



Chapter Two: Administrative Structure



A. Trailways Commission - Structure and Powers

The Paint Creek Trail is owned by the Paint Creek Trailways Commission, formed under the Michigan Urban Cooperation Act, Act 7 of 1967 (MCL 124.501 et seq.) The Commission was established through an Intergovernmental Agreement (See Appendix) between the four communities of Avon Township (now the City of Rochester Hills), Oakland Township, Orion Township, and the City of Rochester. Each of the communities has two Commissioners and two Alternates on the Trailways Commission. With the addition of a trail segment in the Village of Lake Orion, a “non-voting” seat on the Commission for the Village of Lake Orion was approved in 2004. Financial decisions require the approval of all voting member communities. In addition to owning the Paint Creek Trail, the Trailways Commission may:

- Build, maintain and operate public trails, access sites, and appropriate structures;
- Hire a manager and necessary personnel;
- Establish policies or rules governing use of Trail or facilities;
- Recommend local ordinance provisions to member communities;
- Apply for State or Federal aid to carry out Commission functions.

An organizational chart and complete listing of the 2008 Trailways Commission Members is provided in [Figures 2.1](#) and [2.2](#).

Figure 2.1: Paint Creek Trailways Commission Organizational Chart

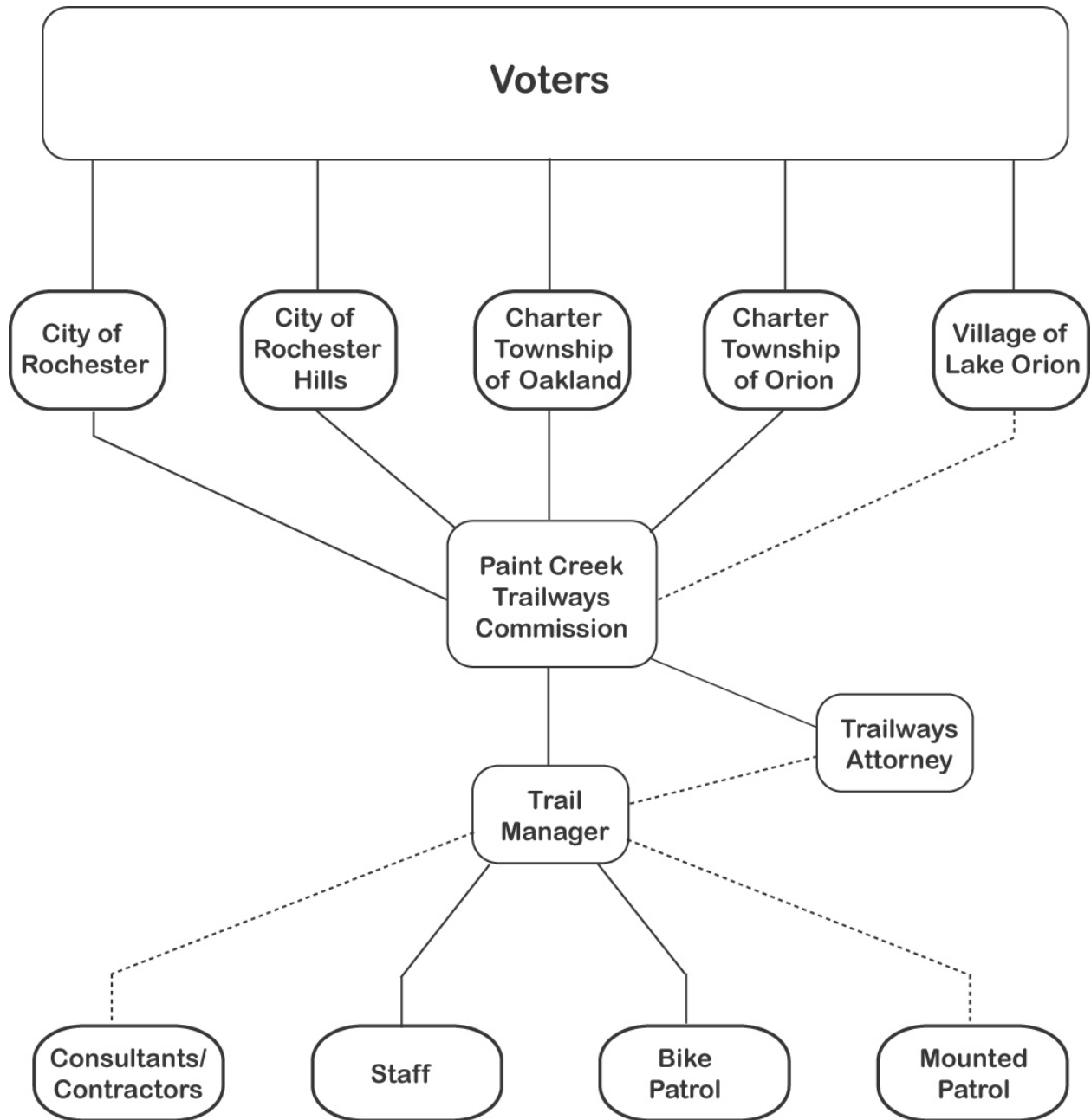


Figure 2.2: Paint Creek Trailways Commission Members – 2008

Name	Community Represented	2008 Office Held
Richard Schultz	Rochester	
David Becker	Rochester	(Vice-Chair)
Jeff Matis (Alternate)	Rochester	
Linda Gamage (Alternate)	Rochester	
Ravi Yalamanchi	Rochester Hills	
Michael Webber (Alternate)	Rochester Hills	
B. Paul Miller	Rochester Hills	(Secretary)
Ronald Stewart (Alternate)	Rochester Hills	
Maryann Whitman	Oakland Township	(Treasurer)
Martha Olijnyk (Alternate)	Oakland Township	
Marc Edwards	Oakland Township	
Kathy Thomas (Alternate)	Oakland Township	
Alice Young	Orion Township	
Rock Blanchard	Orion Township	(Chair)
Edward Peters (Alternate)	Orion Township	
John Garlicki (Alternate)	Orion Township	
Lois Golden, Non-Voting Member	Village of Lake Orion	
<u>Support Staff:</u>		
Kristen Myers, Manager		
David Moutrie, Bike Patroller		
John Makris, Attorney		
Sandi DiSipio, Recording Secretary		

B. Trailways Commission – Funding

1. Operational Budgeting

As provided by the Urban Cooperation Act, the Trailways Commission has no power to levy any tax or issue any bonds. The Trailways Agreement requires each member community to pay an equal share of the annual operating budget, which covers costs for meetings, administration, office supplies, and auditing. In addition, each member community must also pay an equal share of the staff budget, which includes manager wages, equipment and operating expenses. The member communities include the City of Rochester, the City of Rochester Hills, Oakland Township and Orion Township, as they contribute funding to the Trailways Commission. The Village of Lake Orion is considered a “non-voting member community” because they currently do not contribute financially to the Paint Creek Trailways Commission. However, it should be noted that the Village of Lake Orion is extremely supportive of the Trail, and contributes in-kind services whenever possible, including law enforcement and DPW services. The Operations Budget for 2009 was \$95,693. In 2009, 72% of the budget (\$68,928) was funded equally by the four voting member communities (\$17,232) with the remaining 28% of the budget funded by license fees, donations, sponsorships, interest, and miscellaneous revenue.

Member Communities are also responsible for funding the Trail Patrol Program, which consists of a part-time bike patroller and contracted Mounted Patrol services. The Patrol Program budget is prorated based on trail mileage in each member community. In 2009, the Patrol Program Budget was \$13,120, with funding from the four member communities as follows, based on Trail mileage in each community:

- Orion Township: \$1,915
- Oakland Township: \$7,962
- Rochester Hills: \$2,211
- Rochester: \$1,032

The complete annual Approved Trailways Budget, including Patrol Program, is available on our website and by contacting the Trailways Commission office.

Funds for other purposes, including development projects, may be obtained through submitting a Project Budget request to the member communities. Attorney services on retainer are paid for through the General Budget. In-kind contribution of assistance by municipal staff is arranged as part of the annual budget; services by

Chapter Two: Administrative Structure

municipal engineers and attorneys have been provided in the past this way. In addition, each member community is responsible for maintenance within their section of the Paint Creek Trail, including mowing, Trail surface maintenance, pruning, bridge mending, and correcting problems associated with vandalism.

The Paint Creek Trail was resurfaced in 2004 at a cost of \$250,000. Resurfacing the trail is an ongoing event of a cyclical nature, and the Commission requests that each member community prepare financially for future resurfacing projects. It is the Trailways Commission's hope that the current surface will require no extensive overhaul until 2019.

2. License Agreements

As part of the purchase of the right-of-way in 1983, Penn Central also transferred ownership of license agreements with various utilities that were crossing or using the right-of-way. Since 1992, the Trailways Commission has formalized many of these license agreements and arranged a fee structure for regular rental payment. This income is used for annual operating expenses, thereby reducing the amount requested from each community. In 1995, the Trailways Commission adopted a standard license agreement for any entity that uses or crosses the right of way.

A detailed listing of licenses and rental payments is shown in [Table 2.3](#).

Jogger on Trail south of
Dutton Road
Summer 2007
Rochester Hills



Table 2.3: Paint Creek Trailways Commission License Agreements – 2008

LICENSEE	NUMBER	DUE DATE	ANNUAL AMOUNT
Ameritech	X571711	January	\$85
	X571502	January	\$60
	X9388141	July	\$60
	X571548	July	\$300
	X571491	July	\$150
Consumers Energy	X571786	January	\$90
	LO197494	January	\$600
Detroit Edison	15 agreements	July	\$2340
ITC	2 agreements	Pending	Pending
Dillman & Upton	Per Agreement	July	\$4000
Mich. Consolidated Gas	X571942	July	\$600
	X71995	July	\$425
Michigan Gas Storage	X508450	January	\$125
Parkedale Pharmaceuticals	X510280	July	\$60
Sunoco Pipeline LP	X5124102-2	January	\$100
TOTAL			\$8,655

3. Development of Paint Creek Trail and Land Value

Development has occurred on a phased basis, with priorities established by the Trailways Commission after obtaining public input. In 1986, cost for completion of the Paint Creek Trail (not including land) was estimated at \$500,000, based on figures from the Michigan Department of Natural Resources. Twenty-two years later, the Paint Creek Trail, including the value of the surfacing, erosion controls, bridgework, and land is easily valued in excess of that figure. A complete list of Trailways parcels property identification numbers and acreage is found in [Table 2.4](#). It should be noted that the Paint Creek Trail parcels are classified as Public (nontaxable) Property, and therefore are not assessed values by Oakland County Equalization.

Table 2.4: Trailways Commission Parcel Information

COMMUNITY	PARCEL IDENTIFICATION	ACRES	Percentage of Total Acreage
VILLAGE OF LAKE ORION	09-12-151-045	1.21	1.1%
	09-11-278-075	1.01	0.9%
Subtotal		2.22	2.0%
ORION TOWNSHIP	09-12-304-009	10.39	9.5%
	09-13-201-003	3.04	2.8%
Subtotal		13.43	12.3%
OAKLAND TOWNSHIP	10-18-503-007	14.82	13.6%
	10-19-503-001	2.89	2.6%
	10-20-503-009	13.95	12.8%
	10-21-503-001	1.13	1%
	10-28-503-013	19.94	18.2%
	10-33-503-005	14.75	13.5%
Subtotal		67.48	61.7%
ROCHESTER HILLS	15-03-503-005	7.86	7.2%
	15-04-503-001	6.20	5.7%
	15-10-503-006	3.10	2.8%
Subtotal		17.16	15.7%
ROCHESTER	15-10-452-016	7.14	6.5%
	15-14-276-074	1.43	1.3%
	15-14-276-076	.51	0.5%
Subtotal		9.08	8.3%
Total Acreage		109.37	100%

Source: Confirmation by Access Oakland, January 2008.

4. Paint Creek Trailways Commission Property Survey

In 2007 and 2008, the Trailways Commission, with financial support from the four voting member communities, contracted with a local surveying company for a complete Trail boundary survey project. Due to the extensive development of the area since the Trailways Commission took ownership of the right-of-way, it became increasingly critical to protect the Trail and adjacent right-of-way from encroachments. An Act 132 survey was completed, and over 85 monuments were installed in various points along the property. As part of the survey, legal descriptions were also updated. Additionally, this project will assist the Trailways Commission in obtaining future State and Federal grants, as confirming ownership and project locations are an integral part in the grant approval process.

C. Personnel

1. Trail Manager

The Trailways Commission established an administrative position in the fall of 1991 in response to the increased activity, demand and duties of the Trail that came with increased use. Work is assigned to the Trail Manager by the Commission at monthly meetings or under the direction of the Chairperson. It is a part-time position, with responsibilities including:

- Attend, prepare notices and packets, and review Minutes for monthly Commission meetings.
- Correspondence and file keeping.
- Maintaining a staff budget, which covers wages, office supplies and equipment to operate the Manager and Administrative Assistant positions, as well as the Patrol Program.
- Financial accounts and monthly reporting.
- Creation of yearly budget and budget amendments.
- Attendance as representative of the Trailways Commission at the Oakland Trail Advisory Council meetings.
- Assistance to other trails and trail groups when needed.
- Inspection of Trail for needed maintenance by Member Communities.
- Public communications such as phone calls, mail, email, brochures, and media contacts.
- Administer licenses and use permits.
- Grant applications and administration; work with community planners.
- Master Plan revision.
- Working with Community Park & Recreation Directors regarding maintenance of the Trail.
- Supervision of Trailways Bike Patrol and Administrative Assistant personnel.

Chapter Two: Administrative Structure

2. Administrative Assistant

The Administrative Assistant position was created in 2000 to alleviate the increasing demand for service from the Trailways Commission Office. Work is assigned to the Administrative Assistant by the Manager or under the direction of the Chairperson. It is a part-time position, with responsibilities including:

- Assisting the Manager in gathering data and information pertinent to preparation of monthly meetings, grant applications and the draft budget.
- Compiling, computing, and recording data.
- Updating records related to the activities of the Trailways Commission.
- Typing letters, reports, records, and other forms.
- Making appointments and arranging meetings.
- Maintaining a working inventory of office supplies and merchandise items.
- Raising awareness of Trail in the Community.
- Public communications such as phone calls, mail, email, brochures, and media contacts.
- Performing the duties as necessary in the absence of the Trail Manager.

As of late 2008, this position was unfilled.

3. Bike Patrol

The Bike Patrol position was created in 1998 to help enforce Trailways Ordinances and to give Trail users a point of contact for the Trailways Commission. The Bike Patrol program runs from May 1 through October 31 of each year. The Bike Patroller has no legal authority to issue tickets, but may summon the proper law enforcement agency via cellular phone if necessary. The position is more “public relations” oriented as users are reminded of proper Trail etiquette and Ordinances, to help limit the number of “user conflicts” along the Trail. The Bike Patrol budget is part of the broader Patrol Program, which includes Mounted Patrol services. In 2009, the Patrol Program budget was \$13,120, with funding from the four member communities as follows, based on Trail mileage in each community:

- Rochester: \$1,032
- Rochester Hills: \$2,211
- Oakland Township: \$7,962
- Orion Township: \$1,915

The complete 2009 Approved Trailways Budget, including Patrol Program, is available on our website and by contacting the Trailways Commission office.

D. Community and Citizen Input

In the last ten years, the Paint Creek Trail has seen a number of Community Organizations, including school volunteer groups, church organizations and Boy Scout troops, initialize and carry out many service projects and Trail clean-up days (See [Table 2.5](#)). The Trailways Commission and Member Communities are appreciative for these community-inspired efforts, and continue to encourage groups to work with the Trail Manager in the development of such projects. Recognizing the value of volunteers, it is most often the Member Communities that provide the necessary financial support to volunteers. In particular, several Communities have turned to local Scouts and others volunteers for small development and maintenance projects. Not only do these projects serve to enhance the Paint Creek Trail's beauty and usefulness, but their "sweat equity" allows the volunteers to take pride and a sense of ownership in the Paint Creek Trail. In addition, the Trailways Commission is able to communicate with citizens and trail users through the Commission website, www.paintcreektrail.org, as well as through an e-mail "Friends" list that is used to recruit volunteers and promote Trail events. The website and e-mail access for Trail users has been an effective way to receive input and suggestions regarding trail management and events.

Table 2.5: A Sampling of Trail Volunteer Activities and Donations, 2004-2008

DATE	ORGANIZATION or INDIVIDUAL	DESCRIPTION
2004	Dominic Kuss	Trail Cleanup Project
2004	Long Meadow Elementary 5 th Graders, Rochester Hills	Trail Cleanup Project
2004	Thrivent Financial for Lutherans	Trail Cleanup and Bridge Painting Project
2004	Home Depot, Rochester Hills	Trail Cleanup, Bench and Brochure Box Repair and Replacement Project
2004	Lynn Button	Trail News Archive Scrapbooking Project
2004	Michigan State University, Christine Vogt, PhD	Trail User Survey Project
2004	The Ball Family, Rochester Hills	Bench Donation – south of Dutton
2004	The McDivitt Family, Rochester Hills	Bench Donation – south of Gallagher
2005	Christina DiSipio	Volunteer Office Assistance
2005	Long Meadow Elementary 5 th Graders, Rochester Hills	Trail Cleanup Project
2005	Thrivent Financial for Lutherans	Trail Cleanup and Bridge Painting Project
2005	WAM Crew, Pontiac, MI	Trail Cleanup Project
2005	“Friends” of the Paint Creek Trail	Volunteer Assistance, Heritage Festival, Rochester
2005	The Jones Family, Orion	Bench Donation, north of Clarkston/Kern
2005	Eagle Scout Candidate, Jon Barr, Rochester Hills	Brochure Box Project
2006	Long Meadow Elementary School 5 th Graders, Rochester Hills	Trail Cleanup Project
2006	Abe Amir, Engineer	Replaceable Bollard Design Project
2006	WAM Crew, Pontiac, MI	Trail Cleanup Project
2006	Bordine Better Blooms, Rochester Hills	Free Perennial Donation Project
2006	Tim Wicznerza, Lake Orion	Trail Bridge Painting Project
2007	Long Meadow Elementary 5 th Graders, Rochester Hills	Trail Cleanup Project
2007	The Walker Family, Oakland Twp	Bench Donation – south of Silver Bell
2007	The Lussier Family, Rochester Hills	Bench Donation – south of Silver Bell
2008	Woman’s National Farm & Garden – Rochester Branch	Bench Donations – south of Dutton, south of Flagstar Bank

Chapter Two: Administrative Structure

2008	The Peck/Gillies Families, Rochester Hills	Bench Donation – north of Tienken
2008	The Blazeovski Family, Shelby Township	Bench Donation – south of Gallagher
2008	The Pia Family, Rochester Hills	Bench Donation – south of Tienken
2008	The Schreiber Family, Oakland Township	Bench Donation – east of Adams



Volunteers from Thrivent
Financial for Lutherans,
painting Bridge 38.6, north
of Clarkston/Kern in 2005

E. Management of the Paint Creek Trail

A sound management program is vital to the success of any recreational facility. The Trailways Commission’s approach to management has been one of promoting positive use of the Paint Creek Trail, and protection of the land and water resources around it. Of course, safety of the Paint Creek Trail enthusiasts and near-by landowners must also be addressed. A listing of Trailways Management Practices includes the following components:

1. Regular Trail monitoring and inspection by Manager and Community Staff.
2. Motorized vehicle ban with stringent enforcement.
3. Screening and fencing where necessary.
4. Fire Control and emergency access.
5. Soil erosion and sedimentation control measures.
6. Water quality protection program.
7. Litter prevention program.
8. Education and interpretive program.

Chapter Two: Administrative Structure

9. Effective maintenance program by communities and volunteers.
10. Maintenance of “Prairie Site” located south of Silver Bell and east of Trail.
11. Appropriate signage that educates users on trail policies, and provides information about the Paint Creek Trail and adjacent facilities.
12. Diligent addressing of safety coverage.
13. Attention to multi-use trail issues, i.e., compatibility of users.
14. Addressing needs of adjacent landowners.
15. Provide assistance to other Communities and their Trails.

Appropriate management of the Paint Creek Trail is a large part of the Trailways Commission’s Action Program, and continues to make up to four of the eight major issues explored. We constantly strive to define, understand and implement best management practices. Strategies for implementing management practices are listed in the goals and objectives of the Action Program.

F. Maintenance and Enforcement of Ordinances

The Grant Agreement with the State of Michigan for the purchase of the Paint Creek Trail requires that the Paint Creek Trail use be regulated and that the Paint Creek Trail be adequately maintained and regulations enforced by the owner, the Paint Creek Trailways Commission. In addition, it requires the adoption of ordinances to effectuate these terms. A “Uniform Trailways Ordinance” was developed by the Commission and was adopted by each of the member communities in 1983 (See [Figure 2.6](#)). Many of these regulations are posted on directional signs along the Paint Creek Trail. In recognition of the liabilities of ownership, the Trailways Commission has continued to maintain additional insurance coverage beyond that already included in the insurance policies of the four voting member communities.

Initially, the motorized vehicle ban was the focus of ordinance enforcement on the Paint Creek Trail, with local police being called to remove snowmobiles, motorcycles and other violators, particularly in the evening hours. As the Paint Creek Trail became more developed and continuously used, there has been a significant decrease in motorized vehicles and other violations of the Trailways Ordinance. The Commission maintains that legitimate Trail use is still the best way to preserve Trail safety. The Commission also relies on the adjacent landowners to act as their “eyes and ears,” by reporting any suspicious activities or ordinance violations.

Chapter Two: Administrative Structure



A Trail user stops to talk to Mounted Patrol deputies near Tienken Road September 2007

From 1990-2002, Oakland County Sheriff's Mounted Division provided voluntary horseback patrol of the Trail from May through October of each year to help enforce the Uniform Trailways Ordinances. Since 2004, the Trailways Commission, through financial contributions from our voting member communities, has contracted with the Sheriff's office for Mounted Patrol Services. In 1998, the Trailways Commission explored and created the use of a part-time bicycle patrol, in part, as an effective means of enforcing the uniform ordinances. The bike patrol program runs from May 1 until October 31 each year. The Bike patroller is responsible for reminding Trail users of the Uniform Trailways Ordinances, as well as maintenance inspections, public relations, and offering limited mechanical assistance to bicycle users.

Figure 2.6: Uniform Trailways Ordinances

1. **Hours:** All areas are deemed to be CLOSED between the hours of 10:00 p.m. and 6:00 a.m. year round
2. **Closed Area:** No person shall enter or occupy any portion of the Paint Creek Trail that has been designated closed to public use or entry.
3. **Motor Vehicles:** No person shall drive, propel or park a motor vehicle or motorized sports equipment of any nature, EXCEPT motor vehicles used by authorized law enforcement or maintenance personnel.
4. **Horses:** No person shall ride or lead a horse within the boundaries of the Trailways land EXCEPT in designated areas.
5. **Dogs:** No person shall allow a dog or other animal to run at large on Trailways land.
6. **Disposal of trash:** No person shall deposit or abandon on any land or water areas within the Trailways land any garbage, glass, trash, waste, sewage or other obnoxious material EXCEPT in receptacles provided for that purpose.
7. **Sales:** No person shall sell or offer for sale anything without written permission from the Trailways Commission.
8. **Groups:** No person shall promote, arrange for or participate in any function occurring within the Trailways land and involving more than thirty-five persons without written permit from the Trailways Commission.
9. **Disorderly Conduct:** No person shall engage in any drunken, loud, boisterous or disorderly or indecent conduct.
10. **Natural Features:** No person shall dig for, remove, injure or destroy any tree, flower, shrub, plant or growing thing or any wild bird or animal or any earth, rock or other material within the boundaries of the Trailways land without written permission from the Trailways Commission.

Chapter Two: Administrative Structure

11. **Advertising**: No person shall display, distribute or place any sign, advertisement, circular, notice, or statement or display any banner within the Trailways land without a written permit from the Trailways Commission.
12. **Littering**: No person shall drop, throw, or otherwise scatter any material, object, or substance on the Trailways land and not retrieve or pick up such material, object or substance.
13. **Trespass to Adjacent Land**: No person shall go onto land adjacent to Trailways land which is in private ownership, without the expressed permission of the owner of the land. The person going onto any such land shall be the owner or a member of the family of the owner or shall carry in his possession written permission allowing entry onto the private land, signed by the owner.
14. **Damage to Property**: No person shall injure, deface, disturb, befoul, change or remove any portion of any marker, structure, equipment, fence or any other property within the Trailways land.
15. **Obstruction of Persons**: No person shall locate or deposit any bicycle, equipment or material upon the Trailways land or loiter, sit or lie upon the Trailways land so as to obstruct persons in their use of the Trail.
16. **Noise**: No person shall operate or play any musical instrument, radio, mechanical record player or tape player or sound amplifying equipment of any kind within the boundaries of the Trailways land in such a manner as to create excessive noise that disturbs or annoys others.
17. **Camping**: No person shall camp or establish temporary lodging places within the boundaries of the Trailways land.
18. **Fires**: No person shall start or maintain a fire within the boundaries of the Trailways land.

Chapter Two: Administrative Structure

19. **Hunting and Weapons**: No person shall hunt or discharge any firearm or weapon, including but not limited to a bow or BB gun, within the Trailways land.

20. **Alcohol**: It shall be unlawful for any person to bring in, have in possession, or use alcoholic liquors within the Trailways land.

Source: "Uniform Trailways Ordinances", 1983.