

PAINT CREEK TRAILWAYS COMMISSION

July 18, 2023



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**REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION
Paint Creek Cider Mill
400 Sixth st, Rochester, MI 48307**

The July 18, 2023, regular meeting of the Paint Creek Trailways Commission was called to order at 7:00 p.m. in the main conference room of the City of Rochester Municipal Offices.

Voting Members Present: Ken Elwert, Patrick Ross, Steve Sage, David Walker

Voting Alternates Present: David Becker, Dave Mabry, Martha Olijnyk

Non-Voting Alternates Present: None

Voting Members Absent: Brian Blust, Robin Buxar, Julia Dalrymple, Linda Gamage

Alternates Absent: Russell George, Carol Morlan, Ann Peterson, Matt Pfeiffer, Aaron Whatley

Village Non-Voting Members Absent: Jason Peltier

Village Non-Voting Alternate Absent: Jerry Narsh

Others Present: Tom Correll, Trail Manager; Eryn Grupido, Administrative Assistant; Clara Pinkham, Friends of the Paint Creek Trail; Ingrid Kliffel, Recording Secretary

A quorum was present.

PLEDGE OF ALLEGIANCE

Chairperson Olijnyk led the Commissioners, staff and those present in the Pledge of Allegiance to the flag of the United States of America.

AMENDMENTS TO AND APPROVAL OF AGENDA

MOVED BY ELWERT, SECONDED TO WALKER, to approve this evening's agenda as presented.

MOTION CARRIED.

GENERAL PUBLIC COMMENT

There was no one present who wished to comment on an item not already on this evening's agenda.

Trail Manager Correll shared with the Commission the email he received this afternoon from Steven Kay. Mr. Kay is upset that one-wheel personal electric vehicles are not permitted on the Paint Creek Trail. His email indicates that today he was involved in a hit and run accident while he was operating his one-wheel on Orion Road.

CONSENT AGENDA

This evening's Consent Agenda consists of the following: (a) minutes of the June 20, 2023, meeting of the Paint Creek Trailways Commission, and (b) Treasurer's Report for June 2023.

MOVED BY BECKER, SECONDED BY MABRY, to approve the Consent Agenda as presented, specifically to approve and file the minutes of the June 20, 2023, meeting of the Paint Creek Trailways Commission, and to receive and file the Treasurer's Report for June 2023.

MOTION CARRIED.

APPROVAL OF INVOICES

The Commissioners reviewed the list of invoices dated July 18, 2023.

MOVED BY BECKER, SECONDED BY SAGE, to approve payment of the invoices as presented in the amount of \$4,312.86.

AYES: Olijnyk, Becker, Elwert, Mabry, Ross, Sage, Walker

NAYS: None

MOTION CARRIED.

RAILS-TO-TRAILS CONSERVANCY: 2023 TRAIL GRANTS PROGRAM

Trail Manager Correll stated that on July 7th, our Michigan Department of Natural Resources grant coordinator, Merrie Carlock, informed him of a potential new grant opportunity. The Rails-to-Trails Conservancy ("RTC") is offering grant awards through their Trail Grants Program. This program is open to non-profit organizations as well as state, regional, local and tribal agencies working to support, develop and activate local and regional trail networks. The 2023 Trail Grant awards will prioritize projects and programs that help to achieve the RTC's vision for equitable trail networks as essential community infrastructure.

Manager Correll noted that the RTC website indicates that in 2023 they will award approximately \$200,000 in total grants. In order that they can support a wide variety of

projects and programs, the website further indicates that grant amounts will range between \$5,000 and \$25,000. Grant applications are due on July 31st.

Commissioner Becker asked what “equitable trail networks” are. Commissioner Elwert shared some insight. The grant worksheet also indicates that they “...are planning to support a broad spectrum of funding need categories that may otherwise be challenging to fund...” and they “...strongly encourage organizations that represent or serve low-income, or communities of color to apply.”

The Commissioners discussed that the Paint Creek Trailway is part of the Iron Belle trail system, and also offers connectivity to other trails and recreational opportunities such as Bald Mountain State Park. The Commissioners agreed that the project we should specify for purposes of this grant is bridge improvements. Chairperson Oljnyk wondered if there is any recent survey data that could be incorporated into our application.

The Commissioners directed Trail Manager Correll to complete the grant application, which does not appear to be very complex, as discussed this evening, but that he should not spend too much time on it. They were not sure whether or not our project and, more specifically our communities, would be a good fit for this grant.

LABOR DAY BRIDGE WALK

Trail Manager Correll presented a proposed Sponsorship Form for the Labor Day Bridge Walk, which will take place on September 4th. He asked that Commissioners use this form when soliciting sponsors.

Mr. Correll hopes to call a meeting within the next week to start planning the logistics of the Labor Day Bridge Walk.

Commissioner Walker recalled that we have had sponsors in previous years that provided certain goods or services. Trail Manager Correll said he has a list of these sponsors and will contact them.

Commissioner Sage said he will send a request for sponsorship to the City of Rochester Downtown Development Authority for consideration at their next meeting.

Clara Pinkham of the Friends of the Paint Creek Trail was present and indicated that this organization will once again support this event.

Commissioner Elwert stated that Spalding DeDecker has indicated that they will again be a sponsor at the Presenting Sponsor (\$500) level.

40th ANNIVERSARY SPONSORSHIP FORM

Trail Manager Correll said he will share the 40th Anniversary proposed sponsorship form with the Commissioners for their review. Commissioner Walker made some minor changes to the draft document. Mr. Correll will forward the revised sponsorship for to the Commissioners and they can then start soliciting sponsors for this event.

TRAIL IMPROVEMENT SUBCOMMITTEE

Administrative Assistant Grupido reviewed her memorandum of July 12th. The Trail Improvement Committee met with Trailway staff to discuss the Potential Trail Amenities Report and next steps. The Committee is first proposing that we review our policy regarding memorial bench donations with a view to possibly amend it to align with what other parks and trails organizations require for a donation. Ms. Grupido said other parks and trails entities request up to a \$5,000 donation to cover the cost of the purchase of a memorial bench, installation, and ongoing maintenance of the bench. The Committee is also proposing that in August, Trailways staff conduct a user survey to determine if people would like to see other amenities such as picnic tables or bicycle racks. Third, the Committee is proposing that we identify locations along the Trail for memorial paver pathways, with the goal of limiting the number of pathways; these pathways should be placed in areas that will not be subject to erosion. Finally, the Committee is proposing that we research other Bike-Fix-It options that require less maintenance than the one that we currently have.

Commissioner Becker recalled that the Trail Improvement Committee had discussed memorial paver pathways in the past, and at that time the consensus had been that we should not install pavers on the Trail itself, but rather that they could be installed in areas that lead to the Trail.

The Commissioners discussed the bench donation program that we currently have in place. We already have 37 benches, there are between two and four bench locations remaining, and we have 24 individuals on the bench donation wait list. Our policy currently requires a minimum of a \$1,000 donation for a bench. Commissioner Elwert said he feels we need to modify our policy as soon as possible to slow the increasing wait list for memorial benches. He suggested that we could require \$2,500 for a memorial bench (he though \$5,000 was too much), and also suggested that we could propose that people make donations for other Trail amenities such as a picnic bench or a brick paver. The Commissioners questioned how to handle people who are currently on the wait list. The Trailways Commission will need to discuss this matter further at a future meeting.

Commissioner Elwert asked if it would be an option to install memorial pavers in the Moutrie Pollinator Garden. He added that it is important that the pavers are installed correctly so that they do not move when the ground freezes and thaws. Commissioner Ross agreed with Commissioner Elwert about placement of the pavers, and added that when he is approached in his community, he encourages people to contribute to plant a tree and then place a memorial brick by the tree.

Commissioner Ross asked what the expected duty cycle of a bench is. Commissioner Walker responded that we have typically viewed the donation as supporting a bench for a 10 year period, and then the donor has the option to either renewing the donation or letting the commitment to that bench lapse, at which point it would become available to someone else. Administrative Assistant Grupido said she reviewed the policy, finds it unclear, and suggested that the Commission revisit it. She added that the benches that we use are constructed from composite material (“plastic wood”), so they typically last longer than 10 years.

In preparation for such a discussion, Commissioner Becker asked that staff prepare a list of the benches we currently have, the date when each bench was installed, and the material that each bench is made of. He also asked that staff provide a copy of any donation agreement signed. Ms. Grupido responded that she can provide the list of benches, but does not have copies of donation agreements. She added that staff has been trying to learn who the donors are of certain benches. They have placed signs on those benches asking people to call the office with information; we have received two calls so far.

The Trail Improvement Committee will meet in two weeks to discuss this matter further.

“LIVING WALL”/PERPETUAL PLAQUE QUOTE

Administrative Assistant Grupido reviewed her memorandum of June 28th. She contacted PGI Awards, the business that did the engraving on the original plaque. They provided a quote to match the 14 x 20 inch perpetual plaque, with the new logo and engraving on the header plate.

Chairperson Olijnyk asked that Ms. Grupido obtain quotes from two more vendors for comparison.

2022 AUDIT REPORT

Chairperson Olijnyk acknowledged that the audit report will be filed late this year. We received a reminder notice from the State of Michigan that we have until the end of the month to file the report without penalty, which is possible if the Commission approves the audit report this evening.

Commissioner Elwert looked at page 14 of the report under “Net Position Flow Assumption” where it references “restricted” and “unrestricted” funds and wondered what this means. Trial Manager Correll will ask the auditor for a clarification on this.

Commissioner Becker also pointed to page 14 under “Fund Balance Flow Assumption,” second paragraph, where the report references the Commission’s ability to adopt ordinances. In fact, the Commission does not have this authority and the report needs to be corrected in this regard.

Commissioner Becker continued that he is accustomed to seeing audit reports include a letter from the auditor that shares their professional assessment of the financial state of the entity

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under scrutiny, that best practices are being followed, that the records are free from material misstatements, etc. Trail Manager Correll said he did receive a lengthy “2022 Management Representation Letter” but did not include it in the agenda packet. He agreed to forward this to the Commissioners.

Commissioner Mabry noted that the report references approximately \$453,000 in “capital assets not being depreciated” (page 16 of the report). Trail Manager Correll explained that the auditor has a chart listing the assets and their depreciation over time. Chairperson Olijnyk asked that the Commissioners be provided with a copy of this chart.

The Commissioners discussed that next year we need to have the audit report prepared sooner so that the Commission has adequate time to review it.

MOVED BY ELWERT, SECONDED BY MABRY, to approve and submit the 2022 Paint Creek Trailways Commission Audit Report as presented, with the condition that the references to “ordinance” on page 14 of the report be removed and corrected as appropriate.

AYES: Olijnyk, Becker, Elwert, Mabry, Ross, Sage, Walker

NAYS: None

MOTION CARRIED.

HIDDEN OAK LANE PROPERTY

Chairperson Olijnyk reported that she spoke with Ken Andrews. Mr. Andrews owns land adjacent to the Paint Creek Trail and has expressed an interest in donating land to maintain a connection between the homes in this area and the Trail. He indicated that he will prepare a proposal for the Commission’s consideration in the near future, and that he is in the process of looking into engineering firms. The Commissioners will also be invited to visit the site.

Commissioner Elwert commented that he would prefer that we do not use Mr. Andrews’ engineering, environmental, etc. consultants. Commissioner Walker shared some history that the Trailways Commission has had with Mr. Andrews.

The Commission will wait to hear from Mr. Andrews.

BALD MOUNTAIN CONNECTOR PROJECT

Trail Manager Correll reported that he will meet with Steve Sutton of Nowak & Fraus Engineers, who is heading up this project for the MDNR. At this point, there is no timeline set for the project, but the tentative plan is that work will begin in spring 2024.

Mr. Correll recalled that when the Paint Creek Trailways Commissioners visited the site, Commissioners expressed concerns that the space is tight for bike riders as they come off the bridge. The MDNR decided to add bollards in this area, and they will cover the costs of this addition to the plan.

MANAGER'S REPORTS

Trail Manager Correll reviewed his report of July 11th.

Advisory Committee Reports

The Trail Improvement Committee met to discuss the trail amenities document and prioritize and categorize projects. They also had a lengthy discussion regarding memorial benches.

Complaints, Vandalism, Feedback

The office received a complaint from a Trail user who said an electric unicycle almost hit her husband while they were walking on the Trail. The incident occurred near King's Cove Condominium Association, just north of Tienken Road, on Wednesday, June 21st at approximately 7:30 a.m. The complainant stated that the unicycle passed very quickly with no bell or warning. Trail Manager Correll said he is continuing to look at ways to educate about trail etiquette.

Repairs and Maintenance

The water fountain located just north of Tienken Road is pooling water at the base. Rochester Hills will perform the repair work and will notify the Trail Manager when the work has been completed.

Oakland Township is looking into repairs to the boardwalk that access the creek just south of Flagstar Bank, between Gunn Road and Silver Bell Road.

Medical Emergencies, Police, Fire Calls on Trail

As indicated earlier this evening under "General Public Comment," the only incident that Trail Manager Correll is aware of did not occur on the Trail.

Events, Projects

Vanguard Trout Unlimited has been conducting research on trout habitat in the Paint Creek. They will be working there this week and next.

Follow Up – Navigation Sign at Paint Creek Junction Park

Administrative Assistant Grupido is obtaining a quote for a navigation sign to be installed at Paint Creek Junction Park, the new trailhead at the north of Oakland Township. She will present the quote at the August meeting.

Future Agenda Items

Website: Trail Manager Correll said he continues to work on updating the website. The Friends of the Paint Creek Trail will incorporate their website into ours.

Other Matters

Disturbed Surfacing in Oakland Township: Commissioner Gamage had noted that there was an area where the Trail surfacing was disturbed and soft. Trail Manager Correll looked into this and learned that Oakland Township Parks and Recreation maintenance personnel had been using new equipment to grade, and the settings needed to be adjusted. They have since regraded and fixed this area.

License Agreements: Commissioner Walker recalled that the Commission had discussed license agreements at the last meeting and passed a motion authorizing the Trailways Commission's attorney to proceed with updating the license agreements. He inquired if there is an update from the attorney. Trail Manager Correll said he has not received a status report but he will follow up on this matter.

Unicycles Versus E-Bicycles on Trail

Commissioner Mabry asked if electric unicycles are permitted on the Trail. He was told that at this time the State of Michigan requires that we allow e-bicycles to use the Trail, which we do. However, we do not currently allow electric unicycles.

COMMISSIONER ROSS'S REPORTS

Golden Gate Bridge

Commissioner Ross reported that there have been problems with loitering, camping and parking under the "Golden Gate Bridge." Orion Township recently put up "No Parking" signs, and they will be installing "No Loitering" signs soon. If residents or Trail users have any concerns, they should contact the Oakland County Sheriff's Department.

Orion Parks Master Plan Update

Orion Township will be reviewing and updating their parks and recreation master plan. They will be sending out a survey, which will include questions about the Paint Creek Trail. Commissioner Ross invited the other commissioners to share any input regarding the master plan update.

Resignation

Commissioner Ross stated that he has submitted his resignation from his position on the Paint Creek Trailways Commission. He will be moving out of state, and his last meeting will be in August. The Commissioners wished him well and thanked him for his service. Orion Township will designate a replacement representative to fill this position.

COMMISSIONER WALKER’S REPORT

Vanguard Trout Unlimited

Commissioner Walker said that Vanguard Trout Unlimited has been doing some great work this week. They cleared three major log jams between Tienken Road and Dutton Road, and are reshaping this stretch of the Paint Creek to provide a better habitat for the trout. The Commissioners agreed that they are thankful to Trout Unlimited for this work.

COMMISSIONER ELWERT’S REPORTS

40th Anniversary Event

Commissioner Elwert recalled that the Commission had discussed the possibility of updating the video of the 30th Anniversary for the upcoming 40th Anniversary. The City of Rochester Hills may have interns who could help with this project.

Addition of Trail Manager Correll to Trail Visitation User Account

Commissioner Elwert suggested that we add Trail Manager Correll to this account.

Dutton Road Bridge Closure

The Trailway will be closed at Dutton Road while work is done on the bridge. The closure will start on July 24th and run through October.

CHAIRPERSON OLIJNYK’S REPORT

Thank You to Commissioner Ross for Service

Chairperson Olijnyk thanked Commissioner Ross for his service to the Paint Creek Trailways Commission.

CLOSED SESSION

MOVED BY OLIJNYK, SECONDED BY MABRY, to enter into a closed session at 8:28 p.m. for the purpose of considering privileged attorney-client written legal opinions and correspondence dated June 19, 2023, and June 26, 2023, pursuant to subsection 8(1)(h) of the Michigan Open Meetings Act, based upon section 3(1)(g) of the Freedom of Information Act, which exempts from public disclosure “information or records subject to the attorney-client privilege.”

AYES: Olijnyk, Becker, Elwert, Mabry, Ross, Sage, Walker

NAYS: None

MOTION CARRIED.

The regular session of the meeting was reconvened at 8:53 p.m.

ELECTRIC SKATEBOARDS ON THE TRAIL

Chairperson Olijnyk stated that the Commission discussed the use of electric skateboards on the Paint Creek Trail. The member units have each adopted ordinances that prohibit these devices. Our attorney has advised that the Trailways Commission is subject to the ordinances of the member jurisdictions. Therefore, personal electric mobility devices such as electric skateboards and one-wheelers are prohibited on the Trail at this time. The only exceptions to this would be for certain municipalities that allow such use by an individual with a mobility disability, a member of law enforcement, or a maintenance employee.

Commissioner Elwert noted that the Commission will be looking into how other communities are managing the use of personal electric vehicles.

ADJOURNMENT

MOVED BY SAGE, SECONDED BY MABRY, there being no further business before the Commission, to adjourn the meeting at 8:57 p.m.

MOTION CARRIED.

Respectfully submitted,

Approved,

Ingrid R. Kliffel
Recording Secretary

David Becker
Secretary

Tom Correll
Trail Manager