

## CITY OF EDEN, N. C.

A special meeting of the City Council, City of Eden, was held on Wednesday, February 7, 2001 at 4:00 PM in the Council Chambers, 338 West Stadium Drive. Those present for the meeting were as follows:

Mayor:		Philip K. Price
Mayor Pro Tem:	(absent)	John E. Grogan
Council Members:		Ronald H. Reynolds
		Ronald L. Janney
		Christine H. Myott
		Garry Tudor
		William W. Rorrer
		C. H. Gover, Sr.
City Manager:		Brad Corcoran
City Attorney:		Charles J. Nooe
City Clerk:		Kim J. Scott
Representatives from staff		
Representatives from News Media:		Leslie Brown, <u>Greensboro News &amp; Record</u>
Representative from Lomax Construction		Richard Lewis
Representative from MacRae-Bell		Archer Joyce

MEETING CONVENED:

Mayor Price welcomed everyone expressed appreciation for attending the meeting.

Consideration of demolition and asbestos removal contractors for the Rivercrest Drive Project – awarding of contract:

Mrs. Kelly Stultz, Director of Planning and Inspections, explained that this item was for the Rivercrest Drive Project. She explained that until recently, they were under the impression that the State had given until April 30<sup>th</sup> to complete this project and they have now found out that it had to be completed by February 28<sup>th</sup>. She explained that it had caused them to get the RFP's out and get bids to do the asbestos removal and actual demolition of the houses. She noted that they did find that a number of the houses had asbestos. Mrs. Stultz added that there was some discussion with the Fire Department about the possibility of burning the houses but the Fire Chief ultimately decided that it was more than they needed to take on at the moment.

Mrs. Stultz then referred the Council to the sheets that they had been given which included:

Asbestos Abatement Bids  
City of Eden: Rivercrest Drive HMG/DRI Project

<u>Contractor</u>	<u>Cost Proposal</u>
Abatemaster	\$14,890.00
Enviro-Tech	\$15,825.00
Bar-Lyn Enterprises	\$16,120.00
Enpuricon	\$23,986.00
DH Griffin	\$26,225.00

Mrs. Stultz recommended that they go with the low bid of Abatemaster for \$14,890.00.

Council Member Rorrer asked if the city got the money back for this to which Mrs. Stultz replied, yes and that it was part of the grant money. The money was in the grant fund and the Council just had to approve the contract.

Council Member Rorrer questioned why they were on such a short time frame.

Mrs. Stultz replied that she was under the impression that they were going to give them until April 30<sup>th</sup> and then they received communication in early January from FEMA and the Division of Community Assistance that they only had until February 28<sup>th</sup> to get them down. She explained that they have done everything they knew to do to get some additional time, and they

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were told that because of the enormous amount of money that was out in the eastern part of the State they have been told they have to get all of those projects finished. She stated that she, the City Attorney, and Jay Bowers (of Benchmark) had spent a lot of time in the last few months trying to get it completed as quickly as possible to get to the point of doing demolition, and it had taken a lot longer to get all the closings done and everybody moved. She added that the city did not have anybody local that could do that kind of contained asbestos removal, but there were some folks who were interested in doing the demolition.

Council Member Rorrer pointed out that none of them could do it in that timeframe to which Mrs. Stultz agreed and stated that if they could stretch it out longer they would have preferred to because she really wanted to give the Fire Department an opportunity to do that training.

Council Member Janney asked if she was saying that they were using the city's money.

Mrs. Stultz replied, no as it was a part of the grant to which Council Member Janney stated that he knew that, but asked if she had the money. Mrs. Stultz explained that this was one of those programs where the city would spend it and they would reimburse the city. She stated that as soon as they let the contract, they would be billed and then send in for the money. She explained that for any interest, she asked that they assume that \$10,000 of the city's money out of the General Fund for 30 days, the grant program would pay that back. If they lost \$100 in interest for that money being gone that length time, they would give the city credit for that.

Council Member Janney replied, that was not his question. He stated that he thought they had a separate line item for that project in the budget.

Mrs. Stultz replied that it had to be handled and the funds gone through their budget. She agreed that he was right, but they did not give them the whole million dollars to spend down and report on. She explained that no community block grant program or any of those other programs worked that way.

Council Member Janney stated that what she was telling him was that if the city issued the contract, they were going to use General Fund money and then bring it back to this project.

Mrs. Stultz replied yes, they would use General Fund money then when it comes back, it goes right back into the General Fund.

Council Member Gover added plus interest to which Mrs. Stultz agreed and stated that Finance (Department) was responsible for determining whatever interest was lost.

Council Member Janney commented that she had not answered his question to which Mrs. Stultz apologized. Council Member Janney explained that she was not the one to answer it, and he would get an answer when the Council received their next financial statement.

Council Member Gover asked the City Manager if he would be following up from this point on, the city's part in this demolition and the abatement of the asbestos, and if he would have a person looking after the city's interest in those homes to which Mr. Corcoran replied in the affirmative.

Action on the motion was as follows: A motion was made by Council Member Gover seconded by Council Member Myott to award this to the low bidder, Abatemaster (\$14,890.00) for the asbestos abatement contract. All Council Members present voted in favor of this motion.

Mayor Price explained that the demolition bids were next.

Mrs. Stultz explained that they had spent a lot of time checking and Flippen Contractors was considerably lower than not only the next bid, but also there was an enormous amount between that and the highest bid. She stated that she had checked with the State and they said that this particular contractor had done a lot of similar work in Princeville and had done good work. So, after some consideration, she felt that the most prudent thing was to recommend the low bidder.

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Council Member Rorrer commented that he felt that was probably what it would have cost if the city had been able to use local people doing it.

Mrs. Stultz added that her only concern was that the contractor seemed to think it was going to take a lot less time per house than some of the others. She explained that her office would issue a demolition permit that required a building permit, and it had to put up a bond for each of the individual houses.

<u>Contractor</u>	<u>Proposal</u>
Flippen	\$27,000.00
Key Properties	\$40,320.00
Moore	\$52,155.00
DMC Hauling & Grading	\$58,410.00
DH Griffin	\$65,900.00
A & L Enterprise	\$75,310.00

A motion was made by Council Member Rorrer seconded by Council Member Reynolds to award the low bid to Flippen Contractors of High Point for the demolition in the amount of \$27,000.00.

Council Member Gover questioned what would be the total role of the City of Eden for the demolition. He asked if the city would have to move the water lines, the sewer lines, or anything else.

Mrs. Stultz replied that Mr. Sexton's group would be getting up the water taps and closing off the sewer lines and they would give her a bill for that. Then the city would be reimbursed.

Action on the motion was as follows: All Council Members present voted in favor of this motion.

Consideration of City Hall Renovations Project, Change Order No. 3:

Mayor Price stated that this morning, there was a meeting of the general parties, the General Contractor, the Architect, a couple of City Council Members, Brad Corcoran, City Manager, Joe Stanley, City Engineer, the Building Inspector and the Fire Inspector. They went over in detail those items which coincidentally had been on the agenda for the last meeting. He explained that he would like to go through them for this Change Order. Some of them were agreed to, Change Order #29, there was nothing required there, Change Order #30 was an additional sprinkler head required, and authorized by Mr. Stanley, the city's engineer. Item 31, extra work was required on the new stair tower which was authorized by the previous Interim Manager, Mr. Bine, and the one that Council Member Gover had questioned.

Council Member Gover stated he did not receive that, this morning, that it was authorized by Mr. Bine while they were in that meeting or on the stairwell. Mr. Stanley said he did not know and could not say on that one.

Mayor Price explained that this was the repair work on raising the height on that, #31, the re-weld and raising the height.

Mr. Stanley stated that Mr. Bine discovered that one...

Council Member Janney recalled that being the one they discussed at the last meeting.

Mayor Price asked if that was the one they had to raise the height of to which Council Member Janney replied, by two inches.

Mayor Price also mentioned they had to put supports under it to raise it.

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Council Member Janney stated he saw the supports, he went back out there again and the only thing, which he said in the meeting this morning, that he saw out there the last time he went out there previously until today, was the fact that they had cut the beam out that channeled out up there about 2 inches and welded a piece of angle back in there. He stated he looked again today, and did not see any additional beams.

Mayor Price replied that he saw them. They were on the left going up the steps, going out the door, taking just a little bit of a right to go up the steps, to the left, the beam was added there. A straight, vertical beam was added to help carry the weight of that floor, he guessed, but there was another beam to the right of that on the other side, directly opposite that. He asked if that was in the neighborhood of a four inch beam.

Mr. Joyce explained that what was added on the project was not so much in the way of beams, was the columns.

Council Member Janney replied he understood that it was about a 5x5 column all the way from the ground, its tubing.

Mr. Joyce replied, they had four of those, originally there were only four columns, but now there are eight. The original four columns were designed to carry a 12" deep channel that was welded to two columns, and it was cantilevered to pick up the stair stringer on the outside. That 12" deep channel was the one that was giving them the head height problem, so they had to take it out and replace it with the 2x2 or 3x3 angle that he referred to that was cut, because they then had no support for the stringers. This occurred in two locations, because then they had no support for the stringer, they had to add columns to support the ends of the landings. They also had to put another 8" deep by 4 or 5" wide deep tube back in the edge of the semi-circular concrete wall to add additional support because they eliminated those 12" channels.

Mayor Price asked how many columns had been added to which Mr. Joyce replied four original and four added. They also had to beef up a channel that was on the top level coming out of those two exit doors. They had to beef that up to span that distance, so now it was spanning 12 feet between the building and channel to channel, now they were clear spanning the whole distance.

Council Member Gover stated his stand this morning was still the same this afternoon. That was Mr. Joyce's mistake and he was expecting the city to pay for the material of his mistake which he disagreed. He stated he agreed this morning that the city had \$7,207 that the city people had somehow given him the wrong information, or whatever and he agreed that the city would pay that if they made that mistake, but for his (Archer Joyce) mistakes, he did not see where the city needed to pay for his mistakes.

Council Member Rorrer added, plus the fifteen days.

Council Member Tudor asked if it was a mistake or a cost overrun. He asked, when doing a renovation, could they exactly predict what it was going to cost and exactly how much material was to be used or were those figures not exactly bulls eyes or the circle around the bulls eye when making an estimated cost. He asked if it was a mistake or a cost overrun where they simply did not figure it right. He stated he had been under the opinion, and the reason he made the motion to pay last time, that it was a cost overrun, not a mistake. He asked Mr. Joyce to tell him which definitions were the same or different or help him to understand. He explained that he had added a bathroom to a previous house, and they were told that it would cost "x" thousands of dollars to build that bathroom, but when the man finished, things like the shower did not fit exactly right, etc. It ended up costing him an additional \$1400 or \$1500 and he understood that when the contractor explained it to him, adding he did not like it, but understood. That was the way he tried to look at this.

Mr. Joyce stated he thought he was touching a similar circumstance that occurs in any building project, not just the renovation project. Two similar types of circumstances, one is uncovering something that you did not know was there, a problem, circumstance. A prime example was them tearing into walls and finding out that the plumbing was not what they had been

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anticipating. They could have found out earlier, but that would have meant that they would have had to break through the walls which would have rendered whatever room was involved unusable at that time. So, there was obviously a limit as to how far they could go, but uncovering situations was one source of needing additional work or materials to get a job completed. The stair was an example of, yes a mistake was made, and that was made by him, the oversight resulted in less than acceptable heights on the stairs. In order to correct that, they needed to put additional materials into the stairs, they put three or four alternate designs on that stair to see which they thought would be the best and the least costly in the long run. The additional materials that go into that stair was part of an accepted standard in the construction industry for as long as he had been in it, and that was, yes a mistake was made, they could kick him for the mistake, but they were infact getting additional materials and should pay for that because the city was getting some value for it. It was like he specified, three rooms need to be painted when four really need to be painted, as an example. That would have been a mistake, but they would be getting some value from that. The standard in the industry had been that if additional materials like that were needed, it was something they would have paid for had they discovered the error to begin with.

Council Member Rorrer asked Mr. Joyce to explain to him how they were getting additional value.

Mr. Joyce replied that the city was getting additional material. . .

Council Member Rorrer replied they did not need the material if it was done right to start with.

Mr. Joyce explained that they would have had the same amount of material if it were done correctly to begin with, that would had to have been the way the stair had to be framed, so the additional material would have been in the original bid.

Mayor Price asked if he was saying that if it had been engineered and constructed the correct way to begin with, they would have used the same amount of material to which Mr. Joyce replied, yes.

Mr. Joyce explained that what he was taking the responsibility for was the cost of dissembling the stair after the problem was found. That was not something the city should pay for, that labor in undoing it, was due to his fault and was his responsibility.

Council Member Janney stated what bothered him was this stair was not there in the beginning, that was a totally new thing, when they start comparing tearing out walls and looking through walls to that stair, it was like oranges and apples. He (Joyce) designed that stair from the get-go. It was not anything other than what he (Joyce) put there himself, the whole works, and nothing the city had there previously had anything to do with that stair. He added that if Mr. Peter Bine, had not walked out there, they would have still had a stair that was too short, unless the city inspection people caught it.

Mr. Joyce stated he would have caught it. On a stair like that, he measures it and even as short as he was, on something like that, he could tell. He added it was not the first stair he had done and not the first he had made a mistake on either. Adding, he would have caught that.

Continuing with the parking lot, the gentleman came back after the fact and said that there were two more (loads of) dirt than he had bid on and so forth. He asked if this was overlooked or did he not charge for it.

Mr. Joyce explained that the original topography that the city provided him did not show this hump that he had to ultimately excavate, and the hump created the additional quantities of dirt to get that parking lot graded down.

Council Member Gover stated that was why they agreed to pay that \$6,000 because Mr. Stanley, the City's Representative, gave him the topo on it.

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Council Member Janney noted that they had not agreed to this to which Council Member Gover replied, he said in his opinion, if we (city) made a mistake.

Mayor Price asked if the man came back after the fact to which Mr. Joyce replied a couple of months, a month after.

Council Member Janney asked if he just put it into his billing and didn't say anything.

Mr. Joyce replied, no he brought the fact up that he had a request for additional work that he had done. He recalled the contract called for something like that to be brought up ten days after it occurs.

Mr. Joyce explained that his contract with him and Mr. Joyce stated he thought the city's contract reflected his (Joyce). At any rate, he would have to look at Richard and say the request did not come to him within the specified time; however, he felt he morally needed to bring this up.

Mayor Price asked if anyone verified what he had done.

Mr. Joyce replied, yes and there was compensation when they started grading, they noticed the grades were off, he did not know if it was Mr. Bine or Joe (Stanley) that went out and looked at it, but there were several questions as to whether to lower the grades or not, but they saw a big hill in the back, and they decided to put it where they had it at that point in time and that was what they did when they got a request for the change order proposal two or three weeks after. . .

Mayor Price replied, the firewall, this has to do with the situation right outside the door, at the exit, going outside from the City Council Chambers, Item 34. He asked if these had to do with the ceiling tiles. He went back this morning and he had misconstrued this. What they had done was right outside the door, leaving the exit going from the upstairs out, going up, our people expected a firewall all the way to the ceiling. The man had come in from the ceiling operation and put the tiles in. Mr. Bolden inspected this and said it would not work, they did not have a firewall because if it caught fire, it could go over the top of the ceiling and go back down so it has to be sealed all the way to the roof. He said one of two things could be done, put 5/8's sheet rock from there all the way to the ceiling, or take the ceiling tiles out that have already been put in and make them fire resistant. They elected, rather than put the 5/8's sheet rock all the way to the ceiling, to make a firewall to put fire retardant new ceiling tiles in there.

Council Member Janney replied that was not what they understood.

Council Member Gover explained that the walls did not go all the way up because they had some problem getting them up there because of the equipment overhead, which was what they were saying this morning.

Council Member Janney stated that was different than what he was currently hearing.

Mayor Price asked if what he was saying was correct to which Mr. Richard Lewis added the only thing that was not said was the bathrooms, they could not run the new partitions up because of the existing duct work that was up above the ceiling in the bathrooms. They put fire ceilings in the bathrooms to correct that because the firewall could not go the route it was shown on the drawings. When they called Mr. Jimmy Bolden, Chief Codes Inspector, to come and do the above ceiling inspections before they laid the ceiling tiles in, Mr. Bolden discovered on the exterior wall where the new stair was built that, that existing wall did not go all the way up to the deck, the sheet rock stopped short of the deck; the grid was already in place. He told them they could take the grid down and carry that sheet rock all the way up which was not in the scope of the work of the project, or they could put in a fire rated ceiling in the corridor. That was the whole scenario of the bathroom, the firewall, and the exterior wall.

Council Member Gover added that he also said that it was not really necessary to take the ceiling tiles out.

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Mr. Joyce explained that the ceiling tiles were not in the corridor when he inspected. He inspected from above the ceiling inspection before they laid the ceiling tiles in. He looked at it and told them they either had to lay sheet rock on the existing exterior wall, all the way up because fire could go above the ceiling and back down in the old existing wall.

Council Member Gover stated he did not understand why Mr. Bolden, Chief Codes Inspector, was not present for this meeting, he was in the meeting this morning, so he could back them up on what he had said because it was hard to sit there and quote everyone from memory. He added that the fire people were also in the meeting this morning. He explained that he was trying to quote the building inspector from memory.

Mayor Price asked Mrs. Kelly Stultz, Planning Director, if Mr. Bolden was in Madison to which she replied, he was gone for the day.

Mayor Price asked Mrs. Stultz to call Mr. Darryl Carter, Fire Inspector, to come to the meeting and speak with the Council.

Continuing, Mayor Price called attention to the sally port allowance and noted that everyone understood that. The next item was to finish the ceiling in the new stair tower. He asked if everyone took a look at that this morning.

Council Member Gover stated he would like for everyone to take a look at those screws coming through the ceiling as they were protruding through about three or four inches. That was another mistake that he did not see where the city was liable to cover up screws that had been shot through an existing ceiling. He noted they were every which way and they would not have that in their home.

Mayor Price asked if they checked with the contractor to see if those things could be. . . to which Mr. Joyce replied, no sir, he had not had a chance.

Mayor Price stated in pointing out one thing, this change on the roof, by changing the type of roof they had planned, there was a \$8,800 savings. He explained that this was an outdoor or a water resistant type of sheet rock, plastic coated on a drop ceiling to cover it up.

Council Member Janney stated that once you put two objects together with some kind of fasteners, once you go through those objects, it is as tight as you will get it and as well as you would ever need to secure it. He added they did not need something sticking out there three or four inches.

Council Member Gover added the screws were not consistent anyway. If they did anything to the screws, the warranty of the roof was shot.

Mr. Joyce added that it could be the warranty on the roof that requires a certain length of screw.

Council Member Gover stated they were there to look after the city's money and he placed his hand on the Bible (to take the oath of office). He stated this was a cover up, the screws they shot through there, the \$2,094 and they want the city to pay to cover up the screws that were protruding through the roof, and it was a mistake on their part. He added he thought they should cover their own mistake.

Council Member Rorrer stated he agreed with Council Member Gover.

Mr. Joyce stated he was not sure that everyone was aware of it, but when they started to do the roofing part of the project, they investigated and found some possible asbestos containing material. The reason the roof system was changed was to save the city money, had they put a ballast system on the roof as specified, which is a weighted roof system, they would not have had screws that were mechanically fastened. The city went to the trouble to get someone to look at the asbestos and investigate it, they came back and it was going to cost \$30,000 to \$40,000 to

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remove the asbestos containing material. They were asked by the city to come up and see if there was something else they could do. They did that and found the system that could be mechanically fastened and the city saved \$8,800 by changing the roof system.

Council Member Gover asked which roof he was talking about.

Mr. Joyce replied all of the roof, they did not separate the old roof, and maybe that was an oversight for everyone, the city and them, but they, in an effort to save the city money, not having to do the asbestos abatement, they changed and saved the city not just the \$30,000 but gave back \$8,800 of money they had in their contract to do it with. Had they stuck with the ballast roof system, the city would have actually been paying maybe \$35,000 more to get the ballast roof on. They reason they have the screws in the stairwell, was because they changed the roofing system. They did that in an effort to save the city money and he would just like for everyone to understand that. It was not that they put the wrong roof system on and they had the screws in it, it was an oversight and maybe they should have all seen it, but they did it honestly and in a way thinking it was a way to save the city money in asbestos abatement in the re-roofing of the existing building. There was no separation given at any time between the existing roof and the new stairwell.

Council Member Janney asked if he was talking about both roofs, the one on the stairwell and the roof on the building and that was already there to which Mr. Joyce replied in the affirmative, and added that both of them called for ballast roof systems. They changed that before they started roofing anything, they changed the entire roof system in order not to have to do an asbestos abatement which would have ended up costing the city maybe \$35,000.

Council Member Gover asked Mr. Lewis when the stairwell was designed, if it had a roof on it when they designed it to which Mr. Lewis replied in the affirmative. He explained that was roof No. 1. When they gave the bid to repair roof No. 2, which was the existing building, did he look at the whole picture as being an existing roof, and asked if that was what he was saying. He explained that they used the long screws on the roof that they are renovating and then went over there on a new roof, that he designed and shot those same screws through it. He bought the screws for the existing building, he was thankful they were not a foot long because they would be gouging in their heads out there. He explained that he was saying that the new roof on the tower should have been everything designed for that roof, not for the old roof and that one.

Council Member Gover explained that they gave a price to do the stairwell and the roof on the stairwell separate from the roof on the building to which Mr. Joyce stated the roofing on the stair and the roofing on the building were lumped together as one roofing. Council Member Gover replied then he knew they were going to use different material on the new roof versus the old one, and asked if that was right.

Mr. Joyce replied, no sir. The original contract called for stripping the old roof off the entire building and then they were going to put back a ballast roof on the old building and use the same type of ballast roof on the stairwell. When they got into the potential asbestos abatement problem, they looked at another kind of new roof for the existing building that was when they went to a mechanically attached roof which was an overlay as they did not strip all of the roof off. They overlaid it and mechanically attached it. At that time they saw no reason. . . they had a crew there doing the membrane work to do the same type roof on the stair tower. He stated he thought they were all so glad they were not going to have to pay for that asbestos abatement and even save some money on it that they did not realize they were going to have those exposed screws.

Council Member Gover stated they were looking at two different jobs, obviously the mistake was made on the new roof and not the old one to which Mr. Joyce replied he would call it an oversight and not a mistake. Had they seen the screws as a problem before all of this came up at the same time they were going through the asbestos abatement possibly, finding a new roof and so forth, he would probably have come to the Council with a recommendation that not only they switch roofing systems, but that they go ahead and put a ceiling in that stair to cover up the screws and instead of recommending an \$8,800 savings they would have come back with a

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\$6,800 savings. They were really just asking for \$2,000 back on the \$8,800 that they have already saved.

Council Member Myott asked Mr. Joyce if those screws could be cut off to which Mr. Joyce replied he did not know as that question had come up, he did not know if cutting the screws would affect the warranty. He added that some of those roofing warranties were particular. He said, granted, he did not see why screws sticking down that far through a steel deck was worth anything, but he had run into this on another job, someone wanting to cut screws off and there was a question about voiding the warranty. If it does not then that was certainly an alternative they could look at.

At this time, Mr. Darryl Carter had entered meeting; therefore, the ceiling tile discussion was continued.

Mayor Price explained to Mr. Carter that there had been a misunderstanding. He had an understanding that the firewall was required on the outside wall near the patio all the way up to the ceiling and then they put fire code type tile in there. He asked Mr. Carter for his recollection on that.

Mr. Carter explained that it was his understanding originally and talking with Mr. Bolden also, that the original walls were designed to go all the way up to the deck in that corridor. According to Mr. Joyce, they did not because they ran out into some wiring or some type of duct work so they put in a fire rated ceiling instead of going all of the way up to the deck line with the walls as originally intended. Prior to that, part of that corridor already had a fire rating because it was enveloped sheet rock. It had an inlaid non-rated ceiling put in. The corridor was extended some because it used to be the old table storage room, where they used to hide the tables, out of the Eden room. It was already enveloped and it had a ceiling in it. So it was fire rated at that time.

Council Member Janney asked if it was a fire rated ceiling to which Mr. Carter replied, the way it was designed, yes sir. The ceiling itself was rated, but the tiles were not.

Mayor Price asked, to get the envelope, they had to take those tiles out and put in fire rated tiles.

Mr. Carter replied the way it was designed now, yes sir. When he and Mr. Bolden checked it, they checked to see if the sheet rock was still enveloped above the existing tiles when they had the non-rated tiles put in. When they did the Council Chambers, they checked above it and they could see where some of the sheet rock had been taken out, it had penetrations above it. In other words, it was not enveloped any more, (it) had holes in it. At that point, Mr. Finch as told that it had to be a rated ceiling in that corridor.

Mayor Price stated so all of them have to have the fire rated code tiles to which Mr. Carter replied either that or be enveloped into the sheet rock.

Council Member Gover stated that this morning when he was talking, they did not need to replace the tile because it was already a fire retardant material.

Mr. Carter replied if they were to have kept it enveloped into the sheet rock, yes sir.

Mr. Joyce stated he thought they were talking about two different things, the grid that was put in originally did not have to be replaced, the tiles that laid in the grid had to be replaced. The grid work was fire rated.

Council Member Gover stated after you broke through the envelope. . .

Council Member Janney stated that was not his understanding and he heard the same thing that Council Member Gover heard. . .

Mr. Carter stated they took the tiles down as long as the sheet rock is there, the other tiles maintain a fire rating.

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Mr. Joyce explained that they were talking about two different levels, one was the sheet rock on the underside of the bar joist up above the original acoustical. One method of fire rating was to carry the sidewalls up above that sheet rock on the underside of the bar joist, that then gives them the one hour envelope. That was their intention originally on the interior walls, the exterior walls were already existing. When the contractor got his ceiling grid put in for that corridor, it was then they realized the existing sheet rock on the exterior walls was not continuous; therefore, violating the fire separation and at that point, informed the contractor they were going to have to put in wire fire rated ceiling assembly in that back corridor. The grid that had already been put in was rated so they had to just replace the tiles.

Council Member Janney stated that he had painted the same picture that he had been told more than once with the exception of one thing, and evidently they received some bad information, that the ceiling tiles in there originally, with the original grids, were fire rated. They took those ceiling tiles out and put new fire rated ceiling tiles in. He added that he was told that more than one time since this project had been going on.

Mr. Joyce replied he thought they (Council) had been given some wrong information.

Mr. Carter added that he asked for a fire rating paper on the ceiling tiles, the tiles that were hanging there as he did not see them replace the ceiling tiles, take the old ones down or to put the new ones in personally. He had said the ceiling had to be a one hour-rating and he was going to require the paperwork on the ceiling tiles to show that they were a one-hour rated.

Council Member Janney replied that the man they needed to talk to was Mr. Bolden.

Mr. Carter added that the paperwork had been filed and the paperwork he received on tiles in general was fire rated and with the brand name that was being installed. He added that he did not see them take the existing tiles out.

Mr. Joyce replied that he saw the original tiles that they put in, the rated tiles were typically marked on the back as being rated, those were also heavier. The tiles that were originally put in were not rated. He talked to the dry wall contractor (by phone) who was responsible for putting up the ceiling, and asked if there was any kind of marking on the tiles that he was looking for to tell whether or not they were rated, and he said if it was not on the back (of the tile) then they were not rated. Also, they could tell by the weight. Mr. Joyce explained that he took one out of the bathroom that he knew was rated and compared it, and he could easily tell the ones that were in originally were not rated.

Mayor Price asked Mr. Carter if that was the same thing he got into and Mr. Carter replied that he did not weigh the tiles, but required the paper work on it at the time that the CO was to be issued, and they did check to see that the envelope was there and it was not. That was when they told him it had to be a rated corridor or enveloped. As far as seeing them take the existing tiles out and put new ones in, he did not.

Mayor Price asked if what was in there was a fire rated tile now to which Mr. Carter replied, yes sir.

Mr. Joyce asked why he would have asked the contractor. . .

Mr. Carter replied that Mr. Bolden did see the tiles come in and out.

Continuing Mayor Price mentioned the next item which was the salvaging/replacing ceiling tiles for accessing sprinkler system on first floor (new ceiling in Break Room) and noted that Mr. Peter Bine, former Interim Manager, had authorized that.

Council Member Gover asked again if that was authorized by Mr. Bine to which Mr. Joyce replied in the affirmative and added that it was actually his idea.

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Continuing, Mayor Price mentioned the next two items which were additional time for acquiring matching toilet partitions for large toilets on first Floor (authorized by Mr. Bine) and to Correct Item No. 18 on Change order No. 1 which was a \$500.00 credit.

Mayor Price asked Mr. Joyce if he had summary statements to which Mr. Joyce replied he would like to address the time issue separate on the individual items versus the monetary amount. They were obviously into a discussion as to who shoulders responsibility and the ultimate cost, but in the meantime the contractor had been authorized either by the city or by him to do work which he had done or would do. So the time element, while there are no monetary problems associated with the time, it just meant that they were not getting into the building quite as early as they wanted to. He stated he would like to ask that the time issue be approved.

Council Member Janney asked for the time he was projecting to be in that building.

Mr. Joyce replied they presently had a temporary certificate of occupancy which meant that the city could now occupy and use the building. There were some punch list items. They had obtained substantial completion.

Council Member Janney replied his feeling on this was to not go into the building until it was completed because he did not know what else they might come up with before it was over with.

Mr. Joyce replied that was their own prerogative as they had heard their own building inspector say that he would not have issued a certificate of occupancy if there were any safety issues to which Council Member Janney replied he understood that but it was more than safety. . .

Council Member Gover asked how much time they were talking about to which Mr. Joyce replied this would get them up through February 1<sup>st</sup> which was last week and that was the date the certificate of occupancy was issued.

Council Member Gover then asked how much more time was needed to which Mr. Joyce replied they were not asking for any more time to which Mr. Lewis replied they were not asking for time to do the punch list as hopefully the punch list would be completed this week, if not then next week. Mr. Joyce explained that there was only one other place where there was work to be done and that was the two main bathrooms and that was presently underway. That was held up because of toilet partitions and other things and some of those Mr. Conner was aware of the situation, cut off valves and everything else that had to be installed.

Council Member Janney mentioned the partitions in the Council Chambers and he heard Mr. Joyce say this morning if they could not get it done by the 20<sup>th</sup> they were going to put it off.

Council Member Rorrer asked if the podium had been lowered to which Mr. Joyce replied that was what he was talking about. He added that they knew how they were going to fix it, it was just a matter of him getting in, taking it to the shop, cutting it down and getting it installed. He mentioned that he had heard the Council had planned to have their next meeting there by the 20<sup>th</sup> and if he felt he could get in and get it out and have it fixed and back in by the 20<sup>th</sup> then fine, but if there was any question about doing that, he would rather wait until after the 20<sup>th</sup>, if the Council was still planning to have their meeting there on the 20<sup>th</sup>.

Council Member Rorrer asked if anything had been done to the floor rattle and added he thought they needed to get it completed before going in it. Other Council Members agreed.

Mayor Price, in continuing, noted that as part of this meeting, they were looking at Change Order No.3. He asked the Council how they wanted to approach approval of those items.

A motion was made by Council Member Tudor seconded by Council Member Myott to pay Change order No. 3 in the amount of \$25,597.

Action on the motion was as follows: Those voting in favor of the motion were as follows: Council Members Reynolds, Tudor and Myott. Those voting in opposition to the motion were as

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follows: Council Members Rorrer, Gover and Janney. Due to there being a tie, Mayor Price voted in favor of the motion. The motion carried.

Consideration of City Hall Renovations Project, Architect's Additional Fee Request:

The memorandum provided to Council enclosed a contract amendment from the project architect, Archer Joyce, with MacRae-Bell Associates, PC for approval. The contract amendment was for a minimum of three (3) additional months of construction administration (CONA) services for November & December of 2000 and January of 2001. Mr. Joyce also states an additional month's fee may be needed for February of 2001, if the construction contract extends through February.

The letter from the Architect stated that he would propose invoicing monthly based on his hours spent during those months at a rate of \$90 per hour not to exceed the original \$2,514.29 installment rate. The contract allows an adjustment in their hourly rates six months after the contract date, hence the change from the \$85 per hour in the contract to their present hourly rate.

Mr. Joyce explained that the original contract for construction carried through the end of October. The first change order carried the time forward to 28<sup>th</sup> of November, the second change order carried the time through the 13<sup>th</sup> of December, and the third change order carried the time to February 1. His contract during the construction period of the contract extended through October. With the change orders being approved, he had not been able to invoice for November, December, January or obviously anything for this month, and he was asking the Council to at least allow him to invoice the time he was spending on this project for November through February assuming this was going to carry over into February and obviously it had. He stated he proposed to bill on an hourly rate not to exceed the \$2,514.29 that he was normally billing per month.

Council Member Gover asked if this time was involved in those oversights to which Mr. Joyce replied, no sir he did not think so.

Council Member Janney asked how much time was spent over here in the last three months to which Mr. Joyce replied since November he had probably averaged about 2 ½ days per week and usually spending at least half a day over here each time.

A motion was made by Council Member Rorrer seconded by Council Member Tudor to approve the request from the architect.

Action on the motion was as follows: Those voting in favor of the motion were Council Members Rorrer, Reynolds, Gover, Tudor and Myott. Voting in opposition was Council Member Janney. The motion carried.

New computer – City Manager's office:

Mayor Price explained that Mr. Corcoran ran into a situation in his office with his computer and computer table. The computer is a 486 and takes up to 15 to 20 minutes to get things going into operation. The table used for the computer was not a computer table and he had to open the drawer on it. He stated that Mr. Corcoran was a person that did a lot of computer work, a lot on the Internet. He had asked W. C. Wrangam to come down and give him a quote.

Mr. Corcoran explained that when he met with Mr. Jerry Cox, on January 16<sup>th</sup> he mentioned to him that the computer had a lot to be desired as it was an old 486 and was very slow. Mr. Cox told him that the computer was not even working. The printer they have in the office did not print off of that computer. In addition, it was on a very old table and they had to balance the keyboard on the drawer just to type. The drawer was not the same width as the keyboard so if he went to the right or to the left of the keyboard, it would move either up or down. Prior to his arrival, they were e-mailing back and forth and Mrs. Sheralene Thompson contacted him and told him that she had set up an appointment with Mr. Wrangam. He came in on Monday morning and felt it needed to be upgraded and that was why the printer was not working, etc. What he proposed to do was basically put in, the keyboard was fine, the monitor was fine and the printer was fine, the mouse was fine so the only thing that needed to be changed was the "guts" of the system. He proposed to put in a system similar to what he had put in elsewhere in the city

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which would be in the range of \$700 to \$800. He also suggested a place that had some surplus office equipment that for \$100 to \$200 tops, he could probably get some decent table to put the computer system on. So they would be looking at a total of no more than \$1,000. So he then went to Ms. Phyllis Church to see if there was money in the budget under equipment and furniture and discovered there was nothing budgeted for this year. In talking with Mrs. Kim Scott, she told him she had some travel money, over \$1,000 that she was not going to use. He then approached the Mayor to see if he thought there may be a possibility that the Council would authorize the replacement of that computer, just the "guts" and a table, although it was not budgeted.

Mayor Price explained that the request was to change the money from one fund to another.

Council Member Rorrer instructed the City Manager to get what he needed. It was noted that a motion was not needed for the Manager to proceed with the purchase.

Council Member Janney stated back before Mr. Corcoran came here, there was an auditing piece on the computer system that should be hooked up to the City Manager's computer and removed from the Finance Department. He added that the Council voted to have that done before he (Corcoran came to work for the city). He stated if that was not done, then get it done immediately. He added that this was never designed to put in the Finance Department as it was designed to audit computers in this city.

Mr. Corcoran explained that Mr. Wrangam mentioned that to him and it still is in finance. He was discussing the system when they talked on Monday. He mentioned that tracking device was still in Finance.

Council Member Janney mentioned that Steve Chatham was the one that worked on it. Mayor Price mentioned that Mr. Chatham was to check another computer for software.

Council Member Janney stated he heard there were some problems with the financial computer programs and asked if the city had a contract with L& B out of Raleigh on this.

Mr. Corcoran replied he met with Mr. Fisher about the financial report and he remembered him mentioning that he had spoken with L & B so he thought that was correct.

Council Member Janney mentioned that L& B would be the ones to help get it straightened out rather than the people he had been hearing that had been contracted.

Adjournment:

A motion was made by Council Member Gover seconded by Council Member Rorrer to adjourn. All Council Members present voted in favor of this motion.

Respectfully submitted,

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Kim J. Scott, CMC  
City Clerk

ATTEST:

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Philip K. Price  
Mayor