

**NEW HANOVER COUNTY
BOARD OF EDUCATION
May 7, 2013**

APPENDIX N

Operations Division

Item:

Bids for Wrightsville Beach Elementary School Mobile Classrooms

Staff Recommended Action:

Award of Contract to: Lumina Builders, Inc.

Recommended Award \$ 88,870.00

Source of Funds:

2005 Local Bond Program	\$	0.00
QSCB Program	\$	0.00
2012-13 Current Expense	\$	295,000.00
Other	\$	0.00

Total Project Budget \$ 295,000.00

Use of Funds:

Land	\$	0.00
Construction	\$	125,000.00
Design Services (W. Beach & B. Creek)	\$	42,500.00
Various Vendors	\$	65,114.00
Furniture & Equipment (2 mobiles)	\$	62,386.00
Technology	\$	0.00
Library Books	\$	0.00

Total Project Budget: \$ 295,000.00

TOWN OF WRIGHTSVILLE BEACH

ORDER GRANTING A VARIANCE FROM THE FLOOD ORDINANCE

The Board of Adjustment for the Town of Wrightsville Beach held a public hearing on January 24, 2013 to consider a request submitted by the New Hanover County Board of Education, a request for a variance to install three mobile classroom units at the Wrightsville Beach Elementary School located at 220 Coral Drive, Wrightsville Beach, North Carolina at an elevation that is ten feet six inches below the regulatory flood protection elevation requirement and to utilize materials in connection with the installation of such mobile classroom units that are prohibited below the regulatory flood protection elevation. The Board of Adjustment having heard all of the evidence and arguments presented at the hearing makes the following Findings of Fact and draws the following conclusions:

1. It is the Board's conclusion that the applicant has made a showing of good and sufficient cause for the issuance of a variance. This conclusion is based on the following Findings of Fact:

- A. The New Hanover County Board of Education (the "Applicant") is asking for a variance that would permit it to install three mobile classroom units at the rear of the existing Wrightsville Beach Elementary School. The installation of these three additional units will bring the total number of mobile classroom units at Wrightsville Beach School to ten.
- B. Two variances are requested by the Applicant. The first is to construct the mobile classroom units at an elevation that is ten feet six inches below the regulatory flood protection elevation requirement. The second variance is to construct the mobile classroom units utilizing materials that are not otherwise permitted below the regulatory flood protection elevation.
- C. The requested construction height is consistent with the height of the existing seven mobile classroom units currently located at the rear of the Wrightsville Beach Elementary School.
- D. Constructing the mobile classroom units at the required elevation is not financially feasible because of the ramps or other means of access that would be required.
- E. The three mobile classroom units need to be added in order to accommodate the current student population at Wrightsville Beach Elementary School and the anticipated increase in that population in the immediate future. Two mobile classroom units are required to meet current student demands. One mobile classroom unit is required to meet anticipated increases in student population in the immediate future.
- F. The students who will occupy the two mobile classroom units needed to meet existing student population are now located at the Wrightsville Beach Baptist Church located at the intersection of Coral Drive and Causeway Drive. Under existing Town ordinances, these students can remain at this location for only one year.

- G. The mobile classroom units will be constructed and located in a manner to minimize danger from water and high winds.

2. It is the Board's conclusion that failure to grant the requested variance will result in exceptional hardship to the applicant. This conclusion is based on the following Findings of Fact:

- A. The Findings of Fact set forth in paragraph 1 above are incorporated herein by reference.
- B. The Applicant estimates a cost of approximately \$300,000.00 to construct the three mobile classroom units. The additional expense required in order to provide access to the units if they are constructed to the required elevation will make the project financially unfeasible.

3. It is the Board's conclusion that the granting of the variance /will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with local laws or ordinances. This conclusion is based on the following Findings of Fact:

- A. The Findings of Fact set forth in paragraphs 1 and 2 above are incorporated herein by reference.
- B. The granting of the variance will reduce the cost to the Applicant thereby reducing the public expense required in order to add the additional mobile classroom units.
- C. There is no evidence before the Board to indicate that installation of additional mobile classroom units at the proposed location will result in additional threats to public safety or create a nuisance.

4. The Board hereby finds and concludes as follows:

- A. The requested variance will not make the structure in violation of other federal, state or local laws, regulations or ordinances.
- B. The issuance of the variance will not result in any increase in flood levels during the base flood discharge.
- C. The variance is the minimum necessary, considering the flood hazard, to afford relief.

5. The applicant completed a Floodplain Variance Application addressing each of the following factors:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage;

- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location as defined in the Appendix as a functionally dependent facility where applicable;
- F. The availability of alternative locations, not subject to flooding or erosion damage, for proposed use;
- G. The compatibility of the proposed use with existing and anticipated development;
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- J. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable; and
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, and streets and bridges.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a variance is granted as follows:

1. The Applicant is hereby granted a variance to construct two mobile classroom units at an elevation that is ten feet six inches below the regulatory flood protection elevation requirement at the location shown in the Application submitted by the Applicant.
2. The Applicant is granted a variance to utilize materials in the construction of the two mobile classroom units referred to in the preceding sentence that are not otherwise permitted below the regulatory flood protection elevation requirement.
3. The variance granted herein shall remain in effect until July 31, 2016 at which time the variance shall terminate. Upon termination of the variance, the Applicant must remove the two mobile classroom units or bring them into compliance with all then existing applicable flood ordinances and regulations.
4. If the Applicant wishes to extend the time within which the variance for the two mobile classroom units as described herein may remain in existence, it must make application for such extension no later than July 1, 2016. If no extension is sought or granted, the two mobile classroom units must be removed or brought into compliance as referenced in paragraph 3 above no later than October 31, 2016.

5. In addition to the conditions set forth herein, the Applicant shall comply with all other applicable federal, state and local statutes, ordinances and regulations.

If the variance is granted, the applicant is hereby notified as follows:

- (a) The issuance of this variance to construct a structure below the base flood level will result in increased premium rates for the flood insurance; and
- (b) Such construction below the flood level increases risks to life and property.

Ordered this 14th day of February, 2013 for the hearing held on January 24, 2013.

ATTEST:

Sylvia J. Holleman
Sylvia J. Holleman, Town Clerk

David L. Cignotti
David L. Cignotti, Mayor



CERTIFIED BID TABULATION

PROJECT: Wrightsville Beach Elementary School Mobile Classrooms

OWNER: New Hanover Public Schools

DATE: April 16, 2013

TIME: 2:00 PM

N&T Project No.: 12085

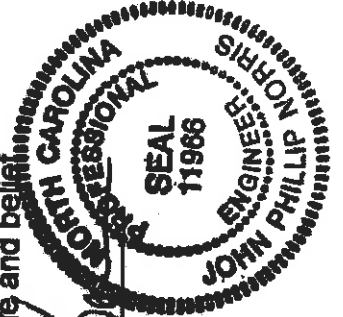
Norris & Tunstall Consulting Engineers, P.C.
 1127 Floral Parkway, Suite 400
 Wilmington, NC 28403
 910-343-9653
 910-343-9604 (Fax)

BIDDER NAME AND ADDRESS	LICENSE NUMBER	BID BOND	Add. #1	Add. #2	Affidavit A or B	Bid
Constructive Building Solutions 4032 Masonboro Loop Road, Suite 101 Wilmington, NC 28408 910-799-925	63300	N/A	✓	✓	A	\$118,151.00
Lumina Builders, Inc. P.O. Box 683 Wrightsville Beach, NC 28480 910-799-0054	40028	N/A	✓	✓	A	\$86,870.00
Lewis Builders P.O. Box 1464 Wrightsville Beach, NC 28480 910-619-5227	36299	N/A	✓	✓	A	\$105,200.00

CERTIFICATION:

I certify this to be a true and correct tabulation of bids taken on this project to the best of my knowledge and belief.

John Phillip Norris
 John Phillip Norris, P.E.



**Norris & Tunstall
Consulting Engineers, P.C.**

1127 Floral Parkway
Suite 400
Wilmington, NC 28403
(910) 343-9653
(910) 343-9604 Fax
John S. Tunstall, P.E.

1429 Ash-Little River Road
Ash, NC 28420
(910) 287-5900
(910) 287-5902 Fax

J. Phillip Norris, P.E.

April 16, 2013

Ms. Irene Sotiriou
New Hanover County Schools
Facility Planning Department
6410 Carolina Beach Rd.
Wilmington, NC 28412

Re: Recommendation of Award
Wrightsville Beach Elementary School
Mobile Classrooms
N&T Project No. 12085

Dear Ms. Sotiriou,

A formal bid opening was held on April 16, 2013 for this project. Three (3) bids were received and opened. A certified bid tab is attached for your use.

We find the bid from Lumina Builders to be in order. We recommend award to this bidder as follows:

Bid \$86,870.00

Upon your approval we can issue a Notice of Award and schedule a pre-construction conference.

Sincerely,

**NORRIS & TUNSTALL
CONSULTING ENGINEERS, P.C.**



J. Phillip Norris, P.E.

JPN/neh

12085 04-16-13-ltr of recommendation