

Mayor & Board of Aldermen

Special Call Meeting 7pm

Meeting Minutes

July 6, 2023

Present: Mayor H. Michael Brown
Vice-Mayor Adrian Wiggins
Aldermen Frank Cates, Debbie Hummel, Jeff Fisher and Ken Sutton

Prayer and Pledge of Allegiance to the American Flag

- 1. Call to order by Mayor Brown**
- 2. Establish Quorum – All present**
- 3. Consideration of Report by Town Attorney**

Attorney Minor presented to the Board information (8 Documents), regarding Mewborn Farm Road, he received since last week's meeting. Attorney Minor stated the Bowers Road Contract does require the Town's Engineer to inspect the road before the town accepts it. Referencing document number 1, an email from King Engineering date July 5, 2023, he states he "cannot give an absolute guarantee that there will be no problems with Bowers Road after the 1-year warranty expires, however, I can say with more confidence in almost any other street or road project, the town should accept Bowers Road. One reason is because my inspector's observation during the construction process, secondly, the developer employed the Geotechnical Engineer to perform more than the usual quality control measures; third, there was less sanitary sewer on Bowers Road than most streets, with sewer there tend to be more deep cuts to be the primary source of failures and finally the minor irregularities in the asphalt has been satisfactorily addressed by the paving contractor, in mine and Harvey's opinion." Attorney Minor addressed the Board that would be number one for their consideration.

Attorney Minor referenced a second document, which the Board discussed last week while working toward a resolution of this matter, is an email from Mark Matthews that was sent to Attorney Spore, who represents Mr. Grant. The email points out in writing, as for turning lanes off Bowers into the town's park, Wilson Crossing Partners, LLC (Twin Oaks Subdivision) would agree to install the turning lane at their unit cost price, but at the town's expense, once they are remobilized for the next phase of the Planned Development, which is already approved.

The third document was an email from Taylor-Cates representing Browning Construction, agreeing to settle their portion of this global issue for the contingency money (\$144,000.00) and \$20,000.00 payment from Wagner.

The fourth document was the actual assignment of warranties that will be signed by Keith Grant, Wilson Crossing Partners, to the Town of Oakland and acceptance by Browning of the obligation to warrant the road for a year (once the road is accepted).

The fifth document is an email from Wager received this afternoon by Harvey Ellis, stating they are willing to pay the \$20,000.00.

The sixth was emails sent out by Attorney Minor stating that lien waivers and affidavits are required to be signed by Browning Construction and all their subcontractors.

The seventh document is a drafted resolution for the Boards approval if in fact the road is accepted

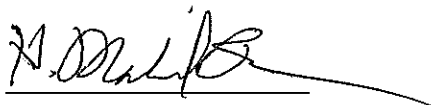
The eighth and most important document is, the motion to be read in the minutes should the Board choose to move forward in approving Resolution 23-79.

Alderman Hummel made a motion to accept Bowers Road conditioned upon: (1) Full release of liens and claims by contractor, all subcontractors and material suppliers; (2) Written assurance from Wilson Crossing Partners, LLC, to install at Town's expense, a turning lane into Sports Complex once next phase of Twin Oaks Planned Development is mobilized at Wilson Crossing's unit cost; (3) Assignment of Browning Contractor's One-Year Warranty for Bowers Road improvements to Town of Oakland; and (4) Payment by Town of Oakland to Browning Contractor of contingency funds of \$144,000 (one-hundred forty-four thousand dollars) in full and final settlement of any outstanding claims by Browning related to Bowers Road. Alderman Sutton seconded the motion. Four were in favor, one opposed. Alderman Fisher cast the opposing vote. Resolution 23-79 passed.

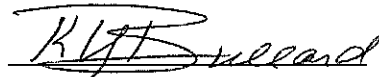
4. Adjournment

A motion was made by Alderman Cates to adjourn the meeting.

Date: July 6, 2023



H. Michael Brown, Mayor



K. Yvonne Bullard, City Recorder