

REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION
Paint Creek Cider Mill
4480 Orion Road, Rochester, MI 48306

CALL TO ORDER: The Tuesday, January 17, 2023 Regular Meeting was called to order by Chairperson Olijnyk at 7:00 p.m.

Voting Members Present: Ken Elwert, Linda Gamage, Steve Sage, David Walker, Aaron Whatley

Voting Alternates Present: Dave Mabry, Martha Olijnyk

Non-Voting Alternates Present: David Becker, Carol Morlan

Voting Members Absent: Brian Blust, Robin Buxar

Alternates Absent: Julia Dalrymple, Russell George, Ann Peterson, Patrick Ross

Village of Lake Orion Non-Voting Member Absent: Jason Peltier

Village of Lake Orion Non-Voting Alternate Absent: Jerry Narsh

Others Present: Melissa Ford, Trail Manager, Eryn Grupido, Administrative Assistant, Louis Carrio, Friends Group, Sandi DiSipio, Recording Secretary

PLEDGE OF ALLEGIANCE: All rose and recited the Pledge.

APPROVAL OF AGENDA:

MOTION by Elwert, seconded by Gamage, ***Moved***, to approve the January 17, 2023 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

a. Minutes – December 13, 2022 Regular Meeting, approve and file

b. Treasurers Report – December 2022, receive and file

Chairperson Olijnyk noted her name is incorrectly spelled on page 2; this typo will be rectified.

MOTION by Sage, seconded by Elwert, ***Moved***, to approve the Consent Agenda as presented with the correction noted above.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL OF INVOICES: Ms. Ford presented the list of invoices totaling \$4,136.00. In addition to the recorder's fee, this amount includes credit card charges for GoToMeeting monthly fee and refreshments for the December meeting; reimbursement to Rochester for Bridge 31.7 engineering review fees, and an invoice for attorney fees for review of Solaronics and Dillman & Upton license issues. Estimated unrestricted fund balance is \$93,000.

MOTION by Mabry, seconded by Gamage, ***Moved***, that the invoices presented for payment are approved as presented in the amount of \$4,136.00 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL: Temporary Permit, Abigail Carmos – Grace Centers of Hope 5k, October 7, 2023: Ms. Abigail Carmos the assistant special events coordinator at Grace Centers of Hope in Pontiac came forward, introduced herself and summarized the event and what Grace Centers does. Their center is a one year life skills program focusing on homelessness and addiction for men, women and children. The majority of their residents come from Oakland County and surrounding areas; but are not limited to this area as people come from all over the country. During the first year, people receive three meals a day, clean clothing, safe shelter and life skills classes from finance to parenting. They are cared for through personal accountability, counseling and work related programs. The children are cared for by a licensed daycare center. Upon completion of the one year program, they have the opportunity to move into one of their 54 houses all within walking distance from the campus. During these two years, they can use the skills they learned to become productive citizens. After two years, they can then qualify to purchase one of the homes. So, the center sees homelessness to home ownership in 3-4 years. Grace Centers operates each day throughout the year without any government funding, everything provided for the residents is from donations. Ms. Carmos is hoping for approval on their first 5k event on the trail. Insurance paperwork and application fees have been submitted. Since the event will start from Flagstar Bank, Ms. Carmos was asked to coordinate parking at the Cider Mill with Oakland Township, a contact will be provided. The event will be timed running from Flagstar towards Adams Road half-way, then turning around and returning to Flagstar. The timer will just be at the start and finish, and the strips will be on the path, not the trail. A water table is planned at the turnaround point. Ms. Carmos has been working with Hanson's Running Shop on event guidance; they will be providing the start/finish line and timer. The Commission thanked Ms. Carmos for what Grace Centers does, hopes the event is successful and asked for feedback after completion.

MOTION by Mabry, seconded by Gamage, *Moved*, to approve the application for Grace Centers of Hope to hold their 5k event on the trail October 7th, with a rain date of October 21st.

Ayes: All Nays: None

MOTION CARRIED.

DISCUSSION: Limited Use Permit Request, Bald Mountain Recreation Area Bridge to PCT, Oakland Township: Mr. Adam Lepp from the DNR, came forward and summarized the history of the project. The project has been in the works for at least 10 years; the first hurdle was to gain the property in order to get next to the trail. There was a land swap between Orion Township and the DNR about five years ago, which resulted in 40 feet of access to the trail – but they still need to get across the creek. A question was asked about why this bridge is necessary when it's so close to another bridge. Mr. Lepp explained the benefit of this connection is that it connects the Bald Mountain Recreation area to the trail, enabling access to the cabins and future yurts where the organization campground used to provide overnight lodging opportunities right off the trail. Another benefit is making the connection between Bald Mountain North trails and the South trails and eventually to Addison Oaks so users don't have to stay on Lake George Road for so long. There was a legal question previously posed by the Licensing Committee about liability; Mr. Lepp's understanding of the response is that the bridge is DNR's responsibility, not the PCT, so maintenance is handled by the State. Mr. Mabry noted the bridge is 600' from the Archery and asked if it 600' from where the boards are. Mr. Lepp explained if you're on the trail, the boards are located at the middle of the bridge. Mr. Becker noted the section of the trail north and south of the bridge location would require closure of the trail during the four week installation period for safety reasons, and asked if this would be a full four week closure. Mr. Lepp indicated no, it would be intermediate closures, but can't answer for how many days as equipment needs to be brought in. They wanted to use the trail for the entrance of a crane to set the bridge. Mr. Becker asked if they use the trail for the crane, will the trail be restored to how it was. Mr. Lepp responded yes. Mr. Becker added that trail users are very clever about going

around equipment, and asked if there will be someone present to stop people. Mr. Lepp will notify the consultants about this issue; someone could possibly be there when operating equipment. Mr. Whatley asked if the project is funded. Mr. Lepp the project will use capital outlay money. Since the consultant is in place and money has already been spent to start, it will continue. Ms. Olijnyk asked what other equipment will be used on the trail other than a crane. Mr. Lepp said there might be a loader to move product, but on the trail side nothing additional other than a truck. Ms. Olijnyk referred to the drawings where it shows a concrete abutment between the bridge and the trail and asked if this is correct. Mr. Lepp said yes, and wished the engineer consultant was present to explain. Ms. Olijnyk then asked if any railings are proposed and where. Mr. Lepp said he can ask the engineer to come to a meeting or if the Commission wants to generate specific questions that he could answer. Mr. Walker asked what the benefit is to the trail with the project. Mr. Lepp said people who use Bald Mountain amenities can commute to the PCT, there's plenty of parking off Kern Road. Ms. Ford indicated the trail has parking at Clarkston/Kern and at Paint Creek Junction, the new trailhead just north of the proposed bridge. Mr. Elwert added it's a benefit to the trail for people using the Iron Belle Trail for an overnight camping spot, and also for grant writing. Mr. Becker commented this connection is something the Commission has wanted for a long time and is happy it's getting done. Ms. Gamage suggested the Licensing Committee compile questions relative to engineering issues and have them answered. She sees the benefit of the project, but some of the details need to be worked out to protect trail property. Mr. Elwert asked if there is a concern if this is not approved tonight, will it delay the bid process? Mr. Lepp said it will be bid out soon, and suggested a list of questions could be asked of the consultant or he could come to the next meeting; a month's time should be fine. Mr. Walker said the Licensing Committee is meeting next Monday. The consensus is to submit any questions to the engineering consultant and get answers, and then discuss/approve the request at our next meeting.

UPDATE: Grant Opportunities & Trail Capital Improvement Projects: Ms. Ford said the Spark Grant application was submitted; the first round grantees will be announced the week of January 30th. The Commission's pre-proposal for the Fisheries Habitat grant was not selected to move forward in the process. Ms. Ford spoke with the program manager for feedback on why we were not selected; the answers are included in the summary memo included in the packet. We can apply next year if needed. No new information on the Ralph C. Wilson, Jr. Trails Maintenance Fund, the Michigan Natural Resources Trust Fund or the Land and Water Conservation Fund. Relative to the TAP Grant, AEW submitted the SHPO application in mid-December and anticipates hearing back in February – the main question is whether or not the bridge is going to be designated as historic. That will determine how we proceed with this project. Without that information, Ms. Ford does not know if we will be applying for TAP funding, but is working under the assumption that we're going to be, is working on the grant application right now and has a meeting with Mr. Mizikar next week, as the city of Rochester will be applying for the grant on behalf of the Commission. She also needs to talk to Rochester about the 20% cash match of construction costs for the project. The next item on the agenda is the Resolution of Support for the TAP Grant Application which is required from the Commission. Ms. Ford also has a Sponsorship Agreement with the city of Rochester that needs to be signed for this grant application.

APPROVAL: Resolution #2023-001 – Resolution in Support of the city of Rochester's TAP Grant Application for PCT Bridge 31.7 Renovation:

MOTION by Sage, seconded by Walker, *Moved*, to accept and approve Resolution #2023-001 as presented.

RESOLUTION #2023-001 In support of the City of Rochester’s Application to the Transportation Alternatives Program for Paint Creek Trail Bridge 31.7 Renovation

WHEREAS, the Paint Creek Trailways Commission, an intergovernmental agency, owns, manages, and operates the 8.9 mile Paint Creek Trail in Oakland County, Michigan; and

WHEREAS, the Paint Creek Trailways Commission supports the submission of an application titled “Paint Creek Trail Bridge 31.7 Renovation” to the Transportation Alternatives Program, for the development of a 70’ long pedestrian bridge between Ludlow Avenue and Tienken Road in Rochester, Michigan; and

WHEREAS, the location of the proposed project is within the jurisdiction of the Paint Creek Trailways Commission; and

WHEREAS, the City of Rochester Department of Public Works maintains the portion of the Paint Creek Trail within their jurisdiction and will continue maintaining Bridge 31.7; and

WHEREAS, the proposed project, if completed, will be a benefit to the community and the thousands of trail users annually; and

WHEREAS, the proposed development application is supported by the approved 2020-2024 Paint Creek Trail Recreation Master Plan and the city of Rochester’s 2019-2023 Parks & Recreation Master Plan; and

WHEREAS, with this resolution of support it is acknowledged that the Paint Creek Trailways Commission is not committing any of their own funds to any financial obligations; and

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT the Paint Creek Trailways Commission of Oakland County, Michigan, hereby supports the submission of a Transportation Alternatives Program Grant Application for the “Paint Creek Trail Bridge 31.7 Renovation” project for the total project cost of \$958,800.

Ayes: Elwert, Gamage, Mabry, Olijnyk, Sage, Walker Whatley
Nays: None

MOTION CARRIED.

UPDATE/DISCUSSION: Solaronics: Ms. Ford explained our attorney received a response from Solaronics’ attorney; they said they are still using the property, it’s not abandoned, the property is under contract for sale and the buyer is going through due diligence. The buyer is scheduled to meet with City Council and the Planning Commission in February with modifications to the project to address the concerns raised, and are anticipating approval. With respect to our proposal about amending the agreement so it terminates with the sale of property – they appreciate the offer, but instructed their attorney to wait on modifying the existing agreement for the time being. Ms. Hamemeh thinks we have to wait to see how everything shakes out before we move on it; Ms. Ford agrees with her but wants to hear from the Commission. Mr. Elwert asked if we have an obligation once we’ve identified we think it’s vacant to take action – how long do we wait? Ms. Ford indicated our attorney said under Michigan law vacant and abandoned are two different things, so just because it’s vacant doesn’t mean it’s abandoned. Ms. Gamage commented this issue demonstrates our need to be careful in future license agreements and insure we can reclaim our property when we need to. In reading the minutes from last meeting, there was a statement that even if the Planning Commission approves the plan, it still has to go before City Council and the Master Plan currently does not have this property zoned for multi family use. However, Ms. Gamage has also heard that the Master Plan is being looked for modification as well to rezone some of these properties to put something in place so it wouldn’t need to go through the Planning Commission for a plan like what is proposed. We need to keep in mind that Master Plans and zoning can change which is out of our control – but what is in our control is the agreement we made with property owners and moving forward. Ms. Gamage feels we should reclaim our property and have it used the way that matches our mission. Regarding Mr. Elwert’s comment, Ms. Olijnyk feels we are protecting our rights, and it doesn’t mean we have to go forward now – as long as we continue to maintain our rights under the agreement, we’re ok. But the Commission needs to decide if we think it’s really

abandoned and go after it, or wait a little longer and see what happens. Ms. Ford indicated Ms. Hamemeh asked if they were still maintaining the property, which they are doing. Mr. Walker feels our property is going to be returned to us eventually. Mr. Sage stated at the February Planning Commission meeting, they will consider whatever new plan they bring forward to develop the property and decide at that time whether they will move it to March for a public hearing to consider the new site plan and whatever zoning ordinance change will be needed. The Planning Commission would approve both, and the zoning goes back to Council in April to decide whether or not to change the zoning. It is currently not zoned for multi family; it's zoned industrial with the provision of single family. Mr. Becker feels it would be imprudent to move forward with any legal action and wants to see what happens. The consensus is to keep an eye on what evolves.

INFORMATION/DISCUSSION: Dillman & Upton: Ms. Ford indicated she was contacted by Nik Banda, Rochester's City Manager, in late December to say Rochester has been working with Dillman & Upton about extending the existing cedar fence along the trail edge with a new step-down section that would screen the parking lot. Their thought was that it would give them more storage room and clean up the view from the road and the trail. Rochester is in support of the project, wanted to let the Commission know about it and solicit our thoughts. Ms. Ford reached out to the Licensing Committee and they had questions included in the memo in the packet. On the drawings provided there is a fuel tank located on part of trail property. Ms. Ford went out and measured it, and it's about four feet on our property which is in violation of the license agreement as no flammable liquids are supposed to be on our property. She reached out to Dillman & Upton about this and Mr. Upton let Ms. Ford know he's going to look at the fuel shed and report back, but she hasn't heard anything yet. They are also reworking the drawings as there were also some questions about the fence. There is no new information other than what's included in Ms. Ford's memo, so we are waiting on the new drawings because what they were proposing did not match the schematics provided to the Commission. The proposal shows a step-down fence starting from 12' down, when the license agreement calls for a 10' fence. Mr. Walker said the earlier renderings from the license agreement show a box (probably the fuel shed) drawn much further away from trail property, and the new engineer accurately reflected where the fuel shed is. Ms. Ford said this fuel shed will not be easily moved. Mr. Elwert said this is a liability problem for us as it's on our property. Mr. Walker said we need to bring attention to the fuel shed issue and either negotiate separately or as part of the new license agreement. Mr. Becker asked what's the purpose of the step-down fence. Ms. Ford said aesthetics and maybe the sight line from the road, and added they are not replacing the existing fence, only extending it. Ms. Gamage reminded the Commission that the existing fence was previously leaning and propped up on our property with tree branches and 2x4's. Also, when Rochester was working on Ludlow, they took out several trees that were on trail property adjacent to Dillman & Upton's parking lot, and for a few years, Rochester promised they were going to replant the trees. When we inquired about the trees, Rochester said they needed Dillman & Upton to promise to stop plowing the snow and salt into the trees. Finally, three trees were planted there. Ms. Gamage's concern is that we didn't ask Dillman & Upton to extend the fence and would prefer to see natural barrier between their parking lot and the trail rather than another fence that requires maintenance. She's not sure what the property owner is trying to accomplish with the fence. Chairperson Olijnyk said there are a number of items the Licensing Committee is considering about this and how to move forward, whether it's negotiation with the agreement as it exists or having something separate. Mr. Walker said we've had this license agreement for 30+ years and have never increased the rate, so we've been collecting a nominal amount that probably hasn't been adjusted even for inflation, so we're allowing them real property to store material for low cost. Mr. Elwert strongly reinforced that with the licensing agreement, the fuel shed must be moved as we have established that we have something hazardous on our property that's not allowable – it's potentially explosive. Ms. Ford

brought this to the property owner's attention, and his response was that the renderings are being redrawn, he would go out and look at the fuel shed and report back. Ms. Gamage said if anyone has questions about this project to get them to the Licensing Committee as they are meeting next Monday. Ms. Olijnyk asked if the fuel shed was shown on the survey we had done for trail property in preparation for the lawsuit. Ms. Ford will bring the survey down for review after the meeting. Ms. Gamage also suggested checking Rochester's ordinances relative to fuel tanks.

DISCUSSION/DIRECTION: Paint Creek Trailways Commission Fund at the Community

Foundation of Greater Rochester: A comment was made last month about transferring some funds from the Fund Balance over to the Community Foundation so we reach the \$10,000 minimum they require in order to keep a fund there. Ms. Ford indicated at the end of last year, we had \$5,691.89 in our account and personally feels it's worthwhile to keep the account active as it provides people a tax write-off if they donate. She indicated we had some donations from private individuals last year, and asked for feedback from the Commission. Mr. Becker thinks it's a good idea and suggested depositing \$4,500 into our account from Fund Balance. A question was posed if our bank's interest rate is higher, and Ms. Ford will check into that. Moving the funds would require a budget amendment – this can be done in conjunction with the next agenda item. The consensus is to move \$4,500 into the Community Foundation.

APPROVAL: Budget Amendment: Ms. Ford explained there was an increase in rent for the office this year that she was not aware of when the budget was prepared, so she is requesting the Commission approve a budget amendment to move \$900 from the Fund Balance to the Operations Budget to cover the difference.

MOTION by Elwert, seconded by Mabry, *Moved*, to approve moving \$900 from the Unrestricted Fund Balance into the Operations Budget for rent, and also moving \$4,500 from the Unrestricted Fund Balance into the Trailways Commission Fund at the Community Foundation of Greater Rochester.

Ayes: All

Nays: None

MOTION CARRIED.

DISCUSSION: Ad Hoc Committee Assignments: Ms. Ford said there are some vacancies on committees due to Ms. Steele moving on. There is no new Orion Township Commissioner yet, they will be appointed February 6th. Mr. Ross will be assigned to the Personnel Committee. Ms. Olijnyk said she would be agreeable to move to the Licensing Committee and resign from the Fund Raising Committee. Ms. Ford commented the Licensing Committee historically has had one representative from each community, and right now Ms. Buxar is on from Oakland Township. Ms. Olijnyk rescinded her seat to allow someone from Orion Township to serve on the Licensing Committee. The Fundraising Ad Hoc Committee was removed from the roster. It was suggested that the Memorial Program be incorporated into the Trail Improvements/Resurfacing Committee. This item will be brought back next month to secure Orion Township's representative to the Licensing Committee.

DISCUSSION: 2023 Goals: Ms. Ford indicated she will send the document to everyone after the meeting and asked that it be reviewed, ranked, edited and sent back to her by February 14th. Ms. Ford will compile a document with the averages for the next meeting. She asked if anyone wants to eliminate, add or change anything tonight. Mr. Elwert commented it would be helpful to have a specific date, rather than a one year time frame for the additional goals, like the bridge review. Ms. Ford said Oakland Township will inspect their bridges in 2024 and Orion Township completed their review in 2022 and Rochester Hills will be done this year. Mr. Elwert thought the idea was to get these inspections done near the same time. Mr. Whatley will check to see if the bridge comparison can be accomplished with this gap.

MANAGER'S REPORT: Ms. Ford summarized her written report included in the packet. All invoices for 2023 have been sent out, and all invoices for 2022 have been paid. AEW has reviewed the geotechnical report and are finalizing the depth of the foundations that need to be set for Bridge 31.7. She is still working on getting an updated cost estimate from Rochester's engineering firm for the Southeast Rochester Property. Regarding the beach encroachment, Ms. Ford reached out to EGLE for the revised plans from the homeowner which were due January 8th, and hopes to have an update next month. Staff submitted the Pure Michigan application this week, approvals will be announced in March/April. Ms. Ford reported she received an email from Consumers relative to the Dutton Road Bridge Replacement – they need to relocate the 6” gas main that runs under the trail. The old main will remain and they need to bore under the trail to put in the new main. There may already be an agreement in place for the main, Consumers will verify. Closure of the trail will not be required and no equipment will be on trail surface.

COMMISSIONER REPORTS: In connection with the Dutton Road Bridge project, Mr. Elwert said a crosswalk is proposed as part of the bridge project, details are being worked out.

ADJOURNMENT OF REGULAR MEETING:

MOTION by Mabry, seconded by Gamage, *Moved*, to adjourn the Regular Meeting at 8:45 p.m.
Ayes: All Nays: None **MOTION CARRIED.**

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

Respectfully submitted,

MELISSA FORD, Trail Manager

DAVID BECKER, Secretary