

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SPECIAL CALL MEETING
SUMMERFIELD COMMUNITY CENTER
MAY 21, 2009
5:30 PM**

NOTE: The official minutes are a CD recording of the meeting. The following is a summary of the events of the meeting.

The meeting was called to order at 6:30 pm by Mark Brown.

INTRODUCTIONS:

Council:

Mark Brown, Mayor
Dena Barnes
Alicia Flowers
Bob Williams
John Wray

Staff:

Michael Brandt, Town Manager
Dana Luther, Finance Officer
Valarie Halvorsen, Town Clerk
Blair Carr for William Hill, Town Attorney

Flowers made a motion to formally excuse Strickland from tonight's meeting. The motion was seconded by Williams and carried unanimously.

Wray made a motion to approve the consent agenda, which consists of the meeting agenda and approval of the April 14, 2009 Closed Session minutes. The motion was seconded by Barnes and carried unanimously.

Contract for construction of bio-retention cell (rain garden) at SCP

Brandt stated this was continued from the May 12, 2009 meeting because Strickland had requested documents listed as being attached to the contract including Advertisement, Notice to Bidders, and the Specifications, which have not been provided in the past. He stated Shamrock Environmental was the low bidder at \$41,033. Carr asked that the contract state the town would be named as additional insured and Brandt stated that was included in the most recent version.

Barnes made a motion to approve the contract for construction of bio-retention cell (rain garden) at SCP with Shamrock Environmental. The motion was seconded by Williams and carried unanimously.

Continued discussion of Athletic Field restroom/concession building

Brandt stated this was originally to be designed and built on site but the cost was prohibitive. He provided a rendering of a 2 story prefabricated building from Smith Carolina Corporation, which is shown as a 3 bay building with flat roofing that could be decked and used for an additional viewing area. A retaining wall would be required, between 3 and 6 feet high. There are lots of possibilities for the look of the building, as the concrete can be cast to resemble stones, brick, wood, and others. However, more detail will result in higher costs. As shown, the building has about 1660 total square feet and the cost is estimated at \$100,000. Brandt noted Smith Carolina offered to do the design work and give us the plans so the job can be bid out as either site built or prefab.

Flowers asked who would have the final say on the look of the building and Brandt said the Athletic Advisory Committee and Council. Wray asked about the size difference in this building and the original site built one, and Brandt said they are about the same. Flowers asked about the price which Brandt estimated at \$75,000 to \$100,000 as compared to the \$150,000 plus estimate of the architect designed site

built structure previously considered. Following a brief discussion, it was decided by consensus that Brandt should move forward with investigating prefab and stick built structures.

Discussion of Summerfield Athletic Park

Brandt discussed where we started from and where we are today in regards to the project, as outlined in a memo sent to council:

In June of 2008 a budget allocation of \$1.15 million dollars was made for the design and construction of SAP. This was based on very preliminary review and before site design work had been performed. Miller Landscape Architecture was hired last summer to design the park. In December of 2008 a Master Plan was approved by Town Council. Phase one of the project included the development of two small baseball fields, a large multipurpose field and associated parking, restrooms, and other amenities. The estimated budget was \$1,857,492. Approval of the Master Plan did not include approval of a budget, that was delayed until after a PARTF grant could be developed and submitted and also as a part of the next fiscal year budget (09-10), currently under development.

In order to take advantage of the funds available through PARTF portions of phase 1 and phase 2 were blended to create the best opportunity to construct a large multipurpose field and three baseball fields. In order for this to work, elements necessary to complete phase 1 were shifted into the PARTF grant-now called phase 2. The third phase, not proposed to be constructed at this time, included the new access road, two small multipurpose fields, restroom, and parking facilities.

Construction documents were developed by Miller Landscape and submitted for bid in mid-April. In early May a bid opening was held in which five contractors bid on phase 1 and phase 2 (PARTF). Low bid, submitted by RP Murray for phase 1 was \$1,108,500 and phase 2 was \$686,000. Not included in these bids were the following items: Lighting/electrical for the site (est. \$75,000), well system (est. \$30,000) septic (est. \$50,000), Sports Lighting (4 fields x \$100,000 field=\$400,000), restroom/concession building (est. \$100,000), storm water detention-irrigation system (est. \$100,000) and small restroom facility (est. \$40,000). The total estimate of un-bid items is \$795,000 split between phase 1 and phase 2. The combined estimated cost to develop phase 1 and 2 (as bid) and the un-bid items is \$2,589,500. If the PARTF grant is approved then this cost would be reduced by \$500,000.

Brandt noted the prognosis of receiving a PARTF grant this year is not good due to significant funding cuts by the state.

There was much discussion about costs of wells and the number of wells required, field irrigation systems including underground storage tanks or cisterns, field lighting including options of delaying lighting at this time and a lease purchase program which would extend payments over several years, costs for various elements, the number of bidders as compared to bidders for Stokesdale's park, and the merits of completing construction at one time, rather than coming back in later to complete different sections, which may damage portions already completed. Brandt revised the figures in the above excerpt to include a pump for the well which will add \$15,000 to \$20,000 to the costs listed.

Wray made a motion to authorize the manager to start contract negotiations with RP Murray for phase 1 and to continue working on the building, septic, wells, and other elements not included in the contract. The motion was seconded by Williams.

Flowers does not understand why council is so amenable to fund this large \$2 million project when they were against the proposed tax holiday which would have amounted to about \$450,000. She questioned why the gloom and doom forecast of future unknowns, which was the reasoning behind the failure to pass the proposed tax holiday does not apply here as well. Brown stated the ball fields were promised to the community and there was a commitment to build them. Flowers agrees with the commitment and says the money is there to do it, but says there is also money for the property tax holiday.

Brown called for a vote, which passed 3 to 1, with Flowers opposed.

Continued discussion of public records requests/policy

Carr provided the following information as outlined in a memo sent to Brandt and council:

Background: You have recently noted that Staff has and is currently being requested to address numerous Public Records requests: some requiring extraordinary amounts of staff time to complete. Given those facts and after discussions with Council, they have directed us to draft a policy for dealing with such requests that are valid, and also would encumber an extraordinary amount of staff time or other Town resources. To that end, I have gathered information from surrounding towns/cities for a comparison. The data from that survey and policy options are below.

Survey of Other Municipalities: A phone survey of the Towns/Cities of Jamestown, Oak Ridge and High Point was completed. None of these municipalities have informally addressed the issue let alone developed more formal policies.¹

Sample Policies: Prior to setting forth the policy options, I have drafted a definition of "extraordinary" which shall be utilized in all definitions.

Extraordinary Public Records Request: *A request that in the Manager's opinion would unreasonably interfere with a staff member's primary duties or requires the assistance of more than 2 hours from a contractor engaged by the Town to perform Town functions.*

Option #1 When the Manager deems a request to be extraordinary on its face, he will notify the requester in writing of the estimated cost to complete the request. If such request is determined to be extraordinary after its response has begun, a similar estimate will be sent. (No charge shall be retroactive for work already completed in addressing the request) Such estimate shall include:

- The hourly rate for the completion of the request (calculated in reference to staff/contractor time and/or encumbrance on Town technology) and a conservative estimate of the time necessary to fulfill the request.
- Request for payment of that estimate in advance
- An estimation of the time necessary to fulfill the request

Option #2 When the Manager deems a request to be extraordinary on its face, he will notify the requester in writing of the estimated cost of the request. If such request is determined to be extraordinary after its response has begun, a similar estimate will be sent. (No charge shall be retroactive for work already completed in addressing the request) Such estimate shall include:

- The hourly rate for the completion of the request (calculated in reference to staff/contractor time and/or encumbrance on Town technology) and a conservative estimate of the time necessary to fulfill the request.
- Request for payment of that estimate in advance
- An estimation of the time necessary to fulfill the request

In addition to Option #1, add the following:

- *An option to allow the requester to enlarge the time for response to the request in order to alleviate the acute burden of the request on Staff time and Town resources.²*
- *An option to pare down the request so as to alleviate the acute burden of the request on Staff's time and Town resources.³*
- *Allow the option to withdraw the request.*

¹ The working definition of "large" for purposes of the survey was a request that involved the hand-culling of documents and copying of in excess of 500 documents.

² A concern regarding this provision is that it may inadvertently require the requester to divulge the purpose of the request which should never factor into the reply to a PR request.

³ See footnote #1


⁴ This appears to burden staff up front as a form needs to be created and requires a more elaborate initial response to a request, but provides the citizen, upfront, with the policy and possibility that their request will be deemed extraordinary.

Option #3: Establish a form, to be completed by any citizen that makes a request, which contains the following:

- The type/description of the documents requested
- The time period the documents are requested for (i.e. all Council Meeting minutes from 2001 -2007, or all volunteer applications for the Fall 2008 Soccer season)
- The policy for extraordinary requests to include all elements of option #1 (allowing notice to any citizen of the possibility such request will be deemed extraordinary)
- Date and signature of the requester¹

Following a brief discussion it was decided that Carr would draft a policy incorporating elements of Option #1 and bring it to the next council meeting for consideration.

With no further business before the Town Council, Williams made a motion to adjourn at 8:38 pm. The motion was seconded by Barnes and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk