

CUMBERLAND COUNTY FACILITIES COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
MAY 8, 2014 - 8:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Billy King, Chairman (arrived at 8:45 a.m.)
Commissioner Kenneth Edge
Commissioner Charles Evans (arrived at 8:50 a.m.)

OTHER COMMISSIONERS
PRESENT: Commissioner Ed Melvin
Chairman Jeannette Council (arrived at 8:50 a.m.)

OTHERS PRESENT: Amy Cannon, Interim County Manager
James Lawson, Assistant County Manager
Quentin McPhatter, Assistant County Manager
Sally Shutt, Public Information Director
Rick Moorefield, County Attorney
Jeffery Brown, Engineering and Infrastructure Director
Melissa Cardinali, Finance Director
Vicki Evans, Finance Accounting Manager
Jackie Beal, Department of Public Safety
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Billy King called the meeting to order.

1. APPROVAL OF MINUTES – MARCH 6, 2014 MEETING

MOTION: Commissioner Edge moved to approve the minutes.
SECOND: Commissioner King
VOTE: UNANIMOUS (2-0)

2. CONSIDERATION OF APPROVAL OF THE LEASE RENEWAL FOR NC
DEPARTMENT OF PUBLIC SAFETY LOCATED AT 412 RUSSELL STREET

BACKGROUND:

Cumberland County currently has a lease with NC Department of Public Safety (formerly NC Department of Corrections) for office space located in the Community Corrections Building at 412 Russell Street. The current lease is for 1,465 square feet (SF) and is a five year lease set to expire on June 30, 2014. The lease rate started at \$13.83/SF and increased incrementally each year. The lease rate for the current fiscal year is \$14.82/SF.

County Management and the Engineering and Infrastructure Director met with representatives from the NC Department of Public Safety on March 20, 2014, to discuss the lease renewal. The drug lab that was operational within the building and included as part of the initial lease was closed by the state earlier this year. There is a conference room where half of the square footage was included in the lease, as it was being utilized by the Judicial District Manager at the time of the original lease. It is important to note that the county by general statutes is required to provide office space for probation officers and their administrative support. However, the county is not obligated to provide office space or a conference room for the Judicial District Manager nor their administrative staff.

The drug lab, a small restroom used by the drug lab, and the conference room square footages cannot be included in the new lease. However, the NC Department of Public Safety has requested to lease another office space and a conference room for the sole use of the Judicial District Manager and her staff. With the removal of these areas and the addition of the new requested space, the total square footage to be included in the new lease will be 1,034 SF.

The NC Department of Public Safety requested that the new lease be for a term of three years and to have a lease rate that does not increase incrementally each year throughout the life of the lease. County Management along with the Engineering and Infrastructure Director discussed a lease rate and felt that a lease rate of \$15/SF would be a fair number to offer the NC Department of Public Safety for the space that they are currently occupying as well as the additional space that they are requesting. This lease rate has been presented to the representatives of the NC Department of Public Safety and they too feel that this is a fair rate for the space. No other changes to the lease other than the square footage, the lease rate, and the lease duration are being recommended at this time.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Facilities Committee vote to approve the lease rate of \$15/SF for a period of three years and recommend to the Board of Commissioners to approve the lease renewal following the approval of the County Attorney.

Jeffery Brown, Engineering and Infrastructure Director, reviewed the background information and recommendation as recorded above.

Commissioner King asked if this location could be used for a county crime lab the District Attorney mentioned during the Safe Streets Symposium. Jackie Beal, NC Department of Public Safety, stated it is a small lab and she does not know the square footage the District Attorney's office would need but it may be a good fit. Ms. Beal stated the lab is in the middle of a probation office in a secure area so anyone coming and going would have to go through metal detectors. Amy Cannon, Interim County Manager, stated Assistant County Manager Quentin McPhatter is researching other county and city

governments that have their own labs. Ms. Cannon stated they are working on getting information together and gathering operating and equipment costs and it is quite expensive. Ms. Cannon stated in some areas the city and county jointly fund the operation. Commissioner King stated he feels anything the county can do to assist in this effort should be done. Commissioner Edge stated if a decision is made for the city and county to fund the lab, he feels the other municipalities should assist in the cost.

MOTION: Commissioner Edge moved to recommend to the full board consideration of approval of the lease renewal for NC Department of Public Safety located at 412 Russell Street at a lease rate of \$15/SF for a period of three years.

SECOND: Commissioner King

VOTE: UNANIMOUS (2-0)

3. CONSIDERATION OF APPROVAL OF THE LEASE RENEWAL FOR COASTAL HORIZONS CENTER, INC. (TASC) LOCATED AT 412 RUSSELL STREET

BACKGROUND:

Cumberland County currently has a lease with Coastal Horizons Center, Inc. for office space located in the Community Corrections Building at 412 Russell Street. The current lease is for 1,505.9 SF and is a three year lease set to expire on June 30, 2014. The lease rate is \$14.57/SF.

County Management and the Engineering and Infrastructure Director met with representatives from the Coastal Horizons Center, Inc. on April 4, 2014, to discuss the lease renewal. The representatives stated within the meeting that they were very pleased with the space as well as county staff that handled the janitorial duties within the building. The representatives were informed at this meeting that the original lease did not accurately reflect the actual square footage of the space being occupied by their organization. The correct square footage should have been 1,773 SF. The county was informed at this time that one office (room #124) was not currently being used by their organization and it was later communicated to the county that they felt that it should not be included within the new lease. County Management and the Engineering and Infrastructure Director feel that this office should remain in the new lease as it is located in the midst of their space and the county's ability to lease this one small office to another organization would be extremely difficult.

County Management along with the Engineering and Infrastructure Director discussed a lease rate and feel that a lease rate of \$15/SF would be a fair number to offer Coastal Horizons Center, Inc. for the space that they are currently leasing. This is the same rate that is being recommended for NC Department of Public Safety. No other changes to the lease other than the square footage and the lease rate are being recommended at this time.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Facilities Committee vote to approve the lease rate of \$15/SF for a period of three years and recommend to the Board of Commissioners to approve the lease renewal following the approval of the County Attorney.

Jeffery Brown, Engineering and Infrastructure Director, reviewed the background information and recommendation as recorded above and responded to questions.

MOTION: Commissioner Edge moved to recommend to the full Board consideration of approval of the lease renewal for Coastal Horizons Center, Inc. (TASC) located at 412 Russell Street at a lease rate of \$15/SF for 1,773 SF for a period of three years.

SECOND: Commissioner King

VOTE: UNANIMOUS (2-0)

4. UPDATE ON FRONT STEPS OF NEW COURTHOUSE

BACKGROUND:

Engineering and Infrastructure staff noticed in the early part of February that there was an area on the front steps of the new courthouse that was beginning to fail. Due to safety concerns for employees and citizens entering and leaving the courthouse, this section of steps was taped off to prevent them from being utilized. Staff immediately began to investigate and engaged the architect that completed the construction drawings. While the evaluation was underway, it was later discovered that there was failure in all sections of the steps and the decision was made to simply barricade the steps for safety precautions.

According to the construction drawing, the precast terrazzo treads and risers were to be imbedded in a concrete base. The concrete base was designed to provide the structural support for the 2" terrazzo treads and risers. However, the investigation has revealed that the concrete base was not constructed properly which in turn has led to the failure of the treads and risers in the areas in which we can access.

At this time, all the precast terrazzo treads and risers will have to be removed in order to determine what actions can be taken to repair the failure. A pre-bid meeting was held for the demolition work on April 17, 2014, and the department is in the process of receiving bids for this work. Once the demolition is complete, then a more thorough assessment can be completed and a repair plan can be developed.

RECOMMENDATION/PROPOSED ACTION:

The Facilities Committee is not being asked to take action at this time. The purpose for this item was to update the committee on what actions were being taken by the Engineering and Infrastructure Department to address the issue.

Mr. Brown reviewed the background information as an update and responded to questions. Mr. Brown stated no action was necessary by the Facilities Committee.

5. CONSIDERATION OF APPROVAL OF EXEMPTION FOR REQUEST FOR QUALIFICATION BASED SELECTION FOR ENGINEERING SERVICES NEEDED TO EXPAND COURTHOUSE PARKING

BACKGROUND:

At the Board of Commissioners meeting held December 21, 2009, the Board unanimously approved the demolition of the Legal Aid Building and to convert the property into paved parking. The structure has now been demolished and the Engineering and Infrastructure Department is ready to move forward with converting this vacant space into paved parking as previously directed.

The surrounding paved parking was designed and sealed by Gordon Rose. At that time, Mr. Rose was employed by McKim & Creed. However, since that time, McKim & Creed no longer has a local office and Mr. Rose is now employed by Call Signs Engineers which is located in Fayetteville on Gillespie Street.

Units of local government per GS 143-64.2 have the ability to exempt projects from a qualification based selection process where an estimated professional fee is an amount less than \$30,000. The professional fees for the design of this proposed parking will be much less than this amount. Due to this and the fact that Mr. Rose was the engineer of record for the adjacent parking, it is the recommendation of the Engineering and Infrastructure Department for the Board of Commissioners to exempt this project from the qualification based selection process.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Facilities Committee vote to approve the exemption of professional services needed for the expansion of the existing parking lot and recommend to the Board of Commissioners to approve a resolution of exemption at the regularly scheduled board meeting on May 19, 2014.

Mr. Brown reviewed the background information and recommendation as recorded above and responded to questions.

MOTION: Commissioner Edge moved to recommend to the full board consideration of approval of the exemption of professional services needed for the expansion of the existing parking lot and recommending to approve a

resolution of exemption at the May 19, 2014, Board of Commissioners meeting.

SECOND: Commissioner King

VOTE: UNANIMOUS (3-0)

6. CONSIDERATION OF APPROVAL OF THE DETENTION CENTER EXPANSION PROJECT CLOSEOUT

BACKGROUND:

In August 2012, Cumberland County executed a construction contract with Metcon-Balfour Beatty in the amount of \$12,994,214 for the Detention Center Expansion Project. A Notice to Proceed was issued on September 5, 2012, with a substantial completion date of October 27, 2013, and a final completion date of November 27, 2013. The expansion was completed in January and a dedication ceremony was held on February 3, 2014.

While the contractor believed that the project would be completed by the end date specified in the contract and continuously relayed that message to the owner, in reality that significant amount of rainfall throughout the contract was simply too much to overcome to meet the established completion date. There are provisions within the contract that allow consideration of additional time due to excessive rainfall.

Included within the contract amount was a contractor contingency amount of \$235,376 and an owner contingency amount of \$325,000. The contractor contingency was to be used to cover any issues that arose during construction that the contractor had failed to include in scoping the project. The owner contingency amount was to be used for owner initiated changes or design changes initiated by the Architect. The owner contingency was substantially impacted by a \$123,781 cost of enclosing the west stairwell; a request originated by detention center staff.

It was initially reported at the December Facilities Committee meeting that it was believed that the contract could be completed within the initial budget. However, there were several changes that had to be made as a result of the Department of Health and Human Services inspection as well as the Fire Marshall's inspection that took place after this meeting. There was also additional cost to the contractor for several design changes that took place after the original bid was submitted.

For these reasons, the original contract value of \$12,994,214 needs to be increased by a total of \$67,000 to cover the additional cost that was beyond the Metcon-Balfour Beatty's control. The project will be able to be closed out financially if this additional funding is allocated. However, the county will not officially process the final invoice until such time that all affidavits have been submitted that all subcontractors have been paid as well as all punch list items corrected.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Facilities Committee vote to approve the allocation of the additional funding in the amount of \$67,000 and recommend to the Board of Commissioners to approve this additional funding at the regularly scheduled board meeting on May 19, 2014.

ADDITIONAL FINANCE RECOMMENDATION:

As discussed at the December 5, 2013, Facilities Committee meeting, the General Fund budget for FY14 failed to transfer funds to the project to cover the contractual cost already obligated. The original budget should have included \$423,433 for this purpose. However, the county has received sales tax reimbursements for this project in the amount of \$180,675. These funds can be used to offset the \$423,433.

Therefore, budget revisions are included which will:

- Recognize sales tax receipts of \$180,675.
- Increase the construction contract \$67,000.
- Transfer General Fund balance that should have been included in the FY14 budget of \$309,758 ($\$423,433 - 180,675 + 67,000$).

Mr. Brown and Melissa Cardinali, Finance Director, reviewed the background information and recommendations as recorded above and responded to questions.

MOTION: Commissioner Edge moved to recommend to the full board consideration of approval of the allocation of the additional funding in the amount of \$67,000 for the Detention Center Expansion and approve the budget amendments to offset the \$423,433 as recommended by the Finance Director.

SECOND: Commissioner King
VOTE: UNANIMOUS (3-0)

7. OTHER ITEMS OF BUSINESS

Commissioner Edge asked for an update on the development of a current Capital Improvement Plan. Mr. Brown stated the Capital Improvement Plan is currently still in the infancy stages. Mr. Brown further stated the Request for Qualification (RFQ) for the roof assessments and parking lot assessments is 95% drafted. Mr. Brown stated the parking lot assessment should be issued within the next two weeks and the roof assessment should be issued within the next thirty days.

Commissioner Edge stated he believes it is important for the commissioners to have a current Capital Improvement Plan to see what the capital needs are and to have some degree of priority even though the priorities can change at any time.

Ms. Cannon stated developing the Capital Improvement Plan is a priority and Mr. Brown will have both RFQ's out within the next four weeks to keep the process moving. Ms. Cannon further stated the process will be a part of the recommended budget at the budget presentation to the full board at the end of this month.

MEETING ADJOURNED AT 9:24 AM.