 from an anonymous donation. The allocation of funding has been explained in the packet. On October 17th he will know whether the grant he applied for will be awarded. A \$200 donation was received from Preedie Foundation; he has written a thank you letter. Motor City Brew Tour will have their Cruising for the Trails event on May 2nd, which is a major fundraiser – more information forthcoming. A membership application and an information brochure are now on the Friend's website. He provided the members with the proposed sign announcing the project. (Chairperson Becker returned to chair the meeting.) Ms. Russell feels the aluminum sign won't match the new signs, and asked if it could be wood. Mr. Carrio clarified the sign is temporary and will be replaced with a permanent sign once the garden is installed. Ms. Russell suggested adding a map on the sign of what the project will look like when completed. Membership applications could also be attached to the sign, which might elicit interest for donations. Mr. Carrio thought maybe the project diagram could be included in a brochure holder on the sign. Ms. Bowyer suggested a watermark of the project be a subtle background of the sign. Mr. Carrio will work this out with Ms. Ford. Ms. Steele indicated this is a temporary sign. She's inclined to start the project, put the sign up without getting caught up on design, because it's all about the project, not the sign. Ms. Buxar agreed, as a permanent sign will be done once the project is completed. Mr. Ferriolo likes the idea of the watermark of the project on the sign. The sign details will be worked out.

DISCUSSION: Bridge 33.7 Trail Access: There are photographs of the bridge in the packet, as well as a topo map and the survey. Ms. Ford indicated they are still getting comments from people in the area asking if access will be restored. She spoke with the President of the Vanguard Chapter of Trout Unlimited this morning. He indicated there is interest in the project but he feels that the Clinton Valley Chapter would be the more appropriate Chapter to handle this project; he passed on this information to them, and they will contact the Commission. If they are not interested, he indicated Vanguard would be interested in working on it. There is support for the project. While inspecting the bridge project, Ms. Ford did talk to the engineer about this issue. Some people have suggested an ADA path there, but he strongly indicated this would be very expensive, because of the landscape and slope. It would be much more expensive than the stairs would be. Further down the slope, native plantings have been installed. Mr. Becker asked what the status is of putting in a non-ADA compliant new construction. Ms. Ford is not sure if this is allowed, but will look into the regulations. Mr. Becker wants to make sure we are not doing something illegal. Ms. Gamage remembers someone specifically asking for an ADA access there. Ms. Gray reminded the Commission they had earlier discussion this access would primarily be to the creek. We have creek access in other areas that are not ADA compliant which have been constructed recently. **Mr. Martin McClure, 5660 Livernois, adjacent to the trail, commented** he finds it interesting that previously he opposed the walkway/stairs down to the bench, and they didn't show up on any of the drawings. Now they appear. His reason for not encouraging access to the river is because of the litter, and people getting down there walking the banks. As a private property owner there, that could become a problem for him and others. The fishermen are going to find a way down to the creek anyways. That's his objection; it's disheartening now that there's talk of making access to the river. He encourages overlooks at the upper level, not at the bottom. Mr. Becker suggested putting up a sign at the property line saying please respect our neighbors and no trespassing. Mr. McClure would appreciate this.

DISCUSSION AND APPROVAL: Trail Manager Maternity Leave Compensation: A memo from the Personnel Committee is included in the packet with justification for recommending this maternity leave payment of \$625. Mr. Ferriolo stated this is difficult as it's a nice idea. However, we have a contract in place, and there is no legal obligation to award maternity leave pay at this point. There is an approval for vacation, personal and holiday pay, which is three weeks a year. This is established in the contract. He has difficulty as this sets a precedent; there is no maternity leave for part-time employees at Oakland Township, nor at any other member community. So, we are setting up in this Commission,

which is all four municipalities, to establish, even on a one-time offering, a precedent that he can't justify to his board and township administration. Because if someone else is in this same situation, and there is no maternity leave in place, how is the township going to handle their request? Ms. Ford would be the only part-time person to ever receive a maternity grant. It's a great idea, but he can't justify it. Ms. Russell indicated this is an odd situation; yes, we would like to grant this to Ms. Ford, but as a representative of the City of Rochester, she can't do this, exactly because of Mr. Ferriolo's reasoning. She was surprised to see this request in the packet. It's a beautiful idea, but it sets precedent for all the communities; not a single part-time employee gets maternity leave. She rather give an increase in pay. She can't support this request. Ms. Steele indicated the Cable Commission offers a bonus at Christmas time, like a compensation for the part-time position. She does not have a problem with the request. **MOTION** by Steele, seconded by Van Agen, **Moved**, to approve the \$625 as a one-time bonus to the Trail Manager effective immediately.

Discussion on the Motion: Ms. Buxar agreed that this is not common practice in her township, nor any of the member communities, for the part-time employees. There is an Oakland Township full-time employee who has been pregnant twice, and there is no maternity leave. None of the member communities offer this for their part-time employees. According to the contract we have with the Trail Manager, it does states there are no benefits provided except as listed (vacation, personal and holiday pay) and in accordance with the Oakland Township Charter's employee handbook – which states a regular part-time employee is an employee who is hired as such and is scheduled to work more than 0 and less than 8 hours per day, and more than 25 hours per week but less than 40 hours on a regular basis throughout the year, in order to get any of the accrual vacation, personal and/or holiday pay. We pay both the Trail's employees 2.4 and 4.8 hours accrual during a month period. We don't know where these rates came from, but that's what is paid. We've already given the extra time, even though it's not in accordance with the contract or the employee handbook. It is very nice, but everyone is a great employee. She can't justify this bonus as it's not a fair use of taxpayer dollars. Mr. Becker indicated the Manager is an employee of the Commission, not Oakland Township, even though we tend to follow the Township's practices. Hiring and retaining high quality part-time employees is not easy, but encouraged by treating them in a respectful and fair manner and is important to maintaining employment. He doesn't feel this is precedent setting, and doesn't mind trail-blazing with some ideas; it's a good thing to do for employees and the Commission. He doesn't have a problem supporting this request, unfortunately he can't vote on it. Mr. Van Agen was in favor, but is conflicted with the new information. High quality employees are hard to come by. He doesn't like the word precedent, but it can set a point of contention in other municipalities. Mr. Ferriolo feels the word precedent is appropriate because that will be the question that will be raised by the member communities, as that's what's going to be used when others ask for the same thing. Perhaps the maker and seconder of the Motion could give the proper verbiage to use to answer the question that will be raised by others who are going to ask other municipalities what to say. Mr. Becker indicated the Commission sets no precedent for other communities – the Commission is an independent body and makes its own decision based on its own values and budget. Ms. Bowyer agreed with Mr. Ferriolo and Ms. Russell and can't support this request. Ms. Bowyer feels this is a well paid position, even though it's part-time; nothing against Ms. Ford.

Vote on the Motion:

Ayes: Steele, Pinkham

Nays: Bowyer, Ferriolo, Gamage, Russell, Van Agen

MOTION FAILED.

DISCUSSION: 2020 Draft Budget: Ms. Ford indicated an updated memo and budget was passed out tonight, replacing what was in the packet. The one change is a 2% increase for the Trail Manager's position, which is in line with Oakland Township's budget and in line with the other member communities. Mr. Ferriolo requested an explanation of why a 5% increase is proposed for the Assistant Manager. Ms. Ford explained that Ms. Gray went above and beyond her duties both in the transition of

when the previous Manager left, and while Ms. Ford was on maternity leave. She deserves this increase and things would not have gone as smoothly as they did without Ms. Gray's guidance during both these time periods. That is the reason for the recommendation. Ms. Russell thinks this is an opportunity for a 2% salary increase, with a bonus, because it leaves the salary in line for when the positions are replaced in the future – a 5% increase is a high mark. So a 2% increase is in line with all the communities, and this is a good example where you need to give a bonus. Mr. Becker clarified what was said to restructure the budget for a 2% raise and a bonus for the Assistant Manager position. Mr. Ferriolo suggested a 2% raise and a 3% bonus, for the 5% total. The bonus would be flat dollar amount for the difference. Ms. Steele asked that a column for the 2018 final/actual budget be added to the chart. Ms. Russell commented on the revenue, it is recommended that the Commission request an additional 6.6% from each community for the patrol program's mileage increase for mounted patrol, as well as the bike patroller wage increase. She mentioned that Rochester already pays for a bike patroller on their portion of the trail. Ms. Gamage said we have talked about alternatives for the mounted patrol in the past and suggested a discussion on this issue in the future. Ms. Ford indicated the Commission has a three-year contract for this service, but we can end it at any time with notice. Ms. Gamage said this cost goes up every year, and we should discuss this. Ms. Steele agreed. Ms. Ford will send the members a copy of the minutes from the Mounted Patrol's previous presentation. Ms. Gamage would also like information about where and when the patrol is on the trail. (Mr. Van Agen left at 8:50 p.m., and Ms. Buxar will now be voting.) A revised final budget will come back next month for approval.

DISCUSSION AND APPROVAL: Master Plan Update:

Report on Master Plan Stakeholder Open House and User Survey Results – Ms. Ford summarized the memo included in the packet listing all the results. 958 people completed the on-line survey, a 33% increase from the 2013 survey. The survey was basically the same questions as the last time to track the overall change. The open house had a map with the 10 different areas where people pointed out issues or places for improvement, and updated priorities with the previous goals and action plan for the next plan. All information is included in the packet.

Planning and Public Input Process Chapter – Mr. Becker indicated a great job was done in updating this section of the Plan. Ms. Ford indicated a few minor grammatical/editing changes have been made to the draft included in the packet based on responses from the committee.

Master Plan Ad Hoc Committee to Review Goals & Objectives, Action Program and Capital Improvement Schedule – Mr. Becker, Ms. Steele and Ms. Pinkham volunteered to serve on the Ad Hoc Committee.

DINOSAUR HILL STEPS REPLACEMENT: A memo with photographs was passed out. Mannik Smith indicated when this area was resurfaced, the trail surface is no longer level with the steps; there is quite a gap. Another step cannot be put in there, the steps need to be rebuilt to be up to code and to meet the grade of the new trail surface. The quote of \$11,852 is outlined on the back of the memo. She spoke with the DNR today to see if this would be an allowable expense for the contingency funding, and they indicated yes. This is not an official change order yet as she is waiting to hear from Mannik Smith. She's assuming they want to get this done before the next meeting, as we are getting closer to the end of the project. She asked if it was possible to approve having the change order signed when received in order to proceed with the work. Ms. Steele said Orion has the same problem with the trail edge dropping away from the crown, and asked if this could also be addressed. Ms. Ford said we've had this problem throughout the trail, because some of the slope restoration was removed when trying to reduce the overall cost of the bid. WCI went out last week with equipment to bevel the edge more and completed two test strips, which was a huge improvement. She said we can have this done throughout the trail in the areas where the problem is occurring. Mannik Smith is trying to see if we can have this work done within the contract as it currently exists, as we have cost savings on aggregate. There is some slope restoration

within the contract, and she's trying to see if this fits in within that. If it doesn't, we have received word from the DNR that they will allow this as an expense as well. Ms. Russell said she'd make the motion, however she's still upset with safety issues being removed from the bid after the contractor assured us no safety issues would be removed. This is definitely a safety issue and unacceptable.

MOTION by Russell, seconded by Steele, *Moved*, to approve the change order as presented in order to have the steps rebuilt at Dinosaur Hill.

Ayes: All Nays: None

MOTION CARRIED.

MANAGER'S REPORT: In addition to the written report, Ms. Ford added the final inspection of the Bridge was completed by MDOT, there are a few minor items to be completed. The restoration work and plantings will take place in early December. A concrete pad will be installed soon for the recycling bin, the audio sign and the bench that will be near the bridge. Regarding the railing safety issue, MDOT agreed this is a safety issue. They are looking to see if any of the existing funding can pay for this; Ms. Ford will advise the Commission when she gets an answer. Oakland Township has installed snow fencing to prevent accidents. About six miles of resurfacing has been completed. No work was done this week as they were focusing on Bear Creek. Next week they will be finishing in Orion and moving to the Gallagher to Adams section, and then Dutton south to the bridge. The Commission congratulated staff for their work on these projects.

COMMISSIONERS REPORTS: Ms. Russell reported downtown Trick or Treat is on Friday, and the Christmas lights are going up. Mr. Ferriolo indicated Ms. Trent will present the monarch butterfly presentation at the upcoming Oakland Township Board meeting. Ms. Steele reported work will occur next year on the connector from Paint Creek to the Polly Ann trails.

ADJOURNMENT OF REGULAR MEETING:

MOTION by Gamage, seconded by Ferriolo, *Moved*, to adjourn the Regular Meeting at 9:05 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: November 19, 2019 at 7:00 p.m. – Paint Creek Cider Mill

Respectfully submitted,

MELISSA FORD, Trail Manager

HANK VAN AGEN, Secretary