

Minutes of the Called meeting of Eva Town Council held on Wednesday, March 31, 1999, at 1:00 PM in the Eva Town Hall. Present: Mayor Livingston, C. C. Mosteller, James Fowler, Clarence Alexander, Bert Collins, and late arrival Larry J. Smith. Also present: Curtis Kirsch, Architect and Judy H. Fortenberry appointed Town Clerk to replace Donna W. Ray.

Mayor advised that a resolution must be adopted to contract with Curtis Kirsch as Architect and Construction Manager. Mr. Kirsch explained the architect design fee is 6-1/2% which includes the bid process and documents and 8-1/2% fee for Construction Manager. To breakdown the architectural fee if the project cost is \$200,000.00, the fee is \$13,000.00. Since he has invoiced the town for partial payment of \$4,000.00, \$5,750.00 is due after the bids are received, and a balance of \$3,250.00 is due when the project is complete. In reference to the Construction Management fee, 8-1/2% is \$17,000.00; \$2,000 is due at the pre-construction conference and a balance of \$15,000 to be paid from sub-contractors estimate. (A signed contract is on file). Mr. Kirsch advised that he will spend four days per week in the Town of Eva during the construction.

Judy H. Fortenberry then questioned Mr. Kirsch why two contracts is drawn up could not there be one Architect/Engineer contract for this project and also why did the Construction Manager contract states "No Performance Bond" is necessary. Then added that if Mr. Kirsch should decide, as Architect, to terminate his contract, where did the town stand as liable to the sub-contractors for contracts not completed. Mr. Kirsch assured Council that the project would be completed. He added that most local contractors could not get performance bonds and this would cost the town much more in construction expense to require performance bonds. Mrs. Fortenberry then asked what length of time did he guarantee this construction? Mr. Kirsch advised that guarantee is one year after completion of the job. Mayor then advised that Larry Madison, Attorney, has read and approved the contracts.

Mayor then advised that any additional services from Mr. Kirsch such as drawing changes will be charged at a rate of \$100.00 per hour plus a design fee of \$35.00 per hour. Council agreed that if the doctor or dentist requested any changes to the design then they (doctor/dentist) would be responsible for the fees. Mr. Kirsch added that plans would be ready by the end of this week for bid.

Mr. Mosteller then asked Mr. Kirsch if \$200,000.00 is a final contract estimate. Mr. Kirsch stated that this is only an estimate and due to many factors it is not a final cost. After discussion and since motion has already been made to contract Mr. Kirsch as Architect, Mr. Fowler made motion for Mayor Livingston to enter a contract agreement with Mr. Curtis Kirsch as Construction Manager for a Medical Building for the Town of Eva, Mr. Collins second, carried.

Councilmember Collins introduced Resolution #99-1, Contract Agreement with Curtis Kirsch as Architect and Construction Manager and read at length. Councilmember Smith moved that all rules governing the council which might, unless suspended, prevent the passage and adoption of the resolution at this meeting, be and the same are hereby suspended for the purpose of permitting the said resolution to be finally passed and adopted at this meeting. Councilmember Fowler seconded this motion. Mayor Livingston put question to council and roll call vote as follows:

Mayor Livingston - Yea	Councilmember Mosteller - Yea
Councilmember Alexander - yea	Councilmember Smith - yea
Councilmember Collins - yea	Councilmember Fowler - yea

Councilmember Collins moved that the said Resolution # 99-1 as introduced be finally passed and adopted as introduced. Councilmember Alexander seconded this motion.

"We, the undersigned members of the Town Council of the Town of Eva, Alabama, hereby waive notice of Called Council meeting for the purpose to adopt resolution for Mayor Livingston to contract with Curtis Kirsch as Architect and Construction Manager and do consent that said meeting be held at the Town Hall in the Town of Eva, Alabama, on Wednesday, March 31, 1999 at 1:00 P.M.

~~Gary L. Livingston, Mayor~~ _____

Clarence C. Alexander, Councilman

Bert L. Collins, Councilman

~~James A. Fowler, Councilman~~ _____

C. C. Mosteller, Councilman

~~Larry J. Smith, Councilman~~ _____

Mayor Livingston put the question of final passage and the adoption of said resolution to vote of the council, and on call of the roll the results were as follows:

Mayor Livingston - yea	Councilmember Mosteller - yea
Councilmember Alexander - yea	Councilmember Smith - yea
Councilmember Collins - yea	Councilmember Fowler - yea

Mayor Livingston announced the result of the vote, and declared the resolution finally passed and adopted, or that it failed to pass. Reference to Section 11-45-2, Code of Alabama, 1975.

After discussing that Tommie Moore, part-time employee, had emergency surgery and would not be able to mow for approximately a month, Mr. Smith made motion to hire Don Shaver as a temporary employee at a rate of \$7.00 per hour until Mr. Moore returns to work, Mr. Collins second, carried.

Mr. Mosteller made motion to remove Donna W. Ray, resigning town clerk, from the banks accounts and add Judy H. Fortenberry, Mr. Alexander second, carried.

Mr. Alexander made motion to adjourn, Mr. Collins, second, carried.

Approved

4/5/99

Attest:

Eva Town Clerk