

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 October 19, 2010 meeting was called to order by Chairperson Blanchard at 7:00 p.m.

Voting Members Present: Rock Blanchard, Edward Peters, Richard Schultz, Kathy Thomas, Maryann Whitman, Ravi Yalamanchi (*enter 7:05 p.m.*), Alice Young

Voting Alternates Present: Linda Gamage (*enter 7:10 p.m.*)

Non-Voting Alternates Present: Nathan Klomp (*enter 7:06 p.m.*), Paul Miller (*enter 7:30 p.m.*), Martha Olijnyk

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

Voting Members Absent: Ben Giovanelli

Alternates Absent: Marc Edwards, Jeff Matis, Jeff Phillips, Penny Shults

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

APPROVAL OF AGENDA: Add Arthur's Way/Kollin Woods Subdivision encroachment update after Friends of Paint Creek Trail Update.

MOTION by Schultz, supported by Whitman, ***Moved***, to approve the October 19, 2010 agenda as amended.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

a. Minutes – September 21, 2010 Regular Meeting, approve and file

b. Treasurers Report – September 2010, receive and file

MOTION by Young, supported by Thomas, ***Moved***, that the consent agenda be approved as presented.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL OF INVOICES: Ms. Myers presented the invoices in the amount of \$5,742.92. This amount includes normal monthly expenses, the County's invoice for 146 hours of Mounted Patrol Services, Mr. Makris' monthly invoice for professional services associated with litigation and Ms. Myers 3rd quarter mileage reimbursement. Fund balance is estimated at \$31,000.

MOTION by Whitman, supported by Schultz, ***Moved***, that the invoices presented for payment are approved in the amount of \$5,742.92 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

LAKE ORION TRAIL EXTENSION – Lake Orion Downtown Development Authority:

Ms. Suzanne Perrault, Lake Orion DDA Director was present to discuss the potential trail

extension into Lake Orion. A concept map was included in the Commissioners' packet and the cost estimate was provided at the meeting. Ms. Perrault summarized how the project came about. During a strategic planning session last February, this project was listed as one that needed to be accomplished and \$30,000 has been budgeted for the extension through the Lake Orion Lumber property. Ms. Leah Groya, a planner with Wade-Trim, worked with the property owner to secure an easement through their property, and is also present tonight. The DDA's new budget year starts in July. Preliminary work has been completed, i.e., a survey of the property, continued discussions with the property owner relative to the easement and a concept drawing has been completed by Wade-Trim. This project is in preliminary stages, and Ms. Perrault is looking for input from the Commission. Along Atwater, grassy areas are planned between the road and the trail. Ms. Perrault is looking for additional funding sources for the project. Ms. Groya summarized the conceptual design. Currently, the trail ends at Atwater, and users cross the street mid-block to get to the downtown area. The easement is planned to be 25 feet wide, with a 10 foot wide asphalt trail. A refuge island crossing with pedestrian activated rectangular rapid-flashing beacons is planned for Atwater. Between the lumber yard and the trail, a six-foot high vinyl fence is proposed, and further north near the memorial garden a three-foot high fence with brick columns is planned. Bike racks, benches and trash receptacles are planned for the memorial garden/rest area. The trail would continue north meeting up with the sidewalk near Meeks Park.

Ms. Lois Golden, the former Lake Orion DDA Director, came forward and expressed concerns with the proposed extension that the Commission needs to be aware of, e.g., liability, maintenance and who will accept the property. The Village of Lake Orion is not a voting member of the Commission, nor do they contribute to the operational costs or to the maintenance of the trail. There is no maintenance agreement for the section of the trail from Newton to Atwater, even though the Trail owns it. This connection is a great idea, but who is going to accept and maintain this property. Ms. Golden offered her assistance with the project.

Discussion brought forward some issues – if the DDA decided this extension was to be a part of the trailway versus just a walkway – they would probably have to become a member of the Commission. Is the DDA looking for this extension to be part of the trail, or are they just seeking input at this time? Ms. Perrault indicated the DDA is looking to connect the PCT to the downtown area and be able to promote it as a connection and use similar signage, but it's not the intention to turn the extension over to the trail for maintenance or liability. The easement agreement with the property owner will be with the Village of Lake Orion. The DDA is not looking for monetary assistance for the project, they just want to work with the Commission to have the extension be part of the trail, and perhaps partnership on grant opportunities. The extension should be called something different than the PCT – possibly the Oak Routes logo could be used. The consensus of the Commission is they are excited to see this extension finally happen and will support the DDA in ways other than financial. The Commission thanked the DDA for being present to explain the project and asked that we be kept informed of the status.

SCOUTING PROGRAM DISCUSSION: Included in the packet is a memo outlining a proposed scouting program. The goal will be to educate scouts, based on age, on various things about the trail and nature. Ms. Myers has developed a quiz that each scout can be given. Possibly a "Paint Creek Trailways" patch could be designed that can be earned by the scout troupes upon completion of the program. Ms. Myers is asking for approval of up to \$500 for the purchase of 250-400 patches. Money is available in the budget to cover this expense. There could be a cost for the patch and a cost associated with the Trail Manager's time involved in scheduling/handling this event. The Friends Group could also help in this program. After discussion it is the consensus of the Commission this is a great idea and should be pursued. Ms. Myers was thanked for her insight into this program.

MOTION by Gamage, supported by Young, *Moved*, that the Commission approves spending up to \$500.00 for the purchase of patches to be used in conjunction with the scouting program.

Ayes: All Nays: None

MOTION CARRIED.

EQUESTRIAN ACCESS – Seasonal Limitation Discussion: Ms. Myers included a memo in the packet describing trail surface damage in the spring from horses. This damage remains during the year and has created some potential issues, especially for cyclists. She would like to recommend that the Commission limit equestrian use on the trail from March 1st through June 1st of each year because of the maintenance concerns. Temporary signage prohibiting the horses could be included on current signs. Following a short discussion, it is suggested that research be done on other trails and parks to see if there are restrictions in other areas. More information will be forwarded at future meetings.

FRIENDS OF THE PAINT CREEK TRAIL UPDATE: Ms. Myers reported that a meeting was held on September 30th, and a nine member Board of Directors was chosen. The checking account was opened. The trail mix idea is taking off – the Commission makes .45 per bag, and the PCT logo is not being used. Mr. Moutrie is bagging the mix in the licensed Cider Mill kitchen. Friends Group ideas include a photo of the month – possibly turning into a calendar for sale, a winter sleigh ride activity or other winter events and a 2011 Halloween hay ride. Time Square Restaurant in Lake Orion will host a charity night the 3rd Wednesday of every month, where 15% of the proceeds will go toward the Friends Group. Future meetings are scheduled for October 28th and November 18th.

ARTHUR’S WAY/KOLLIN WOODS SUBDIVISION ENCROACHMENT ISSUE: Ms. Olinyk reported that members of the Encroachment Committee met with Yvon Russell, the President of the Home Owners Association for the subject subdivision. The meeting went well, and he was very apologetic about what they did – they had come to the Commission earlier thinking they were going to need to access the trail to make the path. In the end, didn’t need to, so they didn’t think another meeting before the Commission was needed. They want to do whatever the Commission wants to make it right and if that means removing the path – they will do that, but they would like to keep the path. Where their path accesses the trail, there is already an erosion issue. The subcommittee indicated to the HOA that the erosion issue needs to be taken care of and the Commission would work with them to accomplish that. The encroachment subcommittee doesn’t think it’s necessarily appropriate to remove the path. They covered over an older foot/deer path and did not cut down any trees to make their path. The path looks similar to the PCT, and the homeowners commented about how much traffic is coming from the trail to their property. They would like to close/hide the access to their property. The subcommittee talked about what else can be done – is there a donation we need for someplace else on the trail, so that if a license is granted and the erosion is fixed, they could compensate the Commission? The end result is up to the Commission. Mr. Makris commented there are issues with erosion, maintenance and liability as this is a path to and from the trail. Is the Homeowners Association going to carry insurance coverage for liability? Mr. Makris also suggested a letter be sent to the homeowners explaining that a mistake has been made, but is being worked out between the Association and the Commission. Only the last 42 feet or so of their trail, which is on trail property, is the issue here. Perhaps this could safely be used an interpretative/educational display for native planting. A different access point for these homeowners could possibly be located. Other commissioners feel that the path on our property should be removed as it sets a dangerous precedent for others contemplating the same idea - ignoring the encroachment policies to do what they want to do and ask forgiveness after the fact. It was suggested that the City of Rochester Hills Engineering Department review the pathway for safety/erosion issues, the cost being diverted back to the homeowners association. It was also suggested the subcommittee might

want to consider access and/or erosion policies as part of the encroachment policy. Mr. Blanchard offered his assistance in this endeavor. After discussion and a straw vote, the Commission is split on whether the path on our property should be removed or be licensed to remain with improvements to prevent erosion. Obviously, more information is needed to decide this issue. The encroachment subcommittee was asked to come up with alternative solutions to this issue and bring them back to the Commission. As the first step, Rochester Hills engineers should be asked to look at the safety of the path and then the subcommittee can go from there.

ENCROACHMENT POLICY – Draft: Ms. Olijnyk passed out a revised draft of the encroachment policy and procedures and summarized the minor changes. The subcommittee was recognized for their hard work and an excellent first draft. After review, commissioners can send any suggested edits or changes to Ms. Myers. A final draft should be available next month for possible approval.

MANAGER’S REPORT: In addition to the written report, Ms. Myers indicated she received a phone call about someone possibly living in the Orion Township Bald Mountain property near the connector – Ms. Myers will contact the DNR. Ms. Myers also indicated that the Orion Township Safety Path project to improve the connection between Paint Creek Ridge and the Paint Creek Trail on Bald Mountain property is still being worked out. Allan Feys, Operations Manager from Orion Township, is waiting to hear back from DNR contact Paul Yauk about a lease agreement to utilize Bald Mountain property for the project.

ATTORNEY’S REPORT: Nothing to report in open session.

COMMISSIONER REPORTS: Regarding a donation for a drinking fountain, Ms. Gamage reported there might be a location in Rochester near the bathroom facilities. Ms. Myers will contact Bruce Austin. Ms. Thomas mentioned the Paint Creek Center for the Arts’ Regional Arts Award and suggested that Dave Becker be nominated in his community for his efforts toward the Rochester Art Project.

MOTION by Gamage, supported by Schultz, *Moved*, that the Commission nominates Mr. Dave Becker for the Paint Creek Center for the Arts’ Regional Arts Award for his efforts toward the Rochester Art Project.

Ayes: All Nays: None

MOTION CARRIED.

ADJOURNMENT OF REGULAR MEETING TO ENTER INTO EXECUTIVE SESSION TO DISCUSS LITIGATION:

MOTION by Whitman, supported by Schultz, *Moved*, to adjourn the Regular Meeting at 9:30 p.m. and enter into Executive Session.

Ayes: Blanchard, Gamage, Peters, Schultz, Thomas, Whitman, Yalamanchi, Young

Nays: None

MOTION CARRIED.

NEXT MEETING: November 16, 2010 at 7:00 p.m.

Respectfully submitted,

KRISTEN MYERS, Trail Manager

EDWARD PETERS, Trailways Secretary