

CUMBERLAND COUNTY FACILITIES COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
FEBRUARY 3, 2011 – 8:30 AM
MINUTES

MEMBERS PRESENT: Commissioner Jimmy Keefe, Chair
 Commissioner Marshall Faircloth
 Commissioner Jeannette Council (arrived at 8:40 am)

OTHER COMMISSIONERS

PRESENT: Commissioner Kenneth Edge
 Commissioner Billy King (arrived at 9:15 am)

OTHERS PRESENT:

James Martin, County Manager
Amy Cannon, Assistant County Manager
James Lawson, Assistant County Manager
Howard Abner, Assistant Finance Director
Sally Shutt, Communications and Strategic Initiatives
 Manager
Rick Moorefield, County Attorney
Robert N. Stanger, County Engineer
Al Brunson, Facilities Maintenance Manager
Candice H. White, Deputy Clerk to the Board
Press

Commissioner Keefe called the meeting to order.

1. APPROVAL OF MINUTES – JANUARY 6, 2011 REGULAR MEETING

MOTION: Commissioner Faircloth moved to approve the minutes.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS

2. UPDATE ON APPROACH TO EVALUATING THE COUNTY'S SPACE
 NEEDS

James Martin, County Manager, stated a survey of department space needs was conducted in 2007 to 2008 and during a recent meeting with staff, a decision was made to resurvey county departments. Robert N. Stanger, County Engineer, confirmed the surveys had been sent out and stated based on programming scenarios that were conducted in 2007 to 2008, there is still a fairly clear understanding of space needs for departments within the new courthouse facility; however, departments not previously assessed are also being surveyed; this includes the Board of Elections, Register of Deeds, building and central maintenance, departments housed in the historic courthouse building, the Cooperative Extension and Day Reporting. Mr. Stanger further stated an assessment

is also being conducted to look at available space within departments. Mr. Stanger stated in his opinion, the end result to accommodate the county's space needs and provide for future growth will likely be renovation of the former public health building or new construction because there are not many options available to the county. Mr. Stanger stated the plan is to bring a report back to the committee in sixty days.

Commissioner Keefe inquired about county departments currently operating off site. Mr. Martin stated Mental Health is the only agency occupying space in the multi-story facility on Executive Place and Communicare/the Juvenile Crime Prevention Council is the only agency occupying space in the single-story facility on Executive Place. Commissioner Keefe inquired whether there was space available in either of the facilities. Mr. Stanger stated he would forward a survey to Mental Health in order to make that assessment. Commissioner Keefe stated he would like to see a more holistic approach so only one assessment would be needed for the next ten to fifteen years. Commissioner Keefe also suggested that caution be taken when asking departments what they would like with regard to expansion.

Commissioner Keefe asked whether the county's space needs would be a consideration for next year's budget. Mr. Martin responded the commissioners will need to have a better understanding of the county's space needs at that time. Mr. Martin stated he believes the county's ability to address those needs will be quite a challenge in the short term because the reality is that any funds the county has will be more than sufficiently consumed by the jail expansion. Mr. Martin added the Fayetteville Convention and Visitors Bureau has expressed interest in leasing the entire building and this has driven the need to locate space for the Community Development department.

3. UPDATE ON DETENTION CENTER EXPANSION PROJECT

Mr. Stanger distributed site plans developed by Moseley Architects and reported the Detention Center Planning Committee met on January 24, 2011 and revisited population projections for Cumberland County which indicated the need for 834 beds by 2015 and 890 beds by 2030. Mr. Stanger stated the Detention Center currently has space for 568 beds which leaves a deficit of about 330 beds.

Mr. Stanger reported the committee also discussed the architect's evaluation of the core facilities which included the kitchen, laundry and mechanical areas. Mr. Stanger stated the kitchen as currently designed has the capacity to serve about 900 to 1,000 inmates and once that threshold is reached, the kitchen will need to be expanded. Mr. Stanger spoke briefly to what would be needed to sustain expansion of the kitchen area.

Mr. Stanger reported the laundry should be able to accommodate up to 1,500 inmates and appears to be sufficient. Mr. Stanger further reported there is room in the mechanical area for the future installation of both a chiller and a boiler to accommodate the first phase of construction. Mr. Stanger stated once the site is maxed out, new mechanical space will have to be provided for additional chillers.

Mr. Stanger further explained the design proposals as contained in the site plan as well as the schematic drawings for the first and second floors. Mr. Stanger stated the architect is proposing a mix of dormitory space, special management single cells and medium security four-man lock-back cells. Mr. Stanger pointed out the maximum security area and supervision area. Mr. Stanger stated the mix of housing for the expansion contains 64 dormitory style beds and since the State only allows 40 beds, special approval will be needed for the additional 24 beds. Mr. Stanger noted other counties have received approval for additional beds.

Mr. Stanger stated on the second floor there are 256 dormitory beds which, when added to the medium/special management areas, totals 376 beds. Mr. Stanger further stated when adding the 376 beds to the existing 568 beds, it brings the total capacity to 944 beds; this exceeds the forecast for 890 beds needed by 2030. Mr. Stanger responded to questions and provided further clarification of the conceptual drawings. Mr. Stanger stated a formal presentation will be given at the March meeting of the committee which will show refined conceptual plans/designs, parking, and what can be accommodated in the vacant areas on the site for ultimate build-out. Mr. Stanger explained two alternatives will be presented along with preliminary cost estimates so the Board can make an informed decision on what direction to pursue in order to begin final refinement of the design. Mr. Stanger responded to additional questions regarding areas for mental health, medical provision, recreation, supervisors/unit managers, classrooms and public access. Mr. Stanger stated beds are factored into the design in a way that will allow jailers to continue to be able to classify detainees.

Mr. Martin stated an issue that is becoming more prominent in his mind is that within the next five to ten years, there is a potential that the entire site will be built out. Mr. Martin further stated building higher on the proposed addition was discussed with the design team as a possible means to further prolong a build out. Mr. Martin stated this could be something the Board may wish to consider.

4. UPDATE ON FORMER PUBLIC HEALTH BUILDING

James Lawson, Assistant County Manager, stated when he spoke with Tom Keith last week, Mr. Keith indicated he felt he could schedule a time this week to perform a walk-through assessment of the former public health building. Mr. Lawson stated it now appears Mr. Keith is waiting for his associates who are involved in other projects to return to the office, so he will not be able to provide a walk through schedule until then. Mr. Lawson stated once the walk-through assessment is completed, it will take four to six weeks for Mr. Keith to put together a report. Mr. Lawson stated he is actively staying in touch with Mr. Keith and trying to pursue completion of the walk-through assessment.

Commissioner Keefe asked if the process could be fast-tracked. Mr. Lawson stated he could look at other options. Mr. Lawson also stated Mr. Keith had preliminarily indicated that whatever value is placed on the building, the county will face great

difficulty in marketing it. Commissioner Edge asked that a time be set up for commissioners to walk through the building.

5. REPORT ON AGREEMENT FOR HOSPITAL USE OF ROXIE AVENUE FACILITY

Commissioner Keefe stated he had requested that this matter be placed on the agenda primarily because it appears as though a county facility is being subleased to a private entity without compensation and the county is still responsible for providing some services to the building. Commissioner Keefe stated he was not aware of the Board of Commissioners, Hospital Board of Trustees or the Mental Health Board taking an action on the matter.

Rick Moorefield, County Attorney, called attention to a memo in which he referenced the statutory basis for the contractual relationship and agreement between the Hospital and the Mental Health Authority. Mr. Moorefield stated at some time in the past there should have been an agreement between the county and the Mental Health Authority for the use of the Roxie Avenue facility; however, he was unable to locate such an agreement. Mr. Moorefield further stated by virtue of the arrangement with the Mental Health Authority over the years, the inability to locate said agreement likely will not pose any legal issue. Mr. Moorefield stated since the Mental Health Authority does not provide direct services, he does not view the agreement between these two entities as being any different than other agreements the Mental Health Authority has for the provision of services.

Mr. Moorefield advised the county has no obligation under the agreement and the only expectation is that the county will continue the basic maintenance of the building. Mr. Moorefield stated the position of the Mental Health Authority is that if the county were to decide they did not want to provide maintenance the building, the Mental Health Authority would terminate the agreement. Mr. Moorefield stated the agreement contains a provision that the Mental Health Authority will terminate its agreement with the hospital if its use agreement with the county is terminated; therefore, it is up to the Board of Commissioners as to whether to continue its use agreement with the Mental Health Authority.

Commissioner Keefe asked whether a county agency could sublease county space to a private industry or contractor without county approval. Mr. Moorefield responded if the government agency already has use of the space and use of the space is not restricted by the county, it can sublease county space. Mr. Moorefield explained the county had already approved the use of the Roxie Avenue facility by the Mental Health Authority for services and the hospital is providing the same service. Commissioner Faircloth expressed concern regarding reversionary clauses and asked whether the county would have to make good on any reversions. Mr. Moorefield explained the option available to the Board of Commissioners as a governing body is to terminate its use agreement with the Mental Health Authority who in turn would terminate its agreement with the hospital.

Mr. Martin stated heretofore construction costs and maintenance/operation costs for the Roxie Avenue facility had been paid entirely by mental health funds through the Mental Health Authority's various appropriations.

Commissioner Edge called attention to the indemnification clause as contained in the agreement and asked whether the county would be liable for the actions of hospital staff who would be providing services in the Roxie Avenue facility. Mr. Moorefield stated although he can not say the county won't get sued, the indemnity agreement does by reach to the county and with mental health being an autonomous separate political authority, the significance is it that it legally has the same status as the county. Mr. Moorefield further stated the Mental Health Authority is only considered a county department for Chapter 159 purposes (fiscal control act).

6. OTHER ITEMS OF BUSINESS

There were no additional matters of business.

MEETING ADJOURNED AT 9:35 AM