

CUMBERLAND COUNTY FACILITIES COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
SEPTEMBER 1, 2016 - 8:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Glenn Adams
Commissioner Jimmy Keefe
Commissioner Kenneth Edge

MEMBERS ABSENT: Commissioner Charles Evans

COMMISSIONERS PRESENT:
Commissioner Larry Lancaster

OTHERS PRESENT: Amy Cannon, County Manager
James Lawson, Deputy County Manager
Tracy Jackson, Assistant County Manager
Melissa Cardinali, Assistant County Manager
Sally Shutt, Governmental Affairs Officer
Rick Moorefield, County Attorney
Jeffery Brown, Engineering & Infrastructure Director
Deborah Shaw, Budget Analyst
Kim Cribb, Budget Analyst
Carol Short, First Presbyterian Church
Harry Shaw, First Presbyterian Church
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Glenn Adams called the meeting to order.

1. APPROVAL OF MINUTES – AUGUST 4, 2016 FACILITIES COMMITTEE MEETING

MOTION: Commissioner Edge moved to approve the minutes as presented.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (3-0)

2. DISCUSSION REGARDING STATUS OF WINDING CREEK CHILLER

BACKGROUND:

The Facilities Management Division of Engineering & Infrastructure has identified significant issues with the 90 ton chiller that serves the Winding Creek Facility at 711 Executive Place. This chiller contains two separate circuits with each circuit containing

two compressors. One of the compressors on one circuit has failed and the other circuit has a compressor that is in the process of failing. Maintenance staff has done everything possible over the last few weeks to prevent a sudden failure of the remaining compressor. This facility is equipped with a secondary 25 ton chiller however it does not have the capacity to cool the entire building. This entire facility is leased to tenants and by contract the County is responsible for adequate maintenance and operation of the HVAC system.

Engineering and Infrastructure staff is in the process of evaluating repair and/or replacement options at the current time, and the goal is to present these options along with a recommendation to the Facilities Committee at its September 1, 2016 meeting, but staff may not have the information it needs from HVAC engineers by September 1, 2016. It is important to make the Facilities Committee aware of the situation in case there is a need to bring a recommendation directly to one of the regularly scheduled Board of Commissioners' meetings in September as this is a critical facility issue.

RECOMMENDATION/PROPOSED ACTION

It is uncertain at the current time if the Facilities Committee will be asked to take any formal action on this item; however, it is imperative to make the committee aware of the situation and possible solutions that are being evaluated.

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

Mr. Brown stated the Alliance Behavioral Healthcare leases the first and second floor of the Winding Creek facility and Cape Fear Valley leases the third and fourth floor and the chiller has been having issues for several years. Mr. Brown further stated since 2014 the County has spent approximately \$40,000 on repairs to the chiller.

Mr. Brown stated there are currently two chillers at the Winding Creek facility, a large chiller and a smaller chiller. Mr. Brown stated he suggests replacing both chillers with an even larger energy-efficient chiller which would give some additional capacity to renovate the fifth floor of the Winding Creek facility if needed in the future. Mr. Brown stated he recommends the Facilities Committee approve the purchase of a chiller and installation from Brady through Trane which has a US Communities contract for HVAC equipment and installation for \$171,000 and place this item on the September 6, 2016 Board of Commissioners agenda.

Commissioner Keefe asked about the lifespan of a commercial chiller. Mr. Brown responded the lifespan of a commercial chiller should be about 20-30 years depending on the use, environment and maintenance of the chiller. Commissioner Keefe asked if the funds for the replacement chiller would come out of the general fund or building fund. Mr. Brown stated the replacement of the Winding Creek facility chiller is critical and he plans to use building funds from projects that the County saved money on last fiscal year

and could possibly put off less critical projects budgeted this fiscal year. Commissioner Adams stated he applauds staff for the capital budget being put in place so issues can be taken care of without having to use the fund balance.

- MOTION: Commissioner Keefe moved to recommend to the full board approval of the capital purchase of a new chiller for the Winding Creek facility from the building fund and to add this item to the September 6, 2016 BOC agenda.
- SECOND: Commissioner Edge
- VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF APPROVAL OF PARKING LOT LEASE AGREEMENT RENEWAL WITH THE FIRST PRESBYTERIAN CHURCH OF FAYETTEVILLE

BACKGROUND

Cumberland County presently leases parking lot space from the First Presbyterian Church of Fayetteville with an entrance off Person Street. Use of this particular parking lot has been monitored over time, and it appears the lot is used most heavily Monday through Friday between 9 a.m. and 12 p.m., but usage drops dramatically after noon with the parking lot hardly being used in the afternoons.

The terms of the current lease are as follows:

- The lot is available for public use between the hours of 7:00 a.m. and 7:00 p.m. Monday – Friday.
- The lease does not have a specific end date and auto-renews November 1st of each year.
- The lease was initiated at an annual rate of \$20,400 with a 3% increase in the rate each successive year. The lease amount for FY16 was \$23,424.16.

Staff has provided a notice of intent to the First Presbyterian Church as per the termination provisions of the lease agreement.

RECOMMENDATION/PROPOSED ACTION

This information is presented for the purpose of discussion in order to revisit the need for this lease under the current terms. Notice was given to the lessee as required in the event the Committee wishes to take further action.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

PARKING LOT LEASE

This Lease Agreement made and entered into this 10th day of March 2011, by and between First Presbyterian Church of Fayetteville, North Carolina, Inc., and Cumberland County, a body politic and corporate of the State of North Carolina;

WITNESSETH:

WHEREAS, the County of Cumberland, hereinafter referred to as "COUNTY", wishes to obtain additional overflow parking space to accommodate persons conducting business in the Courthouse; and

WHEREAS, the First Presbyterian Church of Fayetteville, North Carolina, Inc., Bow and Ann Streets, Fayetteville, North Carolina 28302, hereinafter referred to as "CHURCH", has parking spaces in excess of its immediate need which it desires to lease to the COUNTY.

NOW THEREFORE, the COUNTY and the CHURCH, in consideration of the mutual benefits to be derived hereunder, agree as follows:

1. The CHURCH leases to the COUNTY, and the COUNTY leases from the CHURCH, the areas identified as "A" and "B" on the plat [the "space"]. The COUNTY shall use the space for parking by COUNTY employees and the public using the COUNTY Courthouse during the weekdays (Monday through Friday) from 7 a.m. until 7 p.m. The CHURCH reserves the right to use the space at all other times.
2. This lease shall continue for successive one year terms commencing on November 1, 2010, until terminated by either party giving notice to the other party of its desire to terminate sixty (60) days in advance of the termination.
3. Ingress and egress to the space shall be strictly limited to the Person Street entrance.
4. The COUNTY will pay the CHURCH for the initial term an annual rental of Twenty Thousand, Four Hundred Dollars (\$20,400), payable in advance equal monthly installments on the first of each month commencing on November 1, 2010. The annual rent shall increase 3% for each successive renewal term on November 1.

5. The COUNTY will use signs to indicate the location of the leased premises and will be responsible for traffic control, mowing, landscaping, and cleaning and maintenance, including re-striping of parking spaces and re-asphalting when necessary. The CHURCH will maintain the existing outdoor lighting and pay the utilities expense for the existing lighting.
6. The COUNTY agrees to indemnify and hold harmless the CHURCH from and against all losses, claims, or damages of any kind whatsoever out of the use by the COUNTY, its employees, or licensees.
7. In addition to the annual rent, the COUNTY shall pay any county property taxes or county fees assessed or charged against the space by the COUNTY.

IN AGREEMENT hereto, the parties intending to be bound hereby have authorized the affixing of their signatures and seals by their duly authorized officers on their behalf and as their respective acts.

Tracy Jackson, Assistant County Manager, reviewed the background information and recommendation as recorded above. Commissioner Adams stated he feels there are plenty of parking options around the courthouse and he does not feel the County needs to pay to allow additional parking for the courthouse.

Harry Shaw, First Presbyterian Church, stated the lease between the County and First Presbyterian Church goes back many years and he noticed the parking lot is still being used. Mr. Shaw further stated he would be willing to renegotiate the lease agreement with the County to keep the parking lot available for public use. Mr. Shaw further stated he feels the parking lot will be used more as Person Street continues to grow.

Commissioner Keefe asked how many parking spots are available in the parking lot and what the tax value is on the property. Mr. Jackson stated he did not have the requested information but he would look into it and bring it back to the Facilities Committee. Commissioner Keefe stated he feels the lease agreement should stay in place until the end of this fiscal year and then look in to possibly negotiating the lease terms so everyone involved has ample time to prepare. Commissioner Edge agreed with Commissioner Keefe and stated this would give staff time to find out how many parking spots are available and the tax value of the parking lot.

Commissioner Keefe stated he would like to suggest adding an addendum to the lease agreement now to extend the lease until June 30, 2017 and during that time discuss

renegotiating the lease terms with the church. Mr. Moorefield suggested the County could continue the lease with First Presbyterian Church until June 30, 2017 without the 3% escalation in the current lease agreement.

Commissioner Adams stated the consensus of the Facilities Committee was for the County to continue the current lease agreement until June 30, 2017, without the 3% escalation and directed staff to negotiate the lease agreement with First Presbyterian Church and research the tax value amount and the number of parking spots available and bring this item back to the Facilities Committee once negotiations have been made with the church.

4. OTHER ITEMS OF BUSINESS

Commissioner Keefe stated he feels there needs to be clarification on the process and protocol for unauthorized repairs; maintenance and renovations in the courthouse or County buildings and departments need to be informed.

Ms. Cannon stated Mr. Jackson has been working with County Engineer Jeffery Brown to put a process in place. Mr. Jackson stated the protocol for making repairs, maintenance and renovations in County buildings has been distributed to staff. Mr. Jackson explained if staff wants to make a change in use, perform demolition work and/or renovations it has to come through the Facilities Committee first and the department will have to make the presentation to the Facilities Committee. Mr. Jackson further stated Engineering and Infrastructure staff will be available to provide consulting and answer questions regarding renovations before the presentation is done at the Facilities Committee.

There were no other items of business.

MEETING ADJOURNED AT 8:56 AM.