

PAINT CREEK TRAILWAYS COMMISSION

APPROVED

March 19, 2024



4393 Collins Road
Rochester, MI 48306
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Paintcreektrail.org

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

The March 19, 2024, meeting of the Paint Creek Trailways Commission was called to order at 7:02 p.m. in the main conference room of the Paint Creek Cider Mill.

ATTENDANCE

PRESENT

Voting Members:

Steve Sage (R), Chairperson
David Walker (RH), Vice-Chairperson
Julia Dalrymple, Secretary (Orion)
Conner Reiter (Orion)
Linda Gamage (R)
Ken Elwert (RH)

Voting Alternates:

David Mabry (Oakland)
Martha Olijnyk (Oakland)

A QUORUM WAS PRESENT.

Non-Voting Alternates:

David Becker (R)
Carol Morlan (RH)

Village Non-Voting Alternate: Stanley Ford (Village of Lake Orion)

Staff:

Tom Correll, Trail Manager
Nicole Sands, Administrative Assistant

Friends of the Paint Creek Trail: Louis Carrio, President, Clara Pinkham

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ABSENT

Voting Members: Brian Blust (Oakland), Treasurer, Robin Buxar (Oakland)

Alternates: Matt Pfeiffer (Orion), Aaron Whatley (Orion), Russell George (RH)

Village Non-Voting Member: Jason Peltier (Village of Lake Orion)

PLEDGE OF ALLEGIANCE

Chairperson Sage 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 OLIJNYK, SECONDED BY DALRYMPLE, 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.

CONSENT AGENDA

This evening's Consent Agenda consists of the following: (a) minutes of the February 20, 2024, meeting of the Paint Creek Trailways Commission, and (b) Treasurer's Report for February 2024.

MOVED BY ELWERT, SECONDED BY WALKER, to approve the Consent Agenda as presented, specifically to approve and file the minutes of the February 20, 2024, meeting of the Paint Creek Trailways Commission, and to receive and file the Treasurer's Report for February 2024.

MOTION CARRIED.

APPROVAL OF INVOICES

Trail Manager Correll and the Commissioners reviewed the list of invoices dated March 19, 2024.

MOVED BY ELWERT, SECONDED BY OLIJNYK, to approve payment of the invoices as presented.

AYES: Dalrymple, Elwert, Gamage, Mabry, Olijnyk, Reiter, Sage, Walker

NAYS: None

MOTION CARRIED.

ENCROACHMENT: 4763 FOREST RIDGE COURT

Merry Benson, the homeowner at 4763 Forest Ridge Court, was present and reviewed her Application for Limited Use Permit for Private Access to the Paint Creek Trail dated March 13, 2024. She is requesting that the Trailways Commission allow her to continue to use the path and stairway that lead from her property to the Trailways property.

Ms. Benson explained that she and her late husband purchased their home from the previous owners, Matt and Lori Dolmage, in 2018. At that time, there was already a path and stairway constructed, which provide access from the home to the Trail. In fact, Mr. Dolmage even marketed the home through his listing on Zillow as having "...an exclusive owners [sic] path to the Paint Creek Trail..." Ms. Benson continued that the stairs had fallen into disrepair, so in the fall of 2023 she had them replaced (within the original footprint), gravel replaced with pebbles, and a new handrail installed for her safety.

Ms. Benson said she does not know when the original path and stairway were constructed, but shared that the house was built in 1990. Wayne Goetz was the original owner and lived there until approximately 2014, at which time the Dolmages purchased the property. Ms. Benson speculated that this access may have been made sometime in the 1990s. She said the stairs and handrail are more visible now because they are new wood, but she expects that they will become weathered over time. While she would like to keep the stairway as it is, she offered to replace the pebbles with gravel and to remove the handrail if the Commission would like.

She added that neighborhood school children use this access in the morning and the afternoon to go to and from school.

Vice-Chairperson Walker recalled that in 2008, the Trailways Commission had the engineering and land surveying firm of Nowak & Fraus conduct a very thorough review of the Trail. At that time, they marked every access point, pathway, improvement, etc. along the Trail within its 100 foot width. Therefore, because there is no indication on the Nowak & Fraus survey of the path and stairway leading from Ms. Benson's property to the Trail, Commissioner Walker believes that they were built after 2008. Commissioner Olijnyk added that the survey revealed many encroachments on the Paint Creek Trail. Consequently, in

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2009, in an effort to reassert ownership of this land, the Paint Creek Trailways Commission filed a lawsuit against the many property owners with encroachments. As Mr. Goetz was not a party to that lawsuit, Commissioner Olijnyk concurred with Commissioner Walker that this reflects that the stairs and pathway must have been installed after that date.

Commissioner Walker explained that the Trailways Commission wants to keep the full 100 foot width of this linear park unimpeded and maintain the natural environment along the Trail. If we allow neighbors to cut paths to access the Trail, this will destroy the natural beauty and spirit of the Trail. Further, he pointed out that Michigan law puts the burden on the purchaser to be aware of things like this (“Buyer Beware”). Commissioner Elwert added that it appears the entire stairway and part of the path are on Trailways property.

Commissioner Becker recalled that the Trailways Commission has granted license agreements in the past, although he did not recall the specific circumstances. He suggested that we consider this for this applicant. Manager Correll stated that we have granted “limited access license agreements,” which are good for one year, at which time the applicant would have to seek renewal. Commissioner Elwert commented that if we were to consider a license agreement, we need to make sure we do what is necessary to put any potential purchasers of the property on notice of the agreement.

Commissioner Gamage recalled that we have granted license agreements for some situations, such as when multiple households use the access.

Secretary Dalrymple wondered if it would be good to obtain another survey of the Trail as the last survey was done in 2008 and we discovered many encroachments at that time.

MOVED BY ELWERT, SECONDED BY MABRY, to waive the 45 day requirement for the applicant to remedy this situation, and to send this matter to the Licensing Committee for their prompt review and recommendation to the Commission.

Discussion on Motion:

The Commissioners said that Ms. Benson may continue to use the staircase/path to access the Paint Creek Trail while we decide how to address the encroachment.

Commissioner Olijnyk recalled that since the Trailways Commission addressed the encroachments in 2009, one of the responsibilities of our bicycle patroller is to keep an eye out for encroachments. Trail Manager Correll said that indeed the bike patroller noticed the new structure in the fall. However, he had not noticed the original structure, likely as it was weathered and there was vegetation around it. Further, Manager Correll said the bike patrols are only conducted between May and October.

Vote on Motion:

MOTION CARRIED.

The Commissioners thanked Ms. Benson for attending this evening.

SNOW REMOVAL ALONG TRAIL IN VILLAGE OF LAKE ORION

At the February meeting, Manager Correll reported that he had received a complaint from a resident who lives in the Atwater Commons condominium complex. The resident demanded that we clear snow from along the Paint Creek Trailway within the Village of Lake Orion, and threatened to file a complaint claiming that we were in violation of the Americans with Disabilities Act (“ADA”) if we failed to do so within 24 hours.

At the Commission’s direction, Trail Manager Correll contacted our risk manager through the Michigan Municipal Risk Management Authority (“MMRMA”) regarding this matter. They suggested that if the Trail operates during winter months without snow removal, we post signs noting that there is no winter maintenance, and acknowledging that potential risks may exist. The signs should be white with red lettering, or yellow with black lettering, which is industry standard for warning signs. The signs should read:

Use At Your Own Risk
No Winter Maintenance on Trail
Slippery Conditions Present
Falls May Occur

Administrative Assistant Sands contacted Chris Shepard from the City of Rochester Hills as we have an ongoing in-kind service agreement with them. They could provide three signs, posts and installation for approximately \$300.

The Commissioners discussed the matter. Manager Correll said the MMRMA representative suggested that we may also want to contact the engineer who designed the paved section to check whether this was constructed to be ADA compliant.

Commissioner Elwert noted that posting signs was only a suggestion from MMRMA, not a requirement. He continued that if we do choose to place signs, we may want to only post them on the paved section.

Manager Correll continued that the MMRMA risk manager further suggested that we may want to discuss snow removal with the Village of Lake Orion. However, the position of the Village of Lake Orion is that our contract with them does not include snow removal, and they have indicated that they are not interested in providing this service.

Village Representative Ford pointed out that there is not an ADA accessible access from the Paint Creek Trail to the CVS parking lot. There is, however, an alternate route that is ADA accessible and that is maintained by the Village of Lake Orion. He said it is for this reason that he struggles with the demand from the individual, as taking the Trail would not be an ADA accessible route.

The Commissioners pointed out that we are moving into spring and nicer weather, and concurred that we do not need to address this matter at this time.

MASTER PLAN

Manager Correll said that in 2019, the Trailways Commission contracted with Giffels Webster to update the master plan for 2020-2024. The cost at that time was \$7,000.

Trail Manager Correll shared the draft Request for Proposal and the bid packet. He recommends that we create subcommittees and assign chapter(s) to each. The subcommittees will then review the chapter, and make recommendations to the Commission.

The Commissioners discussed whether or not we need to conduct a survey. Commissioner Elwert acknowledged that there is great value in having a survey, but said that a community opinion survey is not required as long as there is a robust public input process. He continued that he sees the most value in situations where there is a larger park system with many amenities, etc., which is not our situation. Commissioner Olijnyk noted that the RFP at page 2 under “Scope of Work – (1) Public Input” references that “...The final Master Plan must include results from an upcoming user survey to be conducted by an intern from Michigan State University this summer.” Manager Correll said this was included in the 2014 Master Plan update process, but we will not have a summer intern this year. Commissioner Becker wondered if it might be possible to conduct an online survey.

Commissioner Elwert continued that he feels it would be appropriate to have the planner provide more analysis on our current Master Plan. This would include looking at each of our goals and evaluating our success rate with achieving each goal. This information would then be used in our new Master Plan process and would serve as a guide for what our capacity is to accomplish future goals. Secretary Dalrymple shared that the Orion Township Parks and Recreation Department uses a graphic for each goal, which is a nice visual to see what has been accomplished and what remains to be done. Commissioner Becker felt this would add value to our Master Plan.

Commissioner Becker commented that he and Commissioner Gamage have been involved with master plan updates in the past, and the concept of using subcommittees to review each chapter is a good approach.

Commissioner Gamage was concerned that this is a very ambitious proposed timeline, and suggested that we may have a better product if we instead plan to have it completed in “spring 2025” instead of sooner. Commissioner Elwert added that we may find that pricing for professional services is better if this is not a rush. Chairperson Sage added that we would also have additional time to receive, review and then award a bid for these services.

Commissioner Elwert thought a less rushed timeline would be a good idea. He recalled that in 2020 we needed to have a current master plan in place as we were applying for a grant through the Michigan Natural Resources Trust Fund. However, we are not applying for a grant at this time, and the State of Michigan does not require that we have a current master plan, though he acknowledged that it is a good policy to keep it current without a lapse.

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Commissioner Becker referred to page 1 of the Request for Proposal and suggested that under the “Background” section, the fifth line be revised to read, “...It owns and manages the 8.9 mile Paint Creek Trail, and two additional undeveloped parcels in the City of Rochester that the Paint Creek Trailways Commission plans to develop during the duration of the new Master Plan...”

The “Anticipated Schedule” on page 2, under “Phase 4” should reflect the date of January 20, 2025 (not 2024). Additionally, the document entitled “2025-2029 Master Plan Draft Schedule” should reflect the date of January 21, 2025 (not 2024) for Master Plan adoption.

The Commissioners asked Trail Manager Correll to revise the timetable to provide more time to obtain proposals. Additionally, he will revise the Request for Proposal as discussed this evening, and bring this matter back before the Commission at the April meeting.

WEBSITE DESIGN

Manager Correll reported that he posted the Request for Proposal for the website design project on the Paint Creek Trailways website as well as on Bidnet, and sent two invitations to firms for this service. The deadline for submittals is April 10th. He will present the results at the April meeting.

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Manager Correll added a section entitled “2024 Priorities” to the first page of the list of 2024 Goals.

Vice-Chairperson Walker asked that license agreements be added to this list of priorities.

MOVED BY ELWERT, SECONDED BY OLIJNYK, to adopt the 2024 Goals as presented with the addition of “License Agreements – Updates and Implementation” to the list of “2024 Priorities.”

MOTION CARRIED.

40th ANNIVERSARY CELEBRATION

Manager Correll reported that he has been busy with other PCTC projects and has not had the time to focus on the 40th Anniversary Celebration event, planned to be held on April 21st. At this time, we only have one sponsor. Therefore, he recommended that we cancel the April date and reschedule this event for July 20th.

Commissioner Ford reported that he spoke with a number of businesses in the Village of Lake Orion. While the Downtown Development Authority and two businesses were willing to donate gift cards for the event, none were willing to be an event sponsor. Mr. Carrio,

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President of the Friends of the Paint Creek Trail, said he believes his group would be interested in making a substantial contribution.

While the Commissioners acknowledged that the 40th Anniversary event would start from the north, and the Labor Day Bridge Walk would start from the south, Commissioner Elwert felt that this proposed July date is too close to the Labor Day Bridge Walk event. Commissioner Gamage asked if the Commission might be interested in combining the two events. Manager Correll said he thought the goal of the Commission was to offer two events – one in the spring and one in the fall – which would also provide two potential sources of revenue to help support the Trail.

The Commissioners considered various ideas. Some of those ideas include the following: National Trails Day is the first Saturday in June; July is hot for runners; if we were to combine the 40th Anniversary Celebration – which was to include a 5K race – with the Labor Day Bridge Walk, the addition of the race might change the “feel” of this annual September event; Commissioner Blust and the 40th Anniversary Celebration Committee have put much effort into preparing exhibits, etc. and we want to make sure that we do a good job with this celebration; and at one time when we were approached by a group looking to conduct a race on the Trail, we had concerns regarding other users on the Trail as well as maintenance of the surfacing after the event, so we need to make sure we consider these issues for our own event.

The Commissioners discussed that a good approach this year might be to combine the 40th Anniversary Celebration (minus the race) with the Labor Day Bridge Walk event. We can then let attendees know that we are planning a spring 2025 event and that they should look for the announcement of that date.

The Commissioners agreed to defer further discussion to the April 16th meeting and to obtain additional input from the 40th Anniversary Celebration Committee.

MANAGER’S REPORTS

Manager Correll reviewed his memorandum of March 14th.

Complaints, Vandalism, Feedback

Dust from Trail Surfacing

Trail user Bob Yager contacted Manager Correll. He suggested that the Commission consider the potential health hazards from bicycle dust on the Trail. He shared that, as a cyclist, he avoids high dust days and opts to use Stony Creek Metropark instead.

Goodison Restrooms Closed on Weekend

A couple complained that the restrooms in Goodison were closed over the weekend. Manager Correll said that the restaurant in the Paint Creek Cider Mill is now unoccupied, so there is no

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access to the building on the weekend. He contacted Commissioner Buxar (who is the Oakland Township Supervisor), and she arranged to have a portable restroom placed in the cider mill parking lot yesterday.

Repairs and Maintenance

Trash Bins

The trash receptacle at the Tienken Road crossing was damaged. City of Rochester Hills Park Ranger Dakota Coats will look into this and arrange to have it replaced if necessary.

Manager Correll noted that the different trash bins along the Trailways are not uniform. The Commission may wish to address this at some time.

Grading on Trail

Manager Correll contacted each municipality and asked that they keep him informed regarding when they plan to grade as he receives questions from Trail users. Commissioner Gamage asked if the municipalities have a schedule for grading. Manager Correll responded that this is difficult as grading depends on conditions, weather, etc. Commissioner Gamage asked Manager Correll to put together an educational article regarding Trail maintenance. We can then make this article available on our website for Trail users to view.

Follow Up/Ongoing Projects

License Agreements

These most recent proposed revisions have been sent to the attorney for updates or new agreements as appropriate.

Solaronics Property

Trail Manager Correll stated that Friends of the Paint Creek Trail member Clara Pinkham attended a meeting of the City of Rochester Planning Commission. During the developer's PowerPoint presentation, they indicated that they would be "returning the property" to the Paint Creek Trailways. Manager Correll said the developer has not contacted him. However, he said that if the project moves forward, he feels we should communicate with the developer to clarify that the license agreement the currently exists with Solaronics would not transfer to the new property owners. Additionally, the property must be returned to its natural state, there may be no landscaping without the approval of the Paint Creek Trailways Commission, and we would not allow new "natural" pathways or cut-throughs from the condominium complex to the Trail.

Chairperson Sage shared that the current plan has greatly changed since the original plan. The developer is now proposing the have 45 condominium units, which would be two-and-a-

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half stories in height. He said the developer has a complete understanding that the Paint Creek Trailways Commission requires that the land be returned to park use. Chairperson Sage continued that the developer's request requires a rezoning of the property, so they will need the Planning Commission's recommendation and then the City Council's approval. He said it would be helpful to the City of Rochester to have a letter from the Trailways Commission indicating what we would require. This way, this can become incorporated as a part of the approval.

Commissioner Gamage was concerned that the developer is proposing landscaping. Several of the proposed condominium units abut the Trail, and she foresees that residents would go straight from their units to the Trail. She wondered if we would instead want to allow for one path for residents to access the Trail to avoid having multiple cut-throughs. Commissioner Elwert commented that if we do not have aggressive vegetation along the shoulder of the Trail, we will undoubtedly have people accessing the Trail from many points.

Manager Correll will draft a letter for the Licensing Committee's review and recommendation indicating what we would require. The Commission can then consider this letter before sending it to the City of Rochester. He will also provide the Licensing Committee with a copy of the Solaronics license agreement for their review.

Vice-Chairperson Walker inquired as to whose responsibility it is to return the property to its original state. The Commissioners agreed that we would need to see what the license agreement requires.

Bald Mountain Connector

Manager Correll contacted the MDNR and requested that they provide a proposed maintenance agreement that includes provisions for erosion and restoration, as well as ongoing bridge maintenance. The MDNR is drafting a contract/memorandum of understanding for the Commission's review.

FRIENDS OF THE PAINT CREEK TRAIL

Moutrie Pollinator Garden

Friends of the Paint Creek Trail President Louis Carrio reported that the daffodils in the garden are coming up and they look great. The City of Rochester Hills will be putting down a thin layer of mulch in the near future. The Friends group has lost their volunteer coordinator, so they are looking for someone to take over this responsibility.

TREASURER BLUST'S REPORT (by Commissioner Olijnyk)

Commissioner Olijnyk shared reports from Treasurer Blust.

Treasurer's Report

The savings account has been opened. Treasurer Blust recommends that we maintain funds to cover three months of spending in the checking account, and the remainder should be placed in the high yield savings account.

40th Anniversary Celebration

Treasurer Blust has been working with Pat McKay and Samantha from Van Hoosen Farm on banners for the 40th Anniversary Celebration event.

COMMISSIONER FORD'S REPORT

Signs at Paint Creek Junction Trailhead

Commissioner Ford observed that the signs are being installed at the Paint Creek Junction Trailhead and they look very nice.

APRIL MEETING

The next regular meeting of the Paint Creek Trailways Commission will be held on April 16th. Manager Correll reminded the Commissioners and staff that the April meeting will be held in the main conference room of the City of Rochester municipal office building.

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ADJOURNMENT

MOVED BY GAMAGE, SECONDED BY DALRYMPLE, there being no further business before the Commission, to adjourn the meeting at 8:43 p.m.

MOTION CARRIED.

Respectfully submitted,

Ingrid R. Kliffel
Recording Secretary

Approved,

Julia Dalrymple
Secretary

Approved,

Tom Correll
Trail Manager