

**MINUTES OF THE CLAY TOWNSHIP DOWNTOWN DEVELOPMENT
AUTHORITY REGULAR MEETING HELD ON TUESDAY, APRIL 10, 2007
IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD,
CLAY TOWNSHIP, MICHIGAN 48001 AT 7:30 P.M.**

Vice-Chair Mark Thompson called the meeting to order at 7:30 p.m.

1. **ROLL CALL:**

PRESENT: Vice-Chair Mark Thompson, Artie Bryson, William Seifert, Pauline Dueweke, Joseph Little, Ann Horeftis, Jon Manos

ABSENT: Chairman Richard Wagner (excused)

Also present: Treasurer Connie Turner; Jeffrey Horner, Project Control Engineering

2. **APPROVAL OF AGENDA/AMENDMENTS:**

No additions or amendments to the agenda being presented, the agenda was accepted as presented.

3. **APPROVAL OF MINUTES OF MARCH 13, 2007:**

Motion by Bryson, supported by Seifert to approve the March 13, 2007 Minutes as submitted.

Minutes approved as submitted.

AYES: All NAYS: None ABSENT: Wagner (excused)

MOTION CARRIED.

4. **TREASURER'S REPORT FOR MARCH 2007:**

Motion by Bryson, supported by Seifert to accept Treasurer's Report for March 2007 as submitted.

Treasurer's Report for March 2007 approved as submitted.

AYES: All NAYS: None ABSENT: Wagner (excused)

MOTION CARRIED.

5. **BILLS PAYABLE:**

Motion by Seifert, supported by Horeftis to approve payment of Bills Payable.

Project Control	\$ 3,383.75
	427.50
Reed Business – Bid Ad	128.85
Banner Sign Company	1,514.00
Chris Holcomb	56.25

Thompson: Questioned the bill from Project Control for \$427.50 for the remarking of the sidewalk.

Discussion was held as to whether it was coming out of what was paid to Washtenaw Services or is this owed? Felt we should be back charging Washtenaw Services for this, deduct this amount from their final payment. Payment of bill was approved. Requested Project Control Engineering to check contract and see if it is possible to back charge.

AYES: All NAYS: None ABSENT: Wagner (excused)

MOTION CARRIED.

6. **COMMUNICATIONS:**

A. **St. Clair County Parks & Recreation**

Thompson: Letter regarding possible \$340,000.00 available for local trail development grants through this funding. Letters of intent are due back to the Recreation Department on April 12, 2007. We don't fit specifications for grant since our sidewalk isn't 8 foot wide.

Dueweke: Felt we should've been given more than two weeks notice to state our intent.

Thompson: This could be for anywhere in the Township. Questioned Manos as to whether the Township may want to apply for the grant for possible use on Harsens Island.

Manos: Will look at the information available in the morning to possibly send letter.

7. **OLD BUSINESS:**

A. **Phase III Sidewalk Update**

1. **Addendum #1**

Thompson: Requested Horner to explain Addendum #1.

Horner: Advised that Addendum #1 was placed on the agenda in error.

2. **Township Water Department Estimate**

Thompson: Estimate to move 15 pits and two boxes for \$7,554.00, which is in addition to any bids that are accepted.

3. **MDOT Permit**

Horner: Believes everything is approved, might just need signature of the owner so it can be submitted with the contractor and we can pull the bond. Need signature of DDA member.

4. **County Road Commission**

Horner: Soil erosion is all set. It is up to contractor to pull the permit and post the bond to proceed.

5. **Review of Sidewalk Bids**

Thompson: Breakdown of bids have been supplied. Requested Jeff Horner give a brief run down of submitted bids.

Horner: We had 8 bids that ranged from \$59,256.00 to \$130,000.00. The average bid was \$88,000.00. The low bid was Italia Construction for \$59,256.00. They appeared at my office for review of scope of work due to their low bid. They assured that they had included everything in bid. They supplied five references, three of which were checked. References highly praised this company. They stated that they have over 100 employees and will come in quickly with a large crew and finish the project within two weeks. If awarded job, company would like to start in May, but have to wait until after DPW moves pits and Road Commission extends storm sewer.

Dueweke: Concerned that this is a rerun of what we went through before, out of district company with a much lower bid than other companies. It's \$10,000.00 difference in 4" concrete.

Horner: They are at \$290.00 a foot. Not a quality issue since they are highly praised by their references. Concrete has to meet our specifications.

Chairman Wagner arrived at 7:45 p.m.

Dueweke: \$2,000.00 for removing a fence. Questioned the difference in price for removal of this fence.

Horner: Two other companies I spoke to knew of Italia Construction and stated that was a good company.

Thompson: Concerned with accepting lowest bid as we have in last two jobs and the problems that have occurred. We do have two local bidders.

Dueweke: Feels that it would be better to use a local company to try and promote business to enhance the business of this area, beside the fact that they know the area and would be accessible if something went wrong.

Manos: They have great references. It seems like Project Control has gone over everything with the company and they've got enough credentials to get some serious consideration and they're bonded.

Thompson: Washtenaw also had great references. Had question as to whether company is bonded to the contract amount?

Horner: They have to bond 3% of the contract amount.

Thompson: Questioned the performance bond?

Horner: They have to provide a performance bond up to the amount of the contract. If another company has to come in and it costs them more, it goes on the back of the other contractor. It's in their best interest to finish the job. Would be happy to interview other companies. But his opinion of Italia is that they were reasonable.

Thompson: Again voiced concern that same problem will occur again as with Washtenaw.

Siefert: If you want to follow practice of only using local companies, then it should be stated in the bid documents. It costs companies money to put bids together.

Little: Suggested having posting for bids stating that companies have to be within 25 miles to bid project.

Manos: We should rely on Project Control's opinion and research into the company and their opinions. This is a large discrepancy in bids.

Chairman Wagner: Had questions regarding the Madison Heights project this company worked on.

Horner: Explained answers regarding Italia's Madison Heights project.

Horeftis: Feels it's impressive that Italia has been awarded several other jobs that weren't even put out for bid, just awarded additional contracts keeping them continuously employed for six years.

Thompson: Questioned that this company claims they can complete project in two weeks, weather permitting. So if they have four week window they should be done.

Horner: Substantial date and time has been placed in contract which is July 31st. Their two weeks is dependent on the Road Commission out of the way and DPW out of the way. Our intent is to hold them back until they're finished, no matter which contractor.

Thompson: Would like humungous penalty clause in contract if they go over finish date.

Siefert: You cannot put in penalty clause like that in because then you have to reward the company if they finish project early.

Dueweke: Questioned whether what was meant by grading and restoration was clearly specified?

Horner: Yes, in the contract they are finishing from the new sidewalk to the edge of the road.

Horeftis: Is still amazed at the disparity of the bids.

Thompson: Again reiterated concern of the same problem happening again.

Little: Stated that's why we have the performance bond. We cannot guarantee how a company is going to perform.

Manos: It doesn't matter what the bid is, any company can cause the same problem, whether they're the highest bidder or lowest bidder.

Motion by Siefert, supported by Little to award contract to Italia Contracting.

Thompson: Called for roll call vote since amount is in excess of \$10,000.00.

**R/C VOTE: AYES: Chairman Wagner, Siefert, Little, Horeftis, Manos;
NAYS: Thompson, Bryson, Dueweke.**

Discussion occurred regarding this vote and whether, under By Laws, six affirmative votes were needed for expenditures over \$10,000.00. Even though we don't have 9 members, it would be expressed as a percentage, two-thirds. Quorum requirement was changed from 6 to 5. Requested Treasurer Turner to obtain a copy of the By-Laws.

Manos: The maximum for a vote would be two-thirds.

Dueweke: Questioned whether it would be feasible to interview a few of the other companies to see if differences can be detected.

Bryson: Feels he needs more information about Italia Contracting.

Little: Concrete work is concrete work. It's affected by the weather. Just by the weather itself you can have damage done.

Chairman Wagner: Reads from By-Laws what constitutes a quorum and majority vote and that it references 5.

Horeftis: Suggested making a motion to table this issue for another month to get an answer on what constitutes a majority vote and that will also give us more time to investigate the other contractors.

Thompson: Would entertain a motion to table the awarding of the bid for the concrete project until next month so we can get more information on Italia Construction and clarification from our legal counsel as to what constitutes a majority vote.

Little: And, that we also talk to the other bidding contractors and check their references.

Manos: If you're going to ask the Township Attorney for an opinion as to whether or not our vote constitutes a valid vote, that would end this issue. You can't table an affirmative motion if it's a valid motion. You can condition to a review by the Township Attorney and if he rules it be a valid vote, then the bid stands. If the Township Attorney rules it is not a valid vote, we don't need anything else right now. We don't have to table anything because we have a motion on the floor which is questionable. It's affirmative if it meets the language of the ordinance. If it doesn't meet the language of the ordinance, nothing has happened here tonight. And, at the next meeting it will come back automatically for review.

Chairman Wagner: Will speak with Township Attorney tomorrow and get answer.

B. GOODEN PROPERTY COMMITTEE

1. St. Clair County Road Commission bill to enclose ditch

Thompson: We have a note in our packets that Dorothy DeBoyer did advertise on Channel 6 and no one has responded. The St. Clair County Road Commission has been contacted about closing the ditch along M-29.

Manos: This would be from Lakepointe to Ester Green. We have an agreement with the State of Michigan to provide materials at no cost. The county will put in the plastic tubing and any catch basins at the price they've indicated. The State should be done in six months with their portion and then the County will finish it off. Feels this is an excellent price to have this completed.

Bryson: Estimate is \$17,000.00.

Motion by Chairman Wagner, seconded by Dueweke to have DDA commit to authorize payment of \$17,000.00 to the St. Clair County Road Commission for purposes of enclosing the ditches.

Chairman Wagner: Questioned whether they were considering all tie-ins or drains?

Horner: They will connect to the drain at Lakepointe. Spoke with the superintendent and advised him that a topographical survey will be available for review prior to work beginning.

R/C VOTE: AYES: Chairman Wagner; Vice-Chair Thompson; Bryson; Siefert; Dueweke; Little; Horeftis; Manos. NAYS: None.

MOTION CARRIED.

C. TOWNSHIP SIGN UPDATE

Thompson: Signs are all up – Police Department and the new reader board sign for the Township. As soon as bill comes in from Phillip Signs, it can be paid.

Horeftis: Commented that the signs looked great.

D. COMMUNITY SURVEY

Thompson: Questioned Dueweke as to whether problem with inputting survey had been corrected?

Dueweke: Delay was due to incompatible computer program. Notebook has been provided, and they should now be able to input survey.

E. FLOWERS UPDATE

Dueweke: Reported she had asked Treasure Gardens to give two quotes for planting large flower pots just around Township buildings and Ainsworth around the civic buildings, and another quote to do in similar fashion to last year, including pots along M-29. Bid has not come back yet, so that will be brought to next meeting. Would like to suggest flower pots around Township Halls and taking other money to begin permanent plantings.

Little: Questioned that this was a temporary plan until we came up with a permanent plan?

Dueweke: Right. Until we could decide on permanent plantings. Feels landscaping should be finished at the Fire Hall that was part of the design concept. Landscaping at corner of Ainsworth and Taft should be removed and instead have plantings to enhance the architecture. We should really think about how we're spending the money we have allotted for this and discuss it at next meeting.

F. DOWNTOWN PROMOTION REPORTER SUBSCRIPTION RENEWAL

Chairman Wagner: Stated that he reads these and would like to place them in a binder. Copies are also usually included in meeting packets. Feels the Ideas Exchange in the Reporter is informative.

Motion by Seifert, supported by Manos to renew subscription to Downtown Promotion Reporter.

AYES: All NAYS: None.

MOTION CARRIED.

Thompson: Suggested members really give thought to the landscaping at the corner of Ainsworth and Taft and questioned whether to have landscape designer back down for suggestions.

Chairman Wagner: Has placed two phone calls to designer because people are still not happy with the lighting.

Thompson: Will attempt to contact designer and get him back down to take another look at this area.

8. A. PRECISION CARE PROPOSAL

Thompson: Precision Care has sent in a proposal for doing the ditches again this year at the same price as last year. Questioned whether Board wanted to approve it again or go back out for bids? Last two years, Precision Care was the only one who bid and previous to that was the only one who met the specifications.

Motion by Horeftis, supported by Chairman Wagner to accept Precision Care proposal.

Wagner: Last year we had the debate about whether there were 4 or 5 cuttings.

Thompson: There were only 4 cuts last year. We try to have cutting done before the major holidays so that it looks good when people drive through town.

Dueweke: Questioned whether Precision would do any maintenance of grass between proposed sidewalk and street and snow removal?

Thompson: Questioned Manos as to whether the Township has thought about who will maintain those areas?

Manos: Advised that the matter is under advisement.

Chairman Wagner: Questioned whether 9 months on proposal was a typo?

Thompson: That indicates that the price is good for 9 months, basically the price is good for the rest of the year.

Bryson: Spoke to two landscapers in the area and they stated they never saw this bid come up the last two years.

Siefert: It's been in the local papers the past two years.

Bryson: One of these landscapers has the necessary MDOT insurance and permits to work in the right-of-way.

Little: Didn't feel that it was put out for bid every year. We're not putting it out for bid this year, we're just awarding it to them.

Thompson: That's what the motion is for, to just award it to them. If we want to put it out for bid, we should probably deny the motion and put it back out for bids.

Horeftis: The reason I made the motion is because we tried that and no one was interested.

Thompson: If we deny this and put it out for bids, this bid is already out there for everyone else to see.

AYES: Chairman Wagner, Vice-Chair Thompson, Manos, Horeftis, Siefert, Dueweke, Little

NAYS: Bryson

MOTION CARRIED.

Manos: Stated that the Water Department is looking at possibly purchasing some lawn cutting equipment.

9. BOARD MEMBER COMMENTS

Thompson: Wanted to advise that Algonac is looking at a possible winter maintenance project for their DDA District to have somebody plow the sidewalks through the business district. Our sidewalk happens to run through the whole residential district. The Water Department has been plowing. Would like the Board to think about possibly putting that out for bids for next year to follow the DDA sidewalk from the Dana Drain to Pearl Beach Boulevard so we can take that burden off of the Water Department.

Manos: We will start working on budget for DDA for 2007-2008.

Chairman Wagner: Apologized for his late arrival at meeting. The Assessment Roll that was furnished by Barb for the DDA has been put in our packets. There is a proposed re-zoning that we got from the Building Department also included. Questions and comments need to be in before May 4th. Obviously, something we should be interested in is making sure that a sidewalk goes into any of these properties. If they're seeking re-zoning, we can impose conditions.

Siefert leaves at 8:45 p.m.

Chairman Wagner: Would like to have e-mail addresses from all members.

Dueweke: Questioned what happened to concept of having guidelines for people building in our district?

Chairman Wagner: Only two influences we have is that we would like to have as much sidewalk along M-29 as possible, and if we adopted the guidelines of the Township by way of ordinance for purposes of the DDA District, we would have that input.

Dueweke: The Township cannot adopt something we haven't put our final okay on.

Chairman Wagner: Questioned where we were with Washtenaw Services and whether they are going to start the 50 flags?

Horner: Weather permitting, they will be back to finish the job.

Little: Questioned proposed PUD adjacent to the ice cream shop?

Thompson: Advised there is a public hearing scheduled before the Planning Commission tomorrow night.

Bryson: Stated that he wished the grass cutting would have been put out for bid.

Horeftis: Stated that we tried that last year and it didn't work. Precision has been doing the work and hasn't raised their price.

Little: Stated we could put it out for bid next year.

Dueweke: Suggested that members look to cut down on paperwork. We should look for ways to read things on the Web.

Thompson: Suggested placing this on the next agenda.

10. PUBLIC COMMENTS

None.

11. ADJOURNMENT

Motion by Manos, supported by Bryson to adjourn meeting at 8:50 p.m.

AYES: All NAYS: None ABSENT: Siefert

MOTION CARRIED

Respectfully Submitted,

Christine Holcomb
Recording Secretary