

**TOWN OF HOPE MILLS
CLOSED SESSION MINUTES
FRIDAY, OCTOBER 30, 2015**

Mayor Warner called the Closed Session to order at 4:34 p.m.

Mayor Jackie Warner, Mayor Pro Tem Bob Gorman, Commissioners Pat Edwards, Bryan Marley, Edwin Deaver and Jerry Legge were present.

Others present were Town Manager John W. Ellis, III, Town Clerk Melissa P. Adams and Town Attorney T.C. Morphis.

PURPOSE: Closed Session was called pursuant to NCGS 143-318.11 (a) (3) to consult with the attorney and maintain the attorney-client privilege. Mayor Warner commented the closed session will be to discuss the ongoing contract negotiations for the dam project.

Town Attorney Morphis and Town Manager Ellis presented the Letter of Conditions that ASI had submitted to them. The amount is \$8,791,198.00 with them assuming all the risks, 105 feet pool level and clearing the entire lake area. ASI wants to retain all unused contingencies and if there are savings in the construction, the Town would get that back.

Discussion pursued among the Board in reference to acceptance of the GMP and with the conditions that are being met. Town Attorney Morphis and Town Manager Ellis have been instructed to amend the contract to show:

- The entire amount of money allocated to clear the lake bed (\$117,000.00) is used as needed to completely clear the upper and lower acreage.
- The Town will pay the fees of approximately \$10,000.00.
- The beach area will come out of the settlement separately from the contract.
- The Town will close the road/bridge during construction as requested saving approximately \$500,000.00
- The Town will provide access to the upper acreage for clearing
- Liability /hold harmless language will be amended to account for the requested 105 feet pool level
- Noise/vibration from the labyrinth weir type dam will be minimized as much as possible.

Discussion pursued among the Board in reference to possible dock policies once the dam is complete and water can be impounded and the consensus of the Board is to look at it on a case by case basis.

Mayor Warner commented they have been able to reduce the cost by about 22% with no reduction in the product which is a pretty good job. Town Manager Ellis commented that Kevin Lugo has spent several days with them negotiating things like price of cement and profit margin percentage. Mr. Ellis remarked that the comments to the constituents for them would be they have lowered the price by almost two million and not compromised the product. Mayor Warner remarked the GMP would be our bottom line and no change orders.

After a brief phone conversation with Kevin Lugo, Del Shannon and John Bowen, the Board was satisfied the conditions they had reviewed and proposed can be incorporated into the contract.

Discussion of the motions that would need to be placed in open session pursued.

Mayor Warner closed the session at 5:46 p.m.

JACKIE WARNER, MAYOR

ATTEST:

Melissa P. Adams, MMC Town Clerk