

MINUTES

City Council Parks, Trails, & Recreation Committee

Wednesday, October 16, 2019, 3:30 PM
Administrative Conference Room at City Hall

Members Present: Gary Daniel, Chair, Council Member
Maureen Copelof, Vice-Chair, Council Member
Jim Fatland, City Manager
David Lutz, Public Works Director
Paul Ray, Interim Planning Director
Keenan Smith, Citizen Member
Nancy DePippo, Citizen Member

Absent: Ryan Olson, Citizen Member
Jared Mull, County Representative, Ex Officio

Staff Present: Aaron Bland, Planning Department
Denise Hodsdon, Executive Assistant

Guests: Torry Nergart, Conserving Carolina
Geraldine Dinkins, Tannery Skate Park Task Force
Kevin Smith, Tannery Skate Park Task Force
George Peterson, Tannery Skate Park Task Force
Diane Daniel, Citizen

Media: Matt McGregor, Transylvania Times

A. Welcome & Call to Order

Committee Chair Gary Daniel welcomed all in attendance and called the meeting to order at 3:30 PM.

B. Certification of Quorum

Quorum was certified by Executive Assistant Denise Hodsdon.

C. Approval of Agenda

Motion by Ms. Copelof, seconded by Mr. Smith to approve the agenda as presented.
Motion carried unanimously.

D. Approval of Minutes from August 21, 2019 Meeting

Ms. Copelof noted that there was an error in the date for the next regular meeting. The minutes will be amended to reflect that the next regular meeting was scheduled for September 18, 2019. Motion by Mr. Smith, seconded by Ms. Copelof to approve the minutes of the August 21, 2019 meeting as amended. Motion carried unanimously.

E. Update Pedestrian Plan Maps

Aaron Bland explained that the North Carolina Department of Transportation (NCDOT) has adopted a new Complete Streets Policy. The updated policy includes a new cost share structure for incorporating bicycle and pedestrian infrastructure into NCDOT projects. Mr. Bland noted that the most important change is that bicycle and pedestrian facilities that appear in an adopted transportation plan will be included as part of the NCDOT roadway projects. Previously these facilities required an 80/20 cost-share between NCDOT and the City, but under the new policy, anything identified in the plan will be 100% funded by NCDOT.

To take advantage of this new Complete Streets policy, Staff has suggested several additions to the multi-use path and sidewalk priority maps along state-maintained roads within the City. Following review and discussion of the proposed maps (attached as Exhibit A), Ms. Copelof moved and Mr. Smith seconded to forward the new sidewalk and multi-use path priorities to City Council and recommend approval of the maps as presented. The motion carried unanimously.

F. Skate Park Options

Mr. Fatland reported that following notification that the North Carolina League of Municipalities (NCLM) would not insure the current skate park structure in its present condition, Staff met with members of the Tannery Skate Park Task Force to discuss options for the park, including possibly moving the structure to a private site and building a new concrete park. The City must decide if it will accept or reject dedication of the current structure and is seeking input from this Committee. In order to facilitate discussion, Interim Planning Director Paul Ray presented a Staff Report (copy attached as Exhibit B) outlining 1) liability issues with the current structure; 2) preliminary research regarding design and cost of a concrete skate park; and 3) options for going forward. Mr. Daniel said he was happy that Staff is researching options and not just shutting down the structure.

Mr. Ray's report referenced an article titled "Design Disasters" found in the Public Skate Park Development Guide endorsed by the International Association of Skateboard Companies and the Tony Hawk Foundation. The article indicates that Skatelite, the material used as the surface for the ramps, is deemed inappropriate for municipal use. Mr. Daniel noted that his interpretation of the article is that Skatelite is inappropriate for municipal use not because it is unsafe, but because it does not last. Keenan Smith added that the lifespan of Skatelite may not be an issue if it will be replaced with a

concrete park in the near future. He asked if the Tony Hawk Foundation could provide guidance. Tannery Skate Park Task Force member George Peterson said there are Skatelite parks all over the place and he believes that the article was written by people trying to promote concrete skate parks. Task Force member Kevin Smith added the Tony Hawk Foundation exclusively funds concrete skate parks. Mr. Daniel said he would like to have clarification on why Skatelite is inappropriate for municipal use. Is it because it doesn't last a long time or is there some other problem that makes it dangerous, and if we can't fix this, should we just go straight to a concrete skate park?

Ms. Copelof said the real issue is liability. Mr. Ray's report referenced the North Carolina statute "Hazardous Recreation Parks Safety and Liability", which does not limit liability for an act of gross negligence by the government entity or public employee that is the proximate cause of the injury. The Town of Swansboro, NC built their skate park out of metal, a material that was also listed as inappropriate for municipal use, and a child was badly injured. The City's Attorney has advised that opening the wooden skate park, with forewarning of the material, could present a legal problem for the City if a gross negligence lawsuit was filed. Mr. Ray reported that NCLM has indicated that they would be willing to insure the current skate park if the items on their punch list were corrected, but it would be basic liability. Ms. Copelof said if we can't have full liability insurance then we have a big problem. Task Force member Geraldine Dinkins asked if the City had looked into other insurance companies. Mr. Daniel noted that the City can get insurance on the park, but the issue is that gross negligence is not covered.

Ms. Dinkins said she wanted to remind everyone of the terrible optics if these ramps are taken down and go somewhere for private use on private land after people gave us \$73,000 and 500 hours of volunteer work went into it. She said we owe it to the people to open these ramps and because steps were missed, it is now going to cost more to keep them going for a few years while we get our act together and get the concrete park going. Mr. Daniel said the City respects the work that has gone into the project and acknowledged that some steps had been missed, but that doesn't change where we are. Ms. Dinkins agreed, but said it does put the weight of making this work going forward into the City's lap and she still feels like this is aiming to be a talk about the ramps coming down or being sold off. Mr. Daniel said that possibility is part of the discussion but it is not his preferred option. His preferred option is if we can open this, we will, and then get on to the concrete skate park as soon as possible. However, he said he cannot in good faith as a City Council member vote to open the skate park without the proper insurance coverage because it puts the City and the taxpayer at risk. He explained that is why he raised the question about this article and would like clarification on what would allow us to proceed.

Mr. Fatland said Planning and Public Works Staff would quantify the cost to get the park to pass muster. He said Staff would also like to give information on a concrete skate park and could come back next month with costs for both. Mr. Ray reported that he has reached out to Pillar Design Studios, a company that builds concrete skate parks, including the one in Cherokee, NC. He said the cost would vary depending on size and

features and some of the cost could be offset if our Public Works Department could do some of the ground work. In his preliminary discussion with Pillar Design Studios, they have indicated that the turnkey cost for a 2,500 square foot custom, mix-terrain concrete skate park, including design plans and grading would be approximately \$75,000. Committee members and Task Force members thought that if that number is accurate, it would be a great deal. Ms. DePippo asked where the concrete park would be located. Mr. Fatland said he would want to get input from the company as to the best location. Ms. Dinkins said many of the donors gave big and she would want them to be honored in this park. Mr. Daniel thought we should move forward with this regardless. He added that it would be great if we could figure out how to open the existing skate park, even if it is open for six months, but we would be spending \$25,000 on the fence and also spending money to fix the issues on the NCLM punch list. He asked do we want to spend money on the concrete park or spend it on this?

Motion by Mr. Fatland, seconded by Mr. Smith to direct Staff to come back next month with full cost estimates for building a concrete facility as well as what it would cost to address the issues on the NCLM punch list. During discussion, Mr. Daniel suggested that we reach out to the Tony Hawk Foundation. Ms. Copelof said she would like better understanding on the insurance and what that risk is versus the risk we normally assume. Mr. Daniel suggested that it may be helpful to have the City Attorney and a representative from NCLM at the next meeting. Vote on the motion was unanimously in favor; motion carried.

G. Set Date for Next Meeting

The next regular meeting of the Parks, Trails & Recreation Committee will be on Wednesday, November 20, 2019 at 3:30 PM.

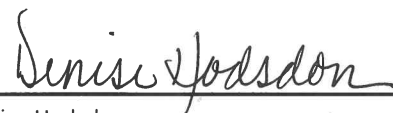
H. Adjourn

There being no further business, Ms. DePippo moved, seconded by Ms. Copelof to adjourn the meeting at 4:41 pm. Motion carried unanimously.

X 

Gary Daniel,
Chair, Council Member

Minutes Approved: November 20, 2019

X 

Denise Hodsdon
Executive Assistant

Sidewalk Priorities

- Complete
- Priority 1
- Priority 2
- Priority 3
- Priority 4
- Priority 5
- Priority 6
- Priority 7
- Not Prioritized

EXHIBIT A



1 inch = 0.5 miles

0 0.5 1 1.5 2 Miles

Multi-Use Path Priorities

- Complete
- Priority 1
- Priority 2
- Priority 3
- Priority 4
- Priority 5
- Priority 6
- Not Prioritized

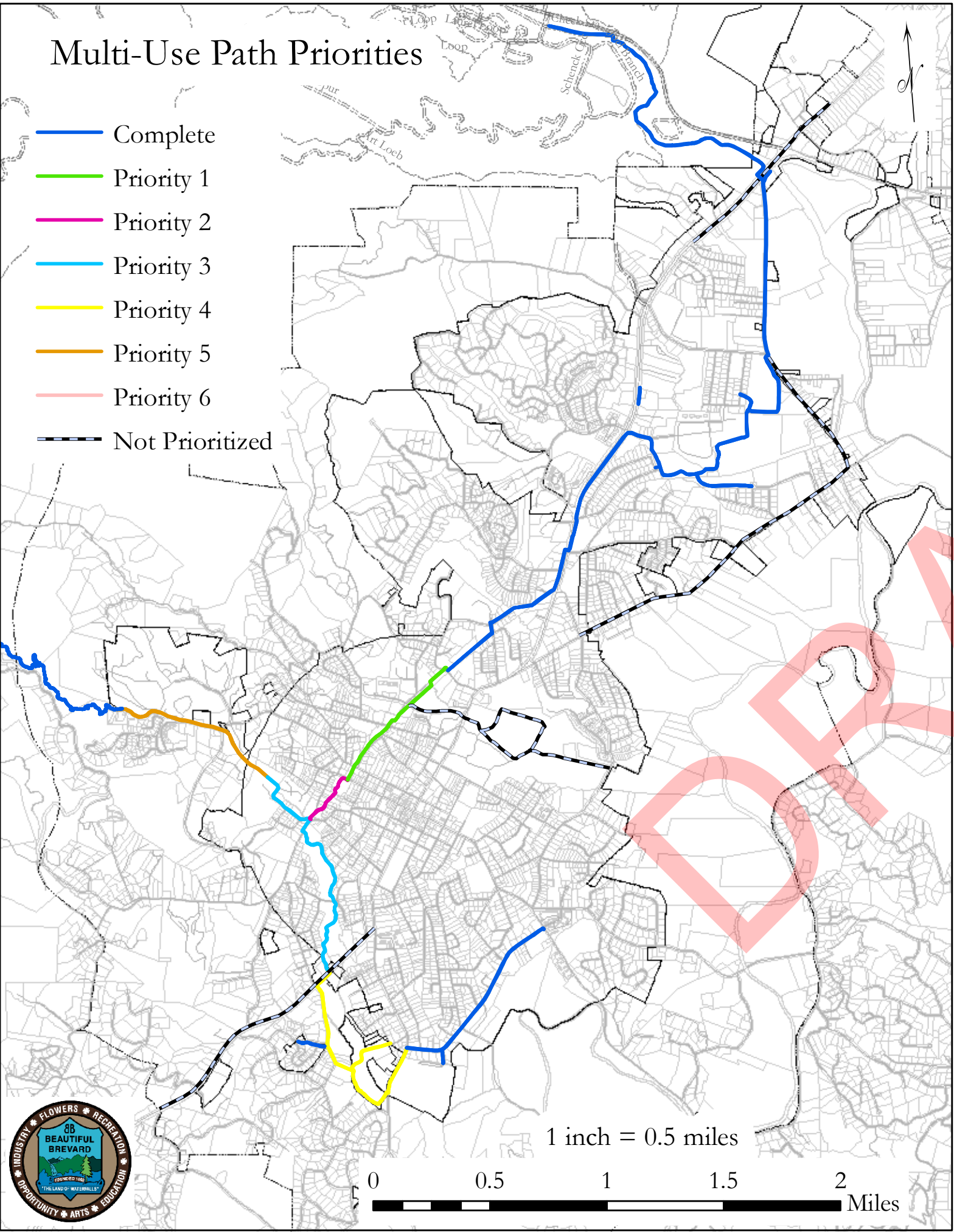
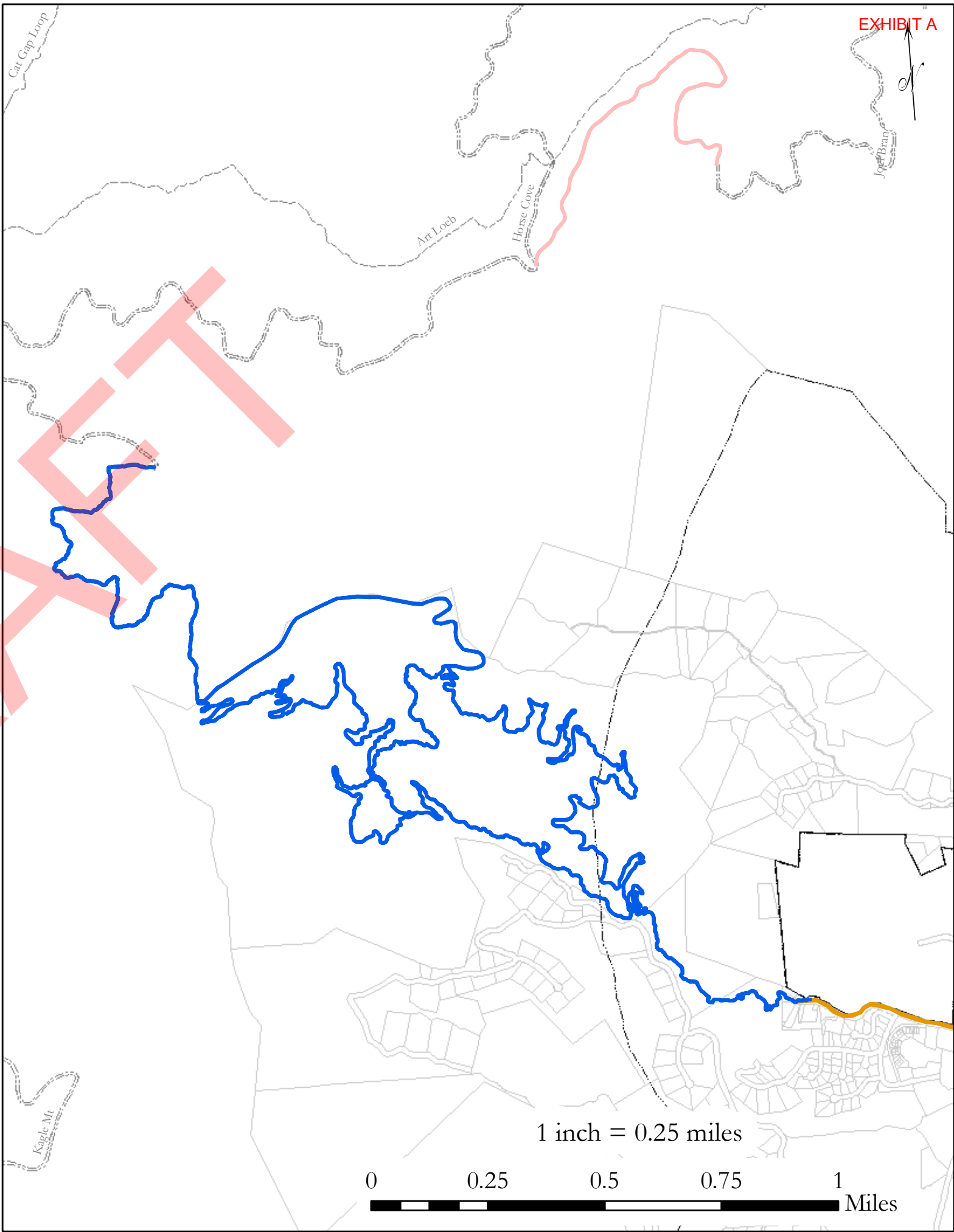


EXHIBIT A



STAFF REPORT

Parks & Trails Committee, October 16, 2019

Title: Brevard Skatepark
The Parks and Trails Committee will take into consideration the following information on skateparks.

Speaker: Paul C. Ray, CZO, Interim Planning Director

From: Paul Ray, CZO, Interim Planning Director

Prepared by: Paul Ray, CZO, Interim Planning Director

Approved by: Jim Fatland, City Manager

Background

A wooden skatepark structure was built by volunteers on a portion of Tannery Park with the understanding that it would be dedicated to the City upon completion and opened to the public. The structure is substantially complete with approximately \$8,000 left in the account, but is not currently insurable or safe for public use. At a future date, the City must decide if it will accept or reject the dedication of the wooden skate structure. The purpose of this report is to help facilitate that discussion with the Parks and Trails Committee using facts and personal observations by NCLM, Brown Consultants and City Staff.

SKATELITE PRO STRUCTURE**Staff Comments & Observations**

1. Skatelite material was deemed, "inappropriate for municipal use" in The Public Skatepark Development Guide, endorsed by IASC, Skaters for Public Skateparks, and the Tony Hawk Foundation in an article titled "Design Disasters." Wood and steel were also listed as inappropriate.
2. **North Carolina General Statute 99E-21 to 25 "Hazardous Recreation Parks Safety and Liability" does not limit liability for an act of gross negligence by the government entity or public employee that is the proximate cause of the injury.** The Town of Swansboro, NC built their skatepark out of metal, a material listed as inappropriate for municipal use, and a child was badly injured. The correlation here is that Skatelite is also listed as inappropriate for municipal use and is showing signs of bulging, decaying, separating and other surface problems.
3. Obtaining insurance on the wooden skatepark is not the sole consideration or the deciding factor on whether the structure is safe for public use. This decision should be made by the City using all available resources. The City's Attorney recognizes the Public Skatepark Development

Guide as a reliable source of information and believes that opening the wooden skatepark, with forewarning of the material, would not only pose an unnecessary risk of injury but could present a significant legal problem for the City, and potentially individual Staff members, if a gross negligence lawsuit was filed.

4. City staff will provide regular safety inspections on any skatepark structure, regardless of its composition, but a wooden structure with Skatelite material would require significantly more maintenance, material and specialized training.
5. Numerous deficiencies currently exist. See Attachments C and D for photos taken by Staff on October 11, 2019.

NCLM Comments & Observations

1. Protruding edges ▪ sharp edges ▪ sharp corners ▪ gaps in surface ▪ unguarded edges.
2. Angle iron railing protrudes outward creating an impalement hazard and rough surface.
3. Gap in surfacing presents fall hazard for users.
4. Skating surfacing already showing signs of damage.
5. Concrete pad should be 10 feet on either end of half pipes to allow for skaters to maneuver from one half pipe to the other. More concrete is needed.
6. A fence must be installed around the entire perimeter of the skatepark to limit the hours of operation. The price for the fence with installation is \$25,753.

Brown's Technical Memorandum Comments & Observations

1. Staff commissioned a civil engineering report since no plans and specs were prepared.
2. Concrete slab was poured to 3000 psi, whereas Brevard's standard is 4,000 psi. ▪ No strengthening fiber added to concrete ▪ reinforcing wire is at the bottom of the slab ▪ Surface cracks in concrete are already forming.
3. No transferable warranty.
4. Ramps were constructed flat and therefore hold standing rainwater. The recommended slope is 1% to 2% according to the previously referenced Guide for Developing Public Skateparks. The standing water will shorten the life of the material and require more maintenance.
5. Empty screw holes need to be filled ▪ sharp edges mitigated ▪ buckling skate panels repaired or replaced.

CONCRETE STRUCTURE

Staff Preliminary Research – Design & Cost

1. Cost - A custom, mix-terrain concrete skatepark varies in cost depending on size and features. The gray area in **Attachment A** is about 2,500 square feet and would cost about \$75,000. The red and blue could be additional phases. Construction cost ranges from \$30 to \$45 per square foot. If half-pipes are the desired feature instead of or in addition to mixed-terrain, final design is the customer's choice.
2. Specifications - Concrete is poured at 4,000 psi with added strengthening fibers and expansion joints; drains are installed where needed.
3. Warranty - 1-year full warranty. 2-years can be negotiated.
4. Maintenance – Typically concrete facilities have little maintenance see **Attachment B** for maintenance schedule. Weekly inspections are recommended, durability is very long.
5. Miscellaneous – Concrete skateparks are said to be quiet compared to any other material.

Options:

1. Decide on the best way to handle the removal of the wooden skatepark ramps due to the inappropriateness of the material for municipal use and based on the potential for injury and gross negligence.
2. Direct Staff to return in November with more information about the cost of repairing the wooden skatepark, the ongoing maintenance and how it relates to the overall feasibility.
3. Direct Staff to return in November with more information about the cost of building a concrete skatepark, the ongoing maintenance and how it relates to the overall feasibility.
4. Direct Staff to return in November with more information about the cost of moving the wooden skatepark to privately owned land.