

Special Called Meeting of the  
Mayor and Council  
November 26, 2007  
7:00 a.m.

The Mayor and Council met in a Special Called meeting on November 26, 2007 at 7:00 a.m. in the Municipal Building for the sole purpose of discussing/acting on the bid for the Renaissance Project.

Present and presiding: Gary Norwood.

Council present: Steve Allen, Tommy Nicholson, Rick Johnson, Carol Macha, and Chris LaCrosse.

Council absent: Dwayne Noe.

Others present: Chris Cherry, Chuck Walker and Phyllis Schaeffer.

Mayor Norwood: Thank you. The purpose of this meeting as stated on the agenda for the sole purpose of discussing and acting on a bid or bidder for our Renaissance Project.

Chris Camp: ok. First let me say thank you for coming out and I apologize that we're having to do this meeting this way but um, as I shared with the Mayor we got very little notice to perform a vote uh you have uh uh your time frame expires or we have to re-bid again. Uh, what I've given you I spoke with Chris last week and then the Mayor I have laid before you two funding scenarios uh, as of six o'clock(6:00) on Wednesday night I spoke with, with Lafferty and they told, they assured me they were going to meet the DBE goal but I have not received confirmation from TDOT which I'll have to get today uh, but if they do meet the goal you do have to go with Lafferty cause as the low bidder TDOT does not allow you to choose another bidder, I did confirm that. Uh, as requested we did uh, seek references I gave you a packet um, I know you had, you had, uh, been informed of one bad project uh, maybe two but in checking their references we, we got references uh, from the City of Clarksville, Randy Petersen, uh, was the sidewalk replacement project, Kenny Daniels, uh, was a roads, lighting, and sidewalk project also in Clarksville Joe Mills at Austin Peay was Water main replacement, concrete and asphalt and underground piping and you, you may note on there on, on the uh reference from Joe Mills um, you know, uh the, when we asked the question did you get a lot of change orders just a few unforeseen things um, Temple Island um, Jesse Jeeter the maintenance manager he says they've worked with them for eight years they are very responsive and will do what they say. So, if I were, if I were, if I knew nothing about Lafferty and I was going through my normal process and I got this, this kind of reference I wouldn't have any problem recommending them to you. Um, we, we did not, you know not everyone would return our phone calls but I feel much better now about their performance and um, uh, they, they are quite a large company doing over twenty million dollars worth of work a year.

Chris LaCrosse: brief time out...

Chris Camp: yes,

Carol Macha: sorry...

Chris LaCrosse: a brief recap for Carol that won't take just a second...

Chris Camp: That's fine um,

Chris LaCrosse: she needs to hear...

Chris Camp: uh, Carol I was just going over that we did confirm with TDOT that you have to go with the low bidder if they meet all of the DBE and ...

Carol Macha: ok...

Chris Camp: all of that, but and we did do reference checks on Lafferty and, and the ones we were able to get to return our calls all gave them a good reference so, uh, we, we did do that. Now, where we are as of Wednesday I spoke with Debra Luter at the uh, it's the Civil Rights Division, who do the DBE verifications I must admit that uh, uh Lafferty submitted a package that I don't think they reviewed very well because she said they didn't uh state their compliance and when I talked with Lafferty they had submitted their bids that they got from the DBE showing they had a 10% goal two weeks ago closer to three weeks ago, um, she didn't realize the bids were, was their attempt to show who they were going to use and all of that. They worked through it and um, uh, I would, Lafferty told me they, they have found a supplier that upon certification of that supplier they will be at 25% However, because uh, I did not feel good about that I also had um, Roy T. Goodwin submit their DBE stuff to TDOT on Wednesday and they do meet, they had 16.8% at the bid and they have upped theirs to 25. So what I would recommend and I'm glad Jennifer is here but I wrote a resolution as, as a sample, but by approval of the Ashland City Council we do hereby agree to award the contract for Ashland City Renaissance to R. Lafferty and Son Incorporated for work outlined in the plans and specifications as covered in the bid manual dated September 24<sup>th</sup>, 2007. This approval is subject to R. Lafferty and Son Incorporated uh, Incorporated's level of DBE participation being certified by TDOT November 26<sup>th</sup>2007. Should TDOT not approve the DBE participation of Lafferty and Son we hereby agree to award the contract to the second low bidder, Roy T. Goodwin Contractors Incorporated. This award is subject to TDOT approval of DBE participation levels by Roy T. Goodwin Contractors Incorporated. A notice to proceed will be authorized today to R. Lafferty and Sons or Roy T. Goodwin after confirmation of DBE participation. I will write a notice to proceed subject to Jennifer and the Council approving the AIA contract that will be using and their bonds being turned in but we have to make an award today or re-bid it so I need to issue a notice to proceed today.

Chris LaCrosse: ok, and who gave us this deadline, it was, the deadline was given...

Chris Camp, the state, the state, TDOT operates under a state mandate that bids must be awarded within 30 days of receipt your 30 days was up on Friday but I was able to get uh, through Nancy Sarter, who oversees the community projects, I said there's no way to get a quorum it's the day after Thanksgiving and all the Council members are out of town and you just notified us on Monday that we had an issue with Lafferty's DBE participation

Chris LaCrosse: Nancy Sarter?

Chris Camp: yeah, she's over Community, Community Programs and she called TDOT's legal department and was, since the state TDOT was closed on Friday and couldn't conduct business they gave you until the end of today.

Rick Johnson: Mayor, I'd put Chris's motion in a form of a motion and we can discuss it after that.

Mayor: Alright, motion as been made

Carol Macha: Second

Mayor: it has been properly seconded

Chris LaCrosse: Mayor

Mayor: yes

Chris LaCrosse: before we get too far into it, I, I think that I need to declare a potential conflict, my brother Phillip owns a building, north, 622 North Main street the Williams Jeweler's building put that on the record before we discuss it.

Mayor: Ok, very good, uh, Chris,

Chris Camp: Um hm.

Mayor: the sheet that you gave us and I want to be sure that everyone understands exactly what we're doing, I need you to go over exactly the, the area we are planning to do the work on and exactly to the penny including your fees and everything that it's going to cost us, as to what the bottom line is.

Chris Camp: ok, alright let's work with Lafferty's bid sheet that's, that's uh, the one that shows a contingency of Forty-two thousand dollars at the bottom.

Mayor: ok.

Chris Camp: Alright, uh, basically what, what your getting is all these improvements, that you see shown in this area this is where we're going to be building pavement, uh, re-doing the pavement, all new sidewalks that you see entered in, the island in the roadway, the landscaping within this zone, the replacement of the water line, uh, from about right in this area all the way down to this area...

Mayor: a lot of, has some of that been replaced Chris,

Chris Camp: no, no,

Mayor: none of it along Main Street, here, been replaced

Chris Camp: no, your, just passed Chestnut, where your, where your waterline the new waterline stops uh, in the area of this parking lot here on Chestnut, where Danny Holder is doing his new showroom. Your getting storm sewer in this area that you see in gray, ok, we're installing storm sewer, alright, new curbing ah, all new sidewalks, everything in there plus storm sewers from down here in front of the Shell all the way past um, the laundry mat, you know, tied into that existing line down there.

Mayor: uh huh, uh huh, new storm sewers and gutters

Chris Camp: yes, yeah

Mayor: to take the water away ok,

Chris Camp: the inlets, you know, the whole, it will all be underground drainage in there, um, new sidewalk all the way up to Burger Alley and each, and each of the corners of the existing parking lot will be, will be done and Cheatham County is reapplying for this section in this enhancement grants period to redo this parking lot at Sycamore and the opposite side of Frey. Now, um, we do not have the money to do the traffic signals at this time uh, to redo the traffic signals but we will be doing and I've come to the electrical sheet because that's a big part of it uh, I'll start down here at the Shell Station we will be undergrounding cable and telephone in this contract but we won't be doing the main electrical overhead line as far as underground but the conduit you know the nine..duct... (inaudible) nine conduit is still in. We will be undergrounding this section that comes from the uh, uh, corner of Sycamore and Main back through Shinbone Alley that's gonna all go underground right here so this overhead coming across goes away. Alright, we're putting in a new pole here at El Rey's, losing that pole that has a guy wire on it, over to this location getting it out of the, you know, where the pedestrians are moving there and it will be a self supporting pole where it will not have a guy wire same thing on this pole that's in the corner where Danny Holder's tents up, right now that pole has a guy wire that comes down into the sidewalk. That will be a new pole, a freestanding pole.

Mayor: Now, what's up there now are metal poles, right?

Chris Camp: Yeah, but they're not freestanding poles.

Mayor: right, so, what your gonna put back is a metal freestanding pole.

Chris Camp: freestanding pole, right, they are about twenty thousand a piece.

Mayor: is that the cost of the pole or the installation?

Chris Camp: that's the cost CEMC gave us

Mayor: to replace it

Chris Camp: yeah,

Mayor: ok.

Chris Camp: this overhead line that goes down through the Bethesda will go away and the service will come in from Vine Street.

Mayor: Chris, I'm sorry can I ask another question please

Chris Camp: yeah,

Mayor: on the price of the pole the twenty thousand dollars you said it was about twenty thousand from CEMC. Do you have a hard quote on that?

Chris Camp: No, they gave us, they gave Tony Pezzi, ah, ah, a price of one hundred to one hundred twenty thousand (100-120,000) dollars based on his plan to, to, make the changes so that where, again,

that's where I gave Jennifer the court case in Nashville where if you have, move utilities out of, out of circulation they had to cost share, and in all these cases where we move it this is becoming a freestanding pole because it has a guy wire that comes down to the sidewalk so based on that court case I do think you would have grounds to go back and you say, got to put in these freestanding poles because you can't have guy wires plus this pole at Bethesda is right in the middle of the sidewalk and there is no way to put in a handicap ramp so you've got ADA issues with their poles. And I think you've got grounds to ask them to move them because of that. Uh, but coming back to this pole at Danny Holder's and again the line to Bethesda will, will, this overhead power line will go away there's a pole here that can service all these buildings, that there's a transformer that's fed overhead this direction you can come the same way from Vine to that transformer. That was in their quote as well. Uh, and then getting rid of this, this overhead line because it's also fed from Chestnut from the other direction. So, as far as electrical, uh, and then this is, this is, the, the purple it's still going to be overhead, this is the mainline, this is the mainline, that comes in front of El Rey. What you see in green is all the new street lights that will be underground electrical feeding all new street lights here, down, uh, uh, towards McDonalds from the corner of Chestnut, all the way to Sycamore you'll have these street lights and uh, for the Shell Station to here you'll have these street lights, this section to the middle, um, those, those street lights won't be in but the power will be there, the power comes through there. So, you're getting all the storm sewer, new pedestrian scale street lights all underground, telephone cable goes underground, conduit for future undergrounding electrical is in and um, and then, all new water line from, from, Mulberry to Chestnut, sidewalks, curbs, re-paved, re-striped, and then the landscaping comes in behind it. So, Alright then you want me to run through costs real quick and then take questions?

Rick Johnson: Let me get something clear first, Mayor, uh, top left over there Chris coming from Mulberry crossing Main over to the Shell is that line going away?

Chris Camp: the, the phone and cable comes off of those poles but not the big electrical transmission lines.

Rick Johnson: Well, I see the purple ones on the bottom,

Chris Camp: yeah, yeah,

Rick Johnson: I'm talking about the ones, that, that running up and down arrow shaped.

Chris Camp: This one?

Rick Johnson: Yes.

Chris Camp: Uh, yes, some of that is secondary overhead; again, it will be fed from back here.

Rick Johnson: So it's going away.

Chris Camp: Yes.

Rick Johnson: and the one at the corner of uh, where the carpet place is going to Shinbone Alley, all of those going away?

Chris Camp: Yes, Yup, those, the, this purple represents new underground conduit

Rick Johnson: So,

Chris Camp: replacing overhead lighting.

Rick Johnson: Ok, all that's going away

Chris Camp: um hm.

Rick Johnson: Alright, ok.

Chris LaCrosse: You say conduit, but I mean, those, so, I, Rick had hit my question. So the one, the one, let me clear out ah, some more typical people around here can grasp this in one, one try. The overhead, overhead across Shell Alley and then back Mulberry Street across the Shinbone Alley down or Norwood Alley whichever it is I can never figure it out...

Rick Johnson: Shinbone.

Chris LaCrosse: Shinbone, ok, thank you for that

Chris Camp: Yeah, the Chevron shape here that all comes down, this all comes down, this comes down and this comes down.

Chris LaCrosse: all comes down, it's

Chris Camp: You'll still, you'll still have the overhead coming by the Courthouse and across El Rey and down Cumberland and you'll still have the overhead going towards McDonalds and you'll still have the overhead from the Shell that comes, that, you know, comes across and back here. But the conduit, just the conduit for future undergrounding is gonna, will be installed, this will be installed, and this will be installed.

Chris LaCrosse: So we're only going to have two major crossings one at, one, one, down by the Shell, uh, going behind and one, one over here by El Rey's.

Chris Camp: Yup, now the only, well, the, the Shell is actually in front, ok, this overhead, uh, I'm sorry, yeah, you're still gonna have overhead here crossing Sycamore, there's a pole at the corner of the Courthouse

Mayor: and that's from, I'm sorry Chris, I'm trying to write this down to get my notes straight, from the Shell Station to the Courthouse it will stay overhead

Chris Camp: it will stay, the, the overhead electrical, but the cable and telephone come down.

Mayor: Right,

Chris LaCrosse: overhead electrical that's what I have, synopsis, so and there will be no overhead

Chris Camp: now, on the west side not at all anymore, ok, right, now you have some phone and cable overhead on the west side and all of that goes underground.

Chris LaCrosse: ok,

Chris Camp: so that will be a noticeable difference there.

Mayor: Ok, now we got, uh, from the Shell Station to the Courthouse remains, what other stretch through there will remain?

Chris Camp: the only, uh, you, you, will have uh, this line from the, that comes diagonal over to El Rey's remains

Mayor: ok,

Chris Camp: and then you have the Main line from this corner that runs to McDonalds remains, all of that big, big overhead electrical that's what they call their two primary feeds, will stay up

Steve Allen: with the conduit there

Chris Camp: but, conduit in place,

Chris LaCrosse: the original line we couldn't, they wouldn't put that underground, right now, I mean, if we, you put the conduit in

Chris Camp: well, that's where they wanted, remember, I can't remember now, was it sixty or ninety thousand dollars to do a study, to determine what their cost would be,

Chris LaCrosse: Ok.

Mayor: and we thought that they should cost share in that if not pay for all of it.

Chris Camp: right, right

Mayor: We got into a little

Chris Camp: right

Chris LaCrosse: so, so, what's going towards McDonalds and what's going towards El Rey's is coming off the same pole, one going one way,

Chris Camp: yes,

Chris Lacrosse: one going the other way.

Chris Camp: yes.

Carol Macha: Are they still those big silver poles, nothing to do about that?

Chris Camp: Um, I ,( inaudible) I'll have to check but I , there is a possibility that, that the new ones may be black but I'll have to check that, I'll have to go back and talk to Tony but I think they do make a black pole and I'll check on that.

Mayor: is there, go ahead Steven.

Steve Allen: What's the difference between a freestanding metal pole and a

Chris Camp: guy pole

Steve Allen: guy pole?

Chris Camp: well, the, the big difference is, I mean, it's a stouter pole and goes deeper in the ground but what it does is eliminates the guy wire

Steve Allen: yeah,

Chris Camp: that, they got now, that, that, you know, they're just bring them down in the middle of a sidewalk so a freestanding pole is self supporting and, and you have no, no guy wires to deal with.

Steve Allen: I, I was just thinking I've seen a lot of those metal poles that didn't seem to have wires

Chris Camp: well, it, it just depends on

Steve Allen: wire attached to them.

Chris Camp: the problem with the pole at El Rey's is at an acute angle

Steve Allen: yeah

Chris Camp: and then the one up here at Sycamore there, is at an acute angle at th4e swing, and if they don't have another pole to balance that with...

Tommy Nicholson?: balance stress

Chris Camp: yeah, they put those guys in, to balance the stress on the poles, that's why they go to the, that's what they call freestanding poles which is a stouter pole that can withstand those stresses.

Chris LaCrosse: how, how many of those poles will there be, replaced?

Chris Camp: there is going to be a new one in front of the Shell, a new one at the corner of Sycamore and Main, a new one at El Rey's, and a new one at Danny Holder's, so there's four of those.

?: Can the lines be higher?

Chris Camp: no, the lines? It just, it's just a replacement of (inaudible)

Mayor: that was one of the questions I was going to ask because I know Kingston Springs had an issue with Dickson Electric trying to get them to do anything but they did come to a compromise to raise the lines up about twenty feet higher,

Chris Camp: well we can ask that

Mayor: which made a big difference on

Chris Camp: yeah

Mayor: on looking at it

Chris Camp: Yeah, we haven't, we haven't asked that, so that's something we can pursue

Chris LaCrosse: Good.

Chris Camp: about, uh, you know, we're going to have to have a set down with them again, particularly if you're going to ask them to cost share based on you know, some legal precedents, not just out of the goodness of their heart.

Mayor: alright, yeah, yeah

Chuck Walker: (inaudible)

Chris Camp: there you go you have a fire protection issue

Rick Johnson: well, the last question I got now anyway, the conduit that's in the ground and this huge wire they're going to be pulling but, is there no problem with pulling wire through that once it's in the ground I mean, I can see how you can do it in a twenty foot section

Chris Camp: Well, well we got manholes where they can access it, yeah,

Rick Johnson: ok.

Chris Camp: Yeah, now the, the good thing is uh, if Lafferty is certified and, you see that I upped the CEMC cost one hundred fifty(150) even though we had a good quote of less than that there are always unknowns there might be a little bit of cost with Bellsouth or you know, the cable provider, and then I put the onsite construction administration cost, you know, that I quoted you thirty thousand(30,000) dollars that brings us up to one, one point seven(1.7) which leaves a contingency of forty-two thousand (42,000) for unknown items, and if you lower CEMC's costs that builds the contingency, you know, should those costs come down a little bit, so with Lafferty's, with Lafferty's costs we're, we're well within the budget, we have money left over for unknowns and uh, what, what that would do at the end of the day, would allow you, let's say we get to Ninety percent or even eighty percent and we see there are, you know, we're down to just a little paving and landscaping has been installed and that kind of thing and we see that there's going to be some left over funds, at their unit price for sidewalks you could go ahead and pave this Mulberry Street sidewalk uh, we might possibly be able to go ahead pave this piece across the front and finish that up. You really don't have enough to, to do any of the alternates

that were significant; you know, such as, uh, the changing out of the new street light poles that was a two hundred and fifty thousand dollar item.

Chris LaCrosse: traffic arm?

Chris Camp: yeah, uh, the traffic arms.

Mayor: yeah, but coming back at a later date that's not going to be a major issue

Chris Camp: no, but

Mayor: (inaudible)

Chris Camp: But, but now, at a TDOT perspective they are not going to give you a grant, they will give you a grant for some of the uh, cost associated with demolition and new circuitry but they won't consider the traffic signals, a true traffic uh, project, and not an enhancement project and, therefore they're not gonna pay the costs for new signals they, they used to be very inflexible about that it could change down the road, but uh, the pedestrian part, you know, the little lights that come on and say walk, now, they'll pay for that but they won't pay for the traffic lights so, uh, the other thing is, um, this side is going to require ramping and all to make it ADA accessible but this side does not. So again, there's a good chance if we have any excess funds we can use, get the whole side of El Rey's as well, so there's a good possibility for the forty-two thousand we could do this and this and extend on down with Lafferty. With Roy T. Goodwin we're probably gonna have to take the stamped concrete out to get them in budget and uh, then find some other small deletions in the project because their bid was right at one hundred sixty thousand plus or minus over and you don't have any contingency. You can't negotiate prior to the award but after the award you can, you know, we could, we could take and alter the bid, do some value engineering get that down, so Lafferty gives you the most options, you know, plus contingency.

Mayor: Are there any additional fees from Lose & Associates for what we can do?

Chris Camp: I, I, I wish I could ask for more and I, I do have to say if we have to bid it again I'm going to have to ask for more because we brought it in under budget twice counting the second bid bid was a million five – under budget.

Chris LaCrosse: Wait a minute, time out, ah, it was way over our, our funding for phase I. We, and then,

Chris Camp: No, not your available funds though Chris, we, it, your available funds were a million seven that's what we were operating with and we brought a bid in at a million five.

Chris LaCrosse: Well no, you estimated originally that project would be nine hundred and something thousand and it came in so much over that we re-combined funds, not our fault.

Chris Camp: right, right, and I didn't ask for anything on that but what I'm saying I've brought it in on budget twice now and if they make us re-bid it again I've got to ask I, I've lost thousands of dollars on this project, thousands. Almost my entire fee.

Chris LaCrosse: I agree with you bringing it in budget this time. I understand what you're saying, I take it

Chris Camp: No, twice, No twice, twice.

Chris LaCrosse: you, your saying available funds

Chris Camp: Yeah, the grants you have total a million seven and I've brought it in at a million five, twice.

Chris LaCrosse: but, so if we like had to bid it the second time because.?

Chris Camp: Because they said the thirty days lapsed and again it was their fault, they didn't give us notification

Chris LaCrosse: ok, alright

Chris Camp: we turned everything in and it was the same scenario so um, but no, the thirty thousand (30,000) that's the number I gave you months and months ago uh, for our services for construction admin we're gonna stay with that number um, and the only thing I'll ask for is if they make us re-bid this thing again.

Mayor: Ok, so sending a person down from time to time to oversee it, look at it this kind of stuff,

Chris Camp: well daily, we'll have a man here all uh, that's something I didn't mention but that's another thing you have in your favor with Lafferty. If there's any concern we have to have a man here eight hours a day every day so your gonna have one of, that's what the thirty thousand's (30,000) for, a full time resident inspector.

Mayor: and, which the state requires

Chris Camp: state requires

Mayor: found out later

Chris Camp: yeah, and there were two other questions Chris asked me and I want to throw those out the, if they are late liquidated damages is two thousand(2,000) dollars a day and uh, it's 270 days you asked me how long the time frame is.

Chris LaCrosse: two thousand (2,000)

Chris Camp: two thousand (2,000) dollars a day if they're late.

Carol Macha: and it's a 270 day

Chris Camp: Contract.

Chris LaCrosse: Chris go back on your contract again. Jennifer probably knows this one more clearly. After that, I read it after the meeting that we approved it. I think it calls for the original, the phase I, so, we're operating under the original contract since everything's in Phase I, now, we're just operating under your original contract.

Chris Camp: Right.

Chris LaCrosse: and the original contract was uh, let's see Ninety-two one twenty five (92,125.) plus for an amount that covers up to nine forty three eight hundred (943,800), nine hundred forty-three thousand eight hundred (943,800) dollars, and then ten percent (10%) over that. So, so, what we'd be doing now would be to take this total amount this one point one whatever it comes in at, the bid that's accepted, your, your fee would be based on the bid that's accepted minus the nine hundred forty-three thousand eight hundred(943,800) dollars times ten percent(10%).

Chris Camp: uh, Jennifer, I haven't looked at our contract in forever, I, I,

Jennifer Noe: (inaudible).

Chris LaCrosse: I believe, I believe that's what the language is. So, that would say that you would have another, instead of our original, the only contract we signed with you gave ninety-two, one(92,1) and change specific to nine hundred forty-three thousand(943,000), I've got it back here, let me see, but trust me, I think those numbers are good nine hundred forty-three thousand eight hundred(943,800), and so, since everything has been combined in it but allows that any amount over that we'd be billed at ten percent (10%) stand.., your fee, any amount spent over that would be ten percent(10%). So I would say out of this, cause obviously you've already drawn most of all of that we've discussed, most of that money's gone that was in the original contract, so you would draw uh, you have another one point seven (1.7) minus nine-six hundred thousand (9-600,000) so somewhere in the neighborhood off or what the bid, one point five (1.5) million another sixty-five thousand (65,000) dollars or so in fees.

Chris Camp: If, if that's the way it is written that would be correct but I, I tell you what I'm going to do I'm not going to ask for that full amount uh, because that was written not combining the two grants uh, packages, ok, that was when we were bidding a nine hundred thousand(900,000)and then, but I would like, uh, you may also recall that we came back and asked for a phase II design contract of about ninety thousand(90,000) or whatever um, to be fair I told Chris earlier this is our first one of these projects and it's been a learning curve for us, but I would, I would, reduce that to six percent(6%) uh, since we haven't been able to get this done as quickly as I would like to. The overage instead of charging you ten percent (10%) would change to six percent (6%). Which would save you a significant twenty-five thousand dollars (25,000). To be fair but, but I haven't looked at that contract in, in forever, but I would do that.

Mayor: Would, Would you mind taking a look at it and getting with Jennifer and

Chris Camp: sure

Mayor: presenting us with another contract

Chris Camp: sure

Mayor: at the Council Meeting

Chris Camp: yeah, yeah.

Chris LaCrosse: and see this schedule of services at the back portion, this, the services should still be adequate because

Chris Camp: Right

Chris LaCrosse: it's the same amount of work just the dollars have changed.

Chris Camp: well actually we, well actually Chris we did combine we wound up doing some of Phase II work in phase I. but

Chris LaCrosse: ok.

Chris Camp: yes, yeah, but, so what, what you would have I didn't realize we had that in our contract with down there on the contingency you would have to take whatever that amount is out, out of the contingency so that would reduce that. But, Jennifer did you hear the resolution or did that, I had drafted, are you comfortable with that?

Jennifer Noe: Do you have a copy of that?

Chris Camp: I do.

Mayor: So Chris, right now the bottom line....

Changing the tape.

Chris LaCrosse: all these figures here

Mayor: So it's, its one point seven (1.7) million excluding his fees.

Chris LaCrosse: right.

Mayor: Ok. And I've got that and I want that in the minutes where everything is written.

Chris Camp: and again, I want to be clear that should you have to go with Goodwin, if you look at your spreadsheet that I gave you, um, they had a, uh, an alternate delete amount of, if you look on the uh, last page of the bid summary third column, Goodwin had seventy-eight five(78,500) in deductions so you see where you currently need a hundred sixteen thousand (116,000)with Goodwin and that includes the thirty thousand (30,000) dollar inspection fee. So if you took the inspection fee out uh, you would need eighty-six thousand (86,000) so Goodwin with those two deductions gets, gets you basically back on budget and we could find the other three or four thousand (3-4,000) dollars by making some slight changes. What it doesn't allow you for, that contingency, for the unknown but we can get them you know, basically to budget with the available funds.

Chris LaCrosse: Mayor

Mayor: Yes,

Chris LaCrosse: and this, something I would like to be clear about Chris, again, the way we're going about this to stay on budget and if it becomes, if it becomes the will of the Council, for whatever reason we really want to hold it to funds available to what our understanding is here this morning and we get into something unknown that runs it over, do we have the ability to, to delete

Chris Camp: yes.

Chris LaCrosse: to the point of staying on budget?

Chris Camp: yes, you have a unit, you have a unit price bid and you will pay based on the unit.

Chris LaCrosse: ok.

Chris Camp Ok, and you know we have done estimated take offs of how many square feet and all of that we will actually verify that in the field, uh, have to

Chris LaCrosse: umhm

Chris Camp: it's only as good as the survey but uh, most of this stuff is pretty easy to do take offs it's linear feet of water lines, square feet of sidewalks, so we're close, but you know, like the sidewalk up to Burger Alley that'd be the first cut I'd recommend if we run into some unknown uh, and we budgeted some things in there for patching and things like that that we may use less of so,

Chris LaCrosse: so, so we do have the ability to stay on budget going forward.

Chris Camp: Yes, yes you do.

Chris LaCrosse: we do?

Chris Camp: yes, umhm

Chris LaCrosse: good.

Chris Camp: and I would assume that we, I mean, we're going to be bringing pay outs every month but as, you know, we go along at fifty (50) percent if we see there is going to be an issue then we would present at that point some recommendations for a cut here or there, you know, to keep you on budget.

Steve Allen: What about that section of sidewalk on Mulberry that's not really in the (inaudible)

Chris Camp: it's not in there, but should you have extra funds you can add it in that's the beauty of the unit price bid.

Mayor: um, Chris, the one point seven (1.7), the price that we got at the bottom that I got circled, that price with the roa-scape, roadscape grant that's not in that?

Chris Camp: it's, that's, that's the correct total um, I know that the one point seven six (1.76) is correct oh, there it is, yeah, it's uh, the second item down, new funding TDOT Roadscapes forty-eight (48)

Mayor: forty-four ninety-eight (44-98)

Chris Camp: yeah

Mayor: Ok, alright, so it is included.

Chris Camp: umhm

Mayor: it is included in the one point seven (1.7)

Chris Camp: umhm, umhm, cause what TDOT did, you had three enhancements grants they rolled them into one pot of money so they didn't have to administer three different grants they combined them.

Mayor: ok.

Chris Camp: thank goodness or you would have had paperwork on three, their sea of paperwork is getting pretty heavy

Mayor: I just want to be sure that on, when we get into two hundred sixty (260) days that we don't come back and say well, I didn't know this wasn't included, you know, this is going to be an additional fee, I didn't know this was part of it or what part of it, and this kind of stuff

Chris Camp: right, right

Mayor: So I just want to be sure everybody has an opportunity to make their notes and everything is on the record.

Chris Camp: absolutely, I, ask me every question you can think of because the good thing is we're about to move forward and uh, procedurally um, you know, we'll have our site inspector make a you know, a report at workshop and if there aren't any issues, you know, then we'll present the pay app at the following meeting for vote. So, uh, but, we'll, you'll be getting a monthly report we have to, you know, and, and, this is important, you pay the bills and then you submit for reimbursement, ok. So, you have to pull that, if you're pulling this money out of reserve your gonna have to pull it out then put it back in, pull it out put it back in, but they don't, you know, you don't send it in to TDOT for payment it's reimbursement.

Chris LaCrosse: that's a good thing we have a nice, healthy reserve fund what would normal, what would towns that didn't have that money sitting aside do borrow money temporarily and turn it over?

Chris Camp: Well, I, I, I guess I'm fortunate but I've worked with towns like you that keep a rainy day fund that they always have put back for these purposes.

Mayor: Any other questions?

Rick Johnson: Mayor, I don't know, on ah, 12 there uh, (inaudible) of the center of the Courthouse there we'd asked you to move it, has it been moved a little bit?

Chris Camp: yeah, and we will, one thing I want to do there is mark that and we'll get, do you have any semi's in your stable of trucks?

Mayor: No.

Chris Camp: But, we'll get

Mayor: we can come up with one

Chris Camp: we'll come up with one and we'll, we'll have them do that turn and make sure we start that where, where, you are comfortable with that.

Rick Johnson: Gotcha.

Chris camp: I mean, I think that's just prudent to you know, we can lay templates down there all day long but let's get a truck out here and make the turn and mark it.

Mayor: Carol.

Carol Macha: Um, the only thing that concerns me is the CEMC issue, anyway that figure will be more?

Chris Camp: I, I don't think so because we, I increased it thirty thousand (30,000) over their estimate and I would actually hope it goes down, Carol.

Carol Macha: they don't seem too cooperative

Chris Camp: Do you, do you, want to give them a little bit more on the

Mayor: the only way it would be more, I would think it would be more is if we had requested taller poles and, and raised the lines up.

Chris Camp: right, right

Jennifer Noe: I think there is a case (inaudible) Nashville, and um, the facts were a little bit different and (inaudible) are under some different guide lines because they have housing development, um, it's interesting how that effects some of their stuff but basically the case that came out says that if we're requesting them to move them especially for the ADA compliance there's not a handicap accessible then they're supposed to be at cost and I've talked to one of Metro's legal Counsel and um, two or three weeks ago at a conference and uh, scheduled some time to meet with her to kind of discuss with, that, with her further and I talked with Chris about it and I would like to schedule something with CEMC and if we can, maybe get them to come off of some of that cost, and then I know in talking with Chuck today he does have a concern about (inaudible) and he would like to increase the height of the lines (inaudible) the fire truck comes through, so, um, I would like to, with the Council's blessing I talked with the Mayor previously put a little pressure on CEMC to get them to (inaudible) and I think with this new case law (inaudible) and I've talked to one of Metro's, of course Metro legal has, has had a change of guards (inaudible)

Chris LaCrosse: that's way down the road but at some point in time, when we get to the landscaping thing, I think, I've said something to Chris before and some of the concerns I think we need to have a little input and talk about what type of tree, how quickly the leaves drop, how much (inaudible) gonna be involved, (inaudible) the height, the roof tops and stuff,

Chris Camp: right right, and we, we took that into consideration and selected

Chris LaCrosse: later on,

Chris Camp: umhm,

Steve Allen: How many, how many cities have you dealt with that's uh, that has the stamped concrete for a sidewalk?

Chris Camp: Um, a lot of people use brick and we went with the stamp because it was a less expensive option and it would give you the uh, sort of, and it is a stone pattern it would give

Steve Allen: yeah, yeah,

Chris Camp us, ah, we, we use it a lot on our parks and recreation facilities around big plaza's concession restrooms and we really like it from that stand point I mean,

Steve Allen: I really like it too my only concern was, is, if it's stamped, I know it's really pretty and I think it looks great in a driveway, but how is it as far as foot traffic, you take the ladies with,

Chris Camp: heels and all

Steve Allen: heels or whatever does that create a problem?

Jennifer Noe: If I can address that not that I'm an engineer by any stretch but I wear heels just like Carol does and in downtown Nashville play s havoc with the, you know, the little grates and every thing

Carol Macha: right.

Jennifer Noe: and I have some stamped concrete and it's got a small crevice in between the stamped pattern it's a lot more durable and lot easier to walk on and if you have the brick,(inaudible) you have mortar (inaudible) and a lot deeper indentation

?: ok,

Chris Camp: but, what, there again we'll have a sample pat, panel poured give you all the opportunity to look at it before we fully authorize them to proceed and make sure, well, in fact they used it at the Shell, that's what, were, they used the pattern down here at the Shell Station that we're gonna use so, if you want to look at that Steve and get, get a feel for that let me know

Steve Allen: I, I've seen some of them that were stamped with the deep grooves

Chris Camp: Right.

Steve Allen: and you know, I guess, like she said they can have a shallow

Chris Camp: yeah, and we'll dully note that, that we want to keep it as shallow and create the pattern as we can but, I remember know the Shell, people doing the Shell called me and they used the pattern we're looking at they went a little uh, a little more the buff color I want us to go a little more gray where it looks a little more like stone then color they selected but, um, that's a good example, of they used two

different stamps down there a brick and a and we'll have a brick stamp in the cross walk which is what they did down here.

Mayor: Any other questions? If no other questions we have a motion and a second, Phyllis would you call the roll please. Does the Council would you,

Chris Camp: Rick, Rick made the motion

Mayor: I'm sorry, would, does the Council want to restate what the motion is, is everybody ok with it

?: It's written on this right here.

Chris Camp: Yeah, yeah, and let me say that has to be sent in today so, um,

Chris LaCrosse: (inaudible)

Mayor: ok,

Steve Allen: One more question, between (inaudible) all our grants and the roadscape grant what does that come to?

Chris Camp: the one seven six number,

Mayor: One million seven hundred sixty thousand three hundred thirty three (inaudible)

Tommy Nicholson?: that would be the local fund, a hundred sixty two thousand

Mayor: inaudible, you ok, alright, Phyllis would you call the roll please.

Phyllis Schaeffer: Johnson

Rick Johnson: yes,

Phyllis Schaeffer: Macha

Carol Macha: yes,

Phyllis Schaeffer: LaCrosse,

Chris LaCrosse: abstain,

Phyllis Schaeffer: Allen

Steve Allen: yes,

Phyllis Schaeffer: Nicholson,

Tommy Nicholson: yes,

Phyllis Schaeffer: Mayor,

Mayor: yes. Motion carries,

Phyllis Schaeffer: yes.

Chris Camp: I would just like to address the Council and say I appreciate your patience it's tried us all working through the TDOT red tape but I do appreciate you all's patience and perseverance with us

Mayor: Wednesday was a little bit of a bugger bear,

Chris Camp: yes it was

Mayor: wee uh, Chris and I were pulling our hair out trying to figure what we were going to do Phyllis was out sicker than a dog and uh, uh, city hall I gave them permission to close a little bit early as they only had like two customers all day long and uh, here it is at the eleventh hour, laughs we were going nuts

Chris Camp: and to be honest it is so frustrating that, that TDOT's options were well you can rebid it again, well they don't understand the cost of doing that re- the Tennessean advertisement ah, over a thousand dollars every time you have to run that

Mayor: Well, well this is the limit we get it on the 26<sup>th</sup>, we open bids on the 26<sup>th</sup> we give it to the state to review,

Chris Camp: within three days

Mayor: they had it within three days of us opening the bids, ok, they have to review it make sure you have all the DBE's and all this kind of stuff to it, they get it back to us on Monday of last week stating that Lafferty didn't have the correct amount of DBE's so between Monday and Wednesday we're trying to work with Lafferty to make sure that they can get the DBE's or Goodwin or whoever's gonna get the project and then they said we have to have a vote back to them by Friday, Thursday's Thanksgiving, Friday everybody's off, the State's off on Friday it wouldn't have done any good to get them anything so, I asked Chris to call and see if we couldn't get an extension on it well they were graceful enough to give us a day.

Laughter

Chris LaCrosse: really nice of them

Chris Camp: yeah,

Mayor: that frustrating part of this

Chris Camp: yeah, that's what's frustrating that that we turned you know everything in Phyllis had to turn a ah, letter from ya'll in within three days all that goes in and, and you wait some twenty (20) odd days and get a response with, on a holiday week with no time for action so if I seem a little frustrated that's part of it, it's just, difficult and, and to say, well, just re-bid it or, or, well actually they said you can award it to Sessions because they had a twenty-five (25) percent DBE well they were the highest ones you got.

Mayor: and I wouldn't give it to Sessions (inaudible) before I'd give it to them

Chris Camp: So, but we'll uh, you need to get that draft letter I passed out typed on your letter head if you got a memory stick I can transfer it over from my computer over to yours this morning and you can just get the Mayor to sign it.

Phyllis Schaeffer: Can you e-mail it to me

Chris Camp: I can email it to you when I get back in.

Phyllis Schaeffer: (inaudible)

Chris Camp: yes,

Chris LaCrosse: Mayor, just a brief um so if I understood it correctly in the conversation, and really the first time I really understood it this morning was that the re, you had to re-bid it the second time because they didn't act on it fast enough

Chris Camp: that's right, that's

Chris LaCrosse: and see Goodwin was the low bidder second time around at one point five (1.5) so, so the reason we couldn't act on that one was simply because the state didn't do their job in time

Chris Camp: They said we didn't make an award in thirty (30) days

Several people talking at once (Inaudible)

Chris Camp: And they didn't get us the letter about making

Chris LaCrosse: that's crazy

Chris Camp: an award till after the thirty (30) days

Chris LaCrosse: Yep, so that's so there you go. So, that's what I didn't quite understand we had a qualifying bid in Goodwin that we could have awarded if we could have acted on it

Chris Camp: yeah

Chris LaCrosse: but we couldn't because they hadn't done their part

Chris Camp: that's right,

Chris LaCrosse: go figure

Steve Allen: and that's what's gonna be the problem with CEMC, too,

Carol Macha: umhm,

Jennifer Noe: and Chris I think realistically because Thursday and Friday were a state holiday's I think we really had until tomorrow but

Chris Camp: Well, we'll

Jennifer Noe: keep TDOT happy

Chris Camp: We'll get her in today I, I don't know what, don't want to give them any opportunity uh, to, to,

Rick Johnson: we can almost have it there by eight o'clock (8:00)

Mayor: yeah, laughs

Steve Allen: Personal drop off

Carol Macha: going that way

Laughter

Mayor: Doots,

Rick Johnson: this doesn't relate to this at all when we met at Council meeting there was a second reason that you were going to call this meeting, whenever the time came to call this meeting,

Mayor: yeah,

Rick Johnson: Do you remember what we were going to meet about? The second reading?

Mayor: No. If it comes up we would at the same meeting I don't remember what it was but whatever it was it didn't come up. So I... it hadn't come up yet.

Rick Johnson: I didn't want to miss an opportunity

Mayor: Well we couldn't discuss it any way cause it wasn't advertised

Rick Johnson: It's that way, ok.

Mayor: We can only discuss what was advertised, it's that way we can only discuss what we advertise

Rick Johnson: Ok, motion to adjourn,

Mayor: Motion has been made,

Chris LaCrosse: second

Mayor: properly seconded, all in favor say aye.

Ayes are said.

Mayor: all opposed likewise,

Meeting adjourned.

