



AIA North Carolina

Autumn 2007

# Architext

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## New Bern Set to Welcome AIA North Carolina Members

**Original Inspirations Conference in September**

Heather Vance

**"I say we must go back to the Original Inspirations that caused our institutions, because the original inspirations are completely indestructible." - Louis Kahn in Essential Texts**

AIA North Carolina is pleased to announce the 2007 Design Conference, to be held in New Bern, North Carolina, September 13-15! Mark your calendars for this event - the statewide design conference for 2007! Registration is currently open. Please visit the website for details: [www.aianc.org/displayconvention.cfm](http://www.aianc.org/displayconvention.cfm).



**The New Bern Convention Center: the venue for the 2007 Design Conference!**

This year's conference, held in North Carolina after 2 years away, will focus on the "Original Inspirations" for architecture and design for AIA NC members. The theme extends to include *Preservation, Innovation and Transformation*, three components considered

key to refreshing members' passion for design and encouraging renewed enthusiasm for the profession.

"We would all agree that the changes in our profession are occurring at an overwhelming rate," says AIA NC President, Walt Teague. "These changes may tend to obscure our original inspirations to practice architecture."

It was with this understanding that the theme for the 2007 conference was established. The keynote speakers will trace the history of AIA architects from the beginning of the organization 150 years ago to today, and will discuss the intense passions prevalent through the innovations and transformations that we see in today's architecture.

AIA North Carolina will also celebrate design excellence with the 2007 Design Awards Banquet and Presentation, on the evening of Friday, September 14. This year, the lawn and gardens of the historic Tryon Palace will be the serene setting for this annual gala, which will include the North Carolina Brick Awards presentation, sponsored by Brick SouthEast.

New Bern boasts a great deal of its own preservation, innovation, and transformation. The second oldest town in North Carolina, New Bern is situated where the Trent and Neuse Rivers meet. The town abounds (continued on page 8)

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## President's Message

### The '007 Design Is Forever Action Plan Update

2007 is continuing to be an eventful year for AIA North Carolina. As we cross mid-year there is an aggressive schedule of events for the remainder of the year. For this report I will reflect upon the results to date and forecast of what is expected through the remainder of 2007.

### Original Inspirations: Preservation, Innovation, Transformation!

You don't want to miss the New Bern Design Conference. The plans for the 2007 Design Conference are complete and registration is open online or by mail. This is the first traditional in-state design conference in years.

Under the leadership of Wayne Camas, AIA, Conference Chair, this conference is sure to be well worth your time and a valuable experience. There are over 15 hours of continuing education credits offered. The keynotes, tours and other events are sure to ignite your original inspiration and passion for being an architect.

The Design Awards Gala will be a special attraction for all participants. It will be Friday evening, on the lawn of Tryon's Palace - open for all attendees to enjoy tours of the palace and its gardens during the event. Another hint: make plans for the Bon Voyage Reception and Riverboat Cruise on Saturday evening as we honor our own Marvin Malecha, FAIA, 2009 AIA National President.

Take a moment to familiarize yourself with all this conference has to offer through the other information in this issue of Architext - or visit the conference website: [www.aianc.org/displayconvention.cfm](http://www.aianc.org/displayconvention.cfm). I look forward to a great time by the Trent and Neuse Rivers in New Bern, NC.

### Chapter Headquarters

Much progress has been made since our historic special membership meeting on March 23, 2007 when the AIA NC membership approved the financial parameters for selling the AIA Tower and proceeding with plans for the design and construction of a new Chapter Headquarters.

Intensive negotiations resulted in an agreement on the terms for our preferred site in downtown Raleigh. The AIA NC Executive Committee approved executing a Letter of Intent for the property acquisition and a purchase agreement to be acted upon by the full Board of Directors at our September 12, 2007 meeting in New Bern.

### Walton Teague, AIA



This has launched many other planning activities. A Design and Construction Committee has been activated to guide all future design and construction activities. Alan McGuinn, AIA, and Irv Pearce, AIA are co-chairing this committee during its 18-24 months of work. A Financial Development Committee has also been launched to complete all of the prescribed financial development activities for this project. Steve Schuster, AIA, and Harvey Gantt, FAIA, are serving as co-chairs of this important committee. You will be hearing much from these committees in coming months as their activities unfold.

Of special interest to many is the competition for the design and architect selection for this project. Later this Fall, an exciting competition will be launched to select the design and an architect for this unprecedented design opportunity. AIA NC members will be invited to participate in this unique design competition. Careful considerations and steps are being taken to assure that a fair competition is held.

The competition will be administered in isolation from the Design and Construction and Financial Development Committees. Bill McMinn, FAIA, a nationally-renowned architect and educator, (with impressive credentials as a competition advisor) will be serving as the competition advisor. Watch our AIA "News and Notes" and other special notices regarding the competition. Contingent upon Board of Directors action for the land acquisition and a successful competition, selection of the design and architect is anticipated in early February 2008.

### Promoting the Architectural Profession

As architects, we realize now more than ever that much must be done to preserve and advance the public's understanding and appreciation for architecture and the value of the services provided by architects. Renewed efforts are underway.

First, our Public Awareness Committee, under the leadership of Bill O'Cain, AIA (Chair) and Public Relations, Director KC Ramsay, AIA, will be launching to our members and the citizens of our state a survey assessing "North Carolina's Favorite Architecture." This will raise awareness of the value of quality design and architecture in our state while also commemorating the 150th anniversary of AIA.

In the promotion of this survey we will also inform the public of the ongoing AIA 150 projects within our Sections with architects helping to solve problems in their communities. Over the coming months, this committee will also work to develop other public awareness programs that can be initiated within each of the Sections and in urban/high

population centers around the state as well as within our new, publicly accessible Chapter Headquarters to amplify our message.

In addition, Associate Director Anthony Hersey, Assoc. AIA, is organizing a new Public Education Committee that will engage associate AIA members and other emerging professionals to establish educational programs targeted at school students. This unique and effective education program, BEEP (Built Environment Education Program) will bring architects and teachers together from across the state to learn of this effective curriculum that they then take back to their local schools to educate our future architectural leaders, garnering their appreciation for both architecture and its positive contributions in the built environment.

## AIA NC Leaves Its Government Advocacy Footprint

Julie McLaurin, Collateral Relations Director, the Legislative Committee, David Crawford, Executive Vice President, and our new lobbying consultant, Bill Scoggins, formed a team that has reviewed and reacted on our behalf to over 400 legislative bills that were considered during this General Assembly session. The Committee on the Environment (COTE) under the leadership of Renee Hutcheson, AIA (Chair) was instrumental in the development and passage of special energy and water conservation legislation. In addition, we aligned with other professional associations and professions in the "Partnership for North Carolina's Future," advocating funding for infrastructure, utilities, schools, and for other public facilities needed for the future growth of our state. Thanks also to the many other AIA members who have been responsible for the re-engagement of this added resource for responding to legislative initiatives.

## The AIA PAC Challenge

Speaking of legislative initiatives, your governmental advocacy participation is imperative and easily provided through contributions to the Political Action Committee (PAC). 2008 is a general election year with much at stake for the built environment and our profession. To assure political access to the future decision makers your contributions to the Political Action Committee are needed.

Please respond to your Section leadership when they contact you asking for contributions or find the PAC Contribution form in this issue of Architext and send it in with your contribution. I challenge every member to contribute at least \$20. If each of our 2000-plus members met this challenge, we would easily surpass the AIA NC PAC goal to raise \$40,000.

## Member Engagement

Throughout my term as President it has been exciting see the responsiveness of AIA North Carolina members that care enough about our profession to engage in AIA activities. AIA NC committees are realizing a resurgence, reorganization and re-engagement that is needed at this time to meet the challenges and opportunities that we face for the architectural profession. But, still more is needed. I solicit your help. Identify some area of special interest you have and become involved in your Section or at the Chapter level. Contact me or the AIA North Carolina office. We can use your help. Thank you so much! ■

*Walton R. Teague, AIA, can be reached by phone: (336) 273-0101 or by email: [wteague@tffarchitects.com](mailto:wteague@tffarchitects.com).*



AIA North Carolina

2007  
Design Conference

[www.aianc.org/displayconvention.cfm](http://www.aianc.org/displayconvention.cfm)

New Bern Convention Center  
New Bern, North Carolina  
September 13-15, 2007

# Original Inspirations

preservation ♦ innovation ♦ transformation





# 2007 Legislative Wrap-Up

## 2007 Session Shows Some Promise for North Carolina's Building Future

David Crawford, AIA North Carolina Executive Vice President



The confluence of mounting pressures on counties for providing adequate public facilities and paying for Medicaid expenses took center stage during this first year of the 2007-2008 legislative session. A fierce public battle was waged between the realtors/home builders and groups who were aligned with local governments' desires to find a solution to the state's lagging infrastructure funding dilemma (while at the same time easing their financial

burdens on Medicaid spending.)

The battle lines in this fight were drawn early over the expansion of the real estate transfer tax as a local option to help fund important public facilities. The state in turn would relieve the counties of their mandate to provide a proportion share of Medicaid expense. In order to make the deal, the House proposed putting it in the annual state budget. This move created a difficult voting option for most of the Democrats in the General Assembly. As stand alone concepts, the transfer tax and Medicaid relief would have had difficulty garnering enough votes for passage. But tying them to the whole state budget put funding for all state programs in jeopardy.

While the realtors spent a reported ½ million dollars in a targeted media campaign to lobby against the local option transfer tax, municipalities, school districts, preservation organizations and design and construction organizations, including the AIA, joined forces through the **Partnership for North Carolina's Future** to push for a broad based package of measures that local officials could draw from for infrastructure financing.

In the end, lawmakers approved authorization for counties to ask their voters for an increase in the real estate transfer tax of up to .4% (or a .5% increase in the sales tax.) The Partnership had asked for passage of statewide bonds for school construction, more money for the housing trust fund and some attention to transportation funding. None of these items were acted on before the close of session. Having worked hard to strike a deal with the local jurisdictions to free up money for their control, legislators were all too willing to allow them to first see how they can best help themselves before adding to the states overall debt burden with more bonds.

**Construction Projects** - While there may not have been bond money authorized this year, the General Assembly again found room to fund a number of priority building projects either from direct authorization or through certificates of participation (COPs). There were more than \$850 million worth of building projects authorized in the budget including UNC research buildings, prison expansion water and sewer bonds and land preservation programs.

**Pervious Paving** - One other interesting item that got tucked into the budget at the end of the process was a small provision calling on

all new construction, public or private, to have a minimum of 20% pervious paving in parking lots. Bio-retention systems could be used as an alternative to pervious paving. The requirement does not apply to structured parking. Marc Basnight, the President Pro Tempore of the Senate, was responsible for the provision, and he fought development interests vigorously to keep the measure in the final edition of the budget.

Right now we are unsure how these paving requirements are going to be implemented and regulated, and it was left to the Department of Environment and Natural Resources to adopt regulations for the new law. Stay tuned, there will be more reported on this in the coming months.

We tracked over 300 bills this year and actively lobbied about two dozen of the measures. Here are highlights of the more important bills for our AIA North Carolina members

**HB 1742 Stock School Plans** – We have to thank the AIA members across the state for responding to our call for help with this measure. Apparently it helped immeasurably in getting the bill stalled in committee. The bill would have required the Department of Public Instruction to produce six standard prototype plans for schools around the state. Following our members action, the AIA's lobbying efforts and pressure from the school districts and engineers in North Carolina, the sponsor agreed to hold the bill for the remainder of the year in committee. The bill will still be eligible to be heard next year, but for now it's dead.



**SB 1245 Contractor Retainage** – This bill brought forward recommendations from a report from the Department of Administration's Retainage Task Force completed last year.

There are at least six major provisions in the measure: 1) Prohibits retainage on public projects costing less than \$100,000; 2) Caps contractor retainage

at 5% on all public construction projects over \$100,000; 3) Eliminates the withholding of retainage at 50% completion of a project if the contractor has performed satisfactorily; 4) Requires full payment, including retainage, be made 60 days following substantial completion; 5) Permits line item release of retainage for early trades who have completed 100% of their contract by 50% completion of the job. 6) Allows for no more than 2.5 times withholding of the amount of unfinished work for the completion of the project or corrections.

This measure started out with a great many provisions that we opposed. While the final product doesn't seem to make either side happy, from the AIA's standpoint we were able to insert language at the end of the bill that allows the reinstatement of retainage should the contractor not perform satisfactorily.

The provision on 2.5 times withholding was troublesome for the AIA when many members expressed concerns that this amount might be insufficient to actually incent a contractor to complete needed elements of a job, especially punchlist items. We conveyed our concerns to owner's representatives and legislators; however, the owners groups were willing to sign off on the provision so the

(continued on page 13)

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# 2008 AIA North Carolina Board Nominations

## Nominating Committee chooses slate of officers

**New Bern, NC** – On Saturday, September 15, 2007, at the Membership Meeting Breakfast in the New Bern Convention Center, AIA North Carolina will conduct its annual meeting in accordance with Article 5.01 of the Chapter By-Laws. During that meeting, the membership will be asked to elect its officers and statewide directors for 2008.

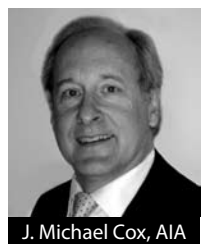
Wayne Camas, AIA, of Charlotte will serve as the Chapter President in 2008; current President Walton R. Teague, AIA, will serve as Immediate Past President, and will remain a members of the Executive Committee. Directors Julie McLaurin, AIA, and David Moore, AIA, will continue serving the second of their two-year terms on the Executive Committee. In accordance with Article 6.12, the following individuals were selected by the Nominating Committee for service in 2008:



### President-Elect

Ann W. Collier, AIA

Ann W. Collier, AIA, is a partner and principal architect with the Rocky Mount based firm of Oakley Collier, Architects, P.A. A native North Carolinian, Collier received her Bachelor of Environmental Design in Architecture degree from the School of Design at North Carolina State University. Among her professional affiliations and activities, Collier includes past leadership on the AIA North Carolina Board of Directors as Public Relations Director (2000, 2001); membership on the Public Awareness Committee (1999-2005), as well as terms serving the AIA Eastern Section as President (2000), President-Elect (1999) and Secretary (1998). Ann has served two terms on Board of Directors for Tri-County Industries in Rocky Mount and maintains an active role within the local business communities of Nashville and Rocky Mount. Currently, Collier serves as State Treasurer for the North Carolina Educational Facility Planners (NCEFP) and is a member of the Council of Educational Facility Planners, International (CEFPI).



### Treasurer

J. Michael Cox, AIA

Mike Cox is a founding principal with Architectural Design Studio, an Asheville architectural firm established in 1981, specializing in the planning, design and renovation of K-12 schools. He received his Bachelor of Architecture from the University of Tennessee, Knoxville in 1971 and Master of Architecture from the University of California, Berkeley in 1973. Cox served as president of the Preservation Society of Asheville and Buncombe County and Chairman of the Historic Resources Commission of Asheville and Buncombe County. Currently he is a member of the Council of Education Facilities Planners International and is regional director for the North Carolina Educational Facilities Planners. He is twice president of AIA Asheville (1979 & 2002.) He served during the past two years as AIA NC Facilities Task Force and as AIA NC Director for Continuing Education.



Matt Messick, AIA

### Secretary

Matt Messick, AIA

Matt Messick is a Partner with Walter Robbs Callahan & Pierce Architects, PA in Winston-Salem. Matt received his Bachelor of Architecture with honors from N.C. State University (1991). He was recipient of the RTKL Fellowship and the Walter

Robbs Callahan & Pierce Scholarship. Since 1998, he has served on the Board of Directors for the AIA Winston-Salem Section, AIA Insurance Task Force Committee, Continuing Education Committee, 2006 Design Awards Committee Chair, and as a Director on the AIA North Carolina Board of Directors. Currently Matt is serving on the AIANC Design and Construction Committee. He has been active in a variety of civic organizations in the Greensboro/Winston-Salem area.



Roger Leeson, AIA

### Director

Roger Leeson, AIA

Roger Leeson is a Principal Architect with LS3P ASSOCIATES LTD. in the Wilmington office. He moved to North Carolina in 1984 as an "economic refugee" after completing his architecture education at Ball State University in Indiana. His

career has been focused on designs for K-12 education. Roger is currently head of the LS3P "Civitas Studio" which focuses on public projects including schools. Roger serves on the Board of North Carolina Education Facilities Planners Group as well as the AIA Board as the current Wilmington Section President.



Hugh Sutphin, AIA

### Director

Hugh Sutphin, AIA

Hugh Sutphin, AIA, is a Principal with Efrid Sutphin Pearce & Associates, PA, in Greensboro. He has served AIA North Carolina in many capacities since 1999; beginning with his participation with AIA Piedmont (Secretary, President-Elect, President,

Past-President, and Interim President) and most recently lending his efforts to the AIA North Carolina Facilities Task Force in 2006. He is a graduate of NC State University, where he received his Bachelor of Environmental Design in Architecture; and an alum of The University of Colorado where he received his Masters of Architecture.



Ashley Wood,  
Associate AIA

### Associate Director

Ashley Wood, Associate AIA

A recent graduate of the UNC Charlotte College of Architecture, Ashley is an employee of Shook Kelley where she is exploring a career in urban planning and brand development. In 2003-2004, she served as the UNCC AIAS President, and sat on the AIA Charlotte board as the Student Liaison. In 2004-

2005, Ashley served as the South Quad Director and sat on the national AIAS board. During her term she had the opportunity to provide input to various initiatives, including the Studio Culture Summit, a result of the Studio Culture Report that has led to the passing of the 13th condition for accreditation of architecture programs. She looks forward to serving the associate membership of AIA NC in a similar capacity.





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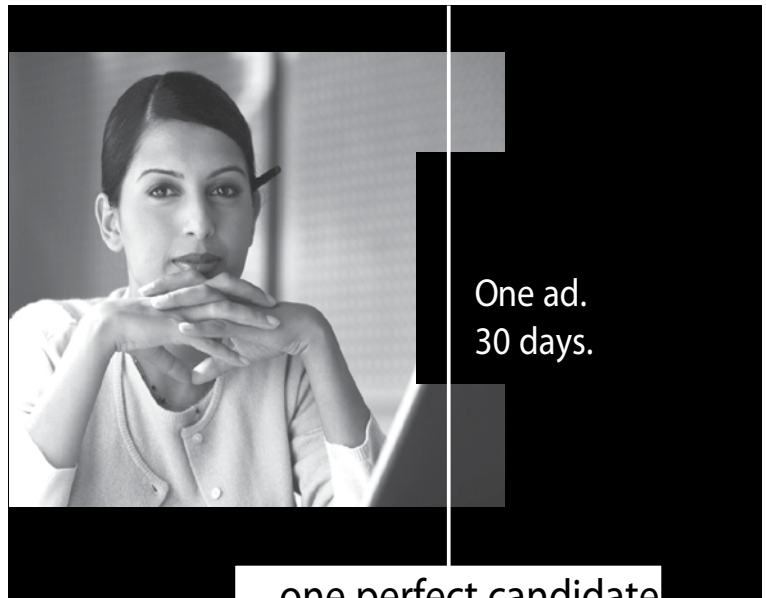
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## New Bern Set to Welcome AIA North Carolina Members (continued)

with history around every corner - New Bern boasts over 150 historic landmarks, the magnificent Tryon Palace, the Birthplace of Pepsi and a 157,000-acre national forest.

**"This design conference will stir your passion for architecture and remind you why you wanted to be an architect!"**

**2007 AIA NC President,  
Walton Teague, AIA**

The centerpiece, Tryon Palace Historic Sites and Gardens, is the restored home of British Royal Governor William Tryon, built in 1770. Known in colonial times as one of the most beautiful public buildings in America, the elegant Georgian-style mansion served as both home of Royal Governor William Tryon and the capital of the Colony of North Carolina. Restored to its 18th-century glory, Tryon Palace is furnished with an outstanding collection of antiques and art. Tryon Palace includes four contrasting homes of exceptional beauty. Interpreters in period costumes conduct tours of Tryon Palace all year.

This year's Design and Chapter Awards will include tours of Tryon Palace beginning before the gala and presentation. There will be fabulous food and wines for the reception, as well as a video presentation of the winners! Come meet and greet with your colleagues from across the state in an elegant, Black Tie Optional setting. This event is a ticketed event, so please purchase your tickets (\$100 per guest) when registering, as tickets will not be available on site.

The convention will occur at the New Bern Convention Center. The 45,000 square foot New Bern Riverfront Convention Center features a 12,000 square foot ballroom and a beautiful waterfront veranda. This recently built facility will host the continuing education seminars and keynote presentations for the conference, as well as complimentary breakfasts, lunches, and the exhibit hall.

There are also many special events to choose from. Thursday, be a part of the "Down Home Dinner", sponsored by Hensel Stone, which will be sure to please with many of NC's old favorite foods! Both NC State and UNC Charlotte will host Architecture Alumni receptions following. Friday and Saturday, join colleagues for tours of the Hatteras Yachts facilities, Downtown New Bern, and Tryon Palace! Saturday, join us in christening our AIA First Vice President, Marvin Malecha, FAIA on his voyage to national leadership. A dinner cruise along the Trent River will follow for an additional fee!

This year has a lot to offer, so don't miss out! Register today! ■

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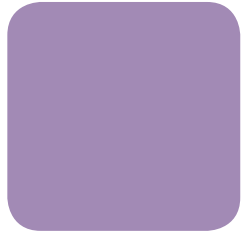
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## Legal Eagle

### Your Legal Questions Answered!

Theresa Joan Rosenberg, AIA, Attorney at Law

**Q:** Recently, I was contacted by a developer I contracted with to complete a set of as-built drawings on a historic renovation. They are now moving along with their renovation / construction, but we have decided not to continue our business relationship. He has hired another architect. I received a phone call asking if it was okay if they just 'used my previous drawings' for a permit that they are submitting for. While I know the drawings I completed were sound, I do not feel comfortable with saying yes to this question as I am no longer under contract with them. What should I tell them? - Raleigh, NC

**A:** The first question to answer is: what does the agreement with the client say about ownership of the drawings?

AIA documents customarily give the architect "ownership" of the drawings, but provide a "license" to the client to use the drawings for completion of the project. See, for instance, AIA B141-1997, Section 1.3.2 entitled "Instruments of Service." Paragraph 1.3.2.2 describes what to do if there's termination that's the fault of either party. In your case, Paragraph 1.3.2.3 allows the architect to provide written permission to the owner to use the documents.

In this case, what work can be performed using the drawings of the existing structure? How much responsibility will you, the original architect, have for that use?

If you completed such work without a contract, you still hold a copyright on the product of services rendered. You therefore have professional liability for the drawings you produced.

How did you structure your fee? Some professionals structure the fee for service to include liability insurance for each phase of the project. If services terminate before the drawings are complete, you should try to cut off liability at the time of termination. If you wish to limit liability, you need to provide written notification to the owner of the condition for further use of the existing drawings as part of the agreement to terminate the project. Also, send written notification to the building official and building permit office so that they understand that you no longer have responsibility for continuing work on the building.

If you allow the owner to retain any drawings or other instruments of service, those documents should be in a "read only" format. If someone reuses the drawings, you, the original architect, need to

be able to prove the last version of the documents for which you are responsible. The AIA B141-1997, Paragraph 1.3.2.4 (and some professional liability insurance companies) address providing a separate agreement for the specific terms and conditions for use of electronic documents.

All documents should contain a copyright notice. If there is any doubt that the drawings may be reused without your permission, you should register the copyright. (Copyright will be discussed in an upcoming edition of Legal Eagle.)

A final note on this matter: the follow-on architect reuses documents with potential liability for reliance, which can fall back on the original architect's shoulders. If the drawings were measured drawings of the existing configuration of the structure, field verification of dimensions will

probably be part of the contractor's charge. An architect should ask to what extent s/he would rely on someone else's work when the liability for the new work is with the follow-on architect. ■

*Best of luck! - Theresa*

**Questions for Theresa? Send them in! She will select questions to answer in an upcoming Archtext.** Please email your questions to: [hvance@aianc.org](mailto:hvance@aianc.org). Please include "Legal Eagle" in the subject line.

*Theresa Joan Rosenberg, AIA, JD, consults on building code issues and practices construction law. She teaches and is the author of numerous papers concerning the design, adoption and implementation of the NC State Building Code, including a chapter in the 2006 North Carolina Construction Law Deskbook. She chairs the Industry Liaison Committee of the Construction Section of the NC Bar Association with AIA NC, serves as a member of the NC Bar-AGC Joint Committee, and developed the North Carolina Residential Arbitration Program for the NC Bar Association. She is a certified NC Superior Court Mediator, licensed architect and attorney.*



# Smart Money

## The Authors of a New Book Show Architects How To Turn a Profit

Source: ARCHITECT Magazine  
Publication date: June 1, 2007  
By Fred A. Bernstein

Some architects see attention to financial management as incompatible with a commitment to design. But the idea that art and commerce can't coexist "is a dangerous myth that relegates legions of design professionals to a marginal professional status," write Steve L. Wintner and Michael Tardif in their new book, **Financial Management for Design Professionals: The Path to Profitability.**

The goal of the book, the authors say, is to "dispel this myth in the strongest possible terms." Wintner, a Houston-based architect, ran his own firm and directed the operations of two others before starting a second career as a management consultant to design professionals.

He and Tardif, an author with over 20 years' experience in the industry, are committed to helping other design professionals do more than just make ends meet.

**"If you have no reasonable prospect of earning a profit on a project, walk away."**

### Stop selling yourself short.

"If you have no reasonable prospect of earning a profit on a project, walk away," says Wintner. "Redirect the energy you would have devoted to the money-loser toward a money-maker. In hindsight, you will ask yourself what you saw in the 'must have' project in the first place." Don't count money that isn't yours.

When it comes to accounting, the biggest mistake architects make is thinking of money that they've billed to clients but they're obligated to pay consultants as part of their operating revenue. Counting money that is destined for consultants will give you a skewed view of your firm's financial picture, the authors say.

Instead, focus on net operating revenue.

Net operating revenue (NOR)—invoices sent to client less invoices received from consultants—should serve as your baseline. For a typical firm, payments to employees for hours charged to projects

will consume about 30 percent of NOR. Other overhead will consume about 60 percent. That leaves 10 percent profit. Knowing these benchmarks helps you quickly gauge how well your firm is doing. Don't overdo confidentiality.



**Architect and Consultant: Steve Winter says to gauge profit before starting a project - and turn the project down if it's a money loser.**

Too many firm principals believe that financial information must be withheld from employees. The only financial information that should be withheld, the authors say, is that pertaining to individual compensation.

Otherwise, it's in your interest to share financial information in order to build the financial management competence of the entire firm. And don't worry that a disgruntled employee will take your financial information to another firm. Most other firms would refuse to even look. And what if the information did fall into "enemy hands"? The finances of a design firm aren't all that unique or mysterious. The primary value of the information is what it reveals to you about your firm's performance, says Wintner.

### Know where your time is going.

Time is the fuel on which a firm runs. Everyone must keep time sheets, including—and especially—those at the top. Accurate timekeeping allows you to develop other measures, such as your utilization rate, the ratio of time worked on specific projects to total hours worked. For most design firms, a utilization rate of 60 to 64 percent for the firm as a whole, and 75 to 85 percent for professional/ technical staff, is a realistic target. Lower rates could mean that too much time is being spent on nonproject activities.

### Pay attention to external trends.

Many firms get into trouble not because they are unaware of economic or market trends, but because they fail to act on the information they have. If you pay attention to economic trends, you may be able to shift your focus away from a market that's headed for trouble. Or you may realize that you have to eliminate positions. Laying off staff is always difficult, but if the signs are bad and you ignore them, the negative impact could ultimately affect a greater number of your people. And as a leader, say Wintner and Tardif, your first responsibility is to protect the viability of the firm. ■

*Fred Bernstein studied architecture at Princeton and law at New York University and writes about both subjects.*



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# Live-Work Code Change

## A Public Information Release by the AIA Codes and Standards Committee

Jim Bartl, AIA

AIA's ICC Live-work code change proposal gained final approval at the ICC Final Action Hearings in Rochester, New York, on May 24, 2007. The code change is now a 2007 amendment to the 2006 IBC, for jurisdictions which adopt those amendments. For other jurisdictions, the Live-work code change will be published as an integral part of the 2009 IBC family of codes. AIA members should contact their local code official regarding the immediate availability of the Live-work code change, either through 2007 amendment adoption, or alternate methods provisions of the code.

### What is the Live-work proposal about?

Live-work units propose to allow residents to operate a public service business with employees out of their residence, with the public entering the work area of their unit to acquire the service. Some examples of live-work commercial functions are artist's studios, coffee shops and chiropractor's offices. It is important to note that Live-work is not intended to apply to an in home office (architect home office, consultant home office, et al). Live-work units are growing in popularity in design. As throwbacks to 1900 era planning, where one walked to all needed services (the typical corner commercial store scattered across many old cities), live-work units began to re-emerge in the 1990's through a development style known as Traditional Neighborhood Design (TND). More recently, the adaptive reuse of many older urban structures in city centers have incorporated the same live-work tools to provide a variety of residential unit types.

Historically, the building codes were sheltered from the live-work issue by zoning codes which precluded a mix of uses within a neighborhood, much less within a building or a unit. However, recent planning trends adopted by many jurisdictions, encourage the mix of commercial and residential uses, not just in neighborhoods, but also in buildings, and even within unit types, such as the live-work unit commonly found in TND projects.

### The Live-work problem faced by Architects and Code Officials

Simply stated, before this code change, there was no provision for any use other than residential in the International Residential Code. Since live-work units introduce a commercial use, they are driven out of the IRC, into the IBC. When this happens, the live-work units incur an increase in code related construction requirements (use separation, construction type, egress, fire prevention) far in excess of any low risk hazard present in the work function. The added requirements drive the construction cost up, and inevitably drive the units out of the affordable housing range.

Of concern to many Code Officials and Architects alike was the problem posed by the absence of any live-work provision in the IRC or IBC. Too often, this results in one of two poor choices: a) either the owner misrepresents the proposed "work" use, or b) the Code Officials are encouraged to look the other way, ignoring the "work" use. Consequently, conscientious Code Officials and Architects desire a code compliance tool that addresses their live-work predicament, allowing them to solve this problem as an integral part of a project's code compliance strategy, while still providing affordable residential units.

### How does the Live-work code change work?

AIA's successful Live-work code change includes a series of changes in both the International Building Code and the International Residential Code, providing a new section focusing on the live-work unit type (described at section 419 in the following pages, this will likely be assigned a different number in the final publication).

■ Residential 1 & 2 family projects designed as live-work will still be allowed to use the International Residential Code, but will be referred to the new Live/Work Units section of the International Building Code for compliance criteria.

■ Commercial projects will also gain use of the live-work provisions, where they prove beneficial (which is often the case in urban redevelopment areas) and more flexible than the codes chapter 3 mixed use provisions.

■ The new Live-Work Units section requires the work are to be operated by the residential tenant, and also contains a number of other features, including:

- No separation required between work and live functions
- Floor openings permitted without enclosure
- In home offices exception included if less than 10% of the total unit area.
- Monitored alarm and sprinkler required
- Accessibility required at public use areas
- Limitations are imposed on unit size, work area size.
- High hazard and storage occupancies not allowed

For detailed information on the initiative, see Live-work code change proposal at: [www.aianc.org/displaycommon.cfm?an=1&subarticlenbr=66](http://www.aianc.org/displaycommon.cfm?an=1&subarticlenbr=66). ■

*Jim Bartl, AIA is a Code official with Mecklenburg County. He may be reached by email: [jim.bartl@mecklenburgcountync.gov](mailto:jim.bartl@mecklenburgcountync.gov).*



➤How many sets of plans is an architect supposed to furnish to a contractor?



➤What's the norm for including construction time in your bidding documents?

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## Names & Changes



Steven Assante, AIA

McCulloch England Associates is pleased to announce that **Steven A. Assante, AIA**, has joined the firm as Architect. Steven holds a Bachelor of Architecture from the University of North Carolina at Charlotte.



Ron Reagan, AIA

Perkins Eastman is pleased to announce the promotions of **Ron Reagan, AIA and Don Baus, AIA, LEED AP** to Senior Associate. Ron Reagan is a specialist in higher education and technology driven projects. During his 28 year career, he has held the position of Director of Facilities Planning & Construction at UNC Asheville and as University Architect at Winston-Salem State University.



Don Baus, AIA

Don Baus is a Project Architect with Perkins Eastman who brings more than 12 years of experience working on a variety of architectural projects. He is a specialist in mixed-use and housing design, and currently has over one million square feet of mixed-use projects in design.



Shermin Ata, AIA

**Shermin Ata, AIA, NCARB** has launched her own practice, Shermin Ata, Architect, PLLC, and located her office at the Nussbaum Center in Greensboro. Ata has 25 years of local and international experience in architectural design and project management, and specializes in commercial, medical and government projects.



Brian L. Jones, AIA

Small Kane Architects is pleased to announce that Mr. **Brian L. Jones, AIA**, has been hired as a Project Manager. Brian holds a Bachelor of Architecture degree from NC State University, and has over ten (10) years of design experience.

Jenkins-Peer Architects is pleased to announce that firm associate **Robert Hsin, AIA** and architectural intern Brian King have successfully completed the LEED® (Leadership in Energy and Environmental Design) accreditation process. ■

## Honors & Awards

**Lord, Aeck & Sargent** announced that it has become a carbon-neutral firm by partnering with the Carbonfund.org Foundation – a non-profit organization that fights global warming – to offset the carbon dioxide (CO<sub>2</sub>) emissions for which it is directly responsible. By retiring carbon offsets through Carbonfund.org, as well as taking other actions to conserve energy and “green” its operations, the architecture firm’s offices in Chapel Hill, North Carolina; Atlanta; and Ann Arbor, Michigan, are working together to reduce their collective carbon footprint and slow the hazardous effects of global warming. Lord, Aeck & Sargent collaborated with Carbonfund.org to estimate the firm’s current annual carbon footprint of approximately 744 metric tons of CO<sub>2</sub>. To offset these CO<sub>2</sub> emissions, Lord, Aeck & Sargent then funded carbon offsets through two carbon-reducing strategies: renewable energy (i.e., wind, solar, geothermal and biomass) and reforestation. For more information on the firms’ initiatives, please visit the website: [www.lordaecksargent.com](http://www.lordaecksargent.com).



Jeffrey Huberman, FAIA

At NCARB’s annual meeting in Denver, CO, delegates elected **Jeffrey Huberman, FAIA** from Charlotte as their 2nd Vice President. In this position, Huberman is poised to take the helm as NCARB President in June of 2009. That year will prove to be a historic year for North Carolina architecture as Huberman assumes the top spot with NCARB and NC State College of Design Dean Marvin Malecha, FAIA will serve as President of the AIA. Jeff Huberman is one of the founding partners of Gantt Huberman Architects in Charlotte, the AIA North Carolina Firm Award winner in 2006. Huberman is also a former president of AIA North Carolina and the North Carolina Board of Architecture, and NCARB Director from Region 3 and was AIANC’s Gold Medal recipient in 2002. AIA North Carolina congratulates Jeff on his election. He will join a distinguished list of three other North Carolinians who have served their profession as leaders of NCARB, Tony Lord, FAIA, from Asheville (1926-27); Herb McKim, FAIA, from Wilmington (1990) and Bill Bevins, FAIA, from Charlotte (2002).

On July 30, 2007, North Carolina Governor Mike Easley appointed **Thomas P. Turner, FAIA**, to serve as a member of the North Carolina Board of Architecture. His term will extend into April, 2012. ■

**Names & Changes and Honors & Awards** are accepted for publication throughout the year. Please send your information in digital format to: Heather Vance, Director of Communications, by email: [hvance@aianc.org](mailto:hvance@aianc.org). Please indicate “Names and Changes” or “Honors and Awards” in the subject line.

Please attach a high resolution (300dpi) JPEG photo along with a word file attachment of your information.

## 2007 Legislative Wrap-Up (continued)

final version remains “not more than 2.5 times...” The Office of State Construction guidelines call for a minimum withholding of “not less than 2.5 times...”, which will now have to change.

We would like to ask our members to pay close attention to this issue in your public projects and let us know if this becomes a problem. We did put the owner’s representatives and legislators on notice that this could have a negative affect on completing projects in a timely manner and we would be monitoring the events in the field. If you’re finding any problems, please call me or send me a communication with the issues you are encountering.

**SB 668 Energy & Water Efficiency** – This measure began as a LEED and energy efficiency bill and wound up as an energy and water efficiency measure for state buildings over 20,000 square feet. The LEED silver requirements were taken out of the bill when forest industry groups began opposing certain provisions of the LEED rating system. The bill responds to AIA’s 2010 challenge to reduce the amount of carbon emissions in building construction and operation by 50%. It calls for a 30% reduction in energy use and 20% reduction in water use.

**SB 581 Building Permit Rebates for Sustainable Design & Construction** – This is an innovative concept proposed by the Charlotte Mecklenburg Building Department to incentivize owners to design and build their facilities using sustainable building practices. SB 581 recognizes LEED silver, or alternative rating systems, as a means to rebate building permit fees for the project. The hope is to provide enough incentive in fee rebates to offset possible costs associated with the commissioning of a LEED or similar project.

**HB 735 Construction Plan Review** – This measure increases the maximum size of a building that can bypass the Department of Insurance life safety review from 10,000 to 20,000 square feet. Currently the law allows for local jurisdiction to do the sole review on projects under 10,000 square feet.

**HB 73 – Improve State Construction Process** - The State Building Commission is directed to study the State capital improvement process and establish or modify the guidelines for the selection of designers and the rules governing the design, plan review, and inspection of State building projects. One item added to the law includes a MOU between agencies that spells out and clarifies a) the type and frequency of plan reviews, b) the submittal dates for each plan review, c) the estimated plan review time for each review and reviewing agency and d) a schedule of meeting dates.

In addition the bill added a provision for state projects that requires within three weeks of designer selection and before the design contract is let, a meeting of the stakeholders for each State capital improvement project to discuss plan review requirements and to define the terms of the MOU. The stakeholders shall include the funded agency, each State agency having plan review responsibilities for the project, and the selected designer. Finally, the measure raised the threshold for as need selection of design professionals from \$300,000 to \$500,000.

**HB 1097 - Local Energy Efficiency Incentives** – This simple, but hopefully effective measure states that cities and towns, for the purpose of reducing the amount of energy consumption by new development, and thereby promoting the public health, safety, and welfare, may adopt ordinances to grant a density bonus, make

adjustments to otherwise applicable development requirements, or provide other incentives to a developer within the municipality and its extraterritorial planning jurisdiction if the developer agrees to construct new development or reconstruct existing development in a manner that the municipality determines, based on generally recognized standards, makes a significant contribution to the reduction of energy consumption.

**State Energy Office** – In our last report we noted that there was a move in the budget process to eliminate the State Energy Office and send some of its positions to other state agencies. The final budget ended up with the retention of the Office and no staff cuts at the moment.

However, there will be quite a bit less money for grants and the office has been told to review their staffing in preparation for realignment toward advisory work on government buildings, instead of guidance and grant making for conservation and alternative energy. Given the current focus in the state, and nationally, we are likely to see more developments in the State Energy Office’s changing role in the coming years.■

*Links to bills and their related history can be found online. Please visit the AIA North Carolina website, [www.aianc.org](http://www.aianc.org), and select “Advocacy” from the navigation menu.*

*Have a question, comment or concern regarding the legislature? David Crawford can be reached by email at: [dcrawford@aianc.org](mailto:dcrawford@aianc.org), or by phone: (919) 833-6656. Please visit the AIA North Carolina website for legislative updates: [www.aianc.org](http://www.aianc.org).*



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# WHY GIVE TO THE AIA NORTH CAROLINA PAC?

## A MESSAGE TO ALL AIA NORTH CAROLINA MEMBERS...

Jim Rains, AIA, Immediate Past President

Your help is needed to give architects a strong voice in the NC General Assembly and Council of State. Gone are the days when architects quietly sat back, allowing others to take the lead. Architects have a vision for America and the AIA NC has a bold, aggressive new issue agenda that reflects our values as well as our practice needs:

- Sustainable, safe, healthy, livable communities.
- New incentives for affordable housing, green buildings, smart growth, and historic preservation.
- Better, safer schools and civic spaces.
- Qualifications-based selection in public procurement.
- Fair liability laws that minimize lawsuit abuse.
- Sound licensing regulations.
- Reduced permitting delays.
- Clear, consistent buildings codes and accessibility guidelines.

We've talked enough about these priorities. **Now is time to act.** After all, if architects themselves don't who will? Unfortunately, the values architects hold dear are often ignored in the governmental arena. That's because louder, better financed groups control the agenda. But that has to stop. And we have the power to stop it. By contributing to the AIA NC political action committee (AIA NC PAC), you can take a stand to stop it. The AIA NC PAC is the only PAC that represents architects at the State level. The only one! And unfortunately, it's tiny by comparison to those funded by trial lawyers, contractors, realtors, unions, developers, and other groups. Defense may win football games. But it doesn't win political battles. We have to get on the offense if we want to win. In today's politics, PAC participation is how elected officials measure the extent to which members of a professional association care about its issues. To be taken more seriously in the NC Legislature, we need to show we care. A stronger PAC with higher member participation will help do that.

To give our PAC adequate funding for upcoming elections, we must raise enough funds to be taken seriously. Will you help with \$100? Or even \$50? How much do you value your profession? **You have the power to make the difference.** Questions about the AIA NC PAC? Call the PAC Chairman, Jim Rains, AIA, at (336) 824-8990; or send him an email at: jim@rainsstudio.com. **To make your donation, please fill out and return the card below!**



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**AIA North Carolina**  
[www.aianc.org](http://www.aianc.org)

**Walton Teague, AIA**  
**President**

[wteague@tffarchitects.com](mailto:wteague@tffarchitects.com)

■  
**David Crawford**  
**Executive Vice President**

[dcrawford@aianc.org](mailto:dcrawford@aianc.org)

■  
**Jo Ellen High**  
**Business Manager**

[jhigh@aianc.org](mailto:jhigh@aianc.org)

■  
**Kathie Rainey**  
**Director of Member Services**

[krainey@aianc.org](mailto:krainey@aianc.org)

■  
**Marynell Gehrke**  
**Director of Special Events**

[mgehrke@nc.rr.com](mailto:mgehrke@nc.rr.com)

■  
**Heather Q. Vance, AICP**  
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