

REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION

Held at the Paint Creek Cider Mill Building, 4480 Orion Road
Oakland Township, Oakland County, Michigan

CALL TO ORDER: The Tuesday November 16, 2010 meeting was called to order by Chairperson Blanchard at 7:00 p.m.

Voting Members Present: Rock Blanchard, Ben Giovanelli (*enter 7:03 p.m.*), Edward Peters, Kathy Thomas, Ravi Yalamanchi

Voting Alternates Present: Linda Gamage (*enter 7:05 p.m.*), Martha Olijnyk

Non-Voting Alternates Present: Paul Miller (*enter 7:12 p.m.*)

Village of Lake Orion Non-Voting Member Present: Doug Hobbs

Voting Members Absent: Richard Schultz, Maryann Whitman, Alice Young

Alternates Absent: Marc Edwards, Nathan Klomp, Jeff Matis, Jeff Phillips

Others Present: John Makris, Attorney, Kristen Myers, Trail Manager

APPROVAL OF AGENDA:

MOTION by Thomas, supported by Yalamanchi, *Moved*, to approve the November 16, 2010 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

- a. Minutes – October 19, 2010 Regular Meeting, approve and file
- b. Treasurers Report – October 2010, receive and file

MOTION by Olijnyk, supported by Yalamanchi, *Moved*, that the consent agenda be approved as presented.

Ayes: All Nays: None

MOTION CARRIED.

Ms. Myers reported that Ms. Young has suffered a mild heart attack, is home resting comfortably and hopes to make the next meeting. Good wishes for Alice were expressed by all.

APPROVAL OF INVOICES: Ms. Myers presented the invoices in the amount of \$4,083.94. This amount includes normal monthly expenses, the County's invoice for 133 hours of Mounted Patrol Services and Mr. Makris' monthly invoice for professional services associated with litigation (copy provided to Commissioners). Fund balance is estimated at \$30,000.

MOTION by Yalamanchi, supported by Giovanelli, *Moved*, that the invoices presented for payment are approved in the amount of \$4,083.94 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

EQUESTRIAN ACCESS DISCUSSION: Ms. Myers was unable to find information on other trail systems limiting equestrian access, and limited information was available for park systems. Ms. Myers indicated a few complaints were filed by cyclists relative to the ruts. It was suggested to monitor the trail for damage in the spring and record any complaints. Oakland Equestrian Coalition is represented at the OTAC meetings, and Ms. Myers will speak with them about ideas/suggestions to alleviate the problem.

PAINT CREEK TRAIL PHASE 3 ART PROJECT DISCUSSION: A memo was included in the packet detailing the Phase 3 art project - a vault toilet facility in Rochester Hills at Tienken Road. A copy of the Millennium Trail Strategic Plan was also included for information. Setback issues need to be addressed before the Commission could consider a restroom at Tienken. As such, it is recommended that the Commission consider switching the Phase 3 and Phase 4 (Orion Township) projects until it can be determined whether or not a restroom can be placed at Tienken. The art projects completed thus far have cost around \$15,000 and \$1,500 is set aside in the 2010 budget towards this project (Ms. Myers will find out if \$1,500 was included in 2009's budget and carried over to this year). The rest of the funds will be raised through grant applications, etc. It is important to find someone through Orion Township to champion the project. Mr. Peters will contact the Historical Society for possible ideas and information and have them contact the Trail Manager. Also, it would be helpful to develop a theme for the project, possibly holding a contest for ideas. The project location could be toward the end of the trail rather than at Clarkston/Kern (graffiti potential), in order to help direct trail users into downtown Lake Orion. Getting back to the project in Rochester Hills, perhaps another site could be located or the art project could be unrelated to a vault toilet. Ms. Myers and Mr. Miller volunteered to contact Rochester Hills about the setback issues, to ascertain if this project can be completed next. In the meantime, keep thinking about ideas for the Lake Orion art project.

KOLLIN WOODS ENCROACHMENT RECOMMENDATION: Ms. Olijnyk reported the subcommittee met last week and discussed suggestions from last month – is this an area for an interpretive display or something else on the path they built, or should the path on trail property be removed? Rochester Hills' staff took a look at what is there and determined it was not ADA compliant. If trail users do traverse down their trail, improvements would have to be made, with the cost being charged back to the homeowners. The subcommittee's recommendation is to request that they remove their path on trail property as much as possible without damaging the side vegetation and the earth beneath the path. The Commission will not deprive them of using the footpath for access to the trail, but would require them to pay for the erosion control on the side of the trail. This recommendation has not yet been presented to the homeowners – the subcommittee is looking for the Commission's approval of the recommendation. The homeowners were agreeable to the concepts originally presented for resolution of the encroachment/erosion. Ms. Thomas' son drafted a potential retaining wall plan for review, and recommended the culvert the homeowners put in be left as is. The gravel to up to this point could be removed and reused as fill-in under the erosion plan. How to get the homeowners to pay for the erosion control is the question – we could present the proposed plan to them, and let them hire their own contractor. They would still need to coordinate the work with the Commission – with a completion date by Memorial Day. The erosion control may need to be in compliance with the Steep Slopes Ordinance in Rochester Hills. Mr. Makris indicated if they wish to retain access and build the erosion control plan, they would need an access license from the Commission covering maintenance issues, liability and an indemnification agreement. After discussion, it was suggested that rather than the wording “take out the path on trail property” the recommendation should be reworded to “remove the visibility of the path”.

MOTION by Giovanelli, supported by Thomas, *Moved*, that the Commission requests the Encroachment Subcommittee approach the homeowners and ask them to execute the erosion plan, pay for the proposed retaining wall to fix the erosion problem on the trail, remove the visibility of the path on trail property, and enter into an access license indemnifying the Commission for liability and maintenance of the erosion control plan by Memorial Day of 2011.
Ayes: All Nays: None **MOTION CARRIED.**

ENCROACHMENT POLICY – DRAFT: Included in the packet is the trailways property Encroachment Policy and the Encroachment Removal Procedures. The suggested changes from last month are underlined in the draft. Mr. Makris has suggested one sentence be added on page 4 of the Removal Procedures under Emergency Encroachment Correction to allow the Commission to initiate legal action to prevent health or public safety without notice to the homeowner. Mr. Makris indicated that the draft does not define “encroachment” as including “trespass”. Ms. Myers explained this is included in the “Trespass to Adajacent Land” policy. Under “Policy” on page 1 of the Policy, change the last sentence to read “... on or within Trailways Property, the unauthorized alteration of Trailways Property in any way and any trespass”. Also, under “Written Request” paragraph on page 2, it is suggested that the second from last sentence be change to read “the notice shall provide a copy of the Record, a Compliance Date and copies of the Encroachment Policy and Procedures”.

MOTION by Giovanelli, supported by Yalamanchi, that the Commission approves the Encroachment Policy and the Encroachment Removal Procedures as amended.
Ayes: All Nays: None **MOTION CARRIED.**

MANAGER’S REPORT: In addition to her written report, Ms. Myers reported she will attend the OTAC meeting tomorrow. The Orion Township Kern Road path will not be completed until spring due to the weather. There is a Friends of the Paint Creek Trail meeting this Thursday. Because of some of the events the Friends Group has been discussing, we need to discuss the relationship between the Friends Group and the Commission regarding event approval and use of the trail. A check for \$200 was received from the Preede Foundation for the Friends Group.

ATTORNEY’S REPORT: Mr. Makris stated that his report will be a combined report covering regular issues as well as litigation – there is no need for an executive session. The default judgments with respect to the litigation are almost completed, with the last step being the recording of the paperwork. About 1/3 of the judgments have been recorded, with the balance being recorded before the end of the year. The Solaronics matter has been delayed a bit due to the specific legal description and sketch of the property in a recordable form being drafted. Solaronics agreed to pay this cost and the recording should be completed soon. Mr. Makris will have a telephone conference with Mr. Gaber tomorrow morning to take care of this issue.

COMMISSIONER REPORTS: Mr. Giovanelli reported an organic garden is planned next year on a 45 acre parcel behind the carwash on Woodward in Rochester. The person nominated by the City of Rochester for the Paint Creek Center for the Arts’ Regional Arts Award is Lavere Webster for his work on the Rochester Community Schools Building mural. Mr. Peters indicated that the 3rd Wednesday of the month from 4:00 – 8:00 p.m., beginning in December, the Times Square Restaurant in downtown Lake Orion will be donating 15% of their proceeds to the Friends of the Paint Creek Trail group. It was suggested that the December Friends Group meeting be held at the restaurant as a kick-off fund-raiser. On behalf of Ms. Young, Ms. Myers reported that Orion’s Lighted Parade will be held on December 4th and the Holly Jolly Folly event will be held on December 3rd at the Indianwood Golf Club. Happy Thanksgiving to all.

ADJOURNMENT:

MOTION by Yalamanchi, supported by Giovanelli, *Moved*, that the November 16, 2010 Regular Meeting be adjourned at 8:27 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: December 21, 2010 at 7:00 p.m.

Respectfully submitted,

KRISTEN MYERS, Trail Manager

EDWARD PETERS, Trailways Secretary