

Special Called Meeting

A Special Called Meeting will be held on
Wednesday, October 18th @5pm
for the following two items:

1. Consider amendment to the lease agreement for the parking lot as it relates to Dr. Hall's property.
2. Consider awarding the low bid for the parking lot.

Mount Pleasant

North Carolina

Founded in 1848

Town of Mt. Pleasant
Special Called Meeting
Monday, October 18, 2017 at 5pm
Town Hall Commissioners Room

Attendance: Mayor Del Eudy
Mayor Pro-Tem/Commissioner Lori Furr
Commissioner Scott Barringer (*absent, excused*)
Commissioner Warren Chapman
Commissioner Steve Ashby
Commissioner Justin Simpson (*present by conference call*)
Town Administrator Randy Holloway
Town Attorney John Scarbrough
Town Clerk Amy Schueneman

Also Present: Deputy Jason Yount, Mr. Jason A. Oesterreich

Call to Order- Mayor Del Eudy

Excused Absence

Mayor Eudy informed the Board that Commissioner Scott Barringer called the Town Clerk asking to be excused from the Town Board meeting. A motion to excuse Commissioner Barringer from the meeting was made by Commissioner Chapman with a second by Commissioner Ashby.

All Board Members were in favor. (4-0, due to excused absence Commissioner Barringer)

1. Consider amendment to the lease agreement for the parking lot as it relates to Dr. Hall's property.

Mayor Eudy allowed Mr. Jason A. Oesterreich, Attorney for Dr. Hall, to address the Board concerning the amendment to the lease agreement for the parking lot as it relates to Dr. Hall's property.

Mr. Oesterreich stated that "Dr. Hall wants to be a good corporate citizen and he wants to participate. The project is good for the Town but is a sacrifice for him since he will have to work around the construction on his premises without a tremendous benefit coming back to him." In terms of us agreeing to the lease there are a couple of things we would like. The only outstanding issue is there is a significant liability in opening up your property to the public. The provision is drafted in a more limited fashion after talks with Randy Holloway this morning. Dr. Hall wishes to not take on more liability as he helps the Town with this project.

John Scarbrough, Town Attorney, asked what is the final offer on the table so the Board knows what they are voting for. There is the issue of liability. But, what exactly is Dr. Hall offering?

Mr. Oesterreich said the final version of the lease was sent Monday to Mr. Holloway. Essentially what we requested is 1) a minimum of four million dollars in increased liability insurance maintained by the Town and indemnify Dr. Hall if any liability arose from the use of the parking lot exceeding the insurance; 2) the Grandfather provision for Dr. Hall to rebuild his premises in the event of a casualty would be hampered if the setbacks change. By using the rest of his land for a parking lot, he could not move back further if the setbacks changed. Dr. Hall would like to be able to have an early termination right from the lease in the event of a casualty; 3) the final issue for Dr. Hall is the location of the driveway. Dr. Hall's preference would be to move the driveway and side parking to the opposite side of the current location on the plans.

John Scarbrough wanted to clarify the final offer on the table is the agreement sent on Monday at 245pm. He asked if the terms in that written agreement is what stands right now without changes.

Mr. Oesterreich said there were two revisions: 1) the 10 million to 4 million insurance policy; and 2) instead of the Grandfather privilege, there would be an early termination right in the event that a casualty occurred that required reconstruction or rebuilding and current zoning prohibited that. Dr. Hall is willing to work with the Town on the relocation of the driveway.

A motion to go into Closed Session to discuss amendments to the Lease agreement for the Dr. Hall's property was made by Commissioner Ashby with a second by Commissioner Furr. All Board Members were in favor. (4-0, due to excused absence Commissioner Barringer)

Closed Session 143-318.11. (a)(5)

To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

Commissioner Simpson made a motion with a second from Commissioner Furr to end the Closed Session. All Board Members were in favor. (4-0, due to excused absence Commissioner Barringer)

Upon returning to Open Session, a motion to reject the Hall property agreement and to allow Dr. Hall to sign the original agreement by noon on Thursday, October 19, 2017. If no signature by designated time, then the Town will precede with an alternate plan excluding the Hall property was made by Commissioner Ashby with a second by Commissioner Chapman. All Board Members were in favor. (4-0, due to excused absence Commissioner Barringer)

2. Consider awarding the low bid for the parking lot.

The Town Administrator has received two bids and two "no bids" on the proposed municipal parking lot on North Main Street.

This item was discussed during the budget planning process and is included in the FY-2018 budget in the amount of \$400,000. We have a contract with Stimmel Engineering

in the amount of \$18,500 for the design of the parking lot. That leaves a remaining balance of \$381,500.

The bids are as follows:

- | | | |
|----|---------------------------------|-----------|
| 1. | LCJ Construction Company | \$344,605 |
| 2. | Piedmont Asphalt Paving Company | 515,800 |
| 3. | Trull Contracting | "no bid" |
| 4. | Lyle Cauble Paving & Grading | "no bid" |

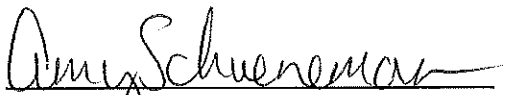
The Town Administrator and Public Works Director recommends adding a 10% contingency (\$34,461) to the contract to cover any unexpected issues and changes on the Town's part. That would bring the contract amount to \$379,066. If the Hall property is not paved as part of the project, the cost should be reduced because the scope of the project is reduced.

A motion to award the low bid of \$344,605 to LCJ Construction Company and add a 10% contingency; and approve the Town Administrator executing the various documents was made by Commissioner Chapman with a second by Commissioner Furr. All Board Members were in favor. (4-0, due to excused absence Commissioner Barringer)

Adjournment

With nothing else to come before the Board, Commissioner Chapman made a motion to adjourn. Commissioner Ashby seconded the motion with All Board Members in favor. All Board Members were in favor. (4-0, due to excused absence Commissioner Barringer)

By our signatures the following minutes were approved as submitted and amended on Monday, November 13, 2017 in the Regular Meeting.


Town Clerk Amy Schueneman


Mayor W. Del Eudy

