

# PITT COUNTY BOARD OF COMMISSIONERS

## Courthouse Workshop

Wednesday, August 9, 2000

8:30 A.M.

The Pitt County Board of Commissioners met in a recessed session on Wednesday, August 9, 2000, at 8:30 a.m. in the Commissioners Auditorium of the Pitt County Office Building, 1717 West Fifth Street, Greenville, North Carolina.

Commissioners present:

Charles P. Gaskins, Chairman  
David Hammond, Vice Chairman  
Glenn Bowen, Commissioner  
Ann Huggins, Commissioner  
Eugene James, Commissioner  
Tom Johnson, Sr., Commissioner  
Mark W. Owens, Jr., Commissioner  
M. Theresa Shank, Commissioner  
Beth B. Ward, Commissioner

Others present were:

Thomas B. Robinson, County Manager  
JoAnne Burgdorff, County Attorney  
Susan J. Banks, Clerk to the Board  
Melonie Bryan, Director of Financial Services  
Arlen Holt, Public Information Officer

Call to Order – Chairman Gaskins

The invocation was offered by Vice Chairman Hammond.

The Pledge of Allegiance was led by Commissioner Bowen.

### **Approval of Agenda – Chairman Gaskins**

**UPON MOTION** by Vice Chairman Hammond, seconded by Commissioner Shank, the Board voted unanimously to approve the agenda as presented.

Purpose of Meeting – Tom Robinson, Manager

Mr. Robinson said that the Board needed to address the change order and schematic for Phase II of the Courthouse and one item concerning the Community College.

### **Architect Change Order, Phase I – Phil Dickerson**

Mr. Dickerson stated that there were change orders that were added to the Courthouse project. He stated the Board did not see all the change orders that were requested because the time factor was critical on the construction of the project. He said that Mike Taylor and Richard Johnson worked on one change order that would have cost \$100,000 but was reduced to \$35,000 for wiring of the Administrative Office of the Courts area. Mr. Dickerson said that the request for changes had to be dealt with by the Architect whether they were implemented or not. The Architect has requested additional money and he said he had no doubt

that the County owes the Architect for services provided. Mr. Robinson said there was a 5% contingency on this project. There was \$587,000 appropriated for the contingency fund on this project and \$311,000 was actually spent in change orders. Mr. Robinson said there was \$114,000 in expenses of the architect. The architect was only requesting to be paid half the fee, totaling \$56,000. Vice Chairman Hammond asked if there would be any more change orders on this project. Mr. Dickerson stated he was sure there would be change orders on Phase II.

Commissioner James asked why the requests for additional work were not brought before the Board. Richard Johnson said that the issues came up during construction. He said the construction was time sensitive. The contractor charges for any delay so they had to react quickly. Mr. Johnson said they had to work each problem until they could get it resolved. Mr. Johnson said that they worked with the Steering Committee which consisted of over twenty members. The group worked hard and intensely. He said that if you compare, the percentage of change orders on the building was a minimal amount of 3.8%. Mr. Dickerson said that the general contractor has submitted a claim that the County cost them over \$30,000 because of delays and they worked very hard to keep the delays in construction at a minimum. In public buildings, the law is very specific and every contractor bids on the specifications. He said the money was budgeted in the project because change orders are expected. Mr. Dickerson said that this matter was now history and the Board needs to work toward the future. Commissioner Ward said she had worked with building of public buildings and change orders are to be expected.

**UPON MOTION** by Commissioner Ward, seconded by Commissioner Shank, to approve the request to pay an additional \$56,000 to the East Group for services provided on change orders. Commissioner Bowen asked who requested the change orders. Mr. Dickerson said he did the change orders that were within Mr. Robinson's authority. Commissioner Bowen asked if the Judges were responsible for the change orders. Mr. Johnson said they did respond to requests by the Judges. Commissioner Bowen said changes should be made through staff. Mr. Robinson said they were dealing with a large number of agencies and were trying to work together to get the project completed. Vice Chairman Hammond said the Board should be on top of every change order. Commissioner Owens said his original intentions in requesting the Architect to come before the Board was not that he wanted to dispute Mr. Johnson's fee but to hear an explanation of the change orders. He said that change orders are expected in a project of this magnitude. He said that Mr. Johnson had answered his questions and he did not believe the change order system had been abused. The changes that were made were made for the benefit of the people that work in the Courthouse. He noted that doors were added, changes were made in wall textures, the dumpster pad was changed and relatively other small changes were made at the request of staff in the Courthouse. Commissioner Bowen said he did not like the process but felt the County did owe the Architect his additional fee. Mr. Robinson said the upfitting of the fourth floor was added to the project in addition to the change orders. Vice Chairman Hammond stated his adamant opposition to paying this increased fee because the process should have included reports back to the Board. The motion was passed with an eight to one vote. Vice Chairman Hammond opposed the motion.

Commissioner Bowen **motioned** for the County Engineer to have final approval of requested change orders, within the Manager's authority, and for the Engineer to provide follow up reports on the change orders to the Board. Commissioner James seconded the motion. Commissioner Shank said this is already the policy. Mr. Dickerson agreed that this is the policy but he would supportive of a reaffirmation of this policy. Commissioner Ward said the Board supports that policy. Vice Chairman Hammond said he felt Mr. Dickerson should bring these change orders back to the Board.

Mr. Robinson said that 98% of the time, the practice was reaffirmed that all change orders come to Mr. Dickerson and Mr. Robinson to sign off on if it was within the Manager's authority. Commissioner James said that nothing will be changed unless approved by the County Engineer. Mr. Dickerson said he would report the change orders to the Board on the future project. Commissioner Bowen said he was against change orders because the owner is at the mercy of the contractor when a change order is implemented after the job has been bid. The motion passed with an eight to one vote. Vice Chairman Hammond opposed the motion.

**Review of Schematic Phase II Improvements – Phil Dickerson and Richard Johnson**

Mr. Robinson said the Architect has met with all of the tenants of the Courthouse and secondary users of the Courthouse. They have looked at the highest priorities and functions in the courthouse. Each user has signed off on the plans for their space. The Courthouse Committee has been used to work on the plans and have signed off on the general concept. Mr. Robinson said that if the Board were comfortable with the proposal then the Board could approve the schematic and proceed with the bidding process. Vice Chairman Hammond asked about change orders.

Commissioner James asked about the cost of Phase I and Phase II.

Mr. Robinson gave the following response:

Phase I - \$8,354,000 including change orders; \$10 million was budgeted

Phase II - \$7,000,000 budgeted without raising taxes.

Mr. Johnson thanked the staff and users of the facility for their input. He gave an overview of the facility. He reviewed each level of the courthouse design.

## **Phase II - adaptive reuse for a modern building**

Main level- Register of Deeds (was Clerk of Court area)

Vital records on main floor; administer oaths to Notary Publics; Record Military Discharge

Basement - real estate and genealogy; imaging of records; real estate maps

Main level - Sheriff's Office

Only offices necessary to be in that building are included.

Cashier function with room for four people. Space for auditor and future growth space. Entrance on Washington Street will be closed.

Information desk in Atrium. (To be staffed by volunteers.)

Clerk of Court Offices

Main Floor – Cashiers and Bookkeeping

Level 2 – Administration, special proceedings and settle estates; division of land; hearings of all types

Level 3 – Civil and Juvenile; Small Claims, Divorces, Suits; Domestic Violence Case origination

Level 4 – Criminal; all paperwork, filings, calendars associated with all court cases

Mr. Johnson said they did not anticipate the growth values in the Register of Deeds and Clerk of Court. Clerk of Court had experienced 11% in growth last year which significantly impacts the space needs. The construction would take two years and during this time, they may use up the excess space. The Register of Deeds growth rate for the past three years was 4% in real estate and 5.3% in vital records versus the 2% anticipated. The immediate space needs are being met for Register of Deeds and Clerk of Court Offices but there will not be room for much expansion.

Ms. Eleanor Farr, Clerk of Superior Court, said the only additional space they have been given was the Criminal Services area. She expressed a serious need for additional space. She said the space being planned for is sufficient for what she needs for the present situation. She said they have juvenile court twice a week and they cannot be caught up.

Commissioner Ward said she understood that the immediate building plans will meet the current space needs. Vice Chairman Hammond said that parking is going to be an issue. Ms. Farr said there are people working in other facilities that have to come into the courthouse. Commissioner Bowen asked how many Superior Court Judges there are with offices in the courthouse. Judge Clifton Everette thanked the Board for the new courthouse space. He stated there are three Superior Court Judges and five District Court Judges that have offices in the Courthouse. He stated that the new sallyport for delivery of inmates has worked very efficiently.

Judge Everette said he held every single week of court, without an interruption most of the time, five days a week since January. He invited the Board to come to the Courthouse on Fridays and said they have

been very successful in reducing the docket with the new courtrooms. There are three judges and when this addition was planned, they only had two judges. Tom Haigwood moved into the extra office. Five offices are for the district courts and they are convenient to the courtrooms. Two judges were assigned to Pitt County for six months. The new space allows them to do some additional planning and the system is working more efficiently. He said there was a lot of foresight by this Board in moving forward and finishing off the fourth floor of the Courthouse.

Ms. Judy Tart was also present. Ms. Tart said they desperately need the additional space. She said she would rather not be in the basement but is pleased with the proposed space.

### **Approval of Schematic Phase II Improvements**

Mr. Johnson presented the Preliminary Scope and proposed final scope of the plans which represents the Phase II improvement to the Courthouse with an estimate of \$7,938,851 and \$911,976. There is work that needs to happen to the jail area downstairs. The rework will cost an estimated \$652,150. Mr. Johnson said the County maintenance staff can do some of the renovations needed in the jail area.

The City and County staff are looking at the parking space. He said they would move the Clerk's Office to free up the annex and then will have to use upper and lower level for the Register of Deeds Office while construction is under way. He said they can add a floor to the jail annex of 1,350 square feet. Mr. Johnson said this is everything you can do to this building, either now or later.

The total cost proposal was for \$9,914,553 for Phase II. Mr. Robinson said it will be more difficult to fund this than the \$7.5 million he had budgeted for but it could be done. Mr. Robinson reviewed the capital projects which the County is currently obligated to complete and their costs.

Vice Chairman Hammond said the Sheriff has staff in several different locations. He asked if there was too much of the budget on capital improvement? He said he was not supportive of adding space at the courthouse when all they are doing is incarcerating minorities. Vice Chairman Hammond questioned the Manager about the funding of this and other capital projects. Mr. Robinson stated that the interest on the funding from the PCMH funds should provide higher yields since the County had legislation approved for better investment options.

Vice Chairman Hammond asked if with Phase I and Phase II, the Sheriff would be able to consolidate his staff in one facility. Sheriff Manning said he would not be able to consolidate his staff even with this improvement. Vice Chairman Hammond said this is a bandaid effect when there is land available for building a new building. Mr. Robinson said each year a capital improvement program is presented to the Board. This Board has tackled a lot of projects. He said there is money for this project and the school projects. A summary of capital needs will be presented to Board at the October workshop. Vice Chairman Hammond asked for a list of leased properties.

Commissioner Bowen motioned for approval of the Schematic for Phase II of the Courthouse. Commissioner Johnson seconded the motion. The vote was seven to two. Opposed were Commissioners James and Vice Chairman Hammond.

Commissioner Bowen asked why they were opposed. Commissioner James said he was not clear that the space was going in the right direction and that the County may be spending money that is not there. He said the County will be in a bind. Commissioner Ward asked if the bids can be let before December. Mr. Johnson said it will be quite a task to have it done by December. Mr. Robinson asked the Board if it was the intention of this motion to authorize the Architect to do final drawings and bring bids back to the Board for their approval. It was the consensus of the Board and that the commissioners understood that this was the intention of their motion and approval.

Vice Chairman Hammond asked for the record to show that the Manager stated that he needed to do a better job with the pencil.

Commissioner Owens suggested that some of the extra space in the Clerk's area should or could be used for the Sheriff's Office.

### **Architect Change Order, Phase II – Phil Dickerson**

Mr. Dickerson stated that since the change of scope for the Phase II construction has been altered on the Courthouse, the Board needs to look at the Architect's contract and reconsider it. Mr. Dickerson noted the architect fees estimated for the Phase II part of the project were \$521,625 and \$176,952. The difference between \$389,849 and \$176,952 was the change in the architect fees due to additions in the project.

Mr. Dickerson said this fee represents a 7% fee for architectural services which is in the normal charge for renovations.

**UPON MOTION** by Commissioner Shank, seconded by Commissioner Ward, to approve the architect fees for Phase II of the Courthouse. The motion passed with a five to four vote. In favor of the motion were: Commissioner Shank, Commissioner Ward, Commissioner Johnson, Chairman Gaskins, and Commissioner Huggins. Opposed to the motion were: Commissioner James, Commissioner Owens, Commissioner Bowen, and Vice Chairman Hammond.

### **Closed Session – JoAnne Burgdorff**

Ms. Burgdorff stated the General Statutes NCGS 143-318.11(a)(5) to establish or instruct the staff or agent concerning negotiations of the price and terms of a contract concerning the acquisition of real property.

**UPON MOTION** by Commissioner Ward, seconded by Vice Chairman Hammond, the Board voted unanimously to go into closed session.

**UPON MOTION** by Commissioner Huggins, seconded by Commissioner James, the Board voted unanimously to return to open session.

Commissioner Shank motioned for the Manager to add Pitt Community College's capital needs to the County's capital needs schedule. She said the Commissioners need to know the expectations of Pitt Community College for construction. Commissioner Ward seconded the motion. The motion was approved with a seven to two vote. Commissioner Bowen and Commissioner James opposed motion. Vice Chairman Hammond asked the Board to include Dr. Charles Russell and Ms. Susan Everette to come to the Commissioners' budget sessions so these requests will not come in at the last minute.

### **ADJOURN**

**UPON MOTION** by Commissioner James, seconded by Vice Chairman Hammond, the Board voted unanimously to adjourn the meeting at 11:20 a.m.

Respectfully submitted,

Susan J. Banks, CMC  
Clerk to the Board