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REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION
Paint Creek Cider Mill, 4480 Orion Road, Rochester, MI 48306
and Via Teleconferencing – GoToMeeting
Access code: 446396709, or by phone 1-872-240-3212

CALL TO ORDER: The Tuesday, May 18, 2021 Regular Meeting was called to order by Chairperson Steele at 7:03 p.m.

Voting Members Present: Linda Gamage, Steve Sage, Donni Steele, David Walker
Voting Alternates Present: Julia Dalrymple, Dave Mabry, Martha Olijnyk, Chris Shepard
Non-Voting Alternates Present: David Becker, Theresa Mungioli
Voting Members Absent: Brian Blust, Robin Buxar, Ken Elwert, Jeff Stout
Alternates Absent: Ann Peterson
Village of Lake Orion Non-Voting Member Absent: Jason Peltier
Village of Lake Orion Non-Voting Alternate Absent: Jerry Narsh
Others Present: Melissa Ford, Trail Manager, Chris Gray, Assistant Trail Manager, Sandi DiSipio, Recording Secretary

COMMISSIONER LOCATIONS: Per the virtual meeting requirement, everyone attending virtually stated their name and where they are calling in from – Martha Olijnyk, representing Oakland Township, but attending from Bloomfield Hills, Theresa Mungioli, Rochester Hills, Steve Sage, Rochester, Louis Carrio, Friends of the Paint Creek Trail, Rochester Hills, Linda Gamage, Rochester, Maureen Smith, Leader Dogs for the Blind, Berkley. Those attending in person stated their name – Julia Dalrymple, Dave Becker, Dave Mabry, Donni Steele, David Walker, Chris Shepard.

PLEDGE OF ALLEGIANCE: All rose and recited the Pledge.

APPROVAL OF AGENDA:

MOTION by Walker, seconded by Dalrymple, ***Moved***, to approve the May 18, 2021 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: Mr. Louis Carrio, President of the Friends of the Paint Creek Trail, reported that the ribbon cutting ceremony for the Moutrie Pollinator Garden has been rescheduled for June 28th at 4:00 p.m.

CONSENT AGENDA:

- a. Minutes – April 20, 2021 Regular Meeting, approve and file
- b. Treasurers Report – April 2021

MOTION by Walker, seconded by Mabry, ***Moved***, to approve the Consent Agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

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APPROVAL OF INVOICES: Ms. Ford presented the list of invoices totaling \$536.50. In addition to the recorder's fee, this amount includes credit card charges for the May GoToMeeting; and an invoice for legal services. Estimated unrestricted fund balance is \$60,000. **MOTION** by Sage, seconded by Olijnyk, *Moved*, that the invoices presented for payment are approved as presented in the amount of \$536.50 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL: Temporary Permit, Maureen Smith – Leader Dogs for the Blind, Bark & Brew 5k – June 5, 2021:

Ms. Ford indicated the applicant, Ms. Maureen Smith, is attending virtually and is requesting a temporary permit for their June 5th Bark & Brew 5k event. The application and insurance information has been received. Ms. Smith summarized the event previously was an all day family event, with demonstrations of Leader Dogs in training. The event was not held last year due to COVID, and the 5k event is scheduled for this year. There is no actual Bark & Brew, the name stick because she has a partnership with Griffin Claw Brewing Company, who will provide a gift certificate for every runner who participates to come enjoy a beverage or a meal after the race is over. All proceeds raised go to support their programs for people who are blind or visually impaired, which are provided to the clients at no cost. Getting clients to their campus has been difficult with COVID, but Leader Dogs is excited to welcome them back in July. There are only 400 in person spots available for the event, and so far 322 participants have signed up, virtually and in person. There are 233 people signed up for the in person event with staggered start times for the groups from 8:30 a.m. to 10:00 – the race will be completed around 11:15 a.m. Social distancing and masks will be encouraged. She agreed to go with a waiver on the permit amendment for persons to sign for COVID if the event is approved. Timing chips will be used, but strips will not be placed on the course.

MOTION by Mabry, seconded by Walker, *Moved*, to approve the temporary permit for the Leader Dogs for the Blind Bark & Brew event on June 5, 2021, contingent upon receiving the application fee.

Ayes: All Nays: None

MOTION CARRIED.

DISCUSSION/APPROVAL: Revised License Agreement and Fees:

Ms. Ford indicated the attorney reviewed the license agreement and proposed one which is included in the packet. Ms. Olijnyk provided some commentary, which is also included on the agreement. The Licensing Committee has met and has come up with suggestions with respect to each of the agreements. Because of the way each agreement is structured and the different uses, the Committee felt it wasn't feasible to them to be under a uniform system – they each had to be dealt with individually. The proposed fees are all included in the memo, as well as an update on the Solaronics situation. The attorney sent a letter to Solaronics at our request. We received a letter back from their attorney, included in the packet, stating the property is not abandoned and they are using it, though not as frequently as in the past. Our attorney spoke with their attorney last week – there is no contract to sell that property at this time, all they have is a letter of intent from a potential buyer. Mr. Walker added that everything the Committee worked on is included in the packet, so you can see their suggestions for moving forward. Solaronics is not addressed financially in the packet because the intent was to attempt to cancel the agreement. Since that's not going to happen, we need to include them going forward. He has numbers from a previous calculation that can be included for them. The letter from Solaronics attorney specifically called for action from the Commission. It says to please confirm in writing that the assertions in our letter are withdrawn – he wants to make sure we close the loop. If we're not going to pursue that, we need to have our attorney send them a letter to that effect. The Solaronics agreement is for a 25 year term, starting back in 2010. At that time we agreed to this term with an incremental increase of 5% every five years. So with the baseline of \$1,350 back in 2010, coming forward with the increases, we should now be billing Solaronics \$1,490 effective with the 2021 cycle. He

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suggests we add this into the framework; it's what we agreed to, but we're not collecting the money. If we add the increases for all the licensing agreements, we're talking over \$16,000 per year that we should be collecting, and it's in our best interests to do so. Dillman & Upton was the other real property, and we literally rent space to that company. They have been the beneficiary of this for many years going back to 1991. Back then we agreed to charge them \$4,000 a year for this property – fast forward 30 years and we're still billing them \$4,000 a year for real property. There is no way we should continue under any agreement to lease these people property for a fixed amount over a 30 year period. If we looked at an inflationary adjustment over the last 30 years, that \$4,000 in today's dollars should be \$8,000 a year. The Committee is not suggesting bumping them to \$8,000 as it would be a shock, but suggests splitting the difference and start them at \$6,000 a year. But then we set the dial so that incrementally every year based on the CPI index, we adjust for real property as an inflationary number. They should not be opposed to that. The only other real property was Solaronics which we just spoke about. For all other agreements institute incremental increases based on CPI, which we haven't been doing. Let's clean this up, get new agreements in place, start collecting what we are owed, and move forward. Mr. Mabry asked if the Dillman & Upton original agreement was an open-ended agreement with no increases. Mr. Walker explained it was continuing on a year-to-year basis until the facility is abandoned or no longer used by the licensee. Mr. Mabry asked if this can be changed now. Mr. Walker said that would be up to our attorney navigate the nuances of warming them up to the idea that this is foolish for the Commission to continue in this agreement – it's not reasonable. Mr. Sage concurs with the \$1,490 suggested for Solaronics. Mr. Sage added Rochester is going to hydro-seed the area at Dillman & Upton on Thursday and will install three trees, but asked because they built a berm of soil to separate their parking lot from our property, if they are using any of our property now. Ms. Ford explained where the lumber is being stored is trail property. Mr. Sage said it would be fair to address that with them to help them understand the in perpetuity agreement just ended and we start a new agreement. Chairperson Steele suggested a motion be made to move forward with the recommendations, and asked if every licensee has a different agreement designed based on what their use was. Ms. Ford indicated yes. Mr. Walker added the licenses would have similar language, but each agreement will contain the nuances of each licensee and the incremental increases. Ms. Gamage asked if Solaronics was sent an invoice each year or if they just paid the fee. Ms. Ford indicated an invoice is sent to them, but the cost was never increased. Ms. Olijnyk asked if the Dillman & Upton agreement was a year to year license, and if so, every year it would be up for renewal. Every year we could renegotiate the agreement. Mr. Walker said it was on a year to year basis until the facility is abandoned or no longer used by the licensee. Ms. Olijnyk said we are within our rights to change the agreement on a yearly basis. Mr. Walker asked if we've kept track of what we have spent on the attorney so far, as we really haven't accomplished anything yet. Ms. Ford indicated we've spent \$987.50 so far, and \$2,500 is budgeted. Ms. Steele suggested a motion that we move forward with the attorney, she should negotiate each agreement (including the edits as suggested by Ms. Olijnyk) with the recommended amounts and present them to the licensees, so we can get them signed and bill them for this year and move forward. The Commission appreciates and thanked the Licensing Committee for all their hard work.

MOTION by Walker, *Moved*, to enter into an agreement with the attorney to formulate new license agreements based on the Committee's recommendations, adding Solaronics to the list, incorporating Ms. Olijnyk's language into the boilerplate contract and working towards negotiating new agreements.

Mr. Sage suggested incorporating an annual review for Dillman & Upton fees, not every five years, if we go with a multi-year agreement. Mr. Walker suggested building a CPI factor into an incremental increase, and agreed to this amendment. Mr. Sage seconded the amended motion.

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Amended Motion:

MOTION by Walker, seconded by Sage, *Moved*, to enter into an agreement with the attorney to formulate new license agreements based on the Committee's recommendations, adding Solaronics to the list, incorporating Ms. Olijnyk's language into the boilerplate contract, incorporating a CPI factor if we go with a multi-year agreement with Dillman & Upton during negotiations to factor in an annual increase, and working towards negotiating new agreements.

Roll Call Vote:

Ayes: Dalrymple, Gamage, Mabry, Olijnyk, Sage, Shepard, Steele, Walker

Nays: None

MOTION CARRIED.

DISCUSSION/APPROVAL: Paint Creek Trail Signage Project – Wayfinding Signage

Locations: Ms. Ford indicated she sent out a memo from the Branding Committee and herself giving an update relative to the signage. She displayed renderings of what the two-sided and three-sided signs will look like. Also included in the memo were examples of what the text on the signs will include both on the north and south bound sides of each sign, as well as what will be on a third side for traffic entering the trail from a different location. Ms. Ford included what the signs will look like by photo-shopping the proposed sign into the actual location on the trail. Mr. Mabry said it appears in the photo-shopped images, the post could be right at the edge of the trail and the signs would be overhanging the trail. Ms. Ford explained the signs would be off the trail as there is a standard for how far off the trail edge it has to be for safety reasons. Mr. Becker suggested that a second set of eyes check all the signs as they are very detailed and contain a lot of text - it would be very easy to make a mistake. They are not ready to review until the miles are included. Perhaps some Commission members or the bike patroller could volunteer to double check the signage before it sent to the sign shop for production. Ms. Gamage feels this is a great idea as the Subcommittee came up some standards to be used, so these can also be double-checked for consistency. Chairperson Steele remarked the signs are beautiful, asked if there are any volunteers to review the signs, or comments from the Sign Committee who did a great job. Ms. Olijnyk stated the Subcommittee would appreciate any help in checking out the signs because of the details. Ms. Steele asked about the timing. Ms. Ford said once this is approved and the mileage included on the signs, it's ready to move forward. She needs to get an invoice from the sign shop as 50% of the cost must be put down to continue. We were originally quoted only on two-sided signs, so Ms. Ford needs an updated quote to incorporate the three-sided signs as it's more expensive. She feels we will get an invoice for approval for next month and to move forward, so if we can get the signs double-checked this month, and approve the invoice next month, that would be great. This project is being funded by the Wilson Foundation and there is enough to cover the increase. Ms. Steele, Ms. Dalrymple, Mr. Becker agreed to check the signs. Ms. Ford indicated she will work on the mileage this week, and asked if it would be helpful to create mock-up signs to be placed where they would be installed on the trail for a week so the volunteers could check them out. The Commission feels this is a great idea. Ms. Steele indicated that Mr. Carrio volunteered to help, and asked about existing wayfinding signs on the trail extension in Lake Orion. Ms. Ford confirmed no additional trail signs will be installed on the extension. No motion is necessary at this time.

DISCUSSION/APPROVAL: Recognition Committee Recommendations: Ms. Ford stated the Recognition Committee met and a memo of their recommendations is included in the packet. She stated the Committee plans the Recognition Ceremony be held at the Labor Day Bridge Walk event. Ms. Olijnyk explained the way the Recognition Committee set this up is flexible – they are looking to recognize former Commissioners on the living plaque, and Commissioners who have done over and above or have been active on Committees, in meetings or volunteering would receive something extra, i.e., the railroad spike, and those who have been really outstanding and gave great service would receive the presentation box for the spike. Mr. Becker has concern

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about the length of the list presented, feels everyone listed deserves recognition, but in the past we've tried to limit the number of people receiving recognition in one year to three or four so as to not cheapen the award. If we try to recognize everyone on the list in one year, it may look like we're handing out awards like candy, rather than a meaningful thank you. He doesn't disagree with the Committee's choices, but wonders if we want to spread out these out over a few years instead of at one time. Ms. Mungioli commented Ms. Bowyer's name is misspelled on the list, and it looks like it's recommended that people on the Commission for one year the same level of recognition of people who were on for multiple years, not to diminish anyone's contribution. She just wants to understand the rationale behind that. Ms. Gamage clarified the Committee did discuss this quite a bit. They looked at number of meetings attended as well as years attended, and also other contributions, e.g., participation in subcommittees. In particular, Mr. Simon did quite a bit of outreach and work with Trout Unlimited along the trail, so that was considered. In the past we have awarded a spike, and the next level up was the spike and the box. This year it just seems like it made sense to award the spike and box – they didn't set hard rules or who gets what so that can be adjusted yearly if we need to. To Mr. Becker's point, Ms. Gamage said there are many people on the list, but we fell a bit behind in recognition over the past few years with all the other projects going on, as well as with COVID over the past year. That is why the list is much longer than we typically have for the recognition ceremony. Ms. Mungioli noted some of the people on the list she's never seen at a meeting, and asked if they gave off-meeting support that she's not aware of. She just wants to know in case Mr. Walker or herself have to explain to City Council why there's a variation. She appreciates Ms. Gamage's explanation, but some of the people on the list she's never seen or heard from them. Maybe she needs to understand more about the subcommittees they are supporting or outreach they're doing and we should recognize them in the meeting for that work. Ms. Olijnyk said it might be easier if Ms. Mungioli is specific about who she's referring to because some of these people started on the Commission before she started and that's why she didn't see them. They tried to take everything into account when making the recommendations; someone who never attended a meeting is not being recommended for a spike and a box. Ms. Mungioli mentioned one person on the list, said she's been on the Commission since 2019 and never saw this person at a meeting. If there's work that they are doing outside of the Commission, she'd like to know that so she can recognize and thank them as she knows this person personally. Ms. Olijnyk explained in this particular instance, their name will be on the plaque stating they were a Commissioner. The criteria the Committee used is that the members attended at least one meeting for the plaque, which this individual did. Ms. Mungioli thanked Ms. Olijnyk for the explanation. Ms. Steele appreciates the work the Committee did and is fine with recognizing everyone on the list at one time so they can all talk and be together, and we can catch up and move forward. Mr. Becker suggested the Committee think about awarding two to four spikes and boxes at different events scheduled during the year instead of at one event. This way, the event doesn't lose its effect and prestige. Ms. Gamage asked how other members of the full Commission feel about splitting up the awards at different events versus awarding them all at one time. Mr. Walker asked about the cost, to which Ms. Ford less than \$1,000. Money at this cost is not budgeted in this year's budget. Mr. Walker agrees with Ms. Steele to catch up with the awards to recognize the members, find the money, get it taken care of and move on.

MOTION by Walker, seconded by Steele, *Moved*, to implement the Recognition Committee's recommendations as submitted, order the spikes, boxes and plaques, and invite the honorees to the Labor Day Bridge Walk for the recognition ceremony.

Ms. Olijnyk suggested an amendment to the motion to add a Resolution for Mr. Blanchard to recognize his years of service. Mr. Walker and Ms. Steele agreed with this amendment.

Amended Motion:

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MOTION by Walker, seconded by Steele, *Moved*, to implement the Recognition Committee's recommendations as submitted, order the spikes, boxes and plaques, develop a Resolution to recognize Mr. Blanchard, and invite the honorees to the Labor Day Bridge Walk for the recognition ceremony.

Roll Call Vote:

Ayes: Dalrymple, Gamage, Mabry, Olijnyk, Sage, Shepard, Steele, Walker

Nays: None

MOTION CARRIED.

DISCUSSION: Trail Surface Regrading: Ms. Steele indicated she asked Ms. Ford to look into this because Orion Township is a little remiss with their grading as they don't have the correct equipment. She asked to get a quote for resurfacing the entire trail. Ms. Ford said she reached out to several grading contractors to get quotes for the cost of grading the entire trail and also for a per mile cost as some communities are able to the grading work. Both Oakland Township and Rochester Hills have graded the trail this year. Two quotes were received, one for the entire trail at a cost of \$11,570, with a per mile rate of \$1,300, and the other for a total of \$10,800 with a per mile rate of \$1,750. She is waiting for one more quote to come in if we want to wait to provide the communities with three quotes. The thought is to ask the communities who have not done the work yet to grade the trail by mid-June, and if not able to do it with their own staff, that we would provide them with the quotes from the other companies if they wished to contract the work out. Ms. Steele will pass the quotes on to Orion's Parks & Rec Department and indicate this is what we're up against and ask how they can rectify this. Ms. Steele commented she doesn't know if Rochester has the correct equipment, but can have Orion talk to Rochester about this to see what can be done. Mr. Walker thought there was a shared services agreement, someone has the equipment available. Ms. Steele knows Orion has a shared services agreement with Rochester Hills, but is not sure how their equipment would get to Orion. Mr. Shepard talked about the equipment (couldn't hear some of what he said) and a photo of the equipment used was passed around to the members. Ms. Gamage said she couldn't hear everything that was just said but heard about a shared agreement with Rochester Hills, and knows we've talked about sharing equipment for the last few years, and is not sure if there is a shared equipment agreement in place. She suggested exploring this option. Mr. Becker remembers many years there was an actual agreement with Rochester Hills for certain equipment sharing, and thought there was some success with that. If still in existence, this agreement might be helpful in this circumstance. Ms. Steele will talk with Orion Parks & Rec to see if they need to hire this work out or borrow equipment, but knows there is a shared agreement with Rochester Hills. Mr. Sage will do the same.

APPROVAL: 2020 Audit: Ms. Ford said everyone should have been able to download the audit from the website, and copies are available in the office should anyone want a hard copy. The assets of the Commission exceeded its liabilities at the end of 2020 by a net position of \$1,863,371. Of this, \$109,399 was unrestricted and \$25,147 was restricted. The remaining \$1,729,165 reflects our investment in capital assets. The Commission increased its fund balance by \$15,851 from 2019. Mr. Phillips found there were no expenditures over budget. There is a Budgetary Comparison Schedule in the required supplemental information section in the audit. She asked if there are any questions. Mr. Becker thanked Manager Ford and Assistant Manager Gray for getting this clean audit. It's not easy to do and they deserve congratulations for their work.

MOTION by Sage, seconded by Walker, *Moved*, to accept and file the 2020 Audit Report and request that the auditor transmit it to the Local Audit & Finance Division of the Michigan Department of Treasury.

Roll Call Vote:

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Ayes: Dalrymple, Gamage, Mabry, Olijnyk, Sage, Shepard, Steele, Walker

Nays: None

MOTION CARRIED.

MANAGER'S REPORT: In addition to the written report, Ms. Ford said Mr. Carrio announced the Moutrie Pollinator Garden ribbon cutting ceremony has been moved to the June 28th. She displayed photos of the Little Free Library and the Bike Rack. There was a dedication by the family who donated the library on May 1st, and they were happy with how it looks in the garden. Their daughter who passed away was in her early 20's, was a student at OU who was going to go into education, so this was a fitting memorial to her. The two kiosks by the Eagle Scout have been installed, so all kiosks have been replaced on the trail. We need to recognize these Scouts with a certificate at a meeting during the summer. As we are approaching National Trails Day, she has secured \$550 in sponsorship, started to advertise the event, and will put flyers in the kiosks. She's still working on getting items for the gift basket. The Friends have donated a shirt, Oats Soda donated a gift card, and the Lake Orion DDA is planning on donating a \$25 gift certificate to downtown businesses, but she's still looking for items. Ms. Steele suggested we take some of our funds and buy some items for the basket for the winner of the event – maybe \$100? She asked if we need to make a budget adjustment. Ms. Ford said we would have to amend the Trails Day Budget as there is only \$500 budgeted, but there is extra money as we budgeted \$500 for the Pollinator Garden ribbon cutting. She spoke with Mr. Carrio and besides bottled water, he doesn't need anything else from the Commission, so this money can be pulled from that line item. She hopes to see everyone at National Trails Day, the Garden ribbon cutting event and completing the Scavenger Hunt.

MOTION by Steele, supported by Walker, *Moved*, to approve using \$100 from the Pollinator Garden ribbon cutting budget, and allocating it towards the National Trails Day event.

Roll Call Vote:

Ayes: Dalrymple, Gamage, Mabry, Olijnyk, Sage, Shepard, Steele, Walker

Nays: None

MOTION CARRIED.

An update on the applications submitted to Elissa Slotkin's office – unfortunately, neither project was selected for submission to the Appropriations Committee, but will continue to seek funding for them through other channels. There may be another opportunity next year through Ms. Slotkin's office. She spoke with Trout Unlimited who confirmed with the City of Rochester that they are not required to obtain a building permit and they have reached out to EGLE regarding the permitting issues there, but have not received a response yet. She will keep the Commission informed of any updates. The Bike Patroller has gone through CPR and first aid training, and both Ms. Ford and Ms. Gray will complete training next week through Oakland Township.

COMMISSIONER REPORTS: Ms. Mungoli thanked the Recognition Committee for their explanation to her questions, their hard work and it's great we're recognizing everyone for their contributions. Ms. Olijnyk thanked everyone for doing work on the committees and appreciates their efforts. Ms. Dalrymple is excited about the new signs and thinks they will look amazing on the trail and helpful to everyone who visits the trail. Mr. Walker mentioned graffiti on the bridge south of Dutton; Ms. Ford will follow up. He also wants to bring closure and give direction to staff about the woodchips being used on a licensed pathway – the Licensing Committee said this is acceptable to them and asked Ms. Ford to reach out to the homeowner and let them know this is OK, but not to collar the base of the trees. Ms. Steele indicated they are doing a bittersweet vines cleanup on the Polly Ann Trail. She indicated if we can't hold the meeting next month in Rochester, we can meet at the Cider Mill unless there's a state of emergency, and she would like to move towards having one meeting instead of a hybrid meeting as it's difficult – but this might not happen until the July meeting.

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ADJOURNMENT OF REGULAR MEETING:

MOTION by Gamage, seconded by Dalrymple, *Moved*, to adjourn the Regular Meeting at 8:40 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT REGULAR MEETING: June 15, 2021 at 7:00 p.m. – Rochester Municipal Offices

Respectfully submitted,

MELISSA FORD, Trail Manager

DAVID BECKER, Secretary