

Carroll County Board of Education Special Meeting
September 08, 2015 4:00 PM
Carroll County Board of Education Conference Room

1. Call to Order / Roll Call

Attendance Taken at 4:00 PM:

Present Board Members:

Ms. Carolyn Jones
Mrs. Mona Kindoll
Mrs. Drusilla Maiden
Mr. Rob Spenneberg
District 5 Vacancy

Bill Hogan, Superintendent; Doug Oak, Assistant Superintendent/CAO; Jon Conrad, Treasurer, and Tracie Crawford, Secretary were also present.

2. Approval of Agenda

Order #61192 - Motion Passed: Approved agenda items 1 - 4 as presented. Passed 4-0 with a motion by Mr. Rob Spenneberg and a second by Mrs. Drusilla Maiden.

Ms. Carolyn Jones Yes
Mrs. Mona Kindoll Yes
Mrs. Drusilla Maiden Yes
Mr. Rob Spenneberg Yes

3. New Business

Order #61193 - Motion Passed: Mr. Conrad discussed the vehicle bid. We advertised taking bids for two vehicles. The first was the bus garage maintenance vehicle it is used to pull buses out or driving to buses to work on them if necessary. The current vehicle that we have is almost 20 years old and isn't capable of handling the work load in the current condition. The second bid was for Early Head Start, it was requested to replace the FORD 9 passenger van that they currently have at this time. The van was purchased to take staff to trainings however the van is too big and is not a vehicle which is used. They would like a 7 passenger vehicle that is smaller and much easier to maneuver. What has been discussed internally is, and we have asked permission from the Atlanta office of Head Start, is for the district to purchase the vehicle from the Child Development Center. Mr. Hogan elaborated that we could use the van to transport students to sporting events for some of our smaller clubs and teams, transporting students from iLead to JCTC. We would make sure that we have policies in place and insure that it is a safe option. However we are talking to KSBA to get a policy and our insurance company to make sure that all is covered. The Early Child Development Center has money to purchase the vehicle which they feel is good for their area, because that money isn't coming from the Board of Education. Approved and award the bid to Earl Floyd Ford's for the 7 Passenger Vehicle SUV and Maintenance Bid. The Bus Maintenance Vehicle will be a 2016 Ford F250 in the amount of \$27,181.38 and the Early Head Start will be purchasing a 2016 Ford Explorer 4x4 Base in the amount of \$27,588.46. The 2015 Model Years are balanced out and the 2016 model were substituted, as presented. Passed 4-0 with a motion by Ms. Carolyn Jones and a second by Mrs. Drusilla Maiden.

Ms. Carolyn Jones Yes
Mrs. Mona Kindoll Yes
Mrs. Drusilla Maiden Yes
Mr. Rob Spenneberg Yes

3.B. Discussion of the Marrillia Construction Contract

Consideration of Marrillia construction contract in regard to Carroll County Middle School project. Mr. Crawford discussed that the conference call between Marrillia, RossTarrant, and the Board of Education took place the week before and that substantial completion of the Carroll County Middle School Renovation and Addition has not been met. Marrillia stated that they could have the Renovation portion complete by October 5, 2015, and that the Gym and addition would be complete by December 21, 2015. We did discuss and ask if these time frames could be shortened however after a lengthy discussion it doesn't seem possible and the dates stand. Discussions last Wednesday about the renovations which is an inside job, shouldn't be affected adversely due to weather so what is the issue. The reason given was the fact that the heating and air isn't ready and free flowing air is needed before those items can be completed. This leads into the next question, why do we not have air flowing into the area? The mechanical room seems to be the big issue. The HVAC seems to be holding up the process and there are a lot of technical issues. This is the hold up, the mechanical aspect. Marrillia believes that they can get the air flowing into the renovated area so that they can hit the October 5, 2015 completion date. Since all the questions have been raised Hudson has made progress in getting the HVAC complete. The December 21st date, completing the gymnasium, the board members Ms. Kindoll and Ms. Jones continued to push to get the remainder complete so we could move in during Thanksgiving. When it was really pushed asking can this happen Josh Marrillia stated no, we can't get this completed because we won't have all the material available to get it complete before the December 21, 2015 date. The issue then was liquidated damages under the terms of your contract that exists at the present time Marrillia owes \$1,000.00 a day for every day beyond substantial completion which was September 2, 2015. We did have a debate about the contract and how the contract reads and how they interpret the contract. The contract states \$1,000.00 a day not a day with damages and loss. You can't place a dollar figure on what affects a school system. So we decided on \$1,000.00 a day for any day after the completion day. The best advice that I can give at this time is hold them to the dates that they have given at this time and if they don't meet those days then it will move to substantial days of not completed. If we file a default on their contract then after we get through moving Marrillia off the property and get a new construction company we would be looking conservatively at a completion sometime in the spring which isn't going to help anyone. I feel we should extend the dates and contract completion. I did ask for everyone to give me something in writing so that we can all get on the same page but I haven't received anything to date. So I wrote the contract that you have in front of you, they can approve and take my contract or do nothing because we have a contract in place and if the board calls default then Marrillia will have to pay the liquidating damages. Marrillia's lawyers did finally come back and give some changes to the contract that I have in front of you. Marrillia would like to talk to the board the week of October 5, 2015 because there is dispute between liquidating damages. With this contract that you have in front of you at this time, if all parties agree they will hold \$10,000.00 from the last pay app and if they don't meet the December 21, 2015 date and it will be \$1,000.00 a day after that point. I'm not agreeing to give up any liquidating damages. You don't have to do anything at this time and go with your written contract, the contract in front of you is a lock down of \$10,000.00 for sure that we will have in liquidating damages. I have also stated in paragraph four (4) that we are also not giving up any of the original contract and the ability to file complaint on liquidating damages and calling contractor default.

Order #61194 - Motion Passed: On motion by Rob Spenneberg, second by Mona Kindoll, the Board voted 4-0, to extend substantial completion of the existing gymnasium renovation at the Carroll County Middle School to no later than October 5, 2015, and substantial completion of the new gymnasium at the Carroll County Middle School to no later than December 21, 2015, in accordance with the terms of the agreement attached hereto and incorporated herein by reference, and to further authorize the Superintendent to execute same on behalf of the Carroll County Board of Education if same is agreed to by both Marrillia Design and Construction and the Surety Travelers Casualty and Surety Company of America. Passed 4-0 with a motion by Mr. Rob Spenneberg and a second by Mrs. Mona Kindoll.

Ms. Carolyn Jones Yes
Mrs. Mona Kindoll Yes
Mrs. Drusilla Maiden Yes
Mr. Rob Spenneberg Yes

4. Adjournment

Order #61195 - Motion Passed: Approved adjourning the September 8, 2015 special board meeting at 4:52 p.m. Passed 4-0 with a motion by Mr. Rob Spenneberg and a second by Mrs. Drusilla Maiden.

Ms. Carolyn Jones Yes
Mrs. Mona Kindoll Yes
Mrs. Drusilla Maiden Yes
Mr. Rob Spenneberg Yes

Chairperson

Secretary