

**MINUTES OF THE CLAY TOWNSHIP DOWNTOWN DEVELOPMENT
AUTHORITY REGULAR MEETING HELD ON TUESDAY, OCTOBER 9, 2007
IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD,
CLAY TOWNSHIP, MICHIGAN 48001 AT 7:30 P.M.**

Chairman Richard Wagner called the meeting to order at 7:30 p.m.

1. ROLL CALL/ESTABLISH QUORUM:

PRESENT: Chairman Richard Wagner, Jr., Ann Horeftis, Artie Bryson, William Seifert, Jon Manos, Bob Johnson

ABSENT: Vice-Chairman Mark Thompson (excused), Joseph Little (excused)

A quorum is present.

Also present: Deputy Clerk Dorothy DeBoyer; Treasurer Connie Turner; John Monte, Project Control Engineering

2. APPROVAL OF AGENDA/AMENDMENTS:

Chairperson Wagner: Would like to request the addition to the Bills Payable for a \$300.00 check to the State of Michigan.

Motion by Bryson, supported by Seifert to amend the Bills Payable to include a \$300.00 check to the State of Michigan.

John Monte: Has letters that he would like to have introduced under Old Business added to the agenda which relate to easements for the last phase.

Chairman Wagner: We need to add to the agenda under Old Business the authorization to execute the letters of introduction for Easement Acquisition Company.

Motion by Seifert, supported by Johnson to add the authorization to execute the letters of introduction for Easement Acquisition Company under Old Business under 7(a)I.

Chairperson Wagner: **Restated motion to amend Agenda to include adding \$300.00 check to State of Michigan to Bills Payable and adding authorization to execute the letters of introduction for Easement Acquisition Company under Old Business under 7(a)I.**

AYES: All NAYS: None ABSENT: Vice-Chairman Thompson; Little

MOTION CARRIED.

3. APPROVAL OF MINUTES OF AUGUST 14, 2007 and SEPTEMBER 12, 2007:

Motion by Seifert, supported by Horeftis, to approve the August 14, 2007 and September 12, 2007 Minutes as submitted.

AYES: All NAYS: None ABSENT: Vice-Chair Thompson; Little

MOTION CARRIED.

4. TREASURER'S REPORT FOR AUGUST and SEPTEMBER 2007:

Motion by Horeftis, supported by Seifert to accept Treasurer's Report as submitted for August and September 2007.

AYES: All NAYS: None ABSENT: Vice-Chair Thompson; Little

MOTION CARRIED.

5. **BILLS PAYABLE:**

Chairman Wagner: Stated that we have the bills from the August and September agendas and the bills in-between.

Motion by Seifert, supported by Bryson to approve payment of Bills Payable with the exception of Washtenaw Maintenance Services.

Washtenaw Maintenance Services, Inc.	\$ 9,583.23
Italia Construction, Inc.	\$ 72,220.28
Project Control Engineering	7,499.50
Project Control Engineering	1,102.75
Project Control Engineering	32.50
Project Control Engineering	13,473.25
Project Control Engineering	3,987.25
Project Control Engineering	851.25
St. Clair County Road Commission	2,687.91
Precision Care, LLC	1,600.00
Precision Care, LLC	2,000.00
West Shore Services, Inc.	1,044.00
Banner Sign Company	1,740.00
Treasure Gardens	633.52
Clay Township Water Department	500.00
Dorothy DeBoyer	45.00
Christine Holcomb	45.00
State of Michigan	300.00

Manos: Questioned Mr. Seifert as to why he does not Washtenaw paid?

Seifert: Because they should be back charged for the expenses of Project Control Engineering.

Chairman Wagner: It was in the September 6, 2007 memo and the September Board packet that there was \$2,383.75 of additional services rendered by Project Control Engineering for re-staking, etc. The discussions we had at previous meetings concerned having Project Control Engineering do a compilation computation of what additional expenses the Township incurred by reason of the faulty workmanship and all the different items that necessitated them re-staking it.

Manos: Questioned Mr. Monte as to whether there was something that Washtenaw referenced that there was no provision in the contract to assess that particular extra charge?

Monte: He had received an e-mail from Washtenaw wherein Washtenaw stated that he expected the Township had the right to withhold money. He pointed out the locations in the contract where it clearly stated that the Township had that right.

Chairman Wagner: Questioned whether Mr. Monte wanted to relate for Mr. Manos's benefit if he could think of any references in the contract off the top of his head?

Monte: Mike Riley of Washtenaw had questioned whether the Township could legally withhold the money and something about the warranty period.

Seifert: Through his experience, that is a standard clause in any construction contract of public entities.

Monte: It was standard. We have the right to move in and finish the work.

Manos: Questioned whether the amount of Project Control Engineering's extra work amounted to?

Chairperson Wagner: \$2,383.75?

Manos: Questioned whether the Board, at this point, could approve that amount less the assessed amount that we're saying we don't want to pay because he should owe us for that amount?

Chairperson Wagner: \$11,966.98 minus the \$2,383.75.

Manos: And then clear that amount and leave one item on the table for argumentative purposes. He is entitled to the difference. Questioned whether everything on there is legitimate except for the cost that Project Control Engineering incurred within the \$11,966.98?

Monte: The \$11,966.98 were all legitimate contract costs, which would have been the cost to finalize the project and completely pay him off.

Manos: But, we spent \$2,383.75 for your services to get there. And, what I'm saying is if we reduced his bill by that amount and authorized payment less those charges and sent him a letter back stating that it is not our intent to pay the additional sums, would that be more in tune with trying to resolve this issue?

Monte: I believe it would.

Manos: Could we amend the motion to state that as it might be a way to get Washtenaw out of our hair?

Chairperson Wagner: Questioned whether Mr. Seifert was acceptable to that amendment to his motion?

Seifert: Agrees.

Chairperson Wagner: So, the payment to Washtenaw would be \$9,583.23 and have Project Control Engineering send him a letter advising him of this decision.

Seifert: Questioned what the \$300.00 to the State of Michigan was for?

Chairperson Wagner: That is for the State to start reviewing plans, easements, etc.

Monte: It's an application fee.

Chairperson Wagner: Restated the motion to approve payment of Bills Payable with the exception of the payment to Washtenaw Maintenance Services which will be in the amount of \$9,583.23.

**R/C: AYES: Bryson, Seifert, Manos, Johnson, Horeftis, Chairman Wagner
NAYS: None. ABSENT: Vice-Chair Thompson; Little**

6. COMMUNICATIONS:

Chairman Wagner: There was a letter attached in the last packet that Pauline Dueweke has relocated and has submitted a recognition. I feel that we need to send her a tremendous letter of thank you.

Motion by Manos, supported by Seifert to send a letter of thank you to Pauline Dueweke.

AYES: All NAYS: None ABSENT: Vice-Chair Thompson; Little

MOTION CARRIED.

7. OLD BUSINESS:

a) Phase IV sidewalk – Update

1. Project Control Engineering opinion of pedestrian bridge costs

Monte: The last time we met we talked about looking into proceeding a little bit further. We have not been able to get soil borings from MDOT. We met with MDOT and had them do a walk through. We would like to make a little bit more time researching the soil borings. We do have soil boring quotes in the event we need to have those completed. They estimated slightly more for the sidewalks on the next phase of the project in relation to the easements. They had previously estimated the

bridge at a cost of \$120,000.00 and are now down to \$102,000.00. A topographic survey of the area has been completed. They have refined the distance. They have included quotes from York Bridge, which is a wooden bridge company, and a company that does steel bridges.

Manos: You might want to go back to the County and check with Fred Fuller to see if there might be something from Southeastern Michigan Gas that relates to the elevation and soil borings at the site of the bridge.

Monte: He will continue to try and obtain more information.

Chairman Wagner: Questioned the differences in the quotes for the bridge.

Monte: The York estimate includes foundations, the other one bridge will be a delivered structure that we'll need to take off the truck and pour a concrete walk on it, so it's like a pre-fabricated steel bridge in one piece that we have to put the footings in and pour the concrete.

Chairman Wagner: So, we'll need a separate contract for all of that.

Monte: We would bid this, put it on the drawings and send it out for bids. Once I find the soil borings, you can decide if you want to proceed with drawings. Part of the reason he supplied the estimates was for planning purposes as to what it will take to complete the project. The first page estimates the sidewalk work down to the DNR site. You have already authorized us to go forward with the easements. He has provided a letter regarding this. The DNR requested a \$300.00 application fee but they will not grant the easement until they are provided with full engineering drawings so they can see the entire impact. He wanted them to know what the engineering fees are if to continue and have the topographical survey done for the rest of it and finish off the sidewalks to the next phase. There are two parts here, one is the bridge and one is the next phase of sidewalks.

Manos: Questioned whether this bridge would be similar to a foot bridge or one that could accommodate a 1 ton truck?

Monte: It would be very similar to a golf cart bridge. It would not accommodate truck traffic.

Seifert: Questioned what the span of the bridge would be?

Monte: 50 foot span.

Chairman Wagner: The sidewalk goes up to the drain and meets an asphalt driveway, and the other side has grass and then continues on to sidewalk. Questioned whether that was part of the design or did they leave off a piece of asphalt?

Monte: No, we're dealing with MDOT on this and they really didn't want us to take the sidewalk and turn it. They want us to leave it straight. It just happened to work out that there was a drive on one side to make the connection.

Motion by Seifert, supported by Johnson for authorization for Project Control Engineering to proceed with Phase IV of the sidewalk subject to further investigation on a bridge.

R/C: AYES: Horeftis, Seifert, Manos, Bryson, Johnson, Chairman Wagner.

NAYS: None. ABSENT: Vice-Chair Thompson; Little

MOTION CARRIED.

Motion by Bryson, supported by Manos to authorize communication on Township letterhead introducing the easement acquisition company to the prospective easement grantors for purposes of the completion of the sidewalk project.

AYES: All NAYS: None ABSENT: Vice-Chair Thompson; Little

MOTION CARRIED.

b) Washtenaw Maintenance Services, Inc.

1. Project Control Engineering breakdown of extra costs for sidewalk.

Chairman Wagner: This item was previously discussed and resolved under Bills Payable.

c) Design Guideline Draft

Chairman Wagner: Did not receive any comments or questions from anyone on the Board to forward on to Jim Yus and have him appear. Questioned whether we should set up a joint meeting with the Planning Commission to see whether these design guidelines would be appropriate to be considered.

DeBoyer: Recommended sending a communication to the Planning Commission with a copy of their design guidelines.

Chairman Wagner: He had also received a 71 page design guideline from another community.

Motion by Horeftis, supported by Seifert to authorize Chairman Wagner to send a letter to the Planning Commission with the attached guidelines for their consideration.

AYES: All NAYS: None ABSENT: Vice-Chair Thompson; Little

MOTION CARRIED.

d) Banner Sign

Chairman Wagner: Questioned why this was on the agenda?

DeBoyer: Stated that Banner Sign had sent a proposal and Vice-Chair Thompson had said he was also going to get quotes from some other companies.

Chairman Wagner: Suggested enlisting local businesses to see if they want to have their name on a banner.

Turner: They raised their prices.

Chairman Wagner: Suggested the matter be tabled to the next meeting.

e) Community Survey

DeBoyer: Pauline Dueweke deliver this yesterday afternoon. The most lengthy part are all the different comments. The Planning Commission will see this tomorrow.

Chairman Wagner: Questioned how many surveys were initially mailed out?

DeBoyer: 7,400.

Bryson: 10% responded, which is probably better than normal.

DeBoyer: That's about average.

Chairman Wagner: We need to digest all the information and will continue it on the next agenda.

Seifert: Questioned what we are going to do with all this information?

DeBoyer: Suggested going through and read all the information compiled.

A discussion regarding survey responses occurred.

Chairman Wagner: Suggested taking home the information and reading the comments and come back with opinions and suggestions about what we can do now that we have some public input. This

will be kept on the agenda for the next meeting to discuss and comment on after having had a chance to review.

8. NEW BUSINESS:

a) New Board Member

Chairman Wagner: Welcomed Bob Johnson as a new Board Member of the DDA.

b) Precision Care, LLC proposal

Chairman Wagner: Questioned proposal and billing. Also questioned whether this was for the Ainsworth corner.

Horeftis: Questioned why there were no perennials at that site?

Chairman Wagner: Questioned members as to whether they thought the corner looked better or worse? Vice-Chair Thompson was going to call Precision Care back regarding their proposal and has not heard back from Vice-Chair Thompson. Questioned what was done for \$2,000.00? Suggested tabling this until more information is obtained.

Horeftis: We've already approved paying the \$2,000.00 bill. The \$100.00 is for winter maintenance.

Chairman Wagner: Suggested tabling approving the new proposal until the next meeting to hear back from Vice-Chair Thompson on the issue.

9. BOARD COMMENTS:

Horeftis: Questioned whether Vice-Chair Thompson was going to be setting the date and times for a meeting of the committee for the property? Now that we have the community survey information it will help.

Turner: The Township Board feels that 9 people are too many. At the August meeting, Vice-Chair Thompson was going to get with everyone on the committee to schedule a meeting.

A discussion occurred regarding the members of the committee.

Seifert: The Township Board is getting upset with the program because nothing is getting done. They want the house torn down.

A discussion occurred between members regarding the project and the DDA contribution to the property.

Chairman Wagner: DDA agreed to pay \$500,000.00 of improvements on the property.

Horeftis: Questioned putting it on the next agenda or make a motion to release some of those funds so the Township could get started on demolishing the building?

Chairman Wagner: We would have to place it on the next agenda.

Johnson: Questioned who would have to give approval for the home to be torn down?

Chairman Wagner: The Township Board would have to give approval. He hasn't received anything from the Township Board regarding the proposed demolition of the house.

Turner: The Township Board could put it on their agenda to get bids for demolition of the home.

Chairman Wagner: And to approve demolition costs subject to contribution from the DDA.

Manos: They are looking at trying to convert the cement building on the property.

10. PUBLIC COMMENTS:

None.

11. ADJOURNMENT

Motion by Manos, supported by Bryson to adjourn meeting at 8:25 p.m.

AYES: All NAYS: None ABSENT: Vice-Chair Thompson; Little

MOTION CARRIED

Respectfully Submitted,

Christine Holcomb
Recording Secretary