



4393 Collins Road
Rochester, MI 48306
(248) 651-9260
Paintcreektrail.org

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

CALL TO ORDER: The Tuesday, June 20, 2023 Regular Meeting was called to order by Chairperson Olijnyk at 7:08 p.m.

Voting Members Present: Brian Blust, Robin Buxar, Ken Elwert, Linda Gamage, Patrick Ross, David Walker

Voting Alternates Present: None

Non-Voting Alternates Present: Carol Morlan, Martha Olijnyk

Voting Members Absent: Julia Dalrymple, Steve Sage

Alternates Absent: David Becker, Russell George, Dave Mabry, Ann Peterson, Matt Pfeiffer, Aaron Whatley

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

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

Others Present: Tom Correll, Trail Manager, Eryn Grupido, Administrative Assistant, Louis Carrio, Friends of the Paint Creek Trail, Sandi DiSipio, Recording Secretary

PLEDGE OF ALLEGIANCE: All rose and recited the Pledge.

APPROVAL OF AGENDA:

MOTION by Blust, seconded by Buxar, ***Moved***, to approve the June 20, 2023 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: No public comment on non-agenda items. Several residents are present for an agenda item, and will be given a chance to speak when the item is discussed.

CONSENT AGENDA:

- a. Minutes – May 16, 2023 Regular Meeting, approve and file
- b. Treasurers Report – May 2023, receive and file

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

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL OF INVOICES: Mr. Correll presented the list of invoices totaling \$392.33. In addition to the recorder's fee, this amount includes credit card charges for GoToMeeting monthly fee, Bike Patrol shirts and certificate frames; payment to Ms. Grupido for heat press of the bike patrol shirts, and legal fees relative to the license agreements. Estimated unrestricted fund balance is \$93,000.

MOTION by Elwert, seconded by Buxar, *Moved*, that the invoices presented for payment are approved as presented in the amount of \$392.33 and orders be drawn for payment.

Roll Call Vote:

Ayes: Blust, Buxar, Elwert, Gamage, Ross, Walker

Nays: None

MOTION CARRIED.

MEMO/APPROVAL: Recognition Spikes: A summary memo is included in the packet. Mr. Correll explained following the purchase of the spike statue mold from Will Langston Pewter, staff has reached out to pewter specific artists to replicate his statues for the creation of the commemorative recognition spikes. Staff would like approval to send the mold and place our first order of five spikes for \$225 plus shipping with JPPewter. They create a lot of MI items as a former local but is now located in Virginia and plans to keep working for at least 20 years and pass the trade on to his family. We could clean up our own spikes to use; we have eight and could purchase more on ebay. JPPewter does have a railroad spike collection he'd be willing to use to start and believes he knows how they were cleaned and shaped. Staff passed on Will Langston's website for them to investigate the design. We have four spikes created right now but one has a broken statue and another is corroded. New supplier will repair the broken spike at no charge. Mr. Correll summarized the four recognition guidelines and is decided case-by-case. There is no recorded information found on an award plaque being given to anyone or a design of it; should we pursue designing this? Also, the "Living" wall name plaque is full; should we start a second one? Upon a question, Ms. Grupido indicated she has not gotten a quote on the cost of a second "Living" wall plaque yet.

MOTION by Elwert, seconded by Buxar, *Moved*, to approve spending \$225 plus shipping for the purchase of five spikes.

Roll Call Vote:

Ayes: Blust, Buxar, Elwert, Gamage, Ross, Walker

Nays: None

MOTION CARRIED.

MEMO: Current Grants and Grant Updates (Spark Grant): A summary memo is included in the packet. There is no updated information regarding the current grants other than the Spark Grant; resubmission for Round 2 scoring is due June 26th. Mr. Correll indicated in early June, they released some information about why we received the scores we did, but it's difficult to know why as they don't indicate which questions we got wrong. In looking through the information Mr. Correll noted we did not receive any points for the Access to Project Site question. The answer Ms. Ford submitted was very thorough, but he's going to go back through it. He feels they are looking to see if we do our own programs as an organization – but we don't as we partner with other groups, so Mr. Correll might change the wording on the answer and update that narrative as we do a lot of partnerships with groups that use the trail for programs. It was suggested the Labor Day Bridge Walk be included; Mr. Correll confirmed this was listed. Other suggestions were Dinosaur Hill, Trout Unlimited project, and Adopt a Trail groups. Mr. Correll will resubmit the grant for Round 2 scoring. Mr. Correll then commented he went on a site visit last week to Bridge 31.7 with Mary Parlock, the grant supervisor for the MNRTF grant; things are moving along.

DISCUSSION/APPROVAL: Event Sponsorship Forms: Originally, there was just one form; the one used the Labor Day Bridge Walk. Mr. Correll is working on submitting the event application to the City of Rochester. There is not a big difference in this sponsorship form other than updating it. He's not sure if this needs approval from the Commission or just a Committee item. Mr. Correll created another sponsorship form for the 40th Anniversary Event (November 18th) based on discussions with the subcommittee about upping the sponsorship level for this

event. He asked for feedback from the Commission. Mr. Elwert feels it could be potentially problematic to fundraise at the same time for two different events two months apart; we could de-emphasize the LDBW a bit and concentrate on the regular sponsors, and then focus on the 40th Anniversary event. Mr. Correll did consider creating a sponsorship form for both events, where sponsors could sign up to do one or the other, or both events, but doesn't know if this would hinder any sponsors. Mr. Ross is on the 40th Anniversary Committee, has a few sponsors interested and said the intent was to keep the LDBW as is and have a separate form for the Anniversary event. Chairperson Olijnyk feels the level amounts are appropriate for the Anniversary and to have a separate form for this event. Mr. Blust agreed. Mr. Correll said he can create a sponsorship spreadsheet and share with the two Committees. Ms. Gamage suggested offering the LDBW sponsors something like for an additional \$100, their name could also be on the banner for the Anniversary event as a lot of these sponsors have been doing it for many years. Mr. Correll will add something to the LDBW form and present it to the two subcommittees. Mr. Walker likes this avenue as we know one presenting sponsor for LDBW is sufficient as we have a handle of the costs, but is one presenting sponsor enough for the Anniversary event sufficient as we don't know what expenses will be incurred. Mr. Correll will coordinate a meeting between the two subcommittees.

UPDATE: 40th Anniversary Date/Event Application Submission: Mr. Correll is working on the application and will submit it to Lake Orion before the next meeting.

UPDATE: Friends of Paint Creek Trail – Memorandum of Understanding: Mr. Louis Carrio came forward and indicated the MoU was included in the packet, clarifying the relationship on the Pollinator Garden as far as expenses and work, added the comment that any administrative work that the Friends rely on from the Commission is subject to capacity, and added that either party could terminate the agreement at any time for any reason. Having made these changes at the request of the Commission, Mr. Carrio is requesting approval of the document. Mr. Elwert referenced #4 under PCT relative to the Friends bank account and debit card to be registered and retained at the Trail office – he asked what the Trails office is doing now. Mr. Carrio explained the Trail office is the corporate office of the Friends, so all the records are kept there. The debit card is kept in the lock box in the office and has been for 10 years. There have been no problems so far. A question was asked if staff uses the Friends' debit card. Mr. Carrio said there have been occasions where the Friends have authorized the use of the debit card for a particular purchase.

MOTION by Gamage, seconded by Buxar, *Moved* to approve the Memorandum of Understanding between the Friends Group and the PCT Management.

Ayes: All Nays: None

MOTION CARRIED.

MEMO: License Agreements: A memo is included in the packet summarizing updates of the existing agreements. Mr. Correll indicated the Committee has had further discussions and is presenting these updates for approval from the Commission as well as use of the trail's attorney to update and send the new license agreements with the PCT staff to send annually after. The updates were prepared by Mr. Walker. Mr. Elwert commented the memo is very well written. Chairperson Olijnyk is appreciative of preparing the updates based on CPI, research on the licenses and how things should have proceeded through the years. The Committee feels this update is appropriate to request. Ms. Olijnyk added the Committee has also spoken to the attorney to request updating the template for the agreements. If the Commission wants the attorney to go ahead and start negotiating the fees, a Motion is necessary. Ms. Gamage inquired if the attorney was asked how much this will cost the Commission. Ms. Olijnyk said we had an estimate of time and cost the last time, but did not ask again. The cost will depend on her trying

to get a hold of people, who's going to contest it, how many phone calls and how long this process will take. Ms. Gamage remembers a license agreement in the past that took a lot of time to negotiate, and she's concerned that the cost of the process might exceed the benefit sum. She asked if we could cap it at a certain amount without the attorney checking back with the Commission. Chairperson Olijnyk said we could set a cap, which could hinder us if we don't get it done by the cap – we can also request that after a set number of hours, the attorney update the Commission. Mr. Elwert commented this is updating the agreements for now and into the future; it's building into the contracts not just for now, but into the future. So it might cost more this year than we get back, but over time it would pay off. Ms. Gamage added that some of the licenses are very small. Mr. Blust asked how much Dillman & Upton is currently paying for their license. Mr. Walker responded \$4,000 per year, and this license fee has not changed in 32 years. Mr. Blust commented this license fee has been flat for quite a while. He's fine with the increase, it's appropriate and consistent with all the other agreements, and suggested we give them a "heads-up" before they get the updated agreement. Ms. Gamage said they seemed to indicate that it was anticipated. Mr. Walker remembers the attorney's original estimate was for 6-8 hours, so maybe we ask for an update after eight hours. Mr. Correll located the attorney's estimate from two years ago – at that time, she indicated one hour to review and revise the license agreement as needed, once the first agreement is reviewed, she would use that language for the remaining seven agreements, which would be nominal. Therefore, reviewing and revising all agreements will be approximately two hours. The remaining time will depend on how much of a fight the property owner puts up with regard to negotiating the revised standard fees form.

MOTION by Walker, seconded by Gamage, *Moved*, to approve that the attorney proceed with updating the license agreements and give the Commission an update if and when she reaches an eight hour milestone.

Roll Call Vote:

Ayes: Blust, Buxar, Elwert, Gamage, Ross, Walker

Nays: None

MOTION CARRIED.

MEMO: Attorney Work on Electric Mobility Devices: Mr. Correll indicated he and Chairperson Olijnyk met with Trail Attorney Hamameh and provided background regarding citizen requests to allow certain electric mobility devices on the trail. The Commission is wondering if there is any precedent to be required by law to allow certain electric mobility devices, and asked the attorney to research law pertaining to allowing these devices on the trail. The attorney was provided with existing trail policies regarding electric bicycles and the handout from Mr. Moo who presented at the last meeting. Chairperson Olijnyk stated preliminary feedback has been received, but we can't discuss it due to attorney/client privilege while seeking attorney advice, so no final answer has been received. Upon a question if these devices are allowed on the Clinton River Trail, Mr. Elwert said they are not allowed; only e-bikes are allowed as mandated by state law, which is what the Trail follows. There's no obligation to open it up to other electronic devices, but there's also no reason you can't. Chairperson Olijnyk opened the floor for public comment.

Mr. Robert "Bobby" Desmarais, 2930 Weavertom, Rochester Hills, came forward, introduced himself, and gave a presentation on one-wheelers. He is an avid one-wheeler rider with over 12,000 miles of riding experience, and can use the trail to get to relatives in Lake Orion. He is active in the PEV community and leads a large one-wheel Facebook group. He is advocating for the existing ban on one-wheels and other similar devices on the trail to be lifted for these devices and that PEV's be granted the same rights, duties and responsibilities as bicyclists and e-bikers on the trail as is standard with State law and Michigan State Police guidelines. He spoke about utilizing the trail for safety reasons rather than traveling along busy Orion Road. He explained

how one-wheelers are a safe mode of transportation, and are just as safe, if not safer than any other cyclist on the trail. PEV's are a rapidly growing hobby and method of transportation, and are a key part of a sustainable green future for Rochester Hills. He proposes the trail follow suit with the State and the Macomb Orchard Trail to allow one-wheelers and other PEV's to be granted the same rights as e-bikes.

Mr. Desmarais has a one-wheeler with him and explained to the Commission how it works.

Ms. Fallon Franczyk, 1698 Deep Woods Circle, came forward, introduced herself and indicated she's lived in Rochester her whole life. She wants to address the issue of the ban on one-wheel electric devices from the trail. She is a rider and wants to be a voice for the community of individuals who have embraced this form of transportation. She understands the concerns raised about the use of one-wheel devices on the trail, but it is important to assess the current regulations with fairness and consider the evidence. She reiterated the previous speaker's comments about the dangers of riding on the Orion Road versus the trail. E-bikes show a similarity to one-wheel devices in terms of specifications allowed on the trail. E-bikes require pedal assist to reach speed and persons using one-wheelers must assist the board to propel the board. If e-bikes, which operate in a similar manner are deemed safer for trail use, why are one-wheels being singled out for exclusion. Allowing one-wheelers on the trail can provide an alternative mode of transportation, alleviating traffic congestion and reduce the risk of accidents. Instead of a ban, a more constructive approach can be taken to address the concerns raised. She urges the Commission to reconsider the ban on one-wheel devices from the trail.

Ms. Amanda McDonough, 206 Oxford Lake Dr., came forward, introduced herself and is before the board as a mom of two boys who have a passion for one-wheeling. She is thrilled to watch them appreciate the outdoors over screens. Having a trail nearby allows her family to explore and make a day out of visiting nearby cities and supporting their businesses. The boys have developed a better understanding of the rules and etiquette of trails, and increased their personal responsibility as well as to others. The trails are safer and more enjoyable than sidewalks. She spoke of the one-wheel community as being very kind and respectful, and feels we should embrace this mode of transportation.

The Commission expressed appreciation for everyone that came tonight and for their informative comments and education about these devices. Mr. Elwert explained the challenge is not with individuals like the people in attendance who are passionate about this. Since the State has opened up e-bikes, the amounts of complaints staff gets has gone up enormously. That is the issue the Commission is weighing here – the individuals who aren't respectful and what conflicts that potentially might cause. Mr. Correll was asked to contact Michigan Trails Alliance about which trails allow one-wheelers.

UPDATE: SE Rochester Property: Mr. Correll indicated he met with Andrea from the Greenway Association about the next steps. The donor was seeking more firm visual plans - he did find the old ones but they don't include floodplain information. He talked to AEW about the next steps, and is trying to figure out how the funding works. Things are moving forward, and AEW put together a tentative timeline on the project – completion around October 2024 pending all the funding going through.

MANAGER'S REPORT: Mr. Correll summarized his written report included in the packet; a lot was already covered during the meeting. The Friends Group reported an illegal campsite under the bridge north of Tienken; Rochester Hills and local authorities cleared out the area, which was abandoned. Orion Township repaired the creek access staircase railing north of Clarkston/Kern and also graded the trail. Oakland Township is looking at repairs for the creek

access boardwalk south of Flagstar Bank. Trail staff has started placing the single file trail etiquette signs. Photos from the Friends cleanup between Tienken and Silver Bell, and the Paint Creek Junction Ribbon-Cutting are included in the packet. Vanguard Trout Unlimited started research on trout habitat in the creek last Friday and will continue during the coming weeks. Mr. Correll has a power point presentation of the project if anyone wants to view – it’s very interesting. Trail counter data is included in the packet and will be updated each month. Mr. Elwert noted Ms. Gamage mentioned at a previous meeting about locating a counter in Rochester, and he would be willing to assist with their effort, as it’s less expensive to bump on an existing account than to go on a new account. Ms. Gamage feels it would be interesting to put one at the SE Rochester property to see how many people are using it to access Bloomer Park. Mr. Correll will be setting up a meeting with the LDBW Committee soon. Chairperson Olijnyk suggested a closed session be scheduled to discuss attorney advice on PEV’s. She then referred to a comment on the inspection report about three wayfinding signs near Paint Creek Junction – none of these signs mention the Junction. Staff will see if there is room on the signs to include this.

COMMISSIONER REPORTS: Ms. Gamage asked if we talked previously about updating the video from the 30th Anniversary. Mr. Elwert said yes at one point, but is not sure RH can do this due to staffing conflicts, but he will follow up. Ms. Gamage suggested we keep in mind to collect things for the 50th Anniversary celebration. Ms. Gamage suggested a short discussion about the field trip to the Bald Mountain Bridge and if the project plan is complete – she has concerns with the bridge abutting the trail as there isn’t much space for bridge riders to turn coming off. Perhaps the trail could be diverted out a little where the bridge abuts the trail, or putting a bollard at the end of the bridge. A short discussion ensued. Ms. Olijnyk said the last time Bald Mountain was before the Commission was February. Ms. Gamage thought we asked for signage on the bridge and also a maintenance agreement. Mr. Correll will contact the project consultant for a project status. Mr. Walker elaborated on the Vanguard Trout project and what he observed last Friday and reported they will be back in the river July 17th and 24th to actually place the amendments in the water. Mr. Elwert provided more trail counter information. Ms. Olijnyk said she was contacted by someone who is potentially interested in donating six acres of property in Rochester Hills to the trail as they are moving unexpectedly. She doesn’t have any more details, but if the Commission is interested in pursuing this for more information, she will contact the person again. A photo of the area was given to the members; the parcel is landlocked, at the end of a subdivision and appears to be swampy. Mr. Carrio suggested this might be of interest to the Greenspace Committee if we’re not interested. A short discussion occurred, and afterwards Ms. Olijnyk was asked to get additional information.

ADJOURNMENT OF REGULAR MEETING:

MOTION by Gamage, seconded by Buxar, *Moved*, to adjourn the Regular Meeting at 9:00 p.m.
Ayes: All Nays: None **MOTION CARRIED.**

NEXT REGULAR MEETING: July 18, 2023 at 7:00 p.m. – City of Rochester Municipal Offices

Respectfully submitted,

TOM CORRELL, Trail Manager

DAVID BECKER, Secretary