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**REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION  
Via Teleconferencing – GoToMeeting**

**CALL TO ORDER:** As Chairperson Blanchard is experiencing computer technical difficulties, the Tuesday, July 21, 2020 Regular Meeting was called to order by Vice-Chairperson Steele at 7:07 p.m.

**Voting Members Present:** Rock Blanchard, Frank Ferriolo, Linda Gamage, Steve Sage, Dan Simon, Donni Steele, David Walker

**Voting Alternates Present:** None

**Non-Voting Alternates Present:** David Becker, Theresa Mungioli, Clara Pinkham

**Village of Lake Orion Non-Voting Member Present:** None

**Voting Members Absent:** Jeff Stout

**Alternates Absent:** Chris Barnett, Robin Buxar, Chris Hagen, Martha Olijnyk, Ann Peterson

**Village of Lake Orion Non-Voting Member Absent:** Brad Mathisen

**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.

**ANNOUNCEMENTS:** Vice-Chair Steele explained the purpose of the electronic meeting is to maintain social distancing and comply with the Michigan Governor's Executive Order 2020-21. The meeting will be held electronically by video conferencing through GoToMeeting.com. The video conference can be accessed by downloading the app GoToMeeting, or by phone at 669-224-3412. The meeting number is 632177485. The Paint Creek Trailways Commission will provide reasonable and necessary auxiliary aids and services for individuals with disabilities with advance noticed. Please contact the Trail office at [manager@paintcreektrail.org](mailto:manager@paintcreektrail.org) or 248-651-9260 at least 72 hours in advance.

**APPROVAL OF AGENDA:**

**MOTION** by Becker, seconded by Ferriolo, *Moved*, to approve the July 21, 2020 agenda as presented.

**Roll Call Vote:**

Ayes: Ferriolo, Gamage, Sage, Simon, Steele, Walker

Nays: None

**MOTION CARRIED.**

**PUBLIC COMMENT:** None

**CONSENT AGENDA:**

- a. Minutes – June 16, 2020 Regular Meeting, approve and file

b. Treasurers Report – June 2020, receive and file  
**MOTION** by Sage, seconded by Becker, *Moved*, to approve the Consent Agenda as presented.

Roll Call Vote:

Ayes: Ferriolo, Gamage, Sage, Simon, Steele, Walker

Nays: None

**MOTION CARRIED.**

(Mr. Becker indicated as he's not a voting member tonight, he will refrain from making or seconding any further motions.)

**APPROVAL OF INVOICES:** Ms. Ford presented the list of invoices totaling \$33,994.80. In addition to the recorder's fee, this amount includes credit card charges for GoToMeeting for the July meeting, the pole and the battery for the Audio Sign at Bridge 33.7, and postage, bike patroller supplies, two invoices from Mannik Smith Group for the Bridge 33.7 Stair Survey/Preliminary Design and the Bridge 33.7 Project Coordination and Construction Inspection, annual premiums to Michigan Municipal Risk Authority, 2<sup>nd</sup> Qtr wages and FICA for the Manager, Assistant Manager and Bike Patroller, 2<sup>nd</sup> Qtr shared copier costs, payment for legal services to review Temporary Use Permit and Trail Parking Lot Resurfacing Contract, and payment to Ray Weigand's Nursery for the Moutrie Pollinator Garden. Estimated unrestricted fund balance is \$95,000.

**MOTION** by Ferriolo, seconded by Simon, *Moved*, that the invoices presented for payment are approved in the amount of \$33,994.80 and orders be drawn for payment.

Roll Call Vote:

Ayes: Ferriolo, Gamage, Sage, Simon, Steele, Walker

Nays: None

**MOTION CARRIED.**

**DISCUSSION/APPROVAL: Eagle Scout Project – Gallagher Kiosk:** Vice-Chair Steele provided a summary of the project, and indicated the project proposal, design plans and budget were included in the packet. She asked Owen Myers to provide an update on his progress. Mr. Myers indicated he went through the questions asked on the previous Scout project, as he understands the Commission wants the two kiosks to be exactly the same. He's updated his project to have 12-foot poles versus 10-foot poles, use marine plywood pressure treated underground and cedar above ground with stainless steel screws. The rest of the materials will be the same as approved for the previous project. He's almost done with the planning process and is working on his fundraising effort with bottle returns. He has raised \$150, which is half-way through his budget. He has the slips for the refund, but some stores will not pay the refund and others will only cash in \$25/day. He is still accepting bottle return donations. Mr. Becker thanked Mr. Myers for his project and asked if he is short on his budget. Mr. Myers said he is short, but is still fundraising, as he plans to finish the project by the end of August. Mr. Sage asked if he needs any assistance to remove the debris from the old kiosk, to which Mr. Myers indicated no. Ms. Mungioli asked if this project is comparable to the previous Scout's project. Ms. Ford indicated she provided Mr. Myers with the meeting notes from when we approved the last project, so he is aware of what the Commission expects. **(Mr. Blanchard returned to the meeting at 7:20 p.m. and Vice-Chair Steele said she would finish this item before turning the meeting back over to the Chairperson.)** Ms. Steele asked Mr. Myers if there is an address for anyone to use who wants to donate to this project or if it could be sent to Ms. Ford, as she would like to donate to his fundraiser. Mr. Myers indicated donations could be forwarded to Ms. Ford. Ms. Steele appreciates Mr. Myers incorporating all the concerns that were brought up relative to the previous project, and suggested we have this in a format for any future kiosk replacement project to make it easier for the next person. Ms. Gamage made a motion and asked Mr. Myers if he would put together a list of the materials, suppliers used, and the specs for the project and submit it to Ms. Ford so it can be used by the next person. He indicated he would add this request to his project plan.

**MOTION** by Gamage, seconded by Walker, *Moved*, to approve the project as presented.

Roll Call Vote:

Ayes: Blanchard, Ferriolo, Gamage, Sage, Simon, Steele, Walker

Nays: None

**MOTION CARRIED.**

**DISCUSSION/APPROVAL: Bridge 33.7 Stair Design: (Vice-Chair Steele continued to chair the meeting, as we are having difficulty hearing Chairperson Blanchard.)** Vice-Chair Steel indicated an email from Steve Bouws, an engineer at Mannik Smith Group, as well MSG's draft design for the stairs at the bridge were included in the packet, and asked that the design be put up on the computer. Ms. Ford apologized she doesn't have this available in her PowerPoint. Hopefully everyone reviewed this design in the packet. Mr. Simon commented that we paid Mr. Bouws \$2800 for the design, and he gave us one small view of the drawing with no undercarriage or footing information. Ms. Ford explained the design is preliminary; he just wants to see if the Commission is OK with the curve of the stairs - a more detailed drawing will be provided. Ms. Gamage read something in the packet about neighboring properties being contacted and asked if they had a comment about the design. Ms. Ford indicated the neighbors were invited to our meeting, and Dr. Komendera said he would, but had a family emergency. He emailed staff an hour ago indicating he could not attend, but the email sounded like other neighbors would be coming, but no one is here to speak. Ms. Ford read his email – "I've expressed to my neighbors any concerns that I may have and will touch base after the meeting if there's anything the Commission wants them to do". He did not specify what his concerns might be. Ms. Gamage commented that because the neighbor did reach out and passed along his concerns to others, she would like to get the feedback from the neighbors before we approve anything. She doesn't have a problem with the curve stairs. Vice-Chair Steele asked if we are approving the concept, to which Ms. Ford responded MSG wants to know if the Commission is OK with the rough draft provided showing the curved design, and then they will proceed with more detailed drawings. They did not want to move forward if we would prefer to have a landing or something like that half-way down. MSG drafted the curved design to save on costs. Mr. Walker questioned the cost – if the curved design is proposed, is there a quantifiable value to the difference. What is the cost trade-off? He feels a curved staircase might be more expensive than a straight one. He would like to see the difference in cost between the two designs. Mr. Simon said the creek was over flood stage this spring, and asked if the lower steps will be below the flood heights we experienced this spring. He asked if there were safety measures to assure it won't wash out. Ms. Ford addressed the question about the difference between the two designs – it's a curve versus steps with a landing where there would be a turn; it would not be straight. Mr. Walker would still like to have the cost difference in order to make an educated decision. Mr. Becker commented he would also like to see the cost difference before proceeding with the design. The question about the possibility of it washing out is also appropriate. He likes the aesthetics of the design, especially if it's less costly. Mr. Sage asked if approval tonight of a concept only with the provision that all our questions are answered before final design approval is appropriate for a motion? Ms. Steele indicated yes, as staff has a list of questions for MSG, and we are just looking at the concept of the curved staircase, subject to final engineering drawings with answers to all questions posed. Ms. Gamage would like to add the neighbor's concerns should also be taken into consideration. Mr. Walker asked (recording cut out) ... a structure like this ... or are they the same strength against a flood condition. Which design is more flood resistant? Ms. Steele commented there was a cut-through trail off of a safety path done with no engineering, and in one year it was completely washed out and not passable. Spending the money and doing it correctly will ensure it will be there for quite some time. She's excited for the stairs to be there provided it's done correctly.

**MOTION** by Sage, seconded by Steele, *Moved*, to approve a preliminary concept design pending final approval based on engineering design and approval by the Commission.

Discussion of the Motion – Mr. Walker commented we have some very important questions to be answered before making a decision is made on the design. We need more information before saying the curved design is good or not good. Mr. Walker retracted his motion and that we submit the request for further information before we make a decision. Ms. Steele retracted her second to the motion. Mr. Ferriolo agreed and feels everyone likes the idea of the curved stairs if it's cost efficient. We're not saying no, we just need more information. He feels a motion is not necessary. Vice-Chair Steele concluded this discussion and asked that the answers be brought back to the next meeting for final approval to move forward on the design. Mr. Blanchard asked if this construction has to take place this year; will we run into an issue if we wait until next month. Ms. Ford said the Wilson Fund grant goes through January 2021, but doesn't think it will be an issue if we have to ask for an extension. As far as construction, she's not sure if the contractor wants to get it done this year, or if they would be open to moving it to next year – they have not had this discussion. Mr. Becker said if it's possible to do it appropriately, let's aim for an early finish date rather than a later date. Ms. Ford asked for clarification that she is to get our questions answered, and then next meeting we will decide whether to proceed with the preliminary and ask them to complete the engineered drawings. Mr. Walker said it would be preferable if they had this information for the next meeting so we could move forward with delay; possibly they already have that at hand. If engineered drawings are available, this needs to be available next month. Mr. Ferriolo said depending on what information we get from the engineer, will determine whether or not we will see engineering drawings to go forward. If the curved design has more of a flood problem, then we won't go with the curve. It depends on the answers to our questions. Ms. Gamage asked Ms. Ford to reach out to the neighbors for their concerns, and that they be passed on to the engineers if reasonable.

**Vice-Chair Steele deferred the meeting back to Chairperson Blanchard at 7:45 p.m.**

**DISCUSSION/APPROVAL: Moutrie Pollinator Garden:** Mr. Louis Carrio gave an update of the project, photos were displayed. The benches were installed at each end of the pathway. A photo of how the watering is being done from the side path was displayed. A number of boulders were also installed to prevent bicycles going through the garden. A photo was displayed of the view of the garden from the trail showing a temporary sign – this is where the permanent sign would be located. As Mr. Carrio is frequently in the garden, everyone that goes by is very complimentary about the project. A photo was displayed of Mrs. Moutrie and her son by the memorial stone. They admired the garden and placed four stones at the bottom of the memorial marker, three of which were Petoskey stones that Mr. Moutrie had personally discovered in the UP. He next talked about three sign ideas, and would like consensus on one sign. The first sign is done by Pulse Design out of Illinois; they are big into beautiful nature signs. This is the most expensive sign, with the stand, shipping and installation it's \$2,000 with no changes other than the logo and donor information. Mr. Simon asked how UV resistant the sign is. Mr. Carrio said according to the supplier, they are very well protected. They produce a lot of these signs and install them all over. A photo showing how it's installed was displayed. Mr. Ferriolo asked if the plants depicted in the sign are the plants that would be in the garden. Mr. Carrio said no. All of the signs have the purpose of educating people about pollinator gardens and the role they play. This is a generic sign. It could be customized, but the price would go up substantially. What you will see in the third sign is actual plants in the garden. Mr. Ferriolo said it's a beautiful sign, but if he saw this sign, he'd be looking for these flowers in the garden. He doesn't like the little weed, which has prominence at the top of the sign – it would be better if this was eliminated. He also thinks the logos should be larger to make the statement that this is the Paint Creek Trail. Mr. Carrio thinks the "weed" on the sign is an Echinacea. The next two signs are cantilevered with a single pole, and the second sign exists now in the Rochester Park. The second sign is imprinted, but there is an insert with the information bolted in – the graphic can be changed out without

getting rid of the whole sign if it was defaced or information needed to be changed. A sign like this installed by the Rochester Sign Shop with our graphic information would be about \$1,250. This sign is being worked on by the Rochester Pollinators and will be placed in Rochester Park. The sign is not specific to the plants in the garden, but examples of native and pollinator plants. The purpose of this sign is a lot of information on monarchs, with donor and logos added. Marilyn Trent said she would do that for the Commission with little or no cost. Mr. Ferriolo said it's a great sign and asked if the plants in our garden are reflected in this sign, so there's a connection between the sign and the reality of what you see. Mr. Carrio commented he intends to have individual tags on the plants with QR codes so people can get further information by taking a picture with their phone, so there is a way of connecting the plants with what's in the garden. Mr. Sage asked if we are discussing the sign design in terms of the angles and whether it has an interchangeable graphic, and why wouldn't we reference the plants that are actually planted in the display that people will read instead of making them go to the plant to get more information. Mr. Carrio understands that, and once we pick a direction, then we can work on the elements of the sign. Mr. Simon commented if deer come in and eat some of the plants, having that information on the sign and the plants are gone will be a problem. Not all the plants in the garden are going to survive, and they may be changed every year until it's established. Trying to pinpoint the specific flowers now might be too soon. We may need a generic sign explaining pollinators until this garden is deer proofed and established – then it could be nailed down with exact pictures and an explanation of what is planted. Mr. Becker agreed, said we might be changing plants from year to year, and trying to insist on a sign that has exactly the same plants may be difficult. He understands the impetus for that, but is not sure it's the way to go. He likes this sign a lot because it focuses on native plants, pollinators and monarch migration. Mr. Becker would like to see details of the verbiage before any sign is approved. Mr. Carrio said we could leave open the possibility of a second sign focusing on the plants. The temporary sign now in place cost \$150, so we could have another sign focusing on the plants in the garden. He then discussed the third sign – the DIY sign. The pictures are a collage of photographs taken in the garden. Since he's done the layout, he's taken some more pictures. This format would allow us to do the graphic and include the specific plants. We'd probably want to pick plants that will survive, as opposed to those that might not. Without getting into the verbiage, we're just looking a concept of what the sign would look like. Ms. Gamage said the Commission has said they are interested in signage that both explains monarchs and pollinators, but is more specific to the garden. She likes the idea of having QR codes next to each plant, maybe the sign could be specific to explaining going through the garden and using the QR codes, and things to make the sign more interactive for learning, e.g., can you spot the water for the pollinators and did you find a specific plant. We could talk about this for hours, so she suggested the subcommittee set up a meeting to discuss signage knowing how the Commission feels now. The subcommittee could then bring recommendations back to the Commission. Chair Blanchard suggested a QR code on the sign that would have a map of the garden showing where the specific plants are. Mr. Walker wants to know the intent of the sign, what's the message we're trying to deliver. Once we pick the message, we'll be able to pick the sign. The subcommittee would be a good pursuit to determine the intent of the sign, and then we could determine the design. The subcommittee consists of Ms. Gamage, Ms. Pinkham, Ms. Mungiola, and Ms. Buxar, and the Chair asked them to meet, discuss and come back to the Commission with recommendations at the next meeting. Ms. Steele asked who is paying for the sign and if they have a recommendation for the sign. Mr. Blanchard indicated the Friends Group. Mr. Carrio likes something about each of the signs, the first one is much more than what was budgeted, and he would prefer using the Rochester Sign Shop, which is the second and third sign. He read the five objectives that were previously established for the signage, and the third sign was designed to accomplish them. Mr. Ferriolo commented the third sign allows the Commission to communicate what it wants to relative to the garden. It also allows for a statement about going into the garden and taking pictures of the QR codes, so it gets

you involved beyond just reading the sign. In terms of the ease of communication, the third sign is an easy read. He votes for sign #3. Mr. Simon asked what is meant by a DIY sign. Mr. Carrio said he created this design. It doesn't have the technical specifications, but if this sign is chosen, he would go to Rochester Sign Shop with our verbiage and photos, and have them do the layout. They would give us a time frame and a price. Mr. Simon feels sign #3 is perfect. Mr. Blanchard also likes sign #3. Mr. Becker has a few problems with the design of this sign, likes positive messages versus negative messages (dangerous declines), and would like to see someone with a different aesthetic taste design the layout. Mr. Sage feels we all agree we need a sign, and suggested this item be placed on a future agenda to make proposals for particular signage that we all could consider. It would be helpful to have options in advance, so we have time to formulate opinions, instead of having a discussion at a meeting having seen nothing. Mr. Ferriolo thanked Mr. Carrio for coming up with three different variations. He feels the subcommittee should review this issue based on tonight's comments and bring recommendations back to the Commission. Mr. Simon commented that without pollinators, life will end on our planet, so it really is a dangerous decline. We have to bring notice to that. Mr. Carrio will work with the subcommittee to come up with a concept for approval at the next meeting - he understands the focus is on sign version three, taking into consideration comments and suggestions made tonight.

Discussion of the proposed fence along the side path: A drawing of where a 60-foot fence is proposed was displayed. Mr. Blanchard explained this is to keep bicycles from crossing off the side path into the garden. People are being careful about stepping into the garden, but bicycles jump right around the rocks and bushes into the plants. We need a barrier on that side to keep bikes out. A split rail fence with two rails is proposed. There is a possibility an Eagle Scout may do the project; the materials are around \$500. He proposed if we have to buy the materials or put in the fence, the Commission should pay for it, not the Friends, as we haven't put any money into this project. Chair Blanchard is asking for approval for a split rail fence and the money to purchase the material at this point.

**MOTION** by Steele, seconded by Simon, *Moved*, to approve up to \$500 to purchase the split rail fence.

Discussion on the motion: Mr. Simon asked if there is an estimate of what it would cost. Mr. Blanchard said the material cost is around \$500, but does not have a cost for installation. We are hoping to get an Eagle Scout to do the project. Ms. Gamage asked if the motion is to pay the \$500 for materials, or are we going to find an Eagle Scout and have them do the fund raising. She wants to know what the budget impact is; do we have the money to pay for this? Ms. Ford said this particular item is not budgeted for this year, but we do budget funds for trail projects. She will look at the budget see how much that is. Ms. Gamage can't vote on the motion until she knows if we have the funding to support it, but is in favor of making it an Eagle Scout project. Ms. Steele asked if a particular Scout is looking for a project – they usually buy their own materials. Ms. Ford said when discussing the last Eagle Scout project with Mr. Myers and his dad, she mentioned this possibility and they said they might have one or two candidates in their Troop who might be interested. They are supposed to forward contact information to her. While waiting to see if these Scouts will do everything that needs to be done, Ms. Steele doesn't think the garden has the time to wait with people cutting through and destroying all the work that's being done. She would really like to see the Commission spend the money and find someone to complete it, and have that done because of the amount of work that has gone into this garden - \$500 to protect what we have is important. Mr. Ferriolo agrees, and thinks the Commission needs to make a contribution to this project. What Mr. Carrio and the group has done so far has been outstanding, and to get this fence in place as quickly as possible on our own dime is the right way to go. Mr. Blanchard said this garden is being done by volunteers; Mr. Carrio and his wife are spending endless hours there. This problem reared its head when they've been out there working. They really think we need to do something. At this point, he only got the cost of

material, not to install it because we're not there yet, partly because everyone working on this project are volunteers. He said he'd love to say we would chip in \$1,000 and hopes that covers installation too – let's get it done. Ms. Ford indicated \$500 is budgeted this year for Trailways student projects. Ms. Steele amended her motion, and Mr. Simon agreed.

Amended Motion

**MOTION** by Steele, seconded by Simon, *Moved*, to increase the \$500 up to \$1,000 by using the \$500 from the budget for student projects and make an adjustment of \$500 from the fund balance. Mr. Sage would like to amend this motion that the project be expedited and acted on immediately. Ms. Steele and Mr. Simon agreed.

Roll Call Vote:

Ayes: Blanchard, Ferriolo, Gamage, Sage, Simon, Steele, Walker

Nays: None

**MOTION CARRIED.**

Chairperson Blanchard commented that because of this issue, he thinks we should ban bicycles from the side path. He feels we need to do a risk assessment, and asked Ms. Ford to contact MMRMA to do this. This path is not a designated path by the Commission, we don't maintain it, and it's a single lane path primarily used by walkers and King's Cove residents to access the trail. He put in the proposal we should maybe put something like this is not a bike path, please walk your bike or please use the main path. He's concerned about the Commission's liability here as we don't maintain it or set rules for it. Can we put a sign up asking that bikers use the main trail? Mr. Ferriolo asked if the sign could simply say No Bikes. Mr. Blanchard feels this is for the risk management managers to look at. The garden brought all this to light, and why we need the fence as many people are unaware of what's going on around them, and will ride their bike anywhere. He's worried about someone running into a fence, as most people using the path are bikers from the main trail thinking it's a mountain bike path. They belong on the trail. Ms. Gamage has concerns about the situation. When we originally discussed the garden and having the re-route the side path, there was a discussion and we talked about how it would likely become an issue. We decided that as the garden grows up, it will be more of a deterrent to anyone cutting through. We knew that it was going to be an issue up front. This path has existed for a very long time and if we truly believe it is a high-risk factor, we need to get rid of the path. A sign to allow just King's Cove residents but not others does not sit right with her. If it was risky to have that path there, we would have heard more about it before. A sign is not the way to go - if it's a risk, we need to get rid of the path. Mr. Becker is not in favor of a sign and thinks it's a poor way of thinking about public policy - to think about the worst things people can do, and then putting up a sign against it. He doesn't want to see the garden over-signed with negative signs. He will not vote for a sign until and unless we document continued problems that convinces everyone a sign might solve. Mr. Simon asked who owns the land where the side trail is. Chairperson Blanchard indicated the Commission – the path is all on trail property. Mr. Simon asked if we could place part of the fence across the side path to close it down. Mr. Blanchard said people would then develop a trail around it. Mr. Sage said if the fence was put up around the garden so people aren't going in, but other users still use that cut through, are we harming anything. He didn't realize the side path was Commission property. If we install the fence, are we solving everything? Mr. Blanchard feels this is a wait and see thing to see how the fence goes. If the Commission doesn't want a sign or risk management to look at this issue, we could put up the fence and go from there. Ms. Steele suggested Ms. Ford make a call to MMRMA relative to this issue. Ms. Ford said she has spoken to them about it, and the risk assessment is included with our insurance, so they would be happy to have someone come out and take a look if we want. Ms. Steele is happy to continue with the fence, have MMRMA look at the situation, and get a report at the next meeting to see where we are. Ms. Pinkham is hearing two separate issues – one with the fence for the garden, but that is only a small portion of the side trail. If the concern is people using the secondary trail,

these two things could be separated out as the garden is only a small part; there's a whole stretch of the side path north of the garden.

**APPROVAL: Contract for Parking Area Resurfacing:** Ms. Ford indicated this is a standard basic contract that our attorney drew up with the particulars for the resurfacing for \$20,000. When we sign the contract, WCI can set a date to get this work done. Mr. Becker pointed out on page 3, section 9 under Liability – the Paint Creek Trail Commission is mentioned as an entity, and there is no such thing. In the beginning of the document, it's stated that the Paint Creek Trailways Commission would be called the Commission, and this should be corrected. It should be either the Paint Creek Trailways Commission or the Commission. Mr. Ferriolo said this is a minor typo and asked Ms. Ford to call the attorney and ask them their opinion on this change and allow them to make the change on our behalf. He doesn't want to allow any Commissioners to make the change as if they had legal authority to do so.

**MOTION** by Steele, seconded by Ferriolo, *Moved*, to approve the contract with the correction noted above being made by the attorney.

**Roll Call Vote:**

Ayes: Blanchard, Ferriolo, Gamage, Sage, Simon, Steele, Walker

Nays: None

**MOTION CARRIED.**

**APPROVAL: Resolution Approving and Authorizing an Amendment to a Development Project Agreement:** Ms. Ford indicated this is for the Bridge MNRTF grant - we need a three-month extension as we haven't gotten the final invoice from MDOT and the Road Commission. We need to approve a resolution to accomplish this.

**MOTION** by Ferriolo, seconded by Gamage, *Moved*, to approve Resolution #2020-003.

#### **RESOLUTION NO. 2020-003**

##### **RESOLUTION APPROVING AND AUTHORIZING AN AMENDMENT TO A DEVELOPMENT PROJECT AGREEMENT**

**WHEREAS**, the Commission has undertaken a project entitled the Paint Creek Trail Bridge 33.7 Renovation, #TF16-0008 (the "Project") and

**WHEREAS**, on August 15, 2017, the Commission adopted a Resolution Regarding the Development of Property through the Michigan Natural Resources Trust Fund, pursuant to which the Commission approved entering into a Development Project Agreement (the "Agreement") with the Michigan Department of Natural Resources (the "Department") to obtain a grant for the Project; and

**WHEREAS**, the Department and the Commission entered into the Agreement; and

**WHEREAS**, the Commission began work on the Project; and

**WHEREAS**, the Agreement called for completion of the Project by July 31, 2019, but the Project completion has been delayed; and

**WHEREAS**, the Department and the Commission are willing to amend the Agreement to extend the Project completion deadline to October 31, 2020; and

**WHEREAS**, the public health, safety and welfare will be served by extending the Project completion deadline.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**



1. The Commission approves and authorizes an amendment to this Agreement in the form attached hereto as **Exhibit A**.
2. The Chairperson of the Commission is authorized to execute the Amendment on behalf of the Commission, to make such minor changes to the Amendment as required or requested by the Department and to take such other actions as may be necessary or appropriate regarding the Amendment.
3. All actions heretofore taken by Commission officials, employees, and agents with respect to the Agreement are hereby ratified and confirmed.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

Roll Call Vote:

Ayes: Blanchard, Ferriolo, Gamage, Sage, Simon, Steele, Walker

Nays: None

**MOTION CARRIED.**

**APPROVAL: Paint Creek Trail Addendum to Temporary Use Permit:** Ms. Ford said we had a discussion at the last meeting about one of the events that was going to be held on the trail on July 12<sup>th</sup>, and was asked to speak with our attorney and insurance company, which she did. They developed an addendum that the sponsor of the race had every participant sign. The addendum is submitted for Commission review – if we have future events during this Covid crisis, this addendum will be included with the permit for the event. She is looking for approval to use the addendum going forward. Mr. Ferriolo asked when Ms. Ford is talking to the attorney about the previous comment relative to the Paint Creek Trail Commission – this addendum has the same verbiage in a number of places that needs to be corrected. Mr. Sage this is something he will bring to his Council for permits that they may consider as they have never included this verbiage in any permit of late, and appreciates this Commission has taken that stand. The Commission thanked Ms. Ford for including this document in the permit process.

**MOTION** by Gamage, seconded by Sage, **Moved**, to approve the addendum be added to the Temporary Use Permit paperwork.

Roll Call Vote:

Ayes: Blanchard, Ferriolo, Gamage, Sage, Simon, Steele, Walker

Nays: None

**MOTION CARRIED.**

**APPROVAL: 2019 Audit:** Ms. Ford said she forwarded a memo and the audit to everyone separately and hopes it was reviewed. Mr. Phillips completed the audit; the assets exceeded the liabilities at the end of last year by \$1,771,615.00. Of this, \$65,659 was unrestricted, and \$205,423 was restricted. The remaining 1.5 million reflects the investment in capital assets. The Commission decreased its fund balance by \$20,528 and he found there were no expenditures over budget. The Commission thanked and congratulated the staff for working over the year and ending with such a clean audit.

**MOTION** by Steele, seconded by Simon, **Moved**, to approve the 2019 audit and submit it to the Michigan Department of Treasury as needed.

Roll Call Vote:

Ayes: Blanchard, Ferriolo, Gamage, Sage, Simon, Steele, Walker

Nays: None

**MOTION CARRIED.**

**UPDATE/DISCUSSION: 2020 Trail Events:** Ms. Ford indicated all the events for the rest of the year have been cancelled at this point, including the Motor City Brew Tour's Cruisin' for the Trails that had been scheduled for the end of August – it's now rescheduled for May of next year.

There is a memo in the packet proposing two different concepts in lieu of the Labor Day Bridge Walk event. One is a photography contest and the second is the Paint Creek Trail Bridge Bingo. She asked for feedback on these ideas. Ms. Gamage thinks these are great ideas and loves the bridge bingo which is an excellent plan and gives an opportunity for people to get out of the house to be on the trail. Mr. Becker feels both ideas are tremendous, and wonders if there is a way to combine both ideas because they are different modes of participation by the public. If not, the bridge bingo is the one that gets people involved more. Mr. Ferriolo is attracted more to the photography contest, but was a little concerned because when you take pictures of bridges in order to get a great shot people may have to get off the path. This may invite people inadvertently to get off trail to get a great shot and he's worried they might hurt themselves. He wants to do this as it's a nice project, but you'd have to be careful with kids especially. Mr. Blanchard likes both ideas, and feels the bingo is better because it gets people more active. Mr. Simon agrees the bridge bingo would be cool and great for the Park Commission and the trails overall. Ms. Pinkham agrees that the bingo would more inclusive of the general population. Mr. Becker suggested staff check with the attorney to see if something about liability should be included on the bingo card. The consensus is to pursue the bridge bingo event. As this is just a concept now, Ms. Ford will ascertain if volunteers are needed.

**INFORMATIONAL: Paint Creek Trail Staff Schedule:** Mr. Blanchard indicated he and Ms. Ford discussed staff's schedule, and agreed the way staff is handling it right now is the best way for now. Mr. Ferriolo said this schedule conforms to the four municipalities.

**MANAGER'S REPORT:** In addition to the written report, Ms. Ford noted the trees down on the trail where we had to file claims with the insurance company who are working with the homeowners on this issue. She thanked the Vanguard Chapter of Trout Unlimited, as well to Commissioners Simon and Gamage, for their hard work getting the log jam out of the creek – the before and after photos are amazing. Mr. Simon said there will be another bridge clearing south of Silverbell. He has contacted Oakland Township and they have some tools for logging he will see if they can use for this effort. Mr. Becker commented that in Michigan, if your tree damages your neighbor's garage, you are not responsible for fixing the garage – so he's curious to see whether our insurance company will pay any damages to the neighbors from one of our trees. When Mr. Simon was working on Bridge 31.7 – underneath the bridge there is an intact old railroad coupler and feels if this could be dislodged, it would be a great addition to the Oakland Township Historical Society's railroad signal booth as a memento.

**COMMISSIONER REPORTS:** The Moutrie garden and the clearing of the log jam looks great – thank you for everyone's hard work in these endeavors. Mr. Becker said under the 2020 goals, fund balance policy – the auditor made recommendations to keep \$25,000 worth of expenses in fund balance, and he feels what he meant was a minimum of \$25,000. Mr. Ferriolo asked what the current extension of the State's emergency is, as our next meeting is August 18<sup>th</sup>. Ms. Ford believes the new order says rules about open meetings are in effect while the State of Emergency is in effect, plus 28 days, so possibly September 8<sup>th</sup>. Ms. Steele said the Executive Order ends August 11<sup>th</sup>, and doesn't know about the 28-day requirement and feels staff is doing a great job remotely. Mr. Sage will forward any direction from the City of Rochester about open meetings prior to the next meeting. A special thanks goes out from the Commission to Louis Carrio and his wife for their hard work at the garden, and the Rochester Hills Parks Department for all their work and diligence in watering. Stay safe everyone!!

**ADJOURNMENT OF REGULAR MEETING:**

**MOTION** by Gamage, seconded by Walker, *Moved*, to adjourn the Regular Meeting at 9:20 p.m.

Roll Call Vote:

Ayes: Blanchard, Ferriolo, Gamage, Sage, Simon, Steele, Walker

Nays: None

**MOTION CARRIED.**

**NEXT REGULAR MEETING: August 18, 2020 at 7:00 p.m. – Rochester Municipal Offices**

Respectfully submitted,

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MELISSA FORD, Trail Manager

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DAVID BECKER, Secretary