

CUMBERLAND COUNTY FACILITIES COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
SEPTEMBER 1, 2011 – 8:30 AM
MINUTES

MEMBERS PRESENT: Commissioner Jimmy Keefe, Chair
 Commissioner Marshall Faircloth
 Commissioner Jeannette Council

OTHERS PRESENT: James Martin, County Manager
 Amy Cannon, Deputy 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
 Harvey Raynor, Deputy County Attorney
 Al Brunson, Facilities Maintenance Manager
 Major John McRaney, Chief Jailer
 David Trego, Public Works Commission
 Robbie Ferris, SFL+A
 Tim Kinlaw, Cumberland County Schools
 Kellie Beam, Deputy Clerk to the Board
 Press

Commissioner Keefe called the meeting to order.

1. APPROVAL OF MINUTES – AUGUST 4, 2011 REGULAR MEETING

MOTION: Commissioner Council moved to approve the minutes.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (3-0)

2. PRESENTATION REGARDING THE INSTALLATION OF SOLAR PANELS ON
NEW CENTURY ELEMENTARY SCHOOL AND LIBRARY

James Martin, County Manager, introduced Tim Kinlaw from the Cumberland County School System, Robbie Ferris from SFL+A, and David Trego from the Public Works Commission. Tim Kinlaw gave a brief explanation of the project. Mr. Kinlaw stated they are simply entering into an agreement with PWC to give them an easement to use the roof and PWC will be responsible for all the costs. Rick Moorefield, County Attorney, stated that if the committee wishes to recommend the solar power project, staff could work out the necessary details with the understanding that the project would be at

no cost to the county, provide no revenue to the county, and the roof would be maintained by PWC as long as the panels are in place.

MOTION: Commissioner Council moved to recommend the solar panel project as described by the county attorney.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF APPROVAL OF PWC REQUEST FOR GRANT OF A UTILITY EASEMENT AT NEW CENTURY MIDDLE SCHOOL SITE

Harvey Raynor, Deputy County Attorney, referenced the memorandum as provided to the Facilities Committee.

MOTION: Commissioner Council moved to recommend approval of the utility easement granting the easement and to authorize the chairman and clerk to execute on behalf of the county.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (3-0)

4. CONSIDERATION OF APPROVAL OF OFFER TO PURCHASE BY JAMES MCNEIL FROM COMMUNITY DEVELOPMENT DEPARTMENT OF A HOUSE LOCATED AT 911 WEST MOUNTAIN DRIVE, FAYETTEVILLE, AND TO PUBLIC NOTICE OF UPSET BID

Mr. Raynor referenced his memorandum as provided. Mr. Raynor stated Community Development has negotiated an offer to purchase county-owned surplus property at 911 West Mountain Drive, Fayetteville, with James McNeill. This property is a house and lot acquired through a tax and Community Development program foreclosure, and the buyer is a qualified buyer under the program's guidelines.

Mr. Raynor further stated the offer is for \$3,000 with a down payment of 5%, and the balance of \$2,850.00 will be paid at closing. Mr. Raynor stated the property has been heavily vandalized and the structure located on it is in such disrepair that Community Development was seeking to demolish it prior to this offer. It is the recommendation from Community Development to approve the offer to purchase subject to the statutory notice and upset provisions, to authorize the department head to sign the contract on behalf of the county, and for the chairman to execute and deliver a deed to the appropriate party at the completion of the upset period at the direction of legal.

MOTION: Commissioner Council moved to approve the offer as recommended by staff.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (3-0)

5. CONSIDERATION TO GRANT AN ADDITIONAL EASEMENT AREA ALONG THE COUNTY'S PROPERTY AT THE LANDFILL TO THE CITY OF FAYETTEVILLE FOR THE CONSTRUCTION, MAINTENANCE AND USE AS A RECREATIONAL PEDESTRIAN TRAIL ALONG THE CAPE FEAR RIVER

Mr. Raynor stated the City of Fayetteville has requested that the county grant an additional easement along the county's property that fronts the river and comprises a portion of the Anne Street landfill. Mr. Raynor explained in 2010 the Commissioner's conveyed to the City of Fayetteville at no cost the easement requested by the City of Fayetteville at that time. This route extension would bring the trail closer to the county's landfill operations and into an area of the county's landfill property that is marked for future fill for the landfill's operation.

Mr. Raynor stated this additional easement is being sought by the City of Fayetteville to avoid PWC having to move electrical poles and guy wires which abut the easement at the county's property line with the City of Fayetteville. Mr. Raynor explained that county management and legal have been negotiating with the City of Fayetteville the terms and conditions for this additional easement. The City of Fayetteville has accepted the county's option that would require the City of Fayetteville to pay \$38,000, which is the cost of 7,000 cubic yards of fill the Solid Waste Department has calculated would be lost if the easement was granted. Mr. Raynor stated he and county management recommend the county accept the \$38,000, approve the granting of the easement to the City of Fayetteville, and authorize the chairman and clerk to execute the necessary documents on behalf of the county subject the approval of the documentation by county legal.

MOTION: Commissioner Council moved to follow staff's recommendation.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (3-0)

MOTION: Commissioner Council moved to go into closed session for consultation with the attorney pursuant to NCGS 143-318.11(a) (3).
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (3-0)

MOTION: Commissioner Faircloth moved to reconvene in open session.
SECOND: Commissioner Council
VOTE: UNANIMOUS (3-0)

6. CONSIDERATION OF REPSONSES TO RFP FOR CONSTRUCTION MANAGER AT RISK, COUNTY DETENTION CENTER EXPANSION PROJECT.

Robert Stanger, County Engineer, referenced his memorandum dated August 31, 2011. Mr. Stanger stated the Selection Committee conducted interviews on August 30, 2011 with the following construction management firms:

- BE&K Building Group
- Balfour Beatty Construction/Metcon (joint venture)
- Barnhill Contracting Company/Right Build International
- Rentenbach Constructors/Bordeaux Construction Company (joint venture)

Mr. Stanger stated all firms were very well qualified to provide CM at Risk services on the Detention Center Expansion Project. Mr. Stanger stated upon conclusion of the final interviews, each member of the Selection Committee was asked to rank each of the CM firms to determine if there was a consensus on which firm the committee believed to be best qualified for the Detention Center Expansion Project. Mr. Stanger further stated that most of the discussion centered on BE&K and Balfour Beatty/Metcon as the top two firms.

Mr. Stanger explained after considerable deliberation, the Selection Committee agreed to recommend BE&K Building Group for the following reasons:

- BE&K has 100% controlling interest in the project as compared to Balfour Beatty/Metcon which is a 70/30 joint venture. All things being equal, the committee believes that a single entity is preferable to a joint venture.
- BE&K provided more relevant answers to the questions posed by the Committee.
- The county has experience with BE&K's Project Superintendent and Assistant Superintendent who worked on the Crown Coliseum as F.N. Thompson employees.
- BE&K's safety record appeared to be the best among all the firm's interviewed as evidenced by their EMR of 0.40. The other firm's EMR ranged from 0.70 to 0.86. This should translate into reduced insurance costs for the project.
- BE&K's diversity manager, McKeether Williams of Burney & Burney Construction, knows the local MWBE subcontractor community and will lead the recruitment efforts as well as manage the MWBE subcontractors on the job. They will also take advantage of the MWBE services provided by Cumberland Regional Improvement Corporation of which McKeether is a Board Member.
- BE&K has zero litigation.
- BE&K's preconstruction team includes Lee McClure of Construction Control Group who is a Corrections Specialist with 33 years experience in Program and Construction Management.

Questions and discussion followed. Mr. Stanger stated the recommendation of the CM Selection Committee is to enter into negotiations with BE&K Building Group to provide construction manager at risk services for the County Detention Center Expansion Project.

MOTION: Commissioner Faircloth moved to endorse the recommendation of the Selection Committee and forward it to the Board of Commissioners for its consideration.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (3-0)

7. OTHER MATTERS OF BUSINESS

There were no other matters of business.

MEETING ADJOURNED AT 9:26 AM.