



# MINUTES

December 14, 2023

## SPECIAL CALL MEETING OF THE CITY COUNCIL

WHITMIRE ACTIVITY CENTER | 310 LILY POND DR. | 11:00 a.m.

**Present:** Mayor Barbara G. Volk and Council Members: Mayor Pro Tem Lyndsey Simpson, Dr. Jennifer Hensley, Debbie O'Neal-Roundtree, and Jeff Miller

**Staff Present:** City Manager John F. Connet, Assistant City Manager Brian Pahle, City Clerk Jill Murray, Community Development Director Lew Holloway, City Engineer Brendan Shanahan, Public Service Director Brent Detwiler, Communications Coordinator Brandy Heatherly, Budget Manager Adam Murr, and others

### 1. CALL TO ORDER

Mayor Volk called the meeting to order at 11:00 a.m. and welcomed those in attendance. A quorum was established with all members in attendance.

### 2. PRESENTATION

**7<sup>th</sup> Avenue Streetscape Guaranteed Maximum Price (GMP)** – *Brendan Shanahan, City Engineer*

City Manager John Connet explained that Harper General Contractors (Harper), the City's contracted Construction Manager at Risk, has bid the construction and trades related to the 7<sup>th</sup> Avenue Streetscape project (#18022). Harper has provided the City a guaranteed maximum price (GMP) of \$3,545,936.00. There may be opportunities to manage costs and lower the GMP. Board approval of the GMP is an important step in the Local Government Commission's (LGC) debt issuance process.

Brendan Shanahan was on hand to answer any questions of Council.

***Council Member Lyndsey Simpson moved that City Council adopt the Resolution Authorizing the City Manager to Execute a Contract Amendment with Harper General Contractors for a Guaranteed Maximum Price (GMP) not to exceed \$3,545,936.00 and Authorize the City Manager to Make Change Orders for the 7<sup>th</sup> Avenue Streetscape Project (#16030) as presented. A unanimous vote of the Council followed. Motion carried.***

Resolution #R-23-124

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH HARPER GENERAL CONTRACTORS FOR A GUARANTEED MAXIMUM PRICE (GMP) NOT TO EXCEED \$3,545,936.00 AND AUTHORIZE THE CITY MANAGER TO MAKE CHANGE ORDERS FOR THE 7<sup>TH</sup> AVENUE STREETScape PROJECT (#16030)**

**WHEREAS**, the North Carolina General Assembly allows for construction management at risk contracts under G.S. 143-64.31; and

**WHEREAS**, the City of Hendersonville entered into a contract with Harper General Contractors. For construction manager at risk services for the 7<sup>th</sup> Avenue Streetscape Project (#16030); and

**WHEREAS**, Harper General Contractors have proposed a contract amendment to establish the guaranteed maximum price (GMP) for the project; and

**WHEREAS**, subsequent change orders made to the project after award of the GMP are not subject to competitive bidding requirements as the original contract GMP was competitively bid and there is no limitation on the dollar amount of change order work under G.S. 143-129(e)(4); and

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that

1. The City Manager is authorized to execute the guaranteed maximum price contract amendment for the 7<sup>th</sup> Avenue Streetscape Project (#16030) in an amount not to exceed \$3,545,936.00.
2. The City Manager is authorized to approve any changes orders that include deductive changes, and any change orders that do not require a project budget ordinance amendment.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 14<sup>th</sup> day of December, 2023.

**3. ADJOURN**

There being no further discussion, the meeting was adjourned at 11:13 a.m. upon unanimous assent of the Council.

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Barbara G. Volk, Mayor

ATTEST:

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Jill Murray, City Clerk