

**THE MAYOR AND BOARD OF COMMISSIONERS
OF THE TOWN OF ERWIN WILL MEET IN
SPECIAL CALLED WORK SESSION ON
THURSDAY, JUNE 24, 2010 @ 6:00 P.M.
IN THE ERWIN MUNICIPAL BUILDING BOARD ROOM**

AGENDA

1. **MEETING CALLED TO ORDER**
 - A. INVOCATION
 - B. PLEDGE OF ALLEGIANCE
2. **AGENDA ADJUSTMENTS /APPROVAL OF AGENDA**
3. **CONSENT AGENDA (Page 2)**
 - A. Amendment to Rural Center STEP Contract
 - B. Budget Amendment: BOA 2010-008: End of Year Adjustments
4. **PUBLIC HEARING (Page 7)**

All items in this public hearing are considered quasi-judicial. Those wishing to speak in this public hearing shall be recognized by the Chair, approach the podium, state his/her name and address, and be sworn in by reading the statement found on the podium. As a quasi-judicial hearing, all statements given shall speak to the subject case and shall be factual in nature.

 - A. Fiscal Year 2010-2011 Budget Ordinance
5. **OLD BUSINESS (Page 34)**
 - A. HVAC: Girl Scout Hut at Municipal Park
6. **NEW BUSINESS**
 - A. Adoption of Fiscal Year 2010-2011 Fee Schedule (**Page 42**)
 - B. Request for Clarification on Private Property Drainage Issues (**Page 52**)
 - C. Consideration of Engineering Services for Chicora Phase II Sewer Project (**Page 53**)
 - D. Presentation of Status and Continued Action Steps and Request for Further Direction with the Downtown Sidewalk and Parking Lot Legal Research and Acquisition (**Page 57**)
7. **ADJOURNMENT**



Town of Erwin

To: The Honorable Mayor and Board of Commissioners
From: Bryan T. Thompson, Town Manager
Subject: Consent Agenda

- A. Amendment to Rural Center STEP Contract
- This amendment is simply to redefine scheduling for reporting and redefines the expiration of the existing agreement.
- B. Budget Amendment: BOA 2010-008: End of Year Adjustments
- This seemingly large budget amendment is comprised of overages within several departments including Sanitation, Public Works – Streets, and Administration. The Sanitation is for contracted services, Streets mostly deals with the use of part-time labor, and Administration is based on a general estimated overage of about \$1,000 for the departments.
 - The remainder of the listed line items identifies line items within various departments that are well funded and are expected to have residual funds available at the end of the fiscal year. These funds, by this amendment, are being transferred to cover the overages in the three departments listed above.
 - This amendment calls for no appropriation of Fund Balance.



Town of Erwin

To: The Honorable Mayor and Board of Commissioners
From: Bryan T. Thompson, Town Manager
Subject: Fiscal Year 2010-2011 Budget Ordinance

The following is the Budget Ordinance along with the Budget Message and detailed revenues and expense documents. Two Funds have been created including the Capital Reserve Fund and the Priebe Field Fund. These Funds are more fully explained in the Budget Message.



Town of Erwin

To: The Honorable Mayor and Board of Commissioners
From: Bryan T. Thompson, Town Manager
Subject: HVAC: Girl Scout Hut at Municipal Park

As I'm sure you remember, representatives from the Girl Scout Hut came to the Board about 9 or 10 months ago to inform the Board that the air conditioning system at the hut no longer works. Their request at the time was to have the unit replaced. The Board directed Staff to investigate the issue and bring recommendation to the Board.

Staff made numerous attempts to meet the hut representatives at the facility, but such meetings never materialized. Staff requested keys to the facility in order to investigate the AC issue and inspect the hut for other issues that may need to be addressed with respect to maintenance, but Staff received no keys.

Soon the weather turned cooler and nothing more was heard from the Girl Scout Hut until recently. Staff made additional contacts to gain keys to the facility and was able to obtain the keys. Upon inspection, Staff found that the thermostat had been apparently ripped from the wall and in a damaged state. Staff found some other minor issues that will need to be repaired (repair list attached to this memo).

Staff had the AC unit inspected by Godwin Heating and Air. Godwin has given two scenarios for corrective action to address the issue. The first is to replace the compressor and thermostat at \$1,533.15. If this does not satisfy the issue, the other scenario includes replacing the heat pump and thermostat at a cost of \$3,994.06. In order to do either of the approached, a budget amendment will need to be made to cover the cost.

Staff is available to move forward with these repairs, but would like to solicit the Board for guidance with respect to the current and perhaps future relationship with this facility and the repairs and maintenance of the facility.

Background:

The hut was donated to the Town in 1977 with the condition that the hut will be used for the Scouting organizations or the youth in general (at ultimate discretion of Board). Since then, the

Boy Scouts have stopped using the hut and now use the facilities at the Erwin United Methodist Church for their activities. Currently the only group that uses the hut is the Girl Scouts organization.

The Town currently maintains the grounds around the hut and pays for all utility expenses, and up until recent history has maintained the building itself.

As the hut is funded by the Town with tax dollars, but the Girl Scouts organization is the only group currently allowed to make use of the facility; Staff seeks direction from the Board with respect to the continuation of this relationship in this manner.

The two primary options identified by Staff at this time include the following:

- Continue in the same manner as the Town has since the establishment of the hut with the Town maintaining the facilities and paying all cost associated with the facilities.
- Discontinue this practice and require the Girl Scout organization to pay for the utilities along with the occasional maintenance and repair of the facility.

Staff is willing to proceed in any direction the Board sees fit. Staff brings this issue to the Board in order to ensure that the Board is aware of this relationship and to determine if the Board is in agreement or not in agreement with the continuation of the same.

Staff also recommends looking at alternative heating and cooling systems that are size appropriate for the facility that may be of similar benefit to the hut and also be more cost effective to the Town.



Town of Erwin

To: The Honorable Mayor and Board of Commissioners
From: Bryan T. Thompson, Town Manager
Subject: Adoption of Fiscal Year 2010-2011 Fee Schedule

The following is the revised fee schedule for the coming fiscal year. There are but a couple of changes that have been made from the current year. These changes are indicated with an underline.



Town of Erwin

To: The Honorable Mayor and Board of Commissioners
From: Bryan T. Thompson, Town Manager
Subject: Request for Clarification on Private Property Drainage Issues

As the Board had discussed during the budget work sessions, the drainage ditch cleanout program is not included in the coming year's budget. This program called for the gaining of temporary work easements to gain access to private property ditches in order to do the work of the proposed program.

Notwithstanding any comprehensive program as described above, the administrative police has been and still is to not authorize public equipment and personnel on private property for the purpose of cleaning ditches or other similar activities as the primary responsibility for the same is that of the property owner and also in consideration of liability issues that can very well arise.

Staff has had a number of residents requesting the Town to address drainage issues on their private property. In order to ensure that the administrative policy ad noted above is in congress with the desire of the Town Board, Staff seeks direction from the Board in this regard. Such direction is sought due to the understood desire of the Board to address the overall drainage issues within the Town.

Currently, and in the coming budget, there are no funds allocated to address such issues, even on a smaller scale (i.e. addressing private property drainage issues one case at a time on a case-by-case basis). If the Board is interested in approaching private drainage issues on such a basis, Staff can periodically present the Board with cost estimates to address each issue or issues as they arise. At such point a budget amendment can be made to cover such cost.

If the Board takes the position that such private drainage issues should not be taken on by the Town unless there is a more comprehensive plan to do the same for all such issues, then Staff will continue to develop such a comprehensive plan for the Boards' consideration during the following year's budget construction (2011-2012).



Town of Erwin

To: The Honorable Mayor and Board of Commissioners
From: Bryan T. Thompson, Town Manager
Subject: Consideration of Engineering Services for Chicora Phase II Sewer Project

With respect to this matter, the Town received and opened two submitted bids for engineering services for the Chicora Phase II Sewer Project. The proposers include Engineering Services, P.A. (ES) and Withers & Ravenell, Inc.

Both proposals contain the required documentation as noted in the Request for Proposals, and such supporting documentation seem to be in good order for each of the proposals and firms to be considered for the services as defined.

The proposals were submitted based on “task” subdivisions including Task 1, Task 2, Task 3, Task 4, and Task 5.

Following this memorandum, you will find the bid sheets associated with these tasks as found in the bid documents.

Following is a brief bullet point presentation of the total bid proposal along with additional notes and comments from Staff with respect to each of the proposing firms.

Engineering Services:

- Lump Sum Fee for Services - \$38,100.00
- ES is the firm that first design this project and as noted in the cover letter to the proposal document, “Please be aware... that we have previously performed design services for this project on behalf of the Town, and we still have the design drawings and surveys here. ...our fee proposal does take into account that much of this work has already been done by our firm”.
- Staff has found that the personnel of this firm that were involved in the original design work, no longer are employed by this firm and therefore, there will need to be a review of the design work and a new engineer stamp put on the drawings.
- ES has offered to assist the Town in identifying and applying for any available grants for this project.

- As I am unsure of the goings on of the first time this phase was approached, I am not intimately aware of the reasons for which the work was never completed at the time. However, there are some indication that the work was halted due to disagreements with issues dealing with the level of service or the product that was provided. Attached you will find a copy of the minutes that denotes a motion to settle with ES for the sum of \$170,000.00 to end dispute between the town and ES. This followed an Executive Session with the Town Attorney.
- Since that time, the Town has not had any other work conducted by this firm and thus has no other experiences with the firm and their level of service.

Withers & Ravenel

- Lump Sum Fee for Service - \$79,000
- The Town has observed high quality of services from this firm over the past year through a number of projects. Most notably is the PARTF construction and administrative services. Also, this is the firm that has identified and prepared grant application documents for the correction of the Town's drainage issues and has worked with the Town in revising and modernizing the Town's Powel Bill Map.
- This firm has a strong reputation in a diversified area of services including stream restoration, drainage correction, parks facilities, water and sewer, etc.
- Withers & Ravenel has offered to assist the Town in identifying and applying for any available grants for this project.
- Withers & Ravenel has worked with the Town in reviewing all documents, minutes, drawings, and other supporting information to gain a fuller understanding of the proposed project and has a strong understanding of what will be required to complete the project.

Staff Recommendation:

Based on the observation of Staff with other projects that Withers & Ravenel has been involved with, the desire of Staff and the general desirability to establish and continue to foster good working relationship with one firm when possible, the expected level of quality of service and confidence that this firm has a firm grasp on the project scope and action steps required to move this project forward in an appropriate timeframe, and in light of the apparently adversarial relationship that transpired between the Town and ES with respect to this project in its original incarnation; Staff Recommends awarding the subject contract to Withers & Ravenel.



Town of Erwin

To: The Honorable Mayor and Board of Commissioners

From: Bryan T. Thompson, Town Manager

Subject: Presentation of Status and Continued Action Steps and Request for Further Direction with the Downtown Sidewalk and Parking Lot Legal Research and Acquisition

Attorney Mac Hunter will be present to give update on sidewalk and parking lot research and proposed action steps for further continuation of the subject project.