



MEMORANDUM

To: Mayor and City Councilors

From: Rich Olson, City Manager
Bobbi White, Parks and Recreation Director

Date: August 8, 2013

Re: Consideration - Execution of Joint Use Agreement for Multi-Purpose Field at Sheep-Harney School

BACKGROUND:

The Police Athletic League (PAL) football program has used the football field located on the Elizabeth City Boys and Girls Club property for several years for their Rampage football and cheerleading team practices and games. The property has been sold and the facility is no longer available to the football and cheerleading program. The Parks and Recreation Department has been working with Mr. Linwood Williams, Superintendent of Schools, Captain John Young and the PAL organization to secure a location to relocate the program. We all believe the old Memorial Field located behind the Sheep-Harney School is the best site and will benefit not only the PAL program, but it will enhance the Sheep-Harney school facility and give the school a multi-purpose field that the physical education program can utilize during school hours. PAL has been using this area under a rental agreement (no fee charged) this summer for their football camp and fall practices. The fiscal year 2013-14 Parks and Recreation budget included \$50,000 to construct a 100 X 60 yard multi-purpose field to include irrigation, lighting and sod.

ANALYSIS:

Staff has met several times over the summer with Mr. Williams as well as with Mr. Alvin Parker, Maintenance Director for the Elizabeth City-Pasquotank County Public Schools and Mrs. Andrea Adams, Principal of Sheep-Harney to determine the exact location for the multi-purpose field. School staff believes the best location for the field will be along the Harney Street side of the school property. This area is where the old Memorial Field was once located. The property in this area is high and already drains well, so there will be some site work involved to get the area ready for irrigation and sod.

The City's Electrical and Public Works Departments have already been consulted concerning electricity and water access. Planning and Inspections Departments have also been consulted for permits.

The City's Electrical Department has already removed the lights and poles from the Boys and Girls Club field. The lights will need to be re-wired with new bulbs and fixtures. The same poles will be used but new concrete bases must be installed. City Electric crews will install the bases, poles and lights by mid-September before the PAL football season begins.

A scoreboard will be installed as well as combination soccer/ football goals with ground sleeves before the fall season begins in September. Two standard three-row portable bleachers will be installed as well.

Construction of the new field with sod and irrigation will not begin until the spring of 2014. It is too late in the season to lay the sod in order for the league to utilize the field this fall. However, the Recreation Department will groom the grass that is there now and have a field ready for the teams to practice as soon as a Joint Use Agreement is approved by the City and the School System.

STAFF RECOMMENDATION:

By motion, approve the enclosed Joint Use Agreement with the Elizabeth City-Pasquotank County Public School System to construct and maintain a 100 X 60 yard multi-purpose field on the Sheep-Harney School campus.

RCO/vdw

**Elizabeth City/Pasquotank County Parks and Recreation
Elizabeth City/Pasquotank County Board of Education
Joint-Use Agreement**

THIS AGREEMENT is made this ___day of _____, 2013, by and between Elizabeth City/ Pasquotank County Parks and Recreation Department, acting on behalf of City of Elizabeth City and Pasquotank County, and the Elizabeth City/Pasquotank County Board of Education.

WHEREAS, the City of Elizabeth City and Pasquotank County desires to share in the construction, maintenance, and utilization of certain public recreational facilities on lands owned by Elizabeth City/Pasquotank County Board of Education.

WHEREAS, the City of Elizabeth City and Pasquotank County and Elizabeth City/Pasquotank Board of Education wish to enter into a "Joint Use Agreement" governing the location, construction, maintenance, operation, and continued public use of said recreational facilities;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained for Sheep Harney Elementary Field, it is hereby agreed with respect to said project, by and between the parties hereto as follows;

- I The Elizabeth City/Pasquotank County Parks and Recreation Department and the City of Elizabeth City Utilities Department will oversee the construction involved in this project. City utility department employees will install all poles and lights. Other City crews will be involved in field construction and drainage. The Parks and Recreation Director will oversee all construction both in house and contractual.

- II The following will set forth respective roles and responsibilities of the City/County and the Schools;

A. Maintenance: The school system will continue their regular maintenance schedule. In the event activities sponsored by the schools system or the Parks and Recreation Department require special needs or additional maintenance, the unit sponsoring the activity will have the responsibility for field and site preparation.

B. Concession: Elizabeth City/Pasquotank County Parks and Recreation Department has the option to construct a concession stand with restroom facilities at their own expense at a location mutually agreed upon by the Elizabeth City Pasquotank County School System and the Recreation Department.

C. **Utilities:** The utilities will be installed, maintained, and improved periodically in the following manner.

- ❖ Installation of lights in this project will be provided by City Utilities and Recreation Department employees.
- ❖ Maintenance of the lights and the lighting systems will be provided by City Utilities and Parks and Recreation employees. Bulbs, breakers, and related equipment will be at the expense of the Parks and Recreation Department.
- ❖ The Elizabeth City/Pasquotank County Board of Education will add the improvements to their facilities insurance policy in case of a major catastrophe.

D. Regular utility expenses will be distributed as follows:
Football Field City of Elizabeth City

The different areas will be metered individually to provide monthly statements.

E. Port-A-Jon facilities will be provided and paid for by the City of Elizabeth City.

III The objective of Sheep Harney Field is to expand the athletic facilities available to the general public and the school system. This can be accomplished largely by lighting the facilities and making them more available during after school hours and during the school months.

School athletic events will take first priority in scheduling.

IV The City of Elizabeth City and Pasquotank County and the Elizabeth City/Pasquotank County Board of Education shall operate and maintain the project throughout its minimum estimated 25 years, as follows:

- A. The project shall be maintained so as to appear attractive and inviting to public.
- B. The project shall be kept in safe repair and condition for public use in accordance with applicable state and local safety and health standards.
- C. Buildings, roads, trails, and other structures and improvement shall be kept in reasonable repair so as to prevent undue deterioration and to encourage public use.

1. Sheep Harney Elementary Field facilities will be jointly maintained.
2. The Elizabeth City/Pasquotank County Parks and Recreation Department will conduct a general pickup in the areas of sponsored activities.

- V The City of Elizabeth City and Pasquotank County and the Elizabeth City/Pasquotank County Board of Education agree that;
- A. The project shall open for public use at all reasonable hours and times of the year, according to the type of area and facility.
 - B. Signs shall be installed and maintained informing the public that the project is open to the general public and indicating the times when the facilities are reserved exclusively for school use.
 - C. The project shall be open to entry and use by all persons regardless of race, color, religion, national origin, sex, age, ability level, or residency.

VI Liability:

The City of Elizabeth City and the Elizabeth City/Pasquotank County Board of Education will provide certificate of insurance declaring general liability insurance coverage. In the event the City or the School Board becomes legally obligated to pay compensatory damages as a result of injury which occurs during the course of activities at Sheep Harney field, the document provides proof of coverage up to \$1,000,000 per occurrence.

The City of Elizabeth City and the Elizabeth City/Pasquotank Board of Education will provide certificates of insurance declaring workers compensation, property and liability insurance coverage applicable to this agreement.

The City of Elizabeth City and the Elizabeth City/Pasquotank Board of Education will train and instruct personnel engaged in work or supervision to perform preventative safety surveys of the grounds, facilities, and equipment.

- VII This Agreement shall insure to the benefit of, and be binding upon, the parties hereto and their respective successor and assigns, including assigns and successors by way of privities of estate and contract. Nothing in the Agreement, expressed or implied, is intended to confer upon or against another person, corporation or government unit, any right or remedy under or by reason of this Agreement.

IN WITNESS WHEREOF the parties have executed this Agreement causing same to be signed the day and year first written above.

City of Elizabeth City

Name of City

Witness

Name & Title of City Representative

Witness

EC/Pasq County Parks and Recreation Director

Department

Witness

Name & Title School Administrative Unit Representative

Approved as to content and sufficiency this ____ day of _____, 2013.