

Minutes of a Special Called meeting of the Town of Saltville Town Council held on Tuesday, March 25, 2008 at 7:00 P.M., at the Town Hall.

PRESENT: Jeffrey L. Campbell, Mayor
Steven W. Johnson, Town Manager
Christen W. Burkholder, Town Attorney

COUNCIL: Sabrena Ison, Danny Maiden, Todd Young, Neil Johnson, Bill Palmer,
Ron Orr

Mayor Campbell called the meeting to order

Steven Johnson told Council the bids were opened on the Downtown Revitalization project yesterday and the lowest bidder was W&L Construction. Mr. Johnson asked Toby Boian if he could proceed with the discussion on this bidding procedure.

Toby Boian gave an update on the bid opening that took place at the Town Hall on Monday, March 24, 2008. Mr. Boian stated the lowest bid was from W&L Construction in the amount including all the alternates, of \$768,401. Also, another partial bid was submitted on just the stage, but was higher than W&L's, so W&L was the lowest on all bids submitted. Mr. Boian told Council you have \$552,000 in the budget, so it is \$216,381 over budget. Mr. Boian had attached to the packet a copy of the bid from W&L and the various items. Mr. Boian discussed the bid alternate sheet. Mr. Boian discussed the normal 30 day mobilization schedule. Hopefully within 30 days W&L will be working on both the stage area and the commons area. Mr. Boian discussed with Council the punch list of walk through's is scheduled for August 15, 2008.

Councilman Johnson asked Mr. Boian, what exactly does the punch list mean?

Mr. Boian replied by saying, this is where the Engineers, Project Manager, Town Manager, and anyone involved in the project makes a list of correction and/or deficiencies on the project.

Mr. Boian discussed the Prior Authorized Cost Approval Letter. This is where DHCD said they were going to split this into Phase I and Phase II. Mr. Boian stated this is where the agreement between both parties for \$300,000, which this would allow the Town to get started. Mr. Boian said at least 15 of the facades and other jobs before Phase II is executed. Mr. Boian said, we had request prior authorized approval to award this contract. Prior authorized approval does not mean the money is available, it means if the cost are incurred and other objectives those costs will be reimbursed.

Councilman Young asked Mr. Boian, what is the time frame of W&L's proposal and can we impose a penalty if the date is not met?

Mr. Boian said there is a penalty, but I do not know the amount and it is by the day.

Mr. Boian said the prior authorized cost is based on so many facades being completed. So what Mr. Boian has included in the packet is the status of the first three rounds and contracts pertaining to the contracts on the facades that need to be signed.

Mr. Boian told Council the options for Council tonight are as follow:

- 1) Reject the bids, revise the plans and specs, prepare a cost estimate and re-bid the project.
- 2) Approve the bid with \$216,381 committed by Council from general fund or other sources.

3) Negotiate with W&L to try and get the project within budget or a lesser amount over budget that would be acceptable to Council.

Mr. Boian said he got an e-mail today from Gene Whitesell stating he has reviewed the bids and has consulted with his Electrical Engineers and this can be negotiated within budget.

Councilman Orr asked Mr. Boian who will be doing the negotiations?

Mr. Boian replied, Gene Whitesell who is the coordinator of the engineers and architects. This will also include me, Mr. Johnson, and someone from the Management Team. Also, some of the work will be sub-contracted out; which the negotiations will have to involve the sub-contractors.

Mayor Campbell said at this point, we need to find over \$200,000 or to re-negotiate.

Mr. Boian said CHCD will not pay for any additional re-advertisements or other cost incurred with such re-advertisements.

Bill Haynes stated to Council, both the contractor and engineering firm know the date of completion and the starting date of the Labor Day Celebration.

Steven Johnson told Council, it is Gene Whitesell's recommendations to negotiate with W&L.

Councilman Young made a motion to authorize the negotiation with W&L Construction. Councilman Palmer seconded. Motion passed unanimously.

Councilman Maiden said if he could, he had two items that needed to be added to the agenda.

Councilman Maiden made a motion to add the bids for the pool landscaping and the building in order to get this project completed. Councilman Young seconded. Motion passed unanimously.

Mayor Campbell asked if any other items needed to be added to the agenda.

Christen Burkholder, Town Attorney, with the Council's pleasures, has several matters that he is working on. Mr. Burkholder said he was at a point where it makes sense to report on those legal matters. If the Council pleases, Mr. Burkholder asked that the following items be added for Closed Session to consult with legal council regarding probable litigation on the salt trail, consult with legal council regarding contract debt of the Town, to consult legal council regarding proposed legal issues with a proposed contract with the Town, consult legal council regarding legal issues under the Freedom of Information Act, and consult legal council under the Public Procurement Act. Mr. Burkholder stated all of these are Pursuant to 2.2-3711(A)(7) of the Code of Virginia.

Councilman Maiden made a motion to add Mr. Burkholder's requests to the agenda. Councilman Orr seconded. Motion passed unanimously.

Councilman Maiden made a motion to advertise for bids on the landscaping at the pool that will consist of sod and the siding on the existing building and roof with a picnic pavilion on the front side. Councilman Maiden said the siding will be a slick concrete board finish. Councilman Young seconded./ Motion passed unanimously.

Councilman Palmer made a motion to enter Closed Session, Code of Virginia, Section 2.2-3711(A)(7). Councilman Orr seconded. Motion passed unanimously.

Upon returning to open session, Mayor Campbell took a roll call vote to certify that only matters identified in the motion to go into closed session were discussed during the closed session. Accordingly, each member present certified by responding "YES".

After a motion, duly seconded, the meeting adjourned.