

PAINT CREEK TRAILWAYS COMMISSION

SPECIAL MEETING

APPROVED

May 1, 2024



4393 Collins Road
Rochester, MI 48306
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Paintcreektrail.org

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

The May 1, 2024, special meeting of the Paint Creek Trailways Commission was called to order at 7:30 p.m. in the main conference room of the Paint Creek Cider Mill.

ATTENDANCE

PRESENT

Voting Members:

Steve Sage (R), Chairperson
Brian Blust (Oakland), Treasurer
Ken Elwert (RH)
Linda Gamage (R)
Conner Reiter (Orion) (attended virtually)

Voting Alternates:

David Mabry (Oakland)

A QUORUM WAS PRESENT.

Non-Voting Alternates:

David Becker (R)

Staff:

Tom Correll, Trail Manager

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ABSENT

Voting Members:

David Walker (RH), Vice-Chairperson

Julia Dalrymple (Orion), Secretary

Robin Buxar (Oakland)

Alternates:

Russell George (RH)

Carol Morlan (RH)

Martha Olijnyk (Oakland)

Matt Pfeiffer (Orion)

Aaron Whatley (Orion)

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

Village Non-Voting Alternate: Stanley Ford (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 ELWERT, SECONDED BY BLUST, 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

There were no items for consideration under the consent agenda this evening.

BUDGET AMENDMENT, FISCAL YEAR 2024

The Commission currently has \$3,500 budgeted for Legal Fees (line item P3350) for the 2024 fiscal year. Manager Correll said he would like to increase this amount to be able to have our attorney work with us to resolve the license agreement issues with Solaronics. There are adequate monies in the reserve fund to cover this expense.

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MOVED BY ELWERT, SECONDED BY GAMAGE, to amend the fiscal year 2024 budget to transfer \$5,000 from the fund balance (line item P1700) to Legal Fees (line item P3350).

AYES: Sage, Blust, Elwert, Gamage, Mabry, Reiter

NAYS: None

ABSENT: Dalrymple, Walker

MOTION CARRIED.

SOLARONICS LICENSE AGREEMENT, CHAMPION DEVELOPMENT

The City of Rochester Planning Commission will hold a public hearing on Monday, May 6, 2024, to consider the site plan for the proposed Paint Creek Townhouses, located on the northeast corner of the intersection of Woodward, Ludlow and the Paint Creek Trail. This proposed development is for the site currently occupied by Solaronics. Trail Manager Correll and our attorney will attend the public hearing.

Manager Correll reported that he forwarded Champion Development's site plan and landscape plan to our attorney. Upon review, Manager Correll noted that some of the backyard landscaping extends onto Trailways property. Additionally, there is a small area where the development's side path that connects to the city sidewalk encroaches on Trailways property. Manager Correll wrote a letter to the City of Rochester Planning Commission advising them of this and stating the Trailways Commission's opposition to approval of the plan with these encroachments. The Planning Commission then forwarded that letter to Champion Development.

Manager Correll spoke with a representative from Champion Development today and they indicated that they will correct their site plan and landscape plan to remove the encroachments. Once they do this, Champion Development would like the Trailways Commission to write another letter to the Planning Commission indicating our support of their project.

Manager Correll and Champion Development also discussed that the Trailways Commission has concerns about Solaronics fulfilling their obligations under the license agreement. Champion Development, which is in regular communication with Solaronics, said their understanding is that Solaronics plans to abide by the conditions of the agreement and will forward a letter to this effect. Manager Correll wants to discuss this further with our attorney to ensure we are adequately protected. Mr. Correll said he believes Solaronics plans to contract with Champion Development to do this work (remove the fence and remove the hazardous materials). Champion Development again indicated their willingness to work with the Trailways Commission to include native plantings on the Trailways property that is the subject of the Solaronics license agreement.

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Commissioner Gamage recalled that we have had difficulties dealing with Solaronics in the past, and she is in favor of having our attorney involved in making sure that Solaronics fulfills its obligations under the license agreement. With respect to the discontinuance of the use (and therefore termination of the agreement), Commissioner Gamage recalled that the son of the owner of Solaronics has stated on the record that the business is no longer operating. Additionally, in their presentation, Champion Development referred to this as “a blighted abandoned industrial site.” The Commissioners agreed that they want to resolve this appropriately.

Commissioner Elwert noted that the license agreement reflects that remediation should be completed within 90 days. However, he said it typically takes much longer. After discussion, the Commissioners agreed to extend this time to up to 180 days. They would look to the attorney to determine when that 180 day period would begin.

Commissioner Becker questioned what it might cost to have the remediation work done, and wondered if it would be less than legal fees. Commissioner Elwert responded that it would depend on the contamination, but anticipates that the cost to remediate the property will be significantly greater than the cost of legal services.

In order to avoid confusion, the Commissioners concurred that Champion Development should not specify any native plantings on their site plan. However, the Trailways Commission would be happy to work with Champion Development in the future to develop a plan for the area that is the subject of the license agreement.

The Commissioners reiterated that the developer should not encourage unit owners to create entrances to the Trail, and the developer should include signage directing unit owners to access the Trail at the Woodward/Ludlow trailhead.

Commissioner Becker asked that, as housing units are built, we add those addresses to our mailing list so that we can contact these new neighbors as necessary.

Commissioner Becker also suggested that Manager Correll and the attorney review the most recent survey of the property, noting that the Trail does not always run right down the middle of the property.

The Commissioners concluded that it is important that we work with our attorney to make sure that our concerns are addressed, and that the fence and all hazardous materials are removed from the site. The Commissioners also discussed that they look forward to establishing a good relationship with the potential new owners and, to that end, they want to see this project move forward.

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MOVED BY ELWERT, SECONDED BY GAMAGE, with respect to Champion Development, to obtain the attorney's direction to ensure that (1) there are no encroachments on Trailways property, (2) any shrubs, plantings, fencing, signage, etc. are not placed on Trailways property, (3) townhouse residents shall be directed to access the Paint Creek Trail from the Woodward/Ludlow trailhead. Further, the Paint Creek Trailways Commission would be happy to collaborate with Champion Development in the future regarding restoration plantings on the Trailways property.

MOTION CARRIED.

MOVED BY ELWERT, SECONDED BY GAMAGE, with respect to Solaronics, to obtain the attorney's direction to ensure that Solaronics fulfills its obligations under the license agreement including but not limited to the following: (1) removal of the fence, (2) removal of hazardous materials/remediation, with the understanding that the Paint Creek Trailways Commission will allow Solaronics up to 180 days for the remediation work. Further, the Trailways Commission requests the attorney's clarification regarding when the 180 day remediation period shall be deemed to start.

MOTION CARRIED.

MOVED BY ELWERT, SECONDED BY BLUST, to authorize Chairman Sage and Trail Manager Correll to collaborate with the Trailways Commission's attorney in the spirit of resolving these matters as directed above. However, if there are any significant changes or new issues that arise, then they shall return to the Commission for further direction.

MOTION CARRIED.

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ADJOURNMENT

MOVED BY MABRY, SECONDED BY BLUST, there being no further business before the Commission, to adjourn the meeting at 8:55 p.m.

MOTION CARRIED.

Respectfully submitted,

Ingrid R. Kliffel
Recording Secretary

Approved,

Julia Dalrymple
Secretary

Approved,

Tom Correll
Trail Manager