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Vol 39  
#4  
1991

# • NORTH CAROLINA • ARCHITECTURE

JULY / AUGUST 1991

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Coastal Development •  
Surviving The Recession •  
Qualification-Based Selection •



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AIA North Carolina President

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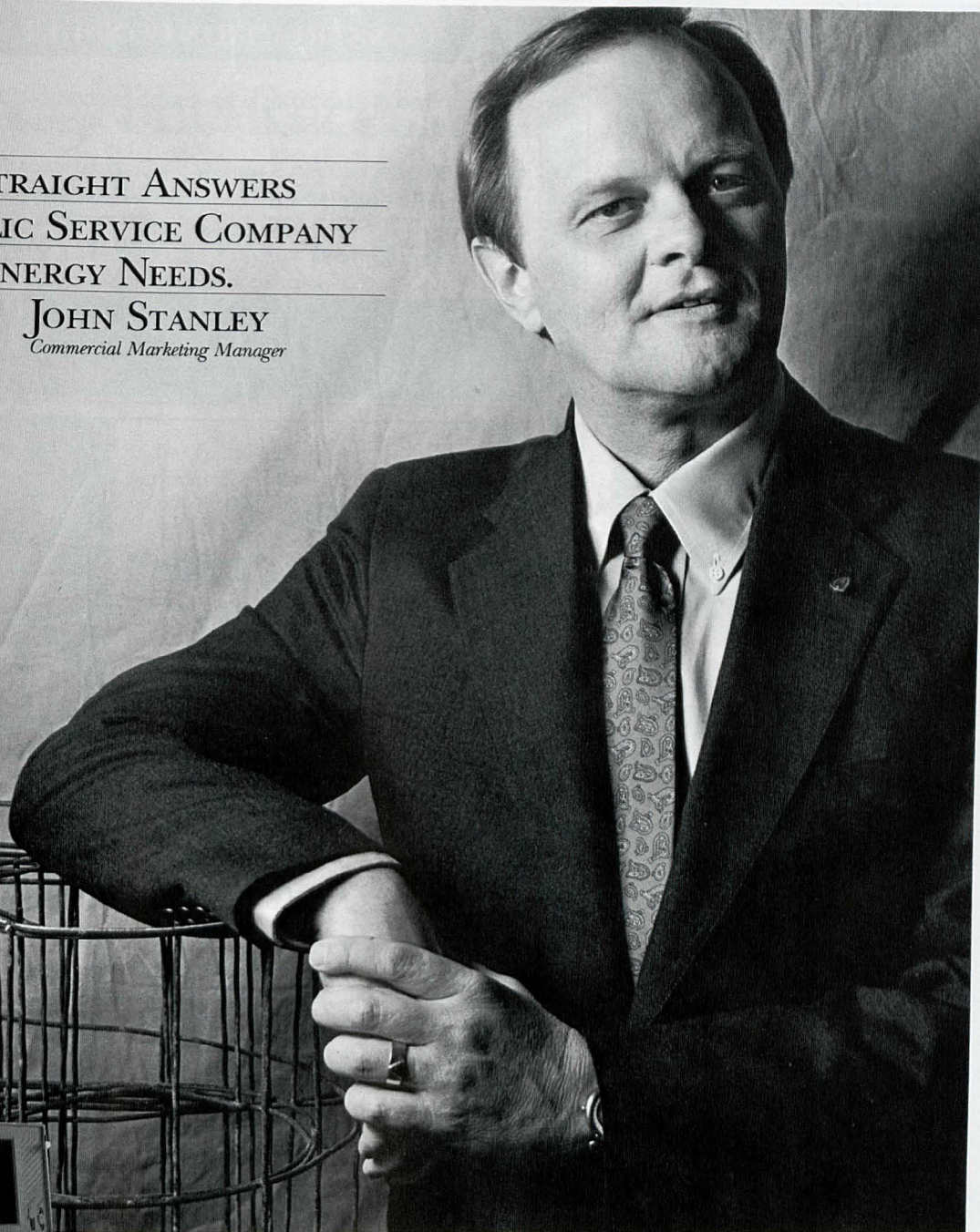
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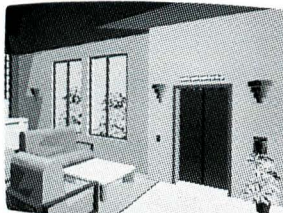
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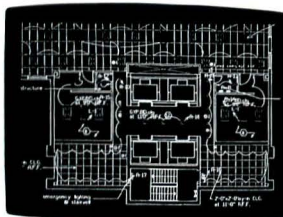
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# Surviving The Recession

## *Institutional, Health Care Work Still Strong Around State*

**F**or the newest crop of young would-be architects produced by the N.C. State School of Design, economic reality shared centerstage with the conferring of degrees this past May.

"When we had our pictures made for the graduation assembly," says new grad Amy Allgeyer of Burlington, "all the architectural students were holding WILL WORK FOR FOOD signs. We knew it was going to be rough."

Allgeyer and her classmates were coming to grips with what professionals in their field have realized for some time now—America's current economic recession has left few job markets untouched, including architecture.

Layoffs at large firms, shutdowns of small firms and fierce competition for projects have characterized the recession's impact in North Carolina. Experts disagree on the best strategy for riding out the storm, but no one disagrees that architecture has been one of the recession's many victims.

"In North Carolina, the recession has been bad," says AIA North Carolina president Jeffrey A. Huberman, AIA. "Maybe not as bad as in some other states, particularly in the Northeast, Midwest and southern Florida, but it has taken its toll here, too....Everyone has been affected, whether they've been in business for 100 years or one."

An AIA North Carolina-sponsored seminar this spring addressed the marketing concepts of specialization versus diversification as recession-fighting tactics, and both make for compelling arguments. In practice, it appears that firms with certain specializations—namely, in health care and institutional projects—have been faring the best.

"During this recessionary period, health care work has been very strong," says Jay Peterson, AIA, president of Peterson

Associates in Charlotte. "Firms like ourselves that specialize in it have had work to do. Since it makes up a large majority of the work we do, we've been one of those firms that hasn't had to lay people off because of the recession."

Peterson, whose 60-person, 17-year-old firm began with a hospital project in Hamlet, cites several reasons for the proliferation of health care work. The gradual "graying" of the American population to include more people aged 65 and older, increased competition by hospitals for patients, and some fundamental changes in the overall delivery of health care all have combined to produce a demand for more or better medical facilities.

"There is a major emphasis to do things on an outpatient basis rather than an inpatient basis," says Peterson, referring to changes in Medicare and Medicaid payment regulations imposed on the health care industry in 1984. "Because of the shift to outpatient services, hospitals have had to change older facilities to accommodate outpatient needs. Outpatient surgery has boomed, and firms like ours have designed outpatient surgery centers all over the region, or modified old facilities."

"The medical field went through a trough or down cycle about five or six years ago," points out John H. Tabor, AIA, a principal at Middleton McMillan Architects in Charlotte. "All the hospitals stopped doing work or slowed down their capital improvement plans for many years. It was sort of building up and getting ready to burst, and it happened to burst at this point in time."

"Every market has an up and down cycle, like a sine wave, and they don't always coincide. At this time, I think there are more down cycles than up cycles, whereas at other times they are moving up and down all over the place."

Tabor's 22-person firm specializes in health care projects as



*"During this recessionary period, health care work has been very strong. Firms like ourselves that specialize in it have had work to do. Since it makes up a large majority of the work we do, we've been one of those firms that hasn't had to lay people off because of the recession."*

**J.J. Peterson**  
Peterson Associates

*The firm has designed outpatient centers for numerous hospitals previously oriented toward inpatient services, such as Stanley Memorial.*



*"Every market has an up and down cycle, like a sine wave, and they don't always coincide.*

*At this time, I think there are more down cycles than up cycles, whereas at other times they are moving up and down all over the place."*

**John Tabor  
Middleton McMillan Architects**

*The firm is architect of record for the North Carolina Blumenthal Center for the Performing Arts under construction in Charlotte, which Tabor calls "probably the most complex brick project in the country." Cesar Pelli is the design architect.*



well as a diverse number of other large, complex projects. It recently landed two correctional system jobs, a \$22 million project for Mecklenburg County and a \$133 million federal prison at Butner, for which it teamed with Odell Associates Inc., to win the highly competitive project.

"We got it last December and we haven't even started on it yet," says Tabor, whose company also is the architectural firm of record for the high-profile North Carolina Performing Arts Center in Charlotte. "What it does is give you a level of confidence that there's work to come in the months ahead."

Greg Flynn, AIA, would like that same kind of confidence. He and his wife, Kathleen McQuaid, both moved to North Carolina last summer from intense architectural practices in New York but have been unable to find fulltime jobs in the Triangle area.

The 31-year-old Flynn, a native of Ireland, worked in London before his five years in New York. He says he has sent out 130 resumes, talked with 70 firms and met with 25 in person, all without a job offer. "I thought it was just going to be for 1990 and would change after the war, but it's definitely related to the national economy and I'm not sure when it's going to turn around," he says.

Since coming to the state, Flynn has participated in an Urban Design Assistance Team project and done some freelance work. "But the most money we've gotten this year," he says, "was our tax refund from last year.

"It seems like a lot of the firms I've met with have really scaled back. I've met with quite a few people who have a lot of empty drafting boards. They might have had six, 10 or 12 people working for them a couple of years ago, and now they are just one-man shows."

Philip L. Szostak, AIA, had 17 people working for him a few years ago. But last year, after running his own practice for 11 years, he closed the doors and went to work for NBBJ North Carolina. Although part of his decision was based on his desire to spend more time designing than running an office, and part of it was based on the inherent obstacles small firms face when pursuing major projects, the economy also played a role.

"One factor was an economic environment that was not really affecting me but was affecting one of my clients that decided not to pay me over \$400,000. I held on for a couple of years after the client did that, but in economic times like we have now, it's

very expensive keeping an office open and going after projects," Szostak says.

Szostak sees intense competition among firms within the state, no matter how big the firm or the project. That's particularly true with public work, partially due to the state's Qualification-Based Selection process that gives all firms a fair shake. But spending the money necessary to compete for major projects against large firms just isn't cost-efficient for the small firm.

"If that one developer would have paid us, I probably wouldn't have made the decision I made, because I would have been able to afford to go after (major) projects," he says. "Either you need to be a big firm to go after big projects or you need to be a small firm and stay with small projects. I made the decision that I wanted to do big work. It's great to have the backup I have here at NBBJ."

Some large firms have survived by downsizing staff and exploring new markets to enter. Others have become more aggressive marketers. Some have absorbed the principals of smaller firms that have had to close the doors. Feeling the pinch are the younger designers who are often the first to go during a cutback, or the new grads who have trouble getting started.

Robert Burns from the N.C. State School of Design says that while many of the school's 35 recipients of professional degrees last May have been placed in jobs, it hasn't been easy. "We had good representation at our job fair," he notes, "but a lot of firms just came to talk. They didn't have solid jobs to offer, they were just trying to make contacts for the future."

New grad Allgeyer has made plenty of contacts. Now she is looking for something more concrete.

"Some still have the jobs they had between their fourth and fifth year (of school)," she says of her graduating class. "Some just got lucky. Some are doing mechanical drafting. One is working in a music store, in retail, whatever you can find right now. I think one person is going back to school to get a master's—and everybody else is beginning to think about it."

"I think North Carolina architects are personally optimistic," says Huberman. "They are just waiting for the recession to wear out and for business to pick up again. And I think some are beginning to see signs of things coming back. Clients who haven't been doing anything are at least beginning to talk about projects, which they weren't doing six months ago."



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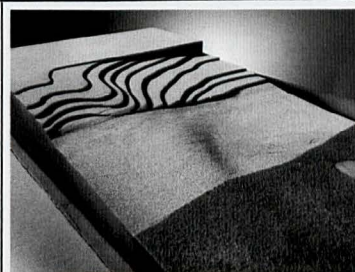
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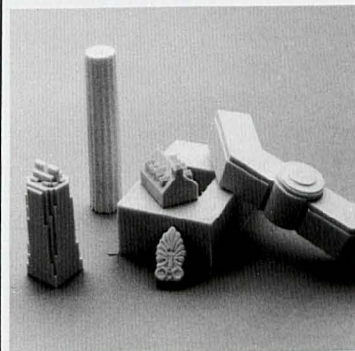
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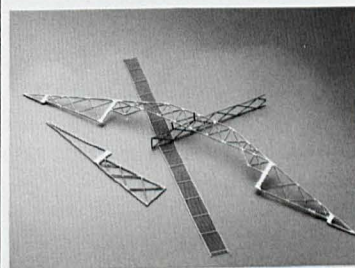
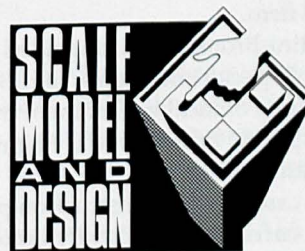


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# Legislative Report

## *Qualification-Based Selection Of Architects Works In Public's Interest*

**F**our years after its enactment as public policy in North Carolina, the concept of Qualification-Based Selection (QBS) for architectural services ranks as a success.

"The system for designer selection on state building projects is working beautifully," says Fred C. Abernethy, AIA. Abernethy is a member of the State Building Commission and partner with CBSA Architects, Inc., of Hickory.

"The best qualified firms are receiving the work and that's the way it should be. The overall quality of design for state buildings has been enhanced," says Abernethy. "It also pleases me to see that smaller firms are receiving a share of the available projects."

If the effectiveness of legislation was graded like a school report card, the state's QBS program would probably receive an A-minus. While designer selection for state projects has been accomplished with few glitches, some local government officials remain either unaware of the law and its application or don't understand how and why it works to their advantage.

The 1987 General Assembly deserves credit for creating the state's QBS system. The North Carolina statute is popularly referred to as the Mini-Brooks law as it is modeled after federal legislation known as the Brooks Act, named after Rep. Jack Brooks (D-Texas). In brief, the law states that:

- State and local governments should announce all projects requiring architectural and engineering services;
- Firms should be selected without regard to fee, based on demonstrated competence and qualification for the type of services required;
- A contract with a fair and reasonable fee should be negotiated with the best qualified firm. If unsuccessful, similar negotiations should be initiated with the next best qualified firm.

The Mini-Brooks law is intended to be the rule except in cases of special emergency involving public health and safety. Units of local government may, in writing, exempt specific projects if the estimated professional fee is less than \$30,000.

In the case of state construction projects, Mini-Brooks has been carried out efficiently under the direction of the State Building Commission, which oversees the State Construction Office. When a state department or agency receives funding for a project, the project and its need for architectural services is announced in the North Carolina Purchase Directory—a biweekly state publication. A typ-

ical announcement receives 40 or more responses from Tar Heel-based architectural firms.

A pre-selection committee, usually comprised of four people, reviews the qualifications of those firms interested in the project. Qualifications include demonstrated expertise, adequate staff and current workload as well as past performance concerning budget and deadlines.

Based on that criteria, the committee develops a list of the top three firms, which is delivered to the State Building Commission for action at its next meeting. State Construction Office records indicate that the entire selection process from announcement to action by the State Building Commission typically takes less than 40 days. Without question, the process is efficiently administered.

Following selection of the top three, it's time then—and only then—for fees to be negotiated or discussed.

So why is the Mini-Brooks law and the concept of QBS in the best interest of North Carolina citizens? And why not ask architects to bid public projects with a pre-announced fee as do contractors?

Contractors bid projects because all major aspects of the job are defined, including the type and amount of construction materials required for completion. On the other hand, architects turn an undefined concept into a design, including set plans and specifications. Architects take an idea and give it definition. A contractor takes that definition and turns it into a physical reality.

Indeed, the best-qualified architect offers many intangibles such as technical knowledge, aesthetic judgment and decision-making skills that are difficult to compare on an "apples-to-apples" basis. The expertise of an architect can have a dramatic effect on maintenance and operating costs, year after year, for the life-span of a building.

Another strong argument in favor of QBS is that public building projects involve public health and safety considerations. The government agency building a facility is responsible to the taxpayers for obtaining the best building possible. QBS also keeps the process open to all interested firms and eliminates political favoritism.

"Mini-Brooks represents a giant step forward for this state in an effort to obtain competent construction design services for the money spent, rather than someone's best buddy doing 'half-a-job-a-nickel cheaper with you -and-I a-footing the bill,'" says Henry W. Johnston, AIA, of Wilmington.

In spite of the Mini-Brooks law and compelling evidence in support of QBS, some local government bodies





*Renovations at the New Hanover County Courthouse landed Yelverton Architects a 1990 AIA South Atlantic Region design award and serve as an excellent example of the Qualification-Based Selection process in action.*

including county commissions, city or town councils and school boards continue a practice of hiring architects on the basis of fees.

The office of AIA North Carolina receives an average of three complaints per month from architects who say they have been asked to state their fees for a public project as part of the selection process. Following a complaint, AIA North Carolina executive director Timothy D. Kent typically contacts the government in question, informing them of the law and its application.

"In most cases, the local administrator or elected offi-

cial is simply unaware of Mini-Brooks or what QBS means," says Kent. "Occasionally, though, we find instances where the local government thinks that by asking for fees, they'll get some kind of bargain. They're wrong about that."

Recognizing that education is the answer, AIA North Carolina has launched a Mini-Brooks awareness program. The program involves a grass-roots effort by architects around the state to educate and inform their local officials about Mini-Brooks and how it works to the public's advantage.



# Coastal Development

## *Architects Respond To Environmental Influences*

### **Buccaneer Village**

Manteo Island, NC

**Architect:** Cline Davis Architects, PA, Raleigh

**Client:** Roanoke Properties, Manteo

**Contractor:** Benchmark Construction, Raleigh

*Awarded a 1990 Isosceles Design Award, Buccaneer Village is a multi-family resort community of townhouses and flats built on a narrow 9-acre site fronting an existing salt water channel that opens onto a coastal sound. Stringent coastal regulations affected all aspects of the development, including density, site coverage, impervious surfaces, setbacks and storm water management. Six*

*of the proposed 10 buildings have been completed for a total of 84 units. The 12, 14 and 16-unit buildings are built on piles, with underneath space used for parking and storage. To optimize the view, the structures are paired and cantilevered to produce a staggered configuration. This arrangement also creates common entry courtyards on the road side of the development and pedestrian courtyards (with storm water retention ponds) on the view side. One of the architect's goals was to create a community image that was sympathetic to the Outer Banks region in terms of scale and architectural style.*





Sometimes a journey through the regulatory morass that governs development on the North Carolina coast can produce archaeological, as well as architectural, results.

Such was the case for Nags Head architect Benjamin B. Cahoon, AIA. In trying to satisfy the all the permit requirements for a residential community development on Machelhe Island in Elizabeth City, the discovery of a sunken 19th century schooner and one other vessel from the early 1900s threw a wrench into the original site plan.

"Because of the historical use of the site as a port, we were required to undertake an underwater archaeological survey," Cahoon says of the project. "There was an old Texaco terminal there...and we had originally intended to put a pier along the line of the old oil dock. When we found those boats (near that location), we had to redesign and move the pier, or we would have been required to bring the boats up. We went to some lengths to extend the docks into relatively deep water rather than dredging, because we didn't want to have to get a dredging permit."

More often than not, however, obtaining the proper permits is a fundamental part of the job for architects who design projects near the fragile North Carolina coastline. Regulatory acts and agencies governing everything from wetlands to storm water runoff to setback from the sea combine to lend an environmental influence to virtually all coastal design.

Dealing with the wetlands issue is the usual starting point for projects on the N.C. coast. Because a permit is required to place fill material in any area designated as wetlands – and because those permits are very difficult to obtain – determining the existence of wetlands, if any, on a particular site is critical and often controversial.

"The best design approach is to avoid wetlands, but that's not always possible," says Larry Zucchini, a Raleigh-based plant ecologist, landscape architect and member of the state's Environmental Management Commission.

"It's pretty obvious that coastal marshlands are wetlands, and it's pretty obvious that swamps are wetlands. But as you come up from those splashable wetlands, the definition gets a little bit more vague. It's these transitional areas that are of most concern....A person may stand on a piece of land that appears eminently buildable and find that the regulatory agencies consider it jurisdictional wetlands."

Wetlands currently are defined by the federal Clean Water Act essentially as areas in which the water table is within 18 inches of the soil surface for 10 days during the growing season. Congress now is in the process of considering a revision in the wetlands definition that would require the water table to be within six inches of the soil surface for 14 days, in effect forcing an area to be much more water-saturated to be designated as wetlands.

"The last definition of wetlands that came out was so broad that a very large part of Eastern North Carolina fell under the definition of wetlands," says Cahoon. "It got to the point where no one could tell simply by looking whether an area was wetlands or not. That can really play havoc with your plans and the value of your property."

Along with the Clean Water Act, the Coastal Area Management Act also identifies areas of environmental concern for those who want to build on the coast. Administered by the Division of Coastal Management, a CAMA development permit can be obtained in North Carolina only after the developer has submitted an application that is distributed for review among 13

*Story continues on page 19*





## Single-Family Residences

Bald Head Island, NC

Architect: Richard B. Schnedl, AIA,  
Bald Head Island

Clients: Richard & Chris Virtue (page  
14), Earl & Michael Marshall (page 15)

Contractors: O'Connor Co. of N.C.,  
Southport (page 14), Telesis Ventures  
Inc., Wilmington (page 15)

CAMA, FEMA and local regulations influenced the design and construction of these residences on Bald Head Island. FEMA set the minimum elevation for the bottom of the structures at 14 feet above ground, while CAMA requirements were that the structures had to be able to withstand 120 mph winds (hence the use of diagonal bracing inside and out); that it had to be set back 60 feet landward from the first line of vegetation (based on erosion rate of two feet per year times 30 years); and that any enclosed space below 14 feet had to be built with louvers or break-away walls so that if washed away, the structural integrity of the house would not be affected. An additional local influence was that the houses could not be two story-structures, which are prohibited in the dune area.











## Corolla Light Soundfront Recreation Center

Corolla, NC

**Architect:** Benjamin Barry Cahoon, AIA, Nags Head

**Client:** Corolla Gardens Partnership

**Contractor:** R.C. Willis

*Located on the northern Outer Banks about 50 miles east of Elizabeth City, Corolla Light is an exclusive ocean-to-sound*

*planned community of multi-family and single-family residences. This project is a recreation center for that development. It includes, on the first floor, a snack shop, a retail shop, an arcade and the check-in point as well as access to a miniature golf course. The upper level is office space for Corolla Light management. Since part of the site is des-*

*ignated wetlands, several regulations influenced the design and location, including the use of pilings to place the center over the wetlands. Even the placement and depth of the pilings was environmentally determined. Says architect Ben Cahoon: "The Outer Banks string of islands tend to move toward the west. On this part of the sound front, what*

*is hard ground now was once the bottom of the sound (hundreds of years ago). As a result, there are layers of organic material in the sand. You have to make sure the piling foundation extends through that to firmer sand underneath."*







## Sanderling Inn

Sanderling, NC

**Architect:** NBBJ North Carolina, Inc.,  
Research Triangle Park

**Client:** Mr. & Mrs. Earle F. Slick,  
Winston-Salem

**Contractor:** Wimco Corporation, Inc.,  
Washington

*As part of a complex of structures clustered next to the historic Caffey's Inlet Lifesaving Station, the Sanderling Inn is a focal point for the Sanderling development. Phase I, built at a cost of \$1.375 million, includes 28 guest rooms and meeting and lobby facilities. The Inn combines the scale of a country inn with features usually associated with grand hotels to provide appropriate resort accommodations. Located on the Northern Outer Banks, the Sanderling development has a density and character derived from the architectural traditions of old Nags Head. The Inn received a design award for excellence in AIA North Carolina's 1989 awards program.*



GORDON SCHENCK

## Villa Capriani

Topsail Island, NC

**Architect:** The FWA Group, Charlotte

**Client:** Resort Equities, Roanoke, VA

**Contractor:** McDevitt & Street,  
Charlotte

*The client was looking for a Mediterranean-style condominium development in detail as well as in scale, presenting the architect with an environmentally-influenced conflict. Explains project architect J. David Parke, AIA: "Regulations for storm water runoff lead you to use as little land as possible, and that pushes you into a high-rise situation so you can get a lot of units on a site while keeping as much ground open as possible. However, that's counter to what this client wanted, which was a more ground intensive development with low rise. That took away all the open ground which absorbs the runoff. What we had to do in this case was use a porous pavement system, which is a special type of pavement that looks like normal pavement but allows water to percolate through it. We also had to drill a number of monitoring wells so authorities could monitor the ground water recharge rate." The first phase of the project includes 116 units of 1, 2 and 3-bedroom villas arranged in serpentine fashion.*



RICK ALEXANDER



*Continued from page 13*

different resource agencies, including the Army Corps of Engineers, the Division of Environmental Management and other state and federal environmental agencies. After those agencies comment, the application is either approved or denied by the Division of Coastal Management.

One of the major CAMA provisions determines how far back from the ocean front a project can be built, a crucial factor in protecting the state's frontal dunes and beaches and in keeping a relative safe distance between development and the constantly eroding coastline. In some areas, CAMA regulations dictate that a new home must be built at least 30 years worth of the current erosion rate away from the ocean front. If the current erosion rate is three feet a year, the home would have to be at least 90 feet from the front.

That setback distance can vary depending on the type of development. Villa Capriani, a multiphase Topsail Island condominium development designed by The FWA Group, originally had to be placed at least 120 feet from the first line of stable vegetation on the ocean front. "But if that line changes at any point during the project," says project architect J. David Parke, AIA, "you may have to relocate the project. With Villa Capriani, we had to eliminate 10 or 12 units (when the vegetation line changed following a major storm). We were constrained by a highway on the other side of the project and there wasn't anywhere to move the building back."

CAMA regulations also force coastal counties to develop conscientious land-use plans that must be approved by the state and updated every five years to help protect and conserve coastal resources, in effect adding another layer of zoning requirements for architects and developers to consider.

While the environment places extreme influences on where coastal projects can be built, it also impacts heavily on the designs themselves. To comply with the Federal Emergency Management Act (FEMA) and qualify for flood insurance, structures in high hazard flood areas or velocity zones prone to storm surges are built on pilings to permit the flow of water underneath them. In general, the higher you place the lowest level of inhabitable space, the lower your insurance rate.

"It's very difficult for man to build something that will withstand a hurricane's fury at the level of the water, where there are wind-driven waves," says Wilmington architect Henry W. Johnston, AIA, who specializes in designing homes along the North Carolina coast. "It's best to have it as open as possible underneath – with walls that either fall out or no walls at all."

"Since you are on columns, the nature of the structure is more akin to a post-and-beam skeletal type structure versus an inland house where you may be on a spread footing and can accumulate your structural loads in a number of different ways. Here, you have to pay more attention to overturning and racking due to hurricane-force winds. Houses have to be braced much better and tied together much different than a house inland."

The runoff of storm waters also has a major effect on design options. Under the auspices of the Division of Environmental Management, three-year-old coastal storm water regulations govern the runoff generated from development projects. "Water quality is degraded from storm water generated from parking lots and rooftops. That's a given," Zucchini says. "These measures are designed to control the direct runoff. Typically you design infiltration basins that keep the water on site and let it infiltrate through the soil rather than letting it discharge into open, coastal waters."

Cahoon's storm water management plan at Machelhe Island proposes to collect all runoff from the houses that are over wet-

lands and pipe it back to a high-ground holding pond. It also controls all runoff from parking lots to permit no direct runoff from the site into the wetlands of the surrounding waters.

Johnston lists view orientation, sun orientation, wind orientation and choice of materials as other paramount influences on architects who work on coastal projects. Clients obviously are concerned about capturing dramatic water views and orienting their primary living spaces to the sun. They may want exterior decks in more than one location so they can have exposure to or protection from the coastal breezes, depending upon the season. The effects of wind-driven water and the corrosive nature of salt spray also are concerns. "You have to pay more attention to water penetration and other more mundane issues, because they become very important here if you don't pay attention to them," Johnston says. "Details that might not leak in Raleigh may leak on the coast."

Some architects, too, try to pay attention to an area's particular architectural style – if there is one. "There is a lot of coastal housing that just doesn't look like it belongs at any place specifically. It could be in Florida or New Jersey as easily as North Carolina," notes Raleigh architect Jeffrey T. Davis. His firm, Cline Davis Architects PA, made it a point to make sure a recent Outer Banks project was designed with the local style in mind. "The multiple gables, steep roofs, shingle siding, the carpentry detailing in the gables – that's all indigenous to the Outer Banks. We tried to pick up on that style, not to recreate it literally but to remind people of the Outer Banks' vernacular architecture."

With the inland creep of the sea, the battering of the beaches and the concern on most fronts for protecting the delicate natural resources that define North Carolina's coast, architects are faced with daily challenges to respond to both environmental and regulatory constraints. Along with magnifying the architect's role as problem-solver, dealing with the many issues that impact on coastal design can add considerable time and cost to those projects. Cahoon's development in Elizabeth City, for example, took 14 months to secure all the necessary permits and put him in a position to begin work on the actual building designs.

"Most developers just won't foot the bill for an architect to design buildings until he's got the approvals in hand," says Davis. "Often times we think we're going to be working on a project and believe it is right around the corner, and because of some ruling by the Corps of Engineers it will take six more months of waiting to get the approvals."

"I believe that constraints are often your best friends on projects," Parke says. "The key is to know what the constraints are. It takes a while to understand what the regulations are and what they mean, but once you do you can manipulate the design to respond to the particular goals you've got for the project."

Environmental sensitivity is an important part of the design process for North Carolina architects, even in the face of occasionally-confusing parameters. Admits Zucchini, "The regulations are constantly in flux. They are constantly being re-evaluated, tested, contested, refined – all to the end of hopefully protecting the natural resources. Sometimes there may be competing agendas, but the whole intent is to protect the coastal resources."

"And if you look at the scheme of things from Florida to New York, North Carolina didn't do too badly. There are some projects on the North Carolina coast which are really well-done, and most of the projects which people perceive as not being well-done were probably done in the pre-regulatory phase and prior to architects and landscape architects coming to full grips with environmental aspects in their design process."



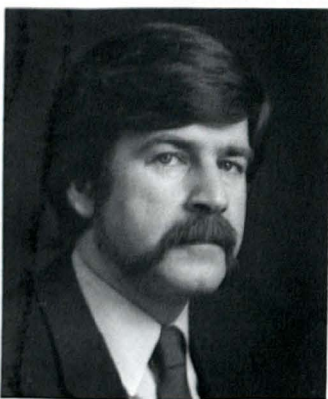
# Conventional Wisdom

*Interview With Summer Design Conference Speaker Monk Askew*

**L**auren B. "Monk" Askew Jr., AIA, is Vice President/Director of Design for the Rouse Company, a development firm headquartered in Columbia, Md. A 1965 N.C. State University graduate, Askew has been with the firm for 22 years, 17 as Director of Design. He is responsible for the management of all areas of design for all Rouse Company projects, which have included several major urban centers such as Faneuil Hall Marketplace, Harborplace, Santa Monica Place, South Street Seaport and St. Louis Union Station. North Carolina Architecture interviewed Mr. Askew in conjunction with his appearance as a major speaker at the AIA North Carolina Summer Design Conference Aug. 9-10.

## **Give us an idea about the scope of the Rouse Company and its project emphasis?**

We own and operate about 80 retail projects in North America. We own and operate everything we get involved with. We buy shopping centers. We manage shopping centers for



other people. The bulk of the work we do in the retail business is regional shopping centers, just like Crabtree Mall (in Raleigh). We've done that for years. We're also a major office building developer. We also do mixed use development with hotels and offices, and we do planned unit development work. We have about 550 people here (in Columbia) where the basic management of the company takes place.

However, if you added the people here plus all the people who are Rouse Company employees in all our centers around the country, you'd come up with about 6,000 people.

## **Regarding Harborplace, Faneuil Hall Marketplace and other urban centers you've developed, what can North Carolina architects learn from the lessons shown by those projects?**

Everybody takes from projects different things, but probably the biggest thing to understand about them is that they are in large urban areas and that they require large urban areas to be successful. That's the key, because they require a lot of people to pass through them. An average regional retail mall like Crabtree or one of those must have five to seven million people a year go through, and that's a lot of people for a large mall. A place like Harborplace in Baltimore is going to have 12 to 18 million people a year go through it. Operating costs are different in an urban area than they are in a suburban area and the kind of merchandise and the kinds of things you do there are very different, so it does require a pretty substantial population and an on-going amount of traffic for these things to be viable.

## **What other factors or common characteristics besides population base can make them successful?**

Everybody has their own opinion, but I think most of these places require a location that is a focal point or a gathering place. In Baltimore, Harborplace really is sort of the geographic center of downtown. In Boston it's the same thing. The other thing they all seem to have in common is some sort of amenity that they focus on. In Baltimore it's the harbor, in Boston it's the buildings themselves that are the focal point because they are historic structures on the National Register. There is a quality about the site, the place, the location that makes them interesting regardless of the merchandise that is there. That's probably the most important thing to be learned about these places. I don't think it's the architecture so much. It's the environment more than the architecture. The whole idea is to create a place.

## **Are there some opportunities in North Carolina for similar urban centers?**

I'd be hard-pressed to say that there is, just because North Carolina is not as populated as some of the urban areas where some of these things are. I haven't lived in North Carolina in years, but I guess Charlotte is the most populous area in the region. We know Charlotte pretty well, we have a center there. But it's not Atlanta or New York.

## **How about more potential sites nationwide?**

I don't know. I think they take very special requirements. There may be some others out there. From a population standpoint and from a desire standpoint on people's parts...the private developer has a difficult time just laying one of these things down. It requires some effort from the city, somebody has to stand up with the developer in terms of providing parking or maybe tax abatements or land or some combination of those kinds of things. Lending institutions in the area have to be willing to support and lend money to small tenants for them to get started. It requires all that, forgetting whether the location is big enough or not. There are probably some other places out there. Chicago is a place with a huge urban area, and of course they are working on the Navy Pier right now, which has an opportunity to become one of these places.

## **Are there a couple of the big urban center projects you are particularly fond or proud of?**

I think I'd have to point to Harborplace and the Gallery at Harborplace (a new mixed use project adjacent to Harborplace) as one and another would be Pioneer Place in Portland, Ore., which we opened a year and a half ago. They're special for me in that I felt we broke some new ground and the quality of the design was realized. The end result came very close to what we were looking for. We were able to solve most of our compromises, as you have in all projects, relatively well.





*The Rouse Company "broke new ground" with The Gallery at Harborplace in Baltimore*

**As Director of Design, what is your specific role in making these projects work?**

My role in the company is one of sort of as a salaried consultant of all phases of design for the company. I wear a lot of hats for the company. Generally my role is to work with our business people to develop site locations and site criteria, select architects, hire architects, become part of the architectural team that is in the development team we set up and do the diagram, the conceptual idea, or whatever the big idea is behind what we're going to do from the architectural and planning standpoint. Our requirement with any architect we hire is that me or one of the people on my staff becomes a key member of the design team. We don't try to design it all in-house, but we are the design leaders.

**What other criteria do you use in selecting architects for those major projects?**

It varies, but we look for firms that are design-oriented. We also look for firms that have a strong technical background because that's important. I don't want an all-technical firm and someone who's not particularly good at design. I really would look at the strong design firm first. Beyond that, I would look for a firm that was either near the project or near our headquarters, although we don't always do that. The other key thing is, I wouldn't hire anybody I don't know or haven't gotten to know, and that's part of my job, to know various architects and firms. What I've tried to do is match the personalities of an architectural firm with the personalities of the development team that we've put together. Without that kind of mutual respect and understanding of each other, no matter how good we are and no matter how good the architectural firm is, life is too short to go through a complicated project and not have some sort of a feeling for each other. It's not very hard. Again, we try to match the team and the architects and we try to make it fairly convenient to ourselves. We don't always hire someone who knows the retail business, but that's helpful since that's our business.

**In general, how is design done at the Rouse Company?**

We basically conceive of the genesis of the work. The concept or what I call "the big idea" is generally conceived here by me or someone on my staff. It's born within the company. Then we buy the rest of the design and architectural service outside. We don't try to do it all. And we do it on a team basis. That's probably the biggest thing we want contributors from everywhere to know.

**How is a major developer like the Rouse Company affected by the current recession?**

We're just like everybody else. It's very difficult. Fortunately we own and operate our own centers, so we have some control over our own destiny. But we borrow money like anybody else so we have difficulty just like anybody else with finding money these days to do things. The development business, particularly in retail and office areas, is depressed at the moment. The retail business has had a real tough time with the leveraged buyouts of a lot of the department stores around the country. So therefore our work has been affected and has slowed down. Our development pace is very slow at the moment. Since we own a lot of properties, we're looking at expansion and maintenance of our properties. The other thing about the Rouse Company is that we're a public company, not a private company. Our stock's traded over the counter. We're one of the few real estate companies in the country that's a public company. We have a board of directors and a large constituent of stockholders we have to answer to.



# Elevations

*Surviving A Lawsuit, By Dudley Humphrey*

**T**he best way to survive a lawsuit is to avoid one. However, in these claims-conscious times, it is almost a given that a professional will sooner or later be sued—even an architect.

Obviously, an architect should provide for such an event, either in the form of insurance or reserves for losses. In addition, the steps one takes to avoid or reduce the possibility of claims also enhance one's chances of surviving, because there are no winners in the claims process—only survivors.

## *Choice of Client/Choice of Project*

**Be selective in choosing your client.** Successful businessmen learn to control the things that can be controlled and allow for those that cannot be controlled. The first and most obvious thing an architect can control is whether or not he wants to do the work.

You are probably very familiar with the interview process whereby public bodies select architects. Don't let your enthusiasm for being selected cloud your thinking. Make sure you understand who you will be dealing with and where to go for decisions, more money and legal help. Make sure you understand the politics of the project. This is particularly true at the local level where there has been a controversy concerning site selection, size or funding. Similar concerns apply for private work. For the architect, corporate politics can be just as deadly as public politics.

Have a real "meeting of the minds." Both parties must understand fully the scope of services contemplated by the designer's contract with the owner. There should be an understanding as a result of an economic analysis of what the designer has budgeted for those services compared with what will be required under the contract.

If anything other than an unmodified AIA document is used, the architect should make sure that the contract does not increase his standard of care or contain some provision that would impair his professional liability insurance coverage for the project.

The designer should understand what is covered by professional liability insurance and what is not. The designer should insist upon being named as an additional insured on the builder's risk policy and that full waiver of subrogation is made as against him.

The owner and designer must have mutual respect and confidence in each other. Each should know what to expect of the other during the design and construction process. Unrealistic expectations by the owner that are substantiated by the designer's contract with the owner invite disappointment, distrust and eventual disaster. Don't be afraid to stand fast in negotiating a design contract that promises only what you can be reasonably expected to deliver.

In private work, where the designer has considerable input on the selection of the contractor or bidders, let the contractor do his own selling and make sure the client understands who is

responsible for what.

Make sure the client has enough money. Although you will carefully avoid cost representations—absent a special arrangement—your design must be within the client's budget.

If there is any reasonable chance that significant changes might be made during construction, make sure the budget provides for them. This is particularly necessary if you think the client might not really know what he wants until he sees it in place. Some people have difficulty with spatial relations.

If the design concept changes during the course of development, with unavoidable cost increases, make sure that the person or group charged with raising the additional funds is kept informed and consents. Don't rely exclusively on staff personnel or a project manager to do the informing or on word of mouth that the necessary money has been approved by the right person. If a public project will last longer than the terms of those in office, take particular care because the designer could become an unwitting victim of a political campaign.

Similarly, make sure that an appropriate corporate commitment has been made. Try to make a presentation to the board.

There are some pertinent questions that you should consider. Does at least one principal in the A/E firm have a good personal relationship with a respected member of the staff whose opinion is respected by those responsible for appropriating funds?

Do the legal advisors to the client understand that additional services by the designer made necessary as a result of default of the contractor or delays in completion are the responsibility of the owner and in no way contingent upon recovery of liquidated or other damages from the contractor?

Has the client or a member of its board been involved in a "bad project" recently?

Who are the likely low bidders among potential contractors?

Too many negative answers or "bad vibes" should dampen your enthusiasm and open your eyes to anticipated difficulty.

## *Representations of Architects/Expectations of Owner*

Do not oversell your ability to assure a quality project. One of the most difficult things a lawyer defending an A/E malpractice claim has to do is to listen to the owner read selected portions of the A/E's promotional brochure to the jury.

In public work, you should make it clear that you have no control over who the contractor will be. In private work, the owner should understand that even a good contractor can have a bad job. In all situations, the client should understand that the best of documents and drawings cannot overcome the difficulty naturally flowing from the poor performance of a contractor.

**One prime or separate primes.** Coordination of work and the scheduling of contractors should be clearly placed on the general contractor or construction manager. A number of local government contracting bodies and some private owners have tried to place this burden on the designer.

## *Records*

**Meetings, minutes, memoranda.** It is important that ade-



Records be maintained for all meetings, including pre-bid meetings. If an addenda or bulletin is issued during the bidding process, it may be necessary to re-advertise public work. The public owner's counsel should make this decision. The various types of meetings held after the award of the contract should be described in the specifications together with the purpose of such meetings, who must attend, who keeps minutes, who presides and so on.

You will know a project is in trouble when everyone shows up at a meeting with a lawyer but you. The value of accurate contemporaneous written records of the design and construction history cannot be understated.

#### **Change orders**

**Ordinary change orders.** Make sure the owner understands what they are, that there will be some and that the owner has funds available for them. Insist on a contingency allowance.

Again, there should be a clear understanding with the owner that in the normal course of construction the owner may desire changes to the drawings or specifications that result in increased cost to the contractor. In such cases, the owner, not the architect, is expected to pay the added value. Again, make sure the contractor understands what a change order is early in the job and that any claim for additional cost must be made promptly.

Make sure the contractor understands that if it is requested to furnish backup data regarding a claim, the architect cannot be expected to complete acting upon the claim until that backup data is furnished. The architect should discharge his responsibilities for processing shop drawings and claims in a prompt manner: know the contract deadlines and work within them.

**"Oops" change orders.** If the contractor discovers an error or a conflict in the drawings that should not have been discovered in the bidding process, the architect should deal with this situation in a forthright manner. The carrier should be notified even if the possible claim is less than the deductible.

If it is clear that the error or conflict is a windfall to the owner that improves the project, even if the plans were not clear, the owner should pay for the increased value in place, but not for additional cost for schedule or interference problems. Make sure any money the architect pays, or volunteers to pay, for additional cost or interference problems counts against the deductible. It is important that your carrier be contacted at the earliest opportunity.

#### **Claims**

An architect should review a claim or request for additional costs as an independent professional. He should consult with his owner lawyer if he suspects that a problem might arise. (The architect can "bet the ranch" that the contractor already has done so with his lawyer.) Routine "non-design error" claims should be handled quickly and fairly. If there is a large number of such claims, additional services should kick in.

Don't get in the business of designing a fix for the contractor. Make the contractor hire an independent engineer or furnish you with drawings and calculations and satisfy your engineer that the fix is appropriate. The most important thing, however, is to keep the owner fully informed throughout the process.

#### **Design Error Claims**

Sooner or later the designer will be confronted with a pattern

of "design error" claims. An engineer friend told me that he was convinced this happens when a contractor in trouble attends a claims seminar. To prove his point, the engineer showed that the claims letter correspondence was take word for word from some seminar materials. He told me that he was convinced that the contractor could not have written the letters all by himself—the good grammar and proper English gave that particular contractor away.

When the contractor alleges the claim is based on "design error" or the change order is necessary to correct a "design error," tension abounds. Pending resolution of the allegation, the owner may (improperly, but nevertheless, effectively) suspend payments to the architect, particularly

for additional services in connection with the claim or where the project has been substantially delayed. Such action can place a small shop in jeopardy. No panacea exists for this problem...except for the ability of the architect to assure the owner that he carries adequate liability insurance to discharge his responsibility to the owner. Refusing to perform further services for the owner until additional services are paid has its own risks.

Not only can the contractor raise the "design error" question, but so can the owner. Quite frequently, the architect has no hint of a claim until his bill remains unpaid and his collection suit is met with a malpractice defense. This creates a problem with the malpractice carrier when it comes to the cost of defense and settlement questions.

As soon as the designer is brought in as a party in the claims resolution process, the designer is a dead loser and has nothing to win. The first thing the designer loses is the deductible on his insurance. The next thing he loses is the time out of his office, or preoccupation with non-revenue producing work in defending the claim.

#### **Personal Liability of Professionals Involved in the Work**

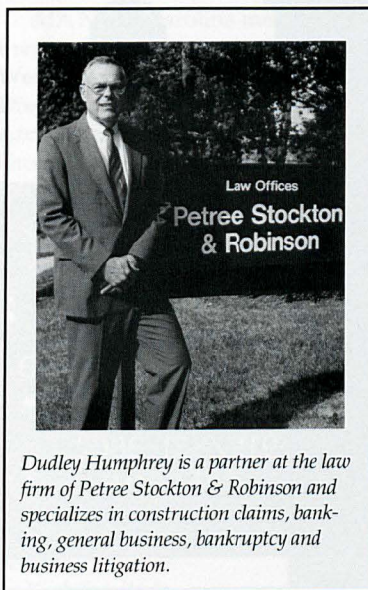
Suffice it to say "they have it." It makes no difference whether or not the firm is a corporation. Hence, the professionals should be named as insureds on the firm's liability insurance policy and the corporation should indemnify its professionals, officers, directors and employees for their simple negligence committed in the course of employment.

#### **Contracts With Consultants**

The architect should make sure his consulting engineers are insured. Make sure it is covered in writing and that you have a current certificate of insurance on all of your consultants. Try to negotiate the purchase of a tail if the consultant firm splits up or goes out of business; otherwise you could be left bare if the consultant had claims coverage. Your careful attention in this area can reduce your premiums. Make sure your agent gathers and reports the information to the underwriter.

#### **The Best Survival Plan**

**Your work.** Although the best of drawings and documents, quick fair answers to requests for clarification, and prompt processing of shop drawings cannot eliminate the possibility of being sued, they certainly go a long way toward protecting the architect when it comes to "crunch time." But, more importantly, the architect's reputation in the community for doing good work with no surprises and being fair in his dealings with contractors encourages good clients to retain his services and good contractors to bid to get his work. When all is said and done, this is the best survival plan.



*Dudley Humphrey is a partner at the law firm of Petree Stockton & Robinson and specializes in construction claims, banking, general business, bankruptcy and business litigation.*



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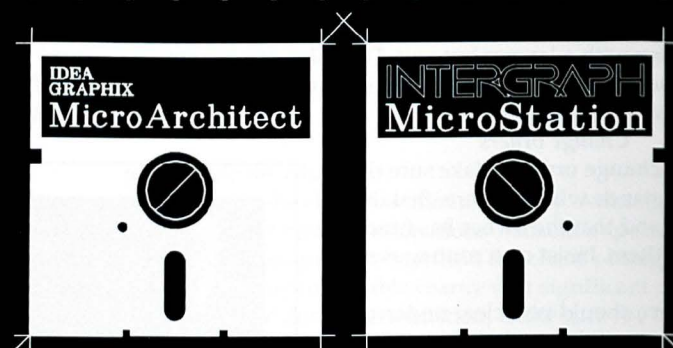
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# Off The Drawing Board

A handful of North Carolina architects and builders are teaming up to produce six houses for the Orange County chapter of Habitat for Humanity, an international non-profit organization that seeks affordable housing solutions for needy families.

The six houses will be built on what has been dubbed the "Street of Hope" in an Orange County subdivision owned by Habitat. They are scheduled for November completion, at which time there will be public tours before the owners move in. There are already eight houses in the area.

The building team for each house includes the designer, the contractor and the owner, selected by Habitat. Construction takes place on Saturdays by Habitat volunteers and by the owners. The goal for each team is to come up with an innovative solution to affordable housing with designs that can be built by unskilled and semi-skilled volunteer labor.

AIA North Carolina members involved in the project include **Ellen Weinstein** and **John J. Haggerty** of Dail Dixon & Associates, **Gary Giles** of GGA Architects, **Betsy C. West** of The Freelon Group and **Philip L. Szostak** of NBBJ North Carolina.

One of the houses was designed last semester by a class of N.C. State students taught by West and Weinstein. They will be having reunions on Saturdays to see the project through to completion.

The Orange County Habitat chapter was established in 1984. Through this program, houses are sold to needy families at no profit, with a no-interest mortgage paid over a 15 to 25 year period.

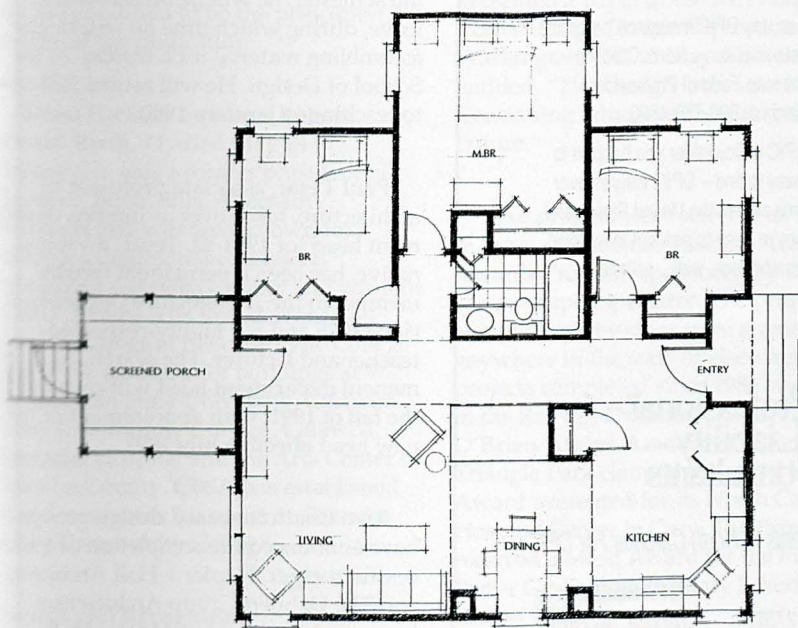
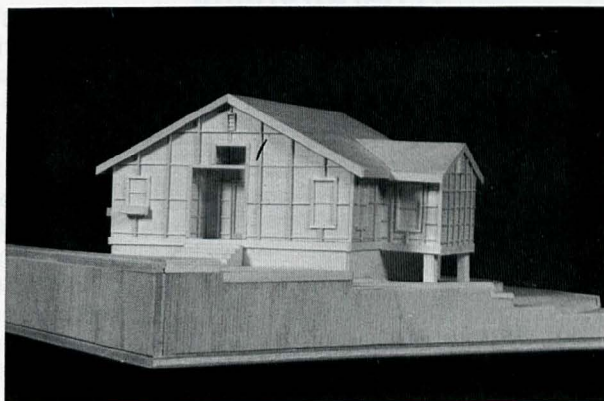
Each family is required to contribute at least 500 hours of "sweat equity" toward the construction of their house.

Why become involved

with such a project? "It's about affordability," says Weinstein, "but it's also about making truly good architecture which will add richness and dignity to the lives of the people who live in these houses. That's what we as architects and designers have to offer."

## In The Works

Davidson College has chosen **Overcash-Demmitt Architects** of Charlotte for the design of its new Student Health Center. The new infir-



*Drawings and model for Habitat for Humanity home designed by students at N.C. State School of Design*



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## DRAWING BOARD

mary facility incorporates the renovation  
of a residence built in 1880 and a new  
addition on Main Street of Davidson. The  
Student Health Center is designed as a  
"front door" to the college's new North  
Campus entrance and should be complet-  
ed in January of 1992.

**Odell Associates Inc.**, of Charlotte  
has been selected to design Price  
Waterhouse's new office in the city's  
NCNB Corporate Center. One of the  
nation's Big Six accounting and consult-  
ing firms, Price Waterhouse will occupy  
approximately 50,000 square feet on the  
53rd, 54th and 55th floors of the building.  
The project is scheduled to be completed  
in November of 1992.

The Sunset Ridge Golf Community in  
Holly Springs has chosen **Cline Davis  
Architects PA** of Raleigh to design the  
golf clubhouse for its new Devils Ridge  
18-hole championship course. The 8,800  
square foot facility will include a pro  
shop, grill, member's lounge, locker  
rooms, administrative offices and under-  
ground cart storage. O'Connor Company  
of Southern Pines is handling construc-  
tion, which is due for completion by  
November of 1991.

### Milestones

**Robert Burns**, head of the  
Architecture Department at the N.C.  
State University School of Design since  
1983, stepped down from his administra-  
tive post on July 1. During the upcoming  
fall semester, he will be on sabbatical  
leave, during which time he will begin  
assembling material for a history of the  
School of Design. He will return full-time  
to teaching in January 1992.

**Paul Tesar**, associate professor of  
architecture, takes over as interim depart-  
ment head for 1991-92. Tesar, a Vienna  
native, has been a permanent faculty  
member in the Architecture Department  
since 1975 and is a highly-respected  
teacher and lecturer. The search for a per-  
manent department head will continue in  
the fall of 1991, with appointment of the  
new head effective July 1992.

Two Charlotte-based design groups  
have announced the completion of a suc-  
cessful merger. Hepler + Hall Architects  
and The Dahmert Group Architecture  
have combined to form **Hepler Hall  
Dahmert Architects, PA**. The firm main-



## DRAWING BOARD

headquarters in the North Tryon street space held by Hepler + Hall for the seven years and now employs more than eight licensed architects and administrative staff members.

Hepler Hall Dahnert has designed more than three million square feet of commercial office, headquarters, manufacturing, retail, hotel, high-tech and public space. Most recently, the firm has been responsible for the design of the Discovery Place Phase II expansion and the 310-seat OmniMax Theatre & Planetarium in Charlotte. In addition, the design group is acting as administrative architect for the \$34.4 million North Carolina Blumenthal Center for the Performing Arts in Charlotte.

"We are in the process of expanding our markets," says Dennis Hall, AIA, a principal of the firm. "Roger Dahnert and the design group add to our organization, bringing a specialty in the health care industry to our current clients as well as to those with whom we hope to do business in the future."

The formal dedication of **Kamphoefner Hall** at N.C. State University is scheduled for September 27. The 37,000 square foot structure known as SODA (the School of Design Addition) was designed by Wolf Associates of Charlotte and occupied in 1978. The School faculty voted unanimously to name it in honor of founding dean Henry L. Kamphoefner shortly before his death last year. Dean Bruno Leon of the University of Detroit, a 1953 NCSU graduate, is scheduled to be the principle speaker at the dedication.

Noted Hickory architect **Robert Edward Bush**, 71, died May 24 in Hickory. He was a former president of Clemmer, Bush, Sills, Abernathy Architects and was well-known for numerous distinguished projects throughout Catawba County and western North Carolina. His firm designed all major buildings at Lenoir-Rhyne College since 1942, a number of buildings at Appalachian State University, Catawba Valley Community College, Catawba Memorial Hospital and the Arts Center of Catawba County. CBSA has established an endowment in his name at Catawba Valley Community College.

### Awards and Recognition

The AIA North Carolina Board of

Directors has approved a list of new members and member reclassifications, subject to final approval by AIA National. The list includes **Archie A. Collie Jr.**, **Lyn M. McClay** and **Rick E. Peterson** as new AIA members; **Sumayya Humienny-Jones**, **Scott Keith Hinson** and **Abe N. Howard III** as associates; **David Andrew Keith**, **Charles Glenn Mock** and **Jeffrey L. Trussler** for advancement to AIA; and **F. Carter Williams**, FAIA, for emeritus status.

PDA president **Terry W. Alford**, AIA, and vice president **Nancy Lane** are part of a group of 20 national health care leaders assembled by Duke University faculty member **Dr. Robert E. Toomey** to study new approaches to the delivery of health care services in America during the second half of the 1990s. Alford and Lane served as staff resources at a colloquy sponsored by the Department of Health Administration at Duke, which brought together the CEOs of 16 major multi-hospital systems from around the country to look at trends in health care as well as emerging needs.

N.C. State University associate professor **Linda Sanders**, on leave at the University of Arizona, has been elected president of the National Architectural Accrediting Board for 1991-92. NAAB is responsible for accreditation of U.S. schools of architecture.

**Kevin L. Mitchell** of UNC Charlotte presented a paper at the AIA National Convention & Design Exposition at Washington, DC, in May. His work was entitled, "The Design Professional and Continuing Education: Shaping the Future."

Five projects were selected as winners in the eighth annual Triangle Architecture Awards Program sponsored by the weekly newspaper *Spectator*. The program accepted submissions from architects anywhere in the state or elsewhere for projects completed since 1986 and located in the Raleigh-Durham-Chapel Hill area. **O'Brien/Atkins Associates** of Research Triangle Park claimed the only Honor Award presented for its North Carolina Hospital Center in Cary. The firm also received a Merit Award for the Frank Porter Graham Elementary School in Chapel Hill.

Jurors for the program were **Robert**

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AIA North Carolina  
Annual Design Awards

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A.M. Stern, FAIA, of Robert A.M. Stern Architects in New York; **James Stewart Polshek, FAIA**, of James Stewart Polshek & Partners in New York; and **Thomas Fisher**, executive editor of *Progressive Architecture* magazine, which is based in Stamford, Conn. They presented more award designations than the Atlanta-based jury for the 1990 program.

The complete list of award-winners:

### Honor Award

**North Carolina Hospital Center, Cary**  
**Architect:** O'Brien/Atkins Associates, RTI  
**Project Designer:** Roger A. Cannon, AIA  
**Contractor:** J.M. Thompson Construction Co., Raleigh  
Completed in 1991

### Awards of Merit

**The Bennett Residence, Chatham County**  
**Architect:** Dail Dixon & Associates, Architects, Chapel Hill  
**Project Designer:** Ellen Weinstein  
**Contractor:** Foushee Construction Co., Moncure  
Completed in 1989  
(Featured in *North Carolina Architecture*, May-June 1991)

### Rankin Studio, Raleigh

**Architect:** Burnstudio Architects, Raleigh  
**Project Designer:** Norma deCamp Burns, AIA  
**Contractor:** Gary Smith, Builder, Cary  
Completed in 1989

### St. Francis Parish Center, Raleigh

**Architect:** McKimmon Edwards Hitch Associates, Raleigh  
**Project Designer:** Jeffrey S. Lee, AIA  
**Contractor:** Clancy & Theys Construction Co., Raleigh  
Completed in 1991

### Frank Porter Graham Elementary School, Chapel Hill

**Architect:** O'Brien/Atkins Associates, RTP  
**Project Designer:** Karen H. Lin, AIA  
**Contractor:** C.T. Wilson Construction Co., Durham  
Completed in 1991

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