

JEANNETTE M. COUNCIL
Chairman

KENNETH S. EDGE
Vice Chairman

CHARLES E. EVANS
MARSHALL FAIRCLOTH
JIMMY KEEFE
BILLY R. KING
EDWARD G. MELVIN



CUMBERLAND ★ COUNTY ★ NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

MEMORANDUM

TO: Facilities Committee Members (Commissioners Edge, Evans, and King)

FROM: Kellie Beam, Deputy Clerk to the Board *KB*

DATE: November 3, 2014

SUBJECT: Facilities Committee Meeting – November 6, 2014

There will be a regular meeting of the Facilities Committee on Thursday, November 6, 2014 at 8:30 AM in Room 564 of the Cumberland County Courthouse.

AGENDA

1. Approval of Minutes – October 2, 2014 Regular Meeting **(Pg. 2)**
2. Consideration of Approval of Grant of Franchise for Operation of Courthouse and DSS Snack Bars **(Pg. 9)**
3. Consideration of Funding in the Amount of \$75,500 for Forensic Lab Services **(Pg. 10)**
4. Consideration of Approval of Relocation of Employee Clinic/Risk Management **(Pg. 13)**
5. Consideration of Approval of Radio Tower Agreement with NC Division of Forest Resources **(Pg. 15)**
6. Other Items of Business **(NO MATERIALS)**

cc: Board of Commissioners
Administration
Legal
Communications Manager
County Department Head(s)
Sunshine List

CUMBERLAND COUNTY FACILITIES COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
OCTOBER 2, 2014 - 8:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Billy King, Chairman
Commissioner Charles Evans

MEMBERS ABSENT: Commissioner Kenneth Edge

OTHER COMMISSIONERS
PRESENT: Commissioner Jimmy Keefe

OTHERS PRESENT: Amy Cannon, County Manager
James Lawson, Deputy County Manager
Melissa Cardinali, Assistant County Manager for Finance /
Administrative Services
Sally Shutt, Governmental Affairs Officer
Rick Moorefield, County Attorney
Jeffery Brown, Engineering and Infrastructure Director
Vicki Evans, Finance Accounting Manager
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 – SEPTEMBER 4, 2014 REGULAR MEETING

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

2. CONSIDERATION OF APPROVAL OF CHANGE ORDER TO CLASSIC
WINDOW AND GLASS, INC. FOR DEPARTMENT OF SOCIAL SERVICES
WINDOW PROJECT

BACKGROUND:

The Board of Commissioners approved a contract in the amount of \$464,505 to Carolina Classic Window and Glass, Inc. on August 18, 2014. On September 11, 2014, Engineering Staff met with representatives from Carolina Classic Window and Glass, Inc. along with Walter Vick to select a replacement glass from the various samples provided by the contractor. The contract requires the contractor to replace 50% of the glass on the north side of the building based on the fact that it has failed. While the

DRAFT

County selected the glass that was the closest match, it was determined that there still could be a slight variation with the new glass next to the existing glass. This in turn led to a discussion about the possibility of replacing 100% of the glass on the north side for not only the concern about the color but more importantly the likelihood that it may fail in the future. All the existing glass is being removed per a requirement of the contract anyway, so the cost of installing all new glass will simply be the glass itself as the labor has already been factored into the base bid.

The Engineering and Infrastructure Department received a quote of \$82,835 to replace all the windows on the north side instead of just the glass that has currently failed. There is sufficient funding in the project budget for this additional cost.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director along with County Management recommend that the Facilities Committee approve increasing the cost of the existing contract with Carolina Classic Window and Glass, Inc. by \$82,835 for the additional work and forward this to the Board of Commissioners for its consideration at their October 20, 2014 meeting.

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

MOTION: Commissioner Evans moved to recommend to the full board consideration of approval of the request made by the Engineering and Infrastructure Director along with County Management to increase the cost of the existing contract with Carolina Classic Window and Glass, Inc. by \$82,835 for the additional work to replace all windows on the north side of the Department of Social Services.

SECOND: Commissioner King

VOTE: UNANIMOUS (2-0)

3. CONSIDERATION OF APPROVAL OF RELOCATION OF EMPLOYEE CLINIC/RISK MANAGEMENT

BACKGROUND:

Recently the CommuniCare offices were relocated to 109 Bradford Avenue (the old mental health building). This move left the building at 226 Bradford Avenue vacant. The vacancy at 226 Bradford Avenue presents an opportunity to begin to address some existing as well as future needs of the County.

The first proposed relocation is to move the employee clinic from the E. Newton Smith building to the former CommuniCare building. This building is well suited for use as an employee clinic. The offices and entry are designed similar to a doctor's office. More

DRAFT

importantly, the location provides greater privacy for the patient and has ample parking. This facility is well suited to accommodate future growth of the clinic. The cost to enable use of the space will be minimal at \$25,000.

Since the space at 226 Bradford Avenue is approximately 4,900 square feet, there is sufficient room to include the Risk Management department, which is responsible for the clinic. Not only will this assist in consolidating areas of responsibility, the move will begin to address pressures for County offices to vacate the courthouse. The relocation of the employee clinic and Risk Management will allow an overcrowded Information Services (IS) department access to much needed space within the courthouse.

RECOMMENDATION/PROPOSED ACTION:

Approve renovation costs of \$25,000 to Bradford Avenue in order to move the employee clinic and Risk Management to that location. Allow IS to occupy courthouse offices vacated by Risk Management.

Amy Cannon, County Manager, stated in September the Finance Committee and full board approved outsourcing the employee clinic to Novant which should occur early 2015.

Melissa Cardinali, Assistant County Manager for Finance/Administrative Services, reviewed the background information and recommendation as recorded above and responded to questions.

Ms. Cardinali stated Risk Management will be responsible for the employee clinic and moving the Risk Management employees from the courthouse to the same location as the employee clinic would consolidate services and give employees easier access to the Benefits Coordinator to investigate retirement options. Ms. Cardinali further stated if Risk Management moved to the vacant Bradford Avenue location it would free up space on the lower level of the courthouse which would give the Information Services department much needed space to load and unload equipment. Ms. Cardinali stated the Information Services department would not need any funds to utilize the existing office space on the lower level of the courthouse if the Risk Management offices were vacated.

MOTION: Commissioner Evans moved to recommend to the full board consideration of approval of renovation costs of \$25,000 to 226 Bradford Avenue in order to move the employee clinic and Risk Management to that location and allow IS to occupy courthouse offices vacated by Risk Management.

Commissioner Keefe questioned the pharmacy not being included in the move to Bradford Avenue and stated he feels it would be more convenient for the pharmacy and the employee clinic to be in the same location. Ms. Cannon stated the 4,900 SF at the Bradford Avenue location was not enough space for the pharmacy and the employee clinic and explained there are specific security measures that have been put in place for

DRAFT

the pharmacy at the E. Newton Smith Center location. Ms. Cannon further stated the pharmacy numbers have not been driven by the employee clinic and she feels the pharmacy and employee clinic at separate locations would not have a negative impact on the pharmacy. Ms. Cannon explained it would take a significant amount of money and renovations to retrofit Bradford Avenue to include the pharmacy.

Commissioner Evans stated he agreed with Commissioner Keefe and feels the pharmacy should be located in the same general area as the employee clinic.

COMMISSIONER EVANS WITHDREW HIS MOTION.

Ms. Cannon stated an option would be to perform major renovations of the Bradford Avenue location and include the county pharmacy and the employee clinic but there would not be enough space for Risk Management and Wellness. Ms. Cannon and Mr. Brown stated it would take a significant amount of money due to the current makeup of the Bradford Avenue location. Mr. Brown stated he would need to look at the internal wall structure to see if the space could be reconfigured to accommodate the pharmacy.

Commissioner Evans stated he feels regardless of the cost of renovations it would be in the best interest of all to consider each option and make a decision based upon that information. Commissioner King stated he feels the idea of having one central location for all parties has value but if it is not structurally or financially achievable then it is not an option.

Ms. Cannon stated the E. Newton Smith Center appraisal came back and indicated that it would be difficult to sale that property and she believes eventually moving County Administration will be the plan. Ms. Cannon further stated if the administrative offices are moved to the E. Newton Smith Center there will be a significant amount of employees in that building which would be convenient to the pharmacy.

Commissioner Evans stated he would like to see a plan and cost assessment at the November Facilities Committee meeting with all options including the county pharmacy moving to the Bradford Avenue location along with the employee clinic and Risk Management.

Commissioner King stated the consensus of the Facilities Committee is to ask county staff to bring a report to the November Facilities Committee meeting with a comparative analysis of the different options discussed above so a decision can be made.

No action taken.

4. UPDATE ON COUNTY-OWNED FACILITIES AND SURPLUS PROPERTIES

4A. – COUNTY OWNED FACILITIES BACKGROUND:

DRAFT

At the September 4, 2014 Facilities Committee meeting the committee requested staff to present a list of county-owned facilities at the next committee meeting.

RECOMMENDATION/PROPOSED ACTION:

The Facilities Committee is not being asked to take action. The purpose of this item is to provide the Facilities Committee a list of county-owned facilities that was requested during the September 4, 2014 meeting.

Mr. Brown reviewed the background information as recorded above. Mr. Brown stated the county-owned facilities list includes all facilities the County owns and maintains. Mr. Brown reviewed the list and pointed out the vacant properties and leased spaces. Mr. Brown stated he has confirmed all group homes on the list are DSS operated and run by the County.

4B. – SURPLUS PROPERTIES

BACKGROUND:

At the September 4, 2014 meeting the Facilities Committee requested county staff to present a list of surplus properties at their next meeting.

RECOMMENDATION/PROPOSED ACTION:

The Facilities Committee is not being asked to take action. The purpose of this item was to provide the Facilities Committee a list of surplus properties that was requested during the September 4, 2014 meeting.

Ms. Cannon stated Mr. Moorefield suggested the Facilities Committee review the list of surplus properties and discuss scheduling a public auction because the list is lengthy.

Mr. Moorefield reviewed the background information and recommendation as recorded above. Mr. Moorefield stated the surplus property list includes properties that have been on the list for years. Mr. Moorefield further stated there was a public auction in 2007 which was successful and he feels another auction needs to be held. Mr. Moorefield stated he plans to bring the list back to the Facilities Committee in the spring of 2015 after he is able to identify which parcels can be auctioned off and will ask the board to approve a public auction.

No action taken.

5. UPDATE ON PROPERTY LOCATED AT 800 OLD WILMINGTON ROAD

BACKGROUND:

DRAFT

At the September 4, 2014 Facilities Committee meeting, the committee was made aware of a property that the County owns at 800 Old Wilmington Road. The property contains a building that was constructed as a mental health group home facility and is still being currently operated as such by RHA Management Services. RHA Management Services indicated to County staff that they were interested in purchasing the property. The Facilities Committee voted unanimously to direct staff to have the property appraised and move forward with the sale of the property. The full Board of Commissioners approved this action at their September 15, 2014 meeting.

County staff received an appraisal from Holmes Appraisal Service stating that the subject property had a market value of \$215,000. RHA Management has received a copy of the appraisal and has indicated that they have no issues with moving forward with purchasing the property at the appraised price. However, they would like to complete a phase one environmental survey as well as a title search in order to obtain a title policy prior to purchasing the property. Due to the time it takes to complete these actions, the proposal at this time is to bring a month to month lease at a fair market rate for a term not to exceed four months to the Board of Commissioners for consideration at their October 6, 2014 meeting. This will allow time for the lease to be advertised as required by General Statute so that the Board of Commissioners can approve the lease at their October 20, 2014 meeting. The purpose of the lease is to provide the occupant sufficient time to complete their due diligence to either make an offer to purchase or vacate the property.

RECOMMENDATION/PROPOSED ACTION:

The Facilities Committee is not being asked to take action. The purpose of this item was to provide the Committee an update as to what actions have taken place since the September meeting.

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

No action taken.

6. UPDATE ON VANDER SEWER EXTENSION PROJECT

BACKGROUND:

On October 6, 2011, Cumberland County was awarded a grant from The Golden LEAF Foundation in the amount of \$469,218 for the extension of a sanitary sewer line into the Vander community with the ability to serve civic organizations as well as businesses. The initial completion date for this project was to be October 6, 2012. However, due to the fact that the route was changed in order to serve a greater population, the completion date for the project was extended to April 2014 and further extended until October 2014. An inter-local agreement was executed between PWC, the City of Fayetteville, and Cumberland County in August 2012 where PWC agreed to participate in the cost of the

DRAFT

project since the relocation of the line would increase their future service area. While PWC initially agreed to fund all additional cost up to one million for the entire project, the PWC Commission voted on September 11, 2013 to increase their contribution to \$1.2 million in addition to the grant to cover the increased cost of the project.

Bids were received on September 5, 2013 and the Board of Commissioners awarded a contract to Utilities Plus, Inc. on September 16, 2013 in the amount of \$1,258,638.93. The Notice to Proceed for this project was issued on October 16, 2013. At this point in time, the entire sewer extension has been installed and it is expected that the contract should be closed out within the next 30 days. The County has currently received \$375,374 (80% of the grant) in reimbursement from the Golden Leaf Foundation. Upon completion of the project, the County will be able to submit a final grant reimbursement request for the remaining 20% as well getting reimbursement from PWC for their portion of the project.

RECOMMENDATION/PROPOSED ACTION:

The Facilities Committee is not being asked to take action. The purpose of this item was to provide the Committee an update on the project.

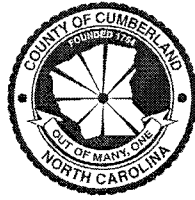
Mr. Brown reviewed the background information and recommendation as recorded above. Mr. Brown stated he just wanted to make the Facilities Committee aware the Vander Sewer Extension Project is nearing completion.

No action taken.

7. OTHER ITEMS OF BUSINESS

Ms. Cannon stated she asked Mr. Brown to update the committee on the roof assessment process. Mr. Brown stated there were seven submittals from the RFQ process and the top four firms have been interviewed. Mr. Brown stated Fleming & Associates; a local firm has been selected to provide the roof assessments as well as the building envelope assessments. Mr. Brown stated this item would go straight to the full board at the October 20th BOC meeting.

MEETING ADJOURNED AT 9:26 AM.



OFFICE OF THE COUNTY ATTORNEY

5th Floor, New Courthouse • P.O. Box 1829 • Suite 551 • Fayetteville, North Carolina 28302-1829
(910) 678-7762

**MEMO FOR THE AGENDA OF THE NOVEMBER 6, 2014,
MEETING OF THE FACILITIES COMMITTEE**

TO: Board of Commissioners; Co. Manager
FROM: Co. Atty. *R. Moorefield*
DATE: October 30, 2014
SUBJECT: Consideration of Grant of Franchise for Operation of Courthouse and DSS
Snack Bars

Requested by Board of Commissioners
Estimate of Time Needed: As needed

BACKGROUND:

Shana B. Yi and Jae Yong Yi (Lee) have been operating the snack bar in the Courthouse since 2003 and at DSS since 2008 under a franchise granted by the Board of Commissioners. The franchise expired September 30, 2014, but has a continuation provision subject to the approval of the Board. Finance Office reports that the franchisee is current on all financial obligations under the franchise and the franchise fees received by the county for the combined Courthouse and DSS snack bars for the past two fiscal years and the first two months of the current fiscal year have exceeded the minimum required payments by an average of \$50.37 per month.

Grant of the continuing franchise will require two readings.

RECOMMENDATION/PROPOSED ACTION:

Consider whether to extend the franchise agreement on the same terms; to extend the franchise agreement with modified terms; or to discontinue the franchise agreement and solicit proposals from additional vendors.

memorandum

To: Amy H. Cannon, County Manager, Cumberland County
From: Ronnie M. Mitchell, Legal Counsel, Office of the Sheriff
Ref: Proposed Contract for Forensic Services
Date: November 3, 2014

This memorandum addresses a critical need for the safety of the citizens of Cumberland County and the efficiency of the administration of justice here. A careful and detailed study of the factors affecting the administration of justice in Cumberland County which Sheriff Butler directed, commencing nearly two years ago, ultimately involving the Office of the District Attorney, the City of Fayetteville (particularly including the Fayetteville Police Department) and others led to the inexorable conclusion that a primary obstacle to the efficient administration of justice in Cumberland County is the unavailability of forensic laboratory services, particularly those devoted to drug identification and the quantitative and qualitative analysis of narcotics and other drugs and the inability to analyze impairing substances contained in the blood of suspects, including drugs and blood alcohol content from samples drawn from suspects.

Often, cases are dismissed, lost or substantially delayed because of the inability of the District Attorney's Office to receive admissible reports of such analysis. Such results and such circumstances have become particularly burdensome and virtually intolerable.

The State Crime Laboratory has been brought into question with respect to its competence and reliability, but more often, the sheer volume of cases submitted to the laboratory causes delays of many months and often years in order to receive the reports and to obtain a witness to testify as to those findings. As a result of the circumstances, District Attorney West and his assistants, G. Robert Hicks, and B. Worth Paschal have worked closely with the Sheriff's Office and the Police Department in analyzing the problems and potential remedies. We have explored the possibility of opening a local laboratory funded solely by the political units or subdivisions, and maintaining the staff and equipment for such a forensics laboratory. That exploration led ineluctably to the conclusion that while desirable, equipping, staffing and maintaining the equipment and staff for such a venture was cost prohibitive, requiring the investment of millions of dollars and substantial delay in obtaining the necessary staff, equipment, qualifications, accreditation and credentialing.

Of course, the Cumberland County Sheriff's Office provides and maintains laboratory and identification facilities, providing the services not only for the Cumberland County Sheriff's Office but for local municipalities including the towns of Hope Mills, Spring Lake, Eastover, Stedman, Godwin, and Falcon. In addition, the personnel of the identification and crime scene investigation unit provide laboratory services and testimony to and for various counties and prosecutorial units throughout the state.

Currently, among other things, the unit has the ability to examine and identify fingerprints through A.F.I.S. (Automated Fingerprint Identification System) as well as the ability to examine and identify ballistic or firearms evidence through I.B.I.S. (Integrated Ballistics Identification System). Several members of the Cumberland County Sheriff's Office have been recognized for their expertise, especially one of our forensic fingerprint examiners, who has had a scholarly article selected for publication this year, and one of the

firearms (ballistics expert) examiners, who has been called upon to provide training for others as well as examinations and testimony all across the state.

The Cumberland County Sheriff's Office also maintains a computer forensics laboratory for the purpose of forensic examination of computers, peripherals, and computer operated hardware, firmware, as well as software. The analysis generated from the services has proved to be reliable and beneficial in a number of investigations, including drug activities, gambling, child pornography, molestation, sexual assault, as well as white-collar crime cases.

In addition, the Office maintains an exemplary photographic evidence laboratory with a full time photo lab technician. The services provided to the investigators and prosecutors within the apposite prosecutorial district as well as to other agencies across the State and, particularly, the municipalities in Cumberland County, include the examination and maintenance of photographic evidence, including still photographs and videographic evidence.

Recently, N.C. Gen. Stat. § 8-58.20, governing the admissibility of forensic evidence, has been amended to provide that:

forensic analysis, to be admissible under this section, **shall be performed by a laboratory that is accredited by an accrediting body** that requires conformance to forensic specific requirements and which is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement For Testing for the submission, identification, analysis, and storage of forensic analyses. The analyses of DNA samples and typing results of DNA samples shall be performed by a laboratory that is accredited by an accrediting body that requires conformance to forensic specific requirements and which is a signatory to the ILAC Mutual Recognition Arrangement For Testing.

N.C. Gen. Stat. § 8-58.20(b)(emphasis added).

As a result of the requirements under North Carolina evidentiary law as well as constitutional due process concerns, the Cumberland County Sheriff's Office is seeking accreditation for its latent fingerprint analysis and firearms examination laboratories.

More importantly, however, as indicated above, the Prosecutorial District (and the Sheriff's Office) has great need of the capacity to be able to perform testing of forensic drug chemistry, blood alcohol analysis, and blood drug analysis. A profound need for the services exists and demands immediate action in order to facilitate the interests of justice.

Additionally, in light of the significant backlog in the State Crime Laboratory and the difficulty in obtaining chemical analysis of drugs and other controlled substance evidence as well as analysis of controlled substances in blood specimens (including blood alcohol), the Office of the District Attorney has sought and is seeking the assistance of the Cumberland County Sheriff's Office in establishing and maintaining a forensic laboratory for the analysis of controlled substances (identified as a forensic drug laboratory) as well as a laboratory for the analysis of blood for suspected alcohol intoxication of accused persons as well as the analysis of blood for those persons suspected of being impaired by controlled substances. Cases have been dismissed for the denial of the defendant's speedy trial rights, and a number of cases have been lost because of the inability to provide the requisite forensic analysis. Remedial action must be taken.

Given the circumstances, we have thoroughly investigated other means of acquiring the forensic services. As a result of this investigatory study, Sheriff Butler, Chief Deputy Wright, District Attorney West and his senior assistants, Chief of Police Medlock, and I have concluded that a public-private contractual

relationship would achieve the result sought with regard to the establishment of a laboratory at a fraction of the costs associated with establishing our own laboratory.

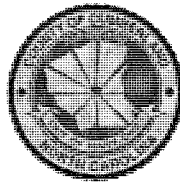
As a part of that investigation, we have interviewed other officials and other individuals who have been involved in and experienced similar circumstances. In addition, we have investigated the reliability of various companies and their ability to provide the services so greatly needed. We have visited laboratory facilities, both those maintained by law enforcement agencies and those operated under a contractual relationship.

Premised on this and other investigatory and research methodology, we have concluded and strongly recommend the entry of a contractual relationship with Integrated Forensic Laboratories LLC, a division of NMS Labs. IFL operates labs which are both freestanding and those which are located in law enforcement facilities, particularly in the State of Texas, although NMS operates national laboratory and testing facilities headquartered in Pennsylvania. For more than 40 years these laboratories have been committed to and have provided professional, state-of-the-art laboratory diagnostic services to and have served the criminal and civil justice system. The company has an excellent reputation and an established record of integrity, accuracy, and economy while maintaining the requisite accreditations and credentialing and providing the services needed to meet or exceed the evolving legal and scientific standards.

Essentially, the model which would provide the type of services needed in Cumberland County would be the entry of a contractual relationship with the company under the terms of which the City of Fayetteville and the County of Cumberland together would pay one half of the calculated operating costs which is the sum of Twenty Five Thousand Dollars per month or Twelve Thousand Five Hundred dollars (\$12,500.00), per month, each, except that the County's monthly obligation would be reduced by One Thousand Seven Hundred Fifty Dollars (\$1,750.00) per month, making the County's expenditure Ten Thousand Seven Hundred Fifty Dollars (\$10,750.00), per month, in light and in consideration of the County agreeing to allow the company to use the existing laboratory space in the former Day Reporting Center located on Russell Street. (The Fayetteville Police Department has explicitly stated that the City will be ready to proceed no later than January with its financial support for the laboratory.)

For this fiscal year, the lab would require an expenditure of Seventy Five Thousand Five Hundred Dollars (\$75,500.00). The Sheriff's Office has applied and is continuing to apply for funding grants through the Governor's Crime Commission. The Commission has expressed initial and tentative approval of the grant, but we do not have any confirmation, accordingly without grant approval we are requesting county funds in the amount of Seventy Five Thousand Five Hundred Dollars (\$75,500.00).

The addition of this laboratory to the services which are already established would enable the County to provide far better forensic services than those which are currently available and would likely assist in the reduction of the court backlogs and even, potentially, in a reduction of the jail population, reducing the effective costs of operations and of establishing the laboratory. Most importantly, this contractual relationship would provide another much-needed and even essential tool to combat crime.



**CUMBERLAND
COUNTY**
NORTH CAROLINA

ENGINEERING & INFRASTRUCTURE DEPARTMENT

JEFFERY P. BROWN, PE
Engineering & Infrastructure Director

**MEMO FOR THE AGENDA OF THE
NOVEMBER 6, 2014 MEETING OF THE FACILITIES COMMITTEE**

TO: FACILITIES COMMITTEE
FROM: JEFFERY P. BROWN, PE, E & I DIRECTOR
THROUGH: AMY H. CANNON, COUNTY MANAGER
DATE: OCTOBER 30, 2014
SUBJECT: CONSIDERATION OF APPROVAL OF RELOCATION OF
EMPLOYEE CLINIC/RISK MANAGEMENT

Requested by: AMY H. CANNON, COUNTY MANAGER
Presenter(s): JEFFERY P. BROWN, PE, E & I DIRECTOR

Estimate of Committee Time Needed: 10 MINUTES

BACKGROUND:

At the Facilities Committee on October 2nd, County staff presented the Committee with a plan to relocate the employee clinic from the E. Newton Smith Building as well as Risk Management from the Courthouse into the former CommuniCare Building located at 226 Bradford Avenue. Following the presentation, there was some discussion as to whether it would be more beneficial to relocate the employee pharmacy with the employee clinic instead of Risk Management. County staff was directed to determine the cost of relocating the employee pharmacy and to present this information at the November meeting.

On the surface, it appears that this conceptual idea has a lot of merit, however due to the costs to renovate this space for an employee pharmacy, it becomes less attractive. First and foremost, the facility is not equipped with emergency power and a generator would have to be installed at the facility. The interior walls within the area that the pharmacy would be located would have to be removed and several of these have been determined to be load bearing walls. In order to accomplish this, a structural engineer will have to be hired to design structural supports for the roof. This facility is currently not equipped with video surveillance equipment and this would definitely need to be installed. While this building is a brick building, it has wood exterior directly above and below each window. Due to this, the interior area around each window would have to be secured with steel bars from the floor to the ceiling.

Listed below is the projected estimated upfront cost it would take to relocate the employee pharmacy to 226 Bradford Avenue.

<u>Item</u>	<u>Projected Cost</u>
Back-up Generator	\$50,000
Engineering Services	\$20,000
Security	\$70,000
Fire Panel Upgrade	\$8,000
Construction - HVAC, Walls, Ceilings	\$100,000
IS Needs	\$4,000
Move	<u>\$6,500</u>
Sub-Total	\$258,500
10 % Contingency	\$25,850
Total	\$284,350

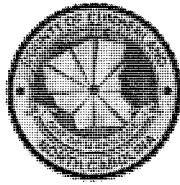
Please keep in mind that this does not include the reoccurring operating cost for the security that will be installed. It is also important to note that this cost is solely for the employee pharmacy relocation and that the cost of renovating the employee clinic space is not included and still projected to be around \$25,000.

Due to the significant cost of relocating the employee pharmacy, the initial plan presented to relocate Risk Management in conjunction with the employee clinic seems to be the most cost effective move at the present time. Not to mention, this move would allow the overcrowded Information Systems (IS) Department to expand into the space vacated by Risk Management.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director along with County Management recommend that the Facilities Committee approve the following recommendations and forward them to the Board of Commissioners for its consideration at their November 17, 2014 meeting.

1. Approve the move of the employee clinic along with Risk Management to 226 Bradford Avenue.
2. Establish a renovation budget of \$25,000.
3. Allow the IS Department to utilize the space that is being vacated by the relocation of Risk Management.



**CUMBERLAND
COUNTY**
NORTH CAROLINA

ENGINEERING & INFRASTRUCTURE DEPARTMENT

JEFFERY P. BROWN, PE
Engineering & Infrastructure Director

**MEMO FOR THE AGENDA OF THE
NOVEMBER 6, 2014 MEETING OF THE FACILITIES COMMITTEE**

TO: FACILITIES COMMITTEE
FROM: JEFFERY P. BROWN, PE, E & I DIRECTOR
THROUGH: AMY H. CANNON, COUNTY MANAGER
DATE: OCTOBER 30, 2014
SUBJECT: RADIO TOWER AGREEMENT WITH NC DIVISION OF
FOREST RESOURCES

Requested by: JEFFERY P. BROWN, PE, E & I DIRECTOR
Presenter(s): JEFFERY P. BROWN, PE, E & I DIRECTOR

Estimate of Committee Time Needed: 10 MINUTES

BACKGROUND:

The Emergency Management Department was contacted by the NC Division of Forest Resources to see if Cumberland County had available radio tower space for installation of an antenna. Their existing agreement for the tower on Palestine Road has expired and their goal is to find a more centrally located site within Cumberland County to provide better radio communication coverage. The Emergency Management Department then contacted the Engineering & Infrastructure Department to discuss the possibility of the Forestry Service using available space on the tower located atop of the County facility located at 109 Bradford Avenue, the former Mental Health Building.

There is available space on one of the existing towers located at the facility and there is actually an existing UHF antenna that is currently not in service that the Forestry Division utilized to test the communication coverage. It was determined from the test that this location did indeed meet their needs and it was also determined that their antenna would not have a negative impact on the existing communication antennas as their antenna will be on a different frequency from the existing antennas. The use of the available space on the tower will provide more effective and efficient services to the citizens of Cumberland County without any negative impact to existing operations.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director along with County Management recommend that the Facilities Committee approve the use of available space on the radio tower located atop of 109 Bradford Avenue for the purposes of NC Division of Forest Resources operating a radio antenna and forward it to the Board of Commissioners for its consideration at their November 17, 2014 meeting.

CUMBERLAND COUNTY

RADIO TOWER AGREEMENT

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

This Lease Agreement, made and entered into this 17th day of November, 2014, by and between Cumberland County, 117 Dick Street, Fayetteville, N.C., 28301, hereinafter referred to as "Lessor", and North Carolina Division of Forest Resources, District 3, 1616 Mail Service Center, Raleigh, N.C., 27699-1616, hereinafter referred to as "Lessee".

WITNESSETH

WHEREAS, the Lessor owns, operates and maintains a Radio Signal Tower, located on a County facility that is located at 109 Bradford Avenue in Cumberland County, North Carolina, at latitude of 35-03-19N, longitude 78-53-30W, NAD 17, and the Lessor hereby leases to Lessee and the Lessee hereby leases from the Lessor space on the Tower and all access and utility easements, if any, (collectively, the "Premises").

WHEREAS, the Lessor desires to grant to the Lessee a lease to install, operate and maintain an antenna and coaxial cable upon said tower and to install related cabling, wiring and accessories inside the "headend" building located at the base of the radio tower. The headend" building is a masonry environmentally-controlled building which is storage space for all repeaters and accessories related to such antennas and cables on the tower.

NOW THEREFORE, in consideration of the rents, covenants and agreements hereinafter set forth, the Lessor and Lessee agree as follows:

- 1) The Lessor agrees to lease to the Lessee space on its radio tower to install, operate and maintain an antenna and coaxial cable on Lessor's tower and to install, operate and maintain other related cabling, wiring and accessories inside the Lessor's "headend" building located at the base of said radio tower.

<u>TYPE</u>	<u>HEIGHT</u>
VHF Hi Band Repeater	

- 2) The Lessor agrees to furnish such power as may be required by the Lessee for operation of its installation, however, it is expressly understood and agreed that the Lessor will not be responsible for any power outage, but will endeavor to correct the condition causing the outage as soon as it is reasonably possible.
- 3) The initial term of the lease will begin November 17, 2014 and terminate December 31, 2016. The Lessor or Lessee may terminate this agreement at any time with or without cause, upon thirty (30) days written notice to the other party, sent by certified mail to the address so designated for this purpose; and further provided that this agreement may be canceled on twenty-four (24) hours notice to Lessee in the event that Lessee's base station, antenna or other equipment on said premises of the Lessor are causing or contributing to noticeable degradation of the radio equipment of the Lessor or of any persons with antenna leases on the Lessor's tower.
- 4) The rental fee for the lease shall be One and 00/100 Dollar and should be paid with the commencement of this lease.
- 5) The Lessee will have access to the Lessor's tower site and to Lessor's "headend" building. Only personnel or contractors of North Carolina Division of Forest

Resources approved by the Lessor will be permitted to go on or install equipment of the tower.

- 6) The Lessee agrees that the Lessor will not be liable to the Lessee for any losses, costs or expenses arising out of damage to property of the Lessee located on said premises, or out of bodily injuries or resulting death sustained by agents or employees of the Lessee on said premises. The Lessee further agrees that the Lessor shall not be liable for any loss of service of the Lessee's equipment, any loss of rentals or use fees by the Lessee, or for any other type of loss that the Lessee may suffer because of the failure of the tower or any other equipment or service furnished by the Lessor. The Lessee shall hold the Lessor harmless against the claims of any third parties based upon or arising out of the Lessee's use of the tower or any equipment installed on the tower or the tower site. The Lessee shall, during the term of the lease, carry adequate insurance coverage for bodily injury, property damage and personal property, which said insurance policy shall name the Lessor as an insured under the policy, said copy of the policy to be furnished to the Lessor.
- 7) The Lessee's base station and related equipment shall be installed and maintained in accordance with the following:
 - a) Base Antennae shall have no more than 3.3 square feet of projected wind surface.
 - b) Antennae shall be installed at a location and in a manner designated by the Lessor.
 - c) All mounting brackets, clamps and bolts shall be galvanized
 - d) All coaxial cable shall be fastened to a designated tower leg at intervals of no more than three feet. Stainless Steel Wraplock or Copper Wire shall be used to fasten coaxial cable to tower leg.
 - e) Form a Drip Loop at building cable entrance.
 - f) Base stations shall be installed at a location designated by the Lessor.
 - g) Base stations shall be ground with AWC #6 Copper Conductor to Ground Buss.
 - h) Install GE Surge Protector or equivalent at Base Station AC Outlet
 - i) Traps and Filters shall be placed in transmitter output in order to eliminate potential harmful interference with other radio users.
- 8) The Lessee, its agents, or any persons using the Lessee's antenna and equipment for the transmission and reception of radio signals shall comply with all laws and governmental regulations respecting such use and shall hold the Lessor harmless from any responsibility from the failure of the Lessee, its agents or any persons using the Lessee's antenna and equipment. The Lessee shall maintain all licenses required by the FCC for the antenna and other equipment on the Lessor's property, said copy of license to be provided to the Lessor.
- 9) The failure of either party to insist in any instance on strict performance of any covenant thereof, or to exercise any option herein contained, shall not be construed as a waiver of such covenant or option in any other instance. No modification or any provision hereof and no cancellation or surrender hereof shall be valid unless in writing and signed by parties.

IN WITNESS WHEREOF, the parties hereto have signed and sealed this instrument the day and year first above written.

LESSEE:
State of North Carolina

G. Kent Yelverton, Director

LESSOR:
Cumberland County

Amy H. Cannon, County Manager

DRAFT

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, _____, a Notary Public of the State and County aforesaid, do hereby certify that **Amy H. Hall** personally came before me this day and acknowledged that she is **County Manager**, and that she, as Manager, being authorized to do so, executed the foregoing instrument on behalf of the County of Cumberland.

WITNESS my hand and official seal this _____ day of _____, 2014.

Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, _____, a Notary Public for County and State aforesaid, do hereby certify that **G. Kent Yelverton** personally appeared before me this day and acknowledged the due execution by him of the foregoing instrument as Director of Property and Construction Division, for the North Carolina Department of Agriculture and Consumer Services, in accordance with the authority vested in him and for the purposes therein expressed.

WITNESS my hand and official seal this _____ day of _____, 2014.

Notary Public

My Commission Expires: _____

RF