



Library Board of Trustees

**Library Board of Trustees Meeting
Robinson Bradshaw, 101 N. Tryon Street, Suite 1900
Tuesday, October 29, 2019, 12:00pm – 1:00pm**

Trustees Present

Jennifer Appleby
Rob Harrington, Chair
Joe Helweg
Gloria Kelley
Kimmery Martin
Ellen McIntyre
Brandon Neal
Charles Thomas
Ed Williams
Ricky Woods

Staff Present

Shelley Book
David Dillard
Seth Ervin
Dana Eure
Jenni Gaisbauer
Lee Keesler

Others Present

Mark Kutny

Trustees Absent (with cause)

Ailen Arreaza

MINUTES

Rob Harrington called the Board of Trustees meeting to order at 12:00 pm.

Mr. Harrington requested a motion to approve absence with cause for Ailen Arreaza. On a motion by Charles Thomas and seconded by Ed Williams, the Trustees unanimously approved absence with cause.

Chair Report

Joe Helweg reminded the Trustees that the Board will hold a planning retreat on January 24th & 25th and planning is well underway.

- The Friday evening event will be held at Community Matters Café. Friday's event will provide important context for Saturday's discussion.
- Saturday's session will be held at the newly renovated North County Regional Library

Rob Harrington thanked the Library Staff for putting together a wonderful re-opening of North County Regional Library. It was a fantastic festival and it was nice to see a packed library and the State Librarian visit.

Committee Activity

Real Estate Committee

Joe Helweg expressed his appreciation for the amount of work being done by so few people in regards to Real Estate. The new Main Library, 2-block 7th 7 Tryon project development, new Support Services Center and all of the branch renovation and relocation work represent a lot of activity. Unfortunately, the pace and progress of various projects don't always align perfectly with the established Board schedule, and as a result this called meeting became necessary to take action on a few items that are time-sensitive. Two Board actions are fairly routine and one requires an update in advance of continued activity.

David Dillard presented the following action items:

Action Item #1: Authorize the first-tier Subcontractor Prequalification procedure provided by Rodgers Leeper for the new Main Library construction project

Background

The Board of Trustees authorized the use of Construction Manager @ Risk Contract Methodology for this project at the September 18, 2017 meeting in accordance with G.S. 143-128.1

Revisions to state law 2014-42 (H1043), amends G.S. 143-135.8 by establishing specific procedural requirements for when and how local governments may prequalify construction contractors to bid on construction and repair contracts (these new requirements also apply to the prequalification of first-tier subcontractors by a construction manager at risk under G.S. 143- 128.1(c).

Rodgers/Leeper has provided a prequalification process based on statutory requirements that meet the following criteria:

1. Be uniform, consistent, and transparent in its application to all bidders.
2. Allow all bidders who meet the prequalification criteria to be prequalified to bid on the construction or repair work project (in other words, a bidder who meets the prequalification criteria must be allowed to bid on the project).
3. Clearly state the prequalification criteria, which must comply with all of the following:
 - a. Be rationally related to construction or repair work.
 - b. Not require that the bidder has previously been awarded a construction or repair project by the governmental entity.
 - c. Permit bidders to submit history or experience with projects of similar size, scope or complexity.
4. Clearly state the assessment process of the criteria to be used.
5. Establish a process for a bidder to protest to the governmental entity its denial of prequalification. The protest process must be completed prior to the bid opening to allow sufficient time for a bidder whose protest is successful to submit a bid on that project.
6. Outline a process by which the basis for denial of prequalification will be communicated in writing, upon request, to a bidder who is denied prequalification.

Rationale

Approval of these requirements ensures that, in compliance with statutory requirements, a prequalification process is conducted transparently, using criteria that relates to the specific project being bid and are applied objectively and fairly to all bidders. These requirements also give bidders an opportunity to learn why they were denied prequalification and to appeal that denial.

Action Item #2: Authorize the first-tier Subcontractor Prequalification procedure provided by Rodgers/Leeper for the Support Services Center construction project

Background

The Board of Trustees authorized the use of Construction Manager @ Risk Contract Methodology for this project at the September 18, 2017 meeting in accordance with G.S. 143-128.1

Revisions to state law 2014-42 (H1043), amends G.S. 143-135.8 by establishing specific procedural requirements for when and how local governments may prequalify construction contractors to bid on construction and repair contracts (these new requirements also apply to the prequalification of first-tier subcontractors by a construction manager at risk under G.S. 143- 128.1(c).

Rodgers/Leeper has provided a prequalification process based on statutory requirements that meet the following criteria:

1. Be uniform, consistent, and transparent in its application to all bidders.
2. Allow all bidders who meet the prequalification criteria to be prequalified to bid on the construction or repair work project (in other words, a bidder who meets the prequalification criteria must be allowed to bid on the project).
3. Clearly state the prequalification criteria, which must comply with all of the following:
 - a. Be rationally related to construction or repair work.
 - b. Not require that the bidder has previously been awarded a construction or repair project by the governmental entity.
 - c. Permit bidders to submit history or experience with projects of similar size, scope or complexity.
4. Clearly state the assessment process of the criteria to be used.
5. Establish a process for a bidder to protest to the governmental entity its denial of prequalification. The protest process must be completed prior to the bid opening to allow sufficient time for a bidder whose protest is successful to submit a bid on that project.
6. Outline a process by which the basis for denial of prequalification will be communicated in writing, upon request, to a bidder who is denied prequalification.

Rationale

Approval of these requirements ensures that, in compliance with statutory requirements, a prequalification process is conducted transparently, using criteria that relates to the specific project being bid and are applied objectively and fairly to all bidders. These requirements also give bidders an opportunity to learn why they were denied prequalification and to appeal that denial

On a motion by the Real Estate Committee, and seconded by Charles Thomas, the Board unanimously approved the Authorization of the first-tier Subcontractor Prequalification procedure provided by Rodgers/Leeper for the Main Library and the Support Services Center construction projects.

Purchase Option for South Boulevard Library Facility

Action Item #3: Authorize CEO Lee Keesler to direct all activities necessary for the purchase of the South Boulevard Branch at 4429 South Boulevard (consistent with the Library’s first right of refusal to purchase contained in the lease), subject to approval of the Mecklenburg County Board of County Commissioners (which will be informed by the due diligence tasks including but not limited to appraisal, financial analysis, and additional discussions with the Mecklenburg County Manager and county finance staff to identify the source and timing of funding.

Background

The Public Library of Charlotte and Mecklenburg County signed a 22-year lease for the 18,850 square foot building at 4429 South Boulevard in August 2018 to replace the 5,500 sf Scaleybark branch (Parcel ID #14906115 on South Boulevard, south of Scaleybark Road and north of Briabend Drive.) The landlord expects to complete the scope of work to renovate the building in early November 2019 and then turn over the building to the Library to perform its library specific scope work in order to open to the public in December. The Library has a first right of refusal to purchase the property in its lease. Landlord provided notice of a bona fide third party offer to purchase the building and Library has provided notice of intent to purchase the building at the same terms as the bona fide third party offer to Landlord (in order to perform due diligence on acquiring the property).

Rationale

The existing Scaleybark branch serves the citizens of the county south of the West Boulevard branch and east of the Myers Park and Morrison branches. This branch serves a diverse population with one of the highest foreign language customer bases in the system and has strong success in early childhood, literacy, and active reading programs, but has no capacity for growth at its current location. The new South Boulevard location fits into the strategic long-range plan for the library with the added benefit on only being .4 miles from its existing location and is the reason that the Library signed a long-term lease there and negotiated a first right of refusal to purchase the property.

This location is consistent with the Charlotte Mecklenburg Library’s goal of being within a 15-minute drive to 80% of the county’s residents. Expansion of the Scaleybark branch was the third highest ranked project on the 2019-2023 CIP, but wasn’t funded.

There is an economic benefit to purchase this location over attempting to locate, acquire, and develop a different site within the customer service area. County AFM estimated the cost of such an effort to be approximately \$15 to \$20 million. There is also an economic benefit to own this location rather than spending \$12+ million in rent over the initial term of the existing lease.

Comments

It is important to note that the County Manager has not agreed to support the purchase of the property; however, she did support having the Library exercise its option to purchase the property pursuant to its rights in the lease to allow the time for due diligence to occur in order to evaluate all factors involved with the purchase. Some of the factors include: completing a formal appraisal of the property, determining the source of funding from the County, and obtaining approval

from the Board of County Commissioners. The Library may terminate its option to purchase the property prior to the end of the due diligence period without any financial obligations.

After the Board discussed the issue at length, and on a motion by the Real Estate Committee, seconded by Ricky Woods, the Board unanimously approved the authorization of CEO Lee Keesler to direct all activities necessary for the purchase of the South Boulevard Branch at 4429 South Boulevard (consistent with the Library's first right of refusal to purchase contained in the lease), subject to approval of the Mecklenburg County Board of County Commissioners (which will be informed by the due diligence tasks including but not limited to appraisal, financial analysis, and additional discussions with the Mecklenburg County Manager and county finance staff to identify the source and timing of funding).

Support Services Center

Joe Helweg explained to the Board that due to forces beyond our control, the Support Services Center will most likely not be ready in November of 2020 and will most likely be pushed back to the Spring of 2021. This delay is not due to a lack of urgency on the Library's part. Delays in securing approval from our future next door neighbor for a condo agreement along with backlogs in the permitting process have impacted the original timeline.

Community Update

Action Item: Approve Donor Naming of the new Main Library's Lobby and Technology Package

Background

The Charlotte Mecklenburg Library Foundation is in the quiet phase of a \$135M comprehensive fundraising campaign that includes construction of a new Main Library. The campaign will be a public-private venture with an investment of \$65M from Mecklenburg County to support the Support Services Center and the new Main Library. The lead private donor is the John S. and James L. Knight Foundation, with an investment of \$10M (paid over 7 years/ 2019-2026) for the transformation of the Charlotte Mecklenburg Library's new Main Library into a tech-forward, civic destination equipped to meet the evolving community needs.

In recognition of their generous investment, the Charlotte Mecklenburg Library and Charlotte Mecklenburg Library Foundation would like to provide naming rights to the John S. and James L. Knight Foundation for the Library's first floor lobby as "John S. and James L. Knight Hall" and the technology infrastructure throughout the building will be recognized as "Technology Powered by Knight."

In recognition of the gift, the Charlotte Mecklenburg Library Foundation will activate recognition in the new Main Library the following ways:

- I. First-Floor Lobby
 - a) First floor lobby will bear the name "John S. and James L. Knight Hall" and physical placement of recognition signage will be agreed upon by both Parties;
 - b) Digital wayfinding signage throughout the new Main Library;
 - c) Print and digital invitations (*hosted by Library, community partners and rental clients*) for events and programs located in the lobby space; and
 - d) Library print and digital marketing and promotional materials.
- II. Technology Infrastructure Package
 - a. Recognized throughout the new Main Library as "Technology Powered by Knight" including prominently featured naming on the second floor;
 - b. Digital wayfinding signage on all floors;
 - c. Staff and patron computers at the new Main Library;
 - d. Library's website landing page that all patrons must click through to access WIFI; and

- e. Library print and digital marketing and promotional materials.

Rationale:

According to Charlotte Mecklenburg Library's naming policy, *(1.3 Naming of Branches, Departments, Library Systemwide Centers, Institutes and Physical Spaces (Buildings, Facilities and Grounds, Portions thereof))* the Library Board of Trustees will have final authority over decisions to name a branch, department, Library systemwide center, institute or physical space. The Board of Trustees will act on a joint recommendation from the Library CEO and Library Foundation Executive Director, who together will consult with the Director of Libraries and other Library leadership as needed to formulate the naming recommendation.

After some discussion and on a motion by Kimmerly Martin, seconded by Jennifer Appleby, the Board unanimously approved the donor naming of the new Main Library's Lobby and Technology Package. Note: Charles Thomas recused himself from the vote.

On a motion by Charles Thomas, seconded by Ms. Kelley, the meeting was adjourned at 1:16pm.

Respectfully submitted,

Lenoir C. Keesler, Jr.

CEO