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CUMBERLAND COUNTY FACILITIES COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
SEPTEMBER 8, 2009 – 10:00 AM
MNUTES

MEMBERS PRESENT: Commissioner Billy R. King, Chairman
Commissioner Jimmy Keefe

OTHERS PRESENT: Commissioner Jeannette Council
Commissioner Marshall Faircloth
Commissioner Kenneth Edge
Commissioner Breeden Blackwell (arrived 10:45)
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Harvey Raynor, Interim County Attorney
Bob Stanger, County Engineer
Sam Lucas, Engineering Technician
Tom Cooney, Public Utilities Director
Sally Shutt, Communications Manager
Ed Grannis, District Attorney
Claire Hill, Assistant District Attorney
Earl "Moose" Butler, Sheriff
Paul Hinson, Chief Deputy
Major John McRainey, Detention Center Chief Jailer
Jake Regennas, JCI Performance Assurance Engineer
Candice H. White, Deputy Clerk
Press

ABSENT: Commissioner Ed Melvin

Commissioner King, Chair, called the meeting to order and recognized the Commissioners in attendance. Commissioner King stated Commissioner Melvin was absent due to his recent surgery.

1. Approval of Minutes: September 9, 2008 Meeting

MOTION: Commissioner Keefe moved to approve.
SECOND: Commissioner King
VOTE: UNANIMOUS

2. Selection of Committee Chair

MOTION: Commissioner King moved to nominate Commissioner Keefe as Chairman.

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SECOND: Commissioner Keefe
VOTE: UNANIMOUS

3. Review of Annual Report on Guaranteed Energy Contract

Mr. Stanger introduced Jake Regennas, Johnson Controls Inc. (JCI) Performance Assurance Engineer, and stated Mr. Regennas monitors energy savings for the county through a guaranteed energy savings contract. Mr. Stanger explained the county installed energy saving lighting retrofits in thirteen county facilities under a \$4.5 million project that was financed through a bank loan. Mr. Stanger further explained avoided energy costs are used to repay the loan and every year JCI prepares an annual report that indicates how the county is doing with energy avoidance.

Mr. Regennas distributed the “Performance Contracting Value Report for Cumberland County Government, NC – Year Three” and provided a brief overview of a Savings Detailed Analysis that compared years two and three total avoidance yields of \$695,302 and \$693,081 respectively. Mr. Regennas noted Year 2 figures had been revised and updated from the prior year’s report due to changes in Baseline Year and Water and Sewer Rates used in the calculation for contract avoidance.

Mr. Regennas reviewed the Summary of Results and stated the total project target or guarantee was \$6.2 million over twelve years with actual avoidance being \$2.2 million to date. Mr. Regennas reported each year the avoidance had been exceeded by a considerable amount and the belief was that this would continue every year. Mr. Regennas stated the county’s energy efficient efforts also result in community benefits such as savings equating to almost 7,000 tons of greenhouse gas emissions. Mr. Regennas reviewed recommendations for further improvement to include demand limiting at the courthouse facility, expanding thermostat control of newer heat pumps at the courthouse and Solar Thermal and Solar PV opportunities.

Mr. Regennas reviewed modifications to baseline values during Years 1, 2, and 3 followed by an overview of the following future objectives:

- Identify additional facility improvement measures.
- Verification of building automated systems network to increase the integrity and reliability of system performance and energy savings.
- Proactive design review/analysis of upcoming projects based upon operation and energy management savings.
- Change all Metasys building schedules, where possible, to utilize staggered start times in order to avoid additional demand kW charges.
- Add schedule to control LEC Penthouse air handling unit for night setback of 3rd and 4th floor evidence storage.
- Demand limiting control for LEC/Courthouse meter to reduce monthly electric bills.

Mr. Regennas noted the Total Adjusted Cost of \$71,160 reflected the amount of additional dollars it cost the county to operate the buildings beyond their baseline

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contract year agreed upon hours of operation. Mr. Regennas called attention to tables containing meter data for the year ending December 31, 2008 and responded to questions regarding readings and adjustments under the county's utility bill analysis.

4. Update on Recent Jail Population

Mr. Martin recognized District Attorney Ed Grannis, Assistant District Attorney Claire Hill, Sheriff Earl "Moose" Butler, Chief Deputy Paul Hinson and Detention Center Chief Jailer Major John McRainey.

Major McRainey stated the city and county each rank fifth overall in the terms of crime among the largest cities and counties and when adjusted for population, the county as a whole ranks second in the state for crime per 100,000 in population. Major McRainey further stated within the next twenty-four months, the area will have an estimated 40,000 new residents associated with the Base Realignment and Closing (BRAC). Major McRainey reported the county has operated the existing 568 bed jail for six and one-half years and the jail initially began with an Average Daily Population (ADP) of 400 people. Major McRainey reviewed graphs depicting admissions and releases, and noted the escalation in 2009 monthly ADP numbers.

Major McRainey provided an overview of bookings by law enforcement agencies and stated factors driving the bookings include: expansion of the Fayetteville Police Department following the "Big Bang" annexation, increase in the number of arrests by the Division of Adult Probation, increase in arrests for probation violations, and changes in the law governing bonds for persons on probation. Major McRainey stated other factors that have increased the number of people in jail include county population growth, low median age population, and increase in people in mental health crisis as a result of the state closing down mental health beds and other treatments. Major McRainey stated on Friday, September 4, 2009, there were ninety-nine people out on the pretrial release program with another nineteen under consideration. Major McRainey reviewed inmate status and graphs depicting beds needed now and predications for the future.

Major McRainey stated the county's needs are going to continue to grow and several public and private agencies are already complaining that the size of the jail is too small for current needs. Major McRainey encouraged the Commissioners to begin the process of planning and funding a jail expansion. Major McRainey explained that state regulations and court tolerance for jail crowding has stiffened and if the county does not begin the process, it could well be forced to do so under the supervision of the courts. A handout was provided comparing population numbers and average beds per population for twenty counties.

Commissioner Keefe inquired regarding other types of incarceration. Major McRainey spoke briefly to GPS and electronic home confinement and stated bottom line was most of the people in jail should not be put back on the streets. Commissioner Faircloth inquired regarding the average length of stay. Major McRainey stated he did not have the actual statistics, but 55% of the people in jail get out during the first three days and those

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charged with offenses similar to breaking and entering get out in ninety days to six months. Claire Hill, Assistant District Attorney, advised length of stay can be affected by a bad prior criminal record or failure to appear in court. Ed Grannis, District Attorney, spoke to trial processes that can vary widely depending on the type of felony involved and issues associated with mental health of the accused individuals.

Commissioner Edge asked how many additional people could be housed in a new wing and whether estimated staffing and costs had been determined. Major McRaney stated a unit management area would be four to five pods, which would house approximately 400-500 people. Major McRaney further stated about thirty-five staff would be needed and early construction costs figures were approximately \$60 per bed.

In response to a question posed by Commissioner King regarding the flow of cases through the court system, Mr. Grannis compared Cumberland County statistics to those for Robeson and Forsyth counties, spoke to the lack of current capacity, and stated in order for Cumberland County to compete with its surrounding counties for BRAC families and be more marketable, there would either need to be less crime or more jail beds per capita.

Commissioner Edge stated the challenge before the Commissioners is to find a balance to fund all county agencies. Commissioner Edge also stated when property taxes were reduced by 2%, Assistant County Manager Amy Cannon presented a capital campaign that included the jail and several other county projects that are in desperate need. Commissioner Edge further stated although he does not dispute the need for a new jail, the Commissioners have a lot to consider and everyone is going to need to work together in order to solve the problem.

Mr. Grannis advised statistics show that our court operations run better than most of the other thirty-nine or forty prosecutorial districts in the state. Mr. Grannis stated were the county to fund active versus passive GPS, another ten to fifteen slots may be picked, but it will only serve as a band aid approach compared to the long term issues. Mr. Grannis further stated there has been a significant increase in the Fayetteville Police Department capacity and funding for arrests and putting people in jail.

Commissioner Keefe asked Mr. Grannis if it was his feeling that a bigger jail would keep people charged with property crimes from being released to become repeat offenders. Mr. Grannis responded in the affirmative. Additional questions followed. Mr. Grannis stated he has operated under extreme jail conditions for as long as he can remember and for that reason there has been a very aggressive pre-trial release program in place for a long time. Mr. Grannis further stated out of sheer necessity, he has had to be way ahead on the cutting edge because he has always had to run a very lean operation. Mr. Grannis advised conditions are not dire today; however, the Commissioners are being apprised of the situation because it is going to require a three to five year fix. Mr. Grannis stated he is not aware of any measures that can be implemented and in his opinion, the Commissioners need to begin to develop the issue.

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Commissioner King acknowledged the time consuming and involved nature of the issues were the Commissioners to consider a jail expansion project. Commissioner King asked that Mr. Martin and his senior level staff bring recommendations to the Commissioners within one to three months based on discussions that had occurred during the meeting. Mr. Martin recognized the personal diligence of Mr. Grannis and his staff in their efforts to help the county manage the jail population.

5. Discussion Regarding Alternatives for Relocation of County Administrative Offices

Mr. Martin provided background information regarding the exploration of facilities for the relocation of county administrative offices to include the disposition of the existing Public Health Center. Mr. Martin advised the sale of the Robert C. Williams building made it a recent addition to the report. Commissioner Keefe stated some of the locations do not need to be discussed because judging from discussion among the Commissioners, they want the new location to be in the Central Business District (CBD) as close to the courthouse as possible.

Bob Stanger, County Engineer, advised renovation of the existing Public Health Center, construction of a new county administration building or purchase of the Robert C. Williams Building were the most likely candidates. Mr. Stanger stated criteria used for weighing alternatives were: 1) location with respect to the CBD, 2) existing county facilities suitable for renovation, and 3) estimated project cost. Mr. Stanger further stated the existing Public Health Center and proposed location for a new administrative building are in close proximity to the CBD and staff contend that none of the alternatives have an overwhelming advantage when measured against the criteria. Mr. Stanger advised more important considerations for ranking alternatives are adequate parking, ease of ingress/egress, and potential for further expansion.

Mr. Stanger stated the only county facility suitable for renovation in location and size is the Public Health Center and it also allows for future growth. Mr. Stanger advised the tax value of the Public Health Center is \$10.8 million and should the county choose not to renovate, it would be difficult to determine its marketability. Mr. Stanger further advised renovating the Public Health Center is estimated to cost between \$9 and \$10 million and would likely take fourteen to sixteen months to complete. Mr. Stanger stated construction of a new county administrative building would cost between \$12.8 and \$16 million with land acquisition and demolition costs estimated to be \$1.4 million. Mr. Stanger further stated it would take twenty to twenty-four months to design and construct and property acquisition and demolition could add six to eight months. Mr. Stanger advised purchase of the Robert C. Williams Building, using the 2009 tax value as a basis, would cost \$10.95 million and interior renovations could add \$0.3 to \$0.5 million. Mr. Stanger further advised additional costs would include a parking structure and a lease buy out of non-PWC entities.

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Mr. Stanger stated recommendations of management and staff are:

1. Renovate the existing Public Health Center as the preferred alternative for relocation of county administrative functions.
2. Instruct staff to procure architectural services to develop a building program and prepare more detailed estimates of renovation costs of which \$100,000 has been budgeted.
3. Instruct staff to move forward with demolition of the Legal Aid Building and conversion of the property into paved parking.

Mr. Stanger further stated the proposed action of the Committee is to approve the staff recommendation and forward to the Board of Commissioners for their consideration.

Mr. Martin advised \$3 million has been set aside for some portion of the renovation costs of the Public Health Center.

Commissioner Keefe stated the Public Health Center would require serious renovations and repairs and stated he did not like that it was located outside the CBD because county government should be close to other county governments and the court system. Commissioner Keefe inquired regarding the value of the Robert C. Williams Building. Mr. Martin responded there had been discussions regarding the tax value of the building and the number being considered is \$7 to \$7.5 million. Commissioner Keefe stated a more user-friendly environment should be taken into consideration when investing in a major location downtown and he liked the fact that the Robert C. Williams Building offered drive-through capability.

Commissioner Keefe asked whether the idea had been explored for an add-on to the Historic Courthouse in combination with a parking deck project. Commissioner Keefe stated it could be built to the county's satisfaction, already houses county departments and includes chambers. Commissioner Keefe further stated the Public Health Center would require a lot of renovations, would be out of the area and people want their government downtown. Commissioner Keefe also stated he liked the idea of the Tax Department being more user-friendly, whether with drive-throughs or satellite locations. Mr. Martin advised in terms of the Tax Department, the addition of drive-through payments had been discussed.

Commissioner Keefe inquired of Mr. Stanger whether he was aware of any issues associated with adding onto or building beside the Historic Courthouse. Mr. Stanger stated it had not been given serious consideration because the area is limited. Commissioner Keefe stated building a parking deck across the street would take care of parking issues. Mr. Stanger advised the old courthouse was on the historic register, which could present problems, and a new building would likely be needed. Mr. Stanger stated if the county were to build a new facility, it would make more sense to locate it across the street from the Historic Courthouse. Commissioner Keefe asked whether that would involve a parking issue. Mr. Stanger stated some of the parking would have to be reduced to accommodate the footprint of the building and three parcels would have to be

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acquired for the county to own the entire block. Mr. Stanger stated in his opinion it would make more sense than attempting to work with the Historic Courthouse. Commissioner Keefe asked if this opinion was based on room. Mr. Stanger responded in the affirmative and stated the parking lot behind the Historic Courthouse parking lot is owned by the city. Commissioner Keefe stated the city could likely work with a parking deck across the street from the Historic Courthouse. Commissioner Keefe further stated he would like for the area behind the Historic Courthouse to be looked at as an option. Mr. Stanger stated he did not see it as a workable solution. Commissioner King stated in his judgment it did not fit logistically. Commissioner Edge pointed out it would not cost as much to build a facility there as it would somewhere else.

Commissioner King asked if the Public Health Department could be renovated without any major surprises. Mr. Stanger stated he did not anticipate any major surprises and stated plans were to totally gut the building down to a shell. Mr. Stanger further stated the building is structurally sound, has a fairly new roof, core mechanical systems are intact and fairly new, the air distribution system would be totally gutted and redone, and the total electrical system would be gutted and reconfigured.

Commissioner Faircloth inquired regarding the addition of two floors to the new courthouse building. Mr. Stanger responded the court system would basically have to be shut down to avoid the noise, which would pose a problem for the courts.

Commissioner Keefe expressed concern that renovations can sometimes exceed construction costs and it would only take an additional \$4 million to construction a brand new building to exact specifications. Commissioner Keefe stated he would like for the county to utilize what it has and it would be ideal for county offices to be in the CBD.

MOTION: Commissioner Keefe moved to look at the feasibility of the area behind the Historic Courthouse and possibly the adjacent parking lot as a location.

Motion died due to lack of a second.

MOTION: Commissioner King moved to forward to the full board the recommendation from staff and that staff look at the location Commissioner Keefe wants to consider with recommendations regarding that location.

Mr. Stanger stated if the location contained in the motion was behind the Historic Courthouse, it was not county property and was owned by the city.

Commissioner King withdrew his motion that staff look at the location referenced by Commissioner Keefe. Commissioner King asked Commissioner Keefe to clarify his position. Commissioner Keefe stated the Commissioners know there is discussion on the table about a parking deck and would be remiss to consider a possible \$20 million project in the new courthouse area without also looking at a parking deck. Commissioner Keefe further stated it is known that the courthouse does not have adequate parking and that the

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city wants the county to work with them on a parking deck. Commissioner Keefe suggested putting both things together under one project.

Commissioner King stated he was okay with the Public Health Department building and inquired regarding the boundaries for what is considered the old downtown. Mr. Martin responded the boundaries are generally the Municipal Services District (MSD) area to include Robeson Street on the upper end. Mr. Stanger stated the Public Health Department is located one block off of the CBD and when the three alternatives were weighed, there were no significant advantages to the other two locations.

Commissioner Edge stated the Historic Courthouse is likely out of the question and the Robert C. Williams building has no parking, has problems with ingress and egress, has lease related issues, and has problems with narrow streets and limited access. Commissioner Edge further stated of the alternative brought before the Committee, the Public Health Department is the most logical if the county plans to move out of the new courthouse building. Commissioner Edge stated the parking deck is a totally different issue and he thought the matter had already been settled until the Policy Committee began talking about other possibilities. Commissioner Edge stated he did not think there was an issue with the county helping the city with a parking deck. Commissioner Edge further stated should the Policy Committee be unable to come to an agreement regarding the location, he hoped the matter could be sent to the full board for consideration.

MOTION: Commissioner King moved to bring the recommendation from the Committee to the full board.

SECOND: Commissioner Keefe

VOTE: Unanimous

Commissioner Faircloth asked if the Commissioners would be further involved with costs associated with the renovations. Mr. Martin responded in the affirmative.

6. Other Matters of Concern

There were no other matters of concern.

MEETING ADJOURNED: 12:15 PM