



EMERGENCY MEETING MINUTES

OCTOBER 6, 2011 at 5:00 pm

The Kure Beach Town Council held an emergency meeting on Thursday, October 6, 2011 at 5:00 pm for the purpose of discussing construction issues of the Ocean Front Park. Town Attorney Canoutas was in attendance and there was a quorum of Council present. Notice of the meeting was posted at Town Hall on October 5, 2011 at 5 pm thus meeting the six hour notice requirements.

COUNCIL MEMBERS PRESENT:

Mayor	Dean Lambeth
Mayor Pro Tem	Chuck Keener
Commissioner	Emilie Swearingen
Commissioner	Jim Dugan

COUNCIL MEMBERS ABSENT

Commissioner vacancy

STAFF PRESENT

Building Inspector – John Batson
Finance Officer – Arlen Copenhaver
Deputy Town Clerk – Nancy Hewitt

CALL TO ORDER

Mayor Lambeth called the meeting to order at 5:00 pm

DISCUSSION AND CONSIDERATION OF CONSTRUCTION ISSUES AT THE OCEAN FRONT PARK

Mayor Lambeth said the principal players in tonight's meeting are John Batson (Kure Beach Building Inspector), Brian Cox (Engineer Services, representing Kure Beach), David Lisle (Architect) and Richard Lange (Special Inspector) and Wayne Laws (Building Contractor). Mayor Lambeth said, in my opinion, we have some problems with the quality of construction of the park. This meeting was called at the request of Commissioner Jim Dugan.

Commissioner Dugan said the meeting was called after receiving correspondence that Mr. Cox wrote to Mr. Laws regarding construction of the slab for the park pavilion. He proceeded to read the letter, out loud, that outlined Mr. Cox's concerns. Commissioner Dugan said that these concerns have the potential to cost a significant amount of money and time. We received the letter from Mr. Cox and we've spoken with Mr. Batson who concurs with the letter.

Mayor Lambeth said he hasn't been involved in the day-to-day construction of the park and that Commissioner Dugan and Inspector Batson were chosen as the go-to people for



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the Town. There seems to be a serious miscommunication problem. With that being said, I'd like the builder to present any information that he has for the Town at this time.

Wayne Laws stated that, on the plans, there are points of elevation noted. If he followed the plans and the pitch that it's on, there would have to be a 3-inch step into the bathrooms which wouldn't have met building code. So he modified it to flatten it out and that's where he lost the ½" joint. He admitted that the concrete finisher didn't do a good job, and the finisher is willing to deal with that.

Mayor Lambeth asked Mr. Laws if he had any discussions with the architect about the slopes going into the bathroom, to which Mr. Laws stated he did not. Mayor Lambeth asked Mr. Laws if he had any discussions with the engineer about it, to which Mr. Laws said he did.

Mayor Lambeth requested that Brian Cox, Wayne Laws, David Lisle and all Council members gather around a table holding the pavilion plan drawings.

Mr. Lisle explained the plan drawings to the group. He said that the slope was put in the plans because tile and other filler was going to be added to bring up the grade so there wouldn't be any problems with the pitch of the elevation. He said that the issue now is that the slab doesn't have positive drainage because of Mr. Laws' changes. He said they could have fixed any problems with their drawings if they had been called. If the slab isn't done right initially, there will be problems all along.

Further discussion ensued among the participants at the drawing table. Mr. Laws stated that he still has a problem with the slope of the floors in the drawings. The point that the doors of the bathrooms open inward was made. Mr. Lisle explained why Mr. Laws' changes would be detrimental in the long run.

Commissioner Swearingen asked Mr. Lisle if he planned to have a 3 inch drop in that location, to which Mr. Lisle answered with details and reasons the plans were drawn as they were and how he had planned to have the builder come back later to fill in with tile to elevate the area so it would meet code.

Mr. Laws asked Mr. Lisle to point out to him where it showed all of what he just explained on the plan for Mr. Laws to have known that.

Mr. Lisle said you are welcome to have called us if you had problems with the drawings. We never got any communication that you had a conflict with the plan.



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Mr. Laws stated he emailed his concerns to Mr. Cox on August 31, but he never got a response.

Mr. Lisle said they received the communication from Mr. Cox, and he had his assistant respond back to Mr. Cox.

Mr. Laws stated that he never got the response. He said that he has been directed that his only points of contact are Brian Cox or John Batson, and Mr. Cox never gave him the communication from Mr. Lisle.

Mr. Cox asked how did you determine how to put in the control joints?

Mr. Laws answered by the building codes.

Mr. Cox asked was that the conversation we had?

Mr. Laws said, that was afterwards; yes.

Mayor Pro Tem Keener said to Mr. Laws, so you made a change without anyone knowing about it.

Mr. Laws said that he had made quite a few changes that he had told Mr. Cox about. He said that the building inspector changed the ramp and he still hasn't gotten drawings with elevations. He said it's been 2-1/2 months since he made the request for the drawings.

Mr. Lisle said that he sent the final drawings to Mr. Cox, to which Mr. Laws stated he had not received them from Mr. Cox.

Mayor Lambeth asked if they had been having scheduled meetings.

Mr. Laws said that he didn't have a schedule of meetings. He said he'd like to see scheduled meetings occur rather than someone just showing up at his office out the blue. He said that isn't really a meeting.

Commission Dugan agreed that there should be a set schedule of meetings in order to facilitate good communication during the construction.

Mayor Lambeth asked Mr. Cox, as the engineer and the one who is the point person, what is your recommendation on the slab.



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Mr. Cox said he is sticking with his recommendation to remove and replace the concrete as shown on the drawing. Mr. Lisle is of the same opinion.

Mayor Lambeth asked if there were any time restraints on the Town's grants for the park.

Commissioner Dugan answered, we're OK with the exception of the Storm Water Grant on which there has already been one extension given. The storm water portion of the project is the next major phase. That's going to go in fairly quickly, as far as what is scheduled. Otherwise, we should be OK with our grant deadlines.

Mayor Lambeth asked everyone to come back up to the drawing table. He marked the sections on the plan that have slopes. Mr. Laws, Mr. Cox and Mr. Lisle pointed out where there was improper drainage.

Mayor Lambeth said to Mr. Laws that when he went down to the construction site and asked why you weren't using keyway (a technique for joining concrete with joints), you told me that Mr. Cox requested that you not use it.

Mr. Laws stated that Mr. Cox said he couldn't use keyway.

Mr. Cox disagreed with Mr. Laws and denied having told him not to use keyway because it was on the plans. The two men could not agree with what was said.

After this discussion, Mayor Lambeth asked everyone to return to their seats. He wanted to address the communication breakdown. He asked Inspector Batson if he had a timeline of email requests that he received from Mr. Laws.

Inspector Batson said he had a couple of emails from Mr. Laws, as well as from the Special Inspector, Richard Lang. Mr. Lang has asked me to come out a couple of times to meet with him. Building Inspector Batson stated he drives by numerous times per day and stops usually once or twice a day.

Mayor Lambeth asked Mr. Lang if he was satisfied with the quality of construction and workmanship.

Mr. Lang replied that he wasn't responsible for the workmanship, only the integrity of the buildings. He inspected the ground before the slab was poured. There were a few items that needed to be corrected. These items were on the plan but the rebar didn't match exactly what was on the plans as far as the placement. But, there were no major mistakes.



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Mayor Lambeth said that the communication problems need to stop today. He suggested that if there are any more communications problems, Mr. Laws contact Commissioner Dugan right away. He proceeded to ask each Council member which option given in Mr. Cox's letter they would like to see executed: tear out the concrete and redo it correctly; or tile the concrete and use bed material to get the appropriate slopes and stepping.

Commissioner Dugan agreed about the communication and said that the object is to come up with a quality product for the Town. He said he has been told about putting tile over the concrete, but that would be a "band-aid approach" and could cause a different problem down the road. He said he would rather have the basics taken care of so everything that is done will work better. Tear out the slab.

Mayor Pro Tem Keener said, we had the architect design it, an engineer who OK'd it, so I have to go with the experts. Tear out the slab.

Commissioner Swearingen asked Mayor Lambeth, when you were showing the parts of the slab at the table, were you implying that not all the slab needed to come out, only sections? Because I'd rather see the entire slab come out.

Mayor Lambeth said he was just trying to figure out if there was enough of a slope to not have to redo the entire slab. It looks like the builder wasn't in control of the slab work. The concrete work is one of the poorest of the quality finishes I've ever seen. He proceeded to give an explanation of what he thought would be a good fix for the problem.

Commissioner Swearingen said she'd like to hear what Mr. Cox and Mr. Lisle had to say about how to fix the problem. She asked them if they would have another recommendation.

Mr. Lisle asked his structural engineer, Rudy Dombroski, what his opinion was on fixing the structure, after which Mr. Dombroski gave his suggestions. Further discussion between Mr. Dombroski and Mayor Lambeth ensued regarding different options, including one that entailed tearing out the slab 2-feet inside the perimeter and redoing it.

Commissioner Swearingen said to Mayor Lambeth that she was sure he was 100% correct in everything he said, but she would prefer that the job be redone according to specifications worked out by David Lisle and his structural engineer, just in case there's something that has to be differently tweaked and they'd have to do it all over again. She stated she would rather our decision be generalized.



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Mr. Lisle said sometimes you do more harm when you're too intrusive and remove too much of the structure. He said he is okay with coming back 2-feet to just fix the interior.

Mr. Dombroski said he was thinking that Mr. Laws did a pretty large turndown. If we take it back 2-feet, that should be adequate to hold that slab.

Mr. Cox said if there's a workable solution that the Town can accept and it works structurally, and if you can accept the final appearance, then that's fine with me.

Mr. Laws said that he would still like the 3-inch grade at the restroom area be addressed by the architect during their meeting.

MOTION – Commissioner Dugan made the motion to have David Lisle and Brian Cox, in conjunction with Wayne Laws, set out a system they come up with themselves for taking care of the problems that exist, let Council know of their plans and then move forward.

SECOND – Commissioner Swearingen

VOTE - Unanimous

Mayor Lambeth stated if anyone had any more dirty laundry to air, now is the time to do it.

Mr. Laws said he needs better communication. He stated he is not getting the feedback that he needs to help him build this building. There are a lot of things that aren't working. He said he has put himself at risk to make sure everything works. He said from now on he is not going to deviate from the plans at all.

Commissioner Dugan said he would set up a meeting schedule with the others.

Mayor Lambeth said that Council appointed Inspector Batson and Commissioner Dugan to be liaisons of the park construction for the Town. He instructed Mr. Laws to copy the rest of Council, if he sends an email to Commissioner Dugan and doesn't receive a response in a timely manner.

Mr. Laws said he also needs to be able to directly call Mr. Lyles or Mr. Lyle's assistant. It's the best way to get an answer.

Mayor Lambeth asked if there was anything else anyone wanted to discuss.

Mr. Donald Lindsay, 311 Atlantic Avenue, asked who is responsible for the workmanship of the buildings.



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Mayor Lambeth replied, the man who signs the check, as well as Mr. Cox.

Mr. Cox replied that the building contractor is responsible and he is responsible.

Inspector Batson asked, whatever fix we decide to do, is the Town going to support the fix if Mr. Lisle and Mr. Cox don't support the fix?

Mayor Lambeth said, if they don't support the fix, we need to know right now.

Mr. Cox said that he didn't think there would be a problem with the fix.

Mayor Lambeth proceeded to ask Mr. Laws if he had been told emphatically not to contact him.

Mr. Laws said that he was only told to contact Mr. Cox and Mr. Batson and it may have been one other person, perhaps Commissioner Dugan.

Mayor Lambeth again asked who had told him, specifically, to not have any contact with him.

Mr. Laws said it was one of these gentlemen up here in front of me. He said he doesn't remember who it was.

Mayor Lambeth told Mr. Laws to call him if he ever needed to talk to him.

ADJOURNMENT

MOTION – Commissioner Dugan made the motion to adjourn at 5:53 pm

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous



Dean Lambeth, Mayor





Nancy Hewitt, Deputy Town Clerk

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. Persons wishing to hear the recording of this meeting may request to do so by contacting the Town Clerk.