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TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: May 6, 2024

SUBJECT: Termination of the Downtown Sign Project Contract

ACTION PROPOSED: Consider Termination of the Downtown Sign Project Contract

ATTACHMENTS: None

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

On July 3, 2023, the Town entered into an agreement with Apex Sign Co., a limited liability company, d/b/a Ad Light Group. The contract between the two parties called for the construction of three (3) signs in the Downtown. Two of the three signs were completed at which time the Town Council paused the project. It is important to note that the project was paused, not for performance, but based on community feedback.

Section 5 of the contract between the Town of Johnstown and Ad Light Group provides for termination as follows:

SECTION 5: TERMINATION

5.01 Termination. The Town may terminate this Agreement, with or without cause, by providing thirty (30) days prior written notice to Contractor. Notwithstanding the foregoing, if the Town terminates this Agreement for cause and determines that a notice period is not in the best interests of the Town, the Town may terminate this Agreement by providing written notice to Contractor effective immediately.

At its discretion, the Town Council may vote to terminate the contract and Staff will work to formally notify the contractor of the termination of the agreement.

The Community that Cares

The Downtown Signage Project was a multi-phase project. The above information pertains to only Phase I of the project. Phase II was issued for bid and the bids were opened this year. The project was not awarded based on the fact that the Town Council paused the project to reevaluate the project. Staff would appreciate feedback from Town Council regarding, subject to the cancellation of Phase I, Staff would like guidance related to Phase II. Finally, beyond the Downtown Master Plan, are there other initiatives and projects Council would like to see emphasized in the Downtown?

STRATEGIC PLAN ALIGNMENT:

- Organizational Excellence & Public Trust
 - *Engage, inform and involve the community*

LEGAL ADVICE:

The Town Attorney drafted the Professional Service Agreement Contract that provides for the termination notice.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION: Staff will support the direction provided by Town Council.

SUGGESTED MOTIONS:

For Approval: I Move to Approve the Termination of the Agreement with Ad Light Group in Compliance with Section 5 of the Agreement Between the Two Parties.

For Denial: I Move to Deny Terminate the Agreement with Ad Light Group in Compliance with Section 5 of the Agreement Between the Two Parties.

Reviewed and Approved for Presentation,



Town Manager