

Ad-Hoc Community Center Advisory Committee

Adopted September 4, 2019

BE IT RESOLVED, by the Council of the Town of Scarborough, Maine, in Town Council assembled, that,

WHEREAS, interest in a community center to meet the recreational and cultural needs of all demographics of the Town was previously explored and most recently was a consistent theme of the community conversations related to the update to the Comprehensive Plan; and,

WHEREAS, local developers have begun to develop the Scarborough Downs property into a mixed-use development, the center of which intends to be a "Downtown"; and,

WHEREAS, the Town and the developers have entered into a financial partnership through a Credit Enhancement Agreement to advance this development in a mutually beneficial manner and such agreement contemplates the potential siting of a community center in the downtown portion of the development; and,

WHEREAS, the developers have expressed interest in advancing the community center concept and have partnered with the Edge Sports Group for the construction of a commercial sports complex and they have approached the Town as a potential lease tenant in the facility; and,

WHEREAS, the developers have requested that the Town indicate interest in a public/private partnership as soon as possible following a public process and the Town is willing to enter into a Memorandum of Understanding to describe mutual expectations and responsibilities required to fully explore this option. Therefore, understanding the time sensitive circumstances of the Developer and in an effort to be responsive to this request, the Town Council wishes to prioritize and explore this opportunity, reserving for further review alternative opportunities for the development of a community center.

NOW, THEREFORE, BE IT RESOLVED, by the Scarborough Town Council in Town Council assembled, that there is hereby an Ad Hoc Community Center Advisory Committee created, and the membership, terms, offices and duties shall be as follows:

1. **Purpose.** The purpose of the Advisory Committee is to draw upon the collective skills and expertise of committee members, the public and to work with staff in an effort to advise Town Council on the financial and practical viability of a public/private partnership for a community center. The following is a general overview of the discussion points, expectations and deliverables the Advisory Committee should consider in arriving at it's recommendations:

- **Review of Prior Efforts-**The Advisory Committee shall familiarize itself with the prior efforts regarding a community center. Although prior efforts considered a different ownership and operational arrangement it will be important to learn from this experience.
- **Schematic Design and Layout-** The first priority shall be to solicit public input on the proposed schematic design, with particular emphasis on gauging community support for an indoor swimming pool. Review the proposed schematic design prepared by staff to determine the appropriateness of amenities to be included in the premises to be leased by the Town and to modify the staff proposed schematic as appropriate. Final design and layout should maximize recreational opportunities, while at the same time recognizing the importance of limiting expense and maximizing revenue potential. A complete understanding of the space and what recreational amenities it includes must be accomplished before an accurate financial analysis can be performed.
- **Financial Analysis-** The Town's involvement in a public/private partnership must make financial sense to the Town; therefore the Committee's work and final recommendation(s) should specific financial analyzes.
 1. **Analysis of Expected Lease/Build/Capital Costs-**The Committee shall work with the developer to finalize the design of the space and obtain a lease/build/capital cost from the developer;
 2. **Analysis of Estimated Operational Costs-** A complete evaluation of expected operational costs is essential for this analysis;
 3. **Projected Revenue Forecast-** Prepare an analysis of the likely projected revenue that can be expected through membership, rentals and contractual relationships. This analysis should consider a reasonable rate structure that is consistent with similar facilities in the region in consultation with subject matter experts, experienced with the services and amenities agreed to by the committee;
 4. **Combined Analysis -** The lease/build/capital and operational expenses should be considered against the expected revenue so as to identify any gap that may need to be covered by other sources of revenue. The Committee shall offer recommendations regarding potential other revenue sources (ie. fundraising, sponsorships or general tax support).
 5. **Baseline Comparison-** The analysis for the public/private partnership shall be compared to a traditional approach whereby the Town would issue debt and construct a facility on town-owned land and operate it as a municipal facility. The baseline option should consider a facility (size and amenities) generally consistent

with those considered for the public/private option so as to ensure the comparison is of similar sized and appointed facilities.

These analyzes shall be shared with the Town Finance Committee for review and input.

- **Recommendations and Optional Analysis-** If the recommendation is to pursue this public/private relationship, it is anticipated that the Committee will offer specific recommendation(s) regarding the preferred lease/build/capital terms and conditions. The Committee is not limited to a financial analysis on a conventional lease relationship with triple-net terms, and the Committee is encouraged to consider other variations such as "lease-to-own" and make recommendations as may be advantageous to the Town.
- **Energy Efficiency-Life-Cycle Costs Considered-** To the extent possible the Advisory Committee shall consider and evaluate the expected life-cycle costs of proposed systems and consider energy efficiency so the analysis of operational costs is as accurate as possible.
- **Public Involvement** - The Committee shall incorporate public input into the process, which will culminate in a public presentation of its findings and recommendations to the Town Council. Specifically, public input should be solicited regarding the inclusion of an indoor swimming pool.
- **Best Practices** - Review of the Community Center/Recreation Center Study prepared in May 2019 by Intern Marguerite Fleming. Research and review other similar projects to determine best practices that may be incorporated into the project. Tours of similar facilities is encouraged.

The Committee's powers and duties shall not exceed those prescribed, herein or otherwise restricted by Town Council Rules, Policies and Charter.

2. **Membership.** The membership intends to provide fair representation of key stakeholders and unique expertise in the construction or development field. The Committee is expected to be an active working group, with all members actively participating and contributing to task. Given the limited and specific charge to the Committee, membership should include individuals whom possess specific expertise to the task at hand, in particular representing professions in recreation/community services, business/financial business/financial analysis and design/construction. The Committee shall be appointed by the Town Council and shall be comprised of thirteen (13) members, only nine (9) of which are voting members as follows:

Nine (9) Residents At-Large
Two (2) Members of the Town Council*
Two (2) Members of the Board of Education*

*Ex-Officio, Non-voting

Although official membership is limited to nine (9) voting members, the Committee is encouraged to draw upon other resources and invite other key stakeholders to participate in their proceeding as they feel appropriate.

3. **Timeframe.** The Committee Report is to be done by December 15, 2019. In the event that the Committee is unable to complete its task by this date, the Town Council will consider a reasonable extension of time. Once the Committee has completed its work it shall cease to exist unless otherwise extended by the Town Council.
4. **Expanded Charge.** If in the opinion of the Committee the public/private partnership is not worthy of consideration by the Town, Town Council will consider expanding the charge to the Committee to consider other alternatives for a community center.
5. **Staff Resources Available.** The Director of Community Services will serve as support to this Committee and other Town and School resources will be made available as may be necessary for the Committee to complete its task. In particular, it is anticipated that the Committee will involve the Town Manager, Town Engineer, Planning Director, Sustainability Coordinator, School Facilities Director and Athletic Director to supplement their efforts.
6. **Consulting Support.** If in the opinion of the Committee that outside consulting support is required to accomplish the task, the Committee is encouraged to advise the Town Council immediately, with specific detail of the type of support required and an approximate cost for these services. The Town Council will consider all reasonable requests for assistance.
7. **Vacancies and Removal.** Any vacancies shall be filled by the Town Council. The Town Council may remove any member of the Committee by vote of a majority of its members for misconduct or non-performance.
8. **Officers.** The Committee shall elect a Chair and Recording Secretary from among its voting members. The Chair shall be counted to determine a quorum and shall have the same rights as other members of the Committee, including the right to vote.
9. **Quorum and Voting.** A quorum shall consist of five (5) members. The concurrence of a majority of the members present and voting shall be necessary to decide any question before the Committee.
10. **Meeting and Records.** The Committee shall meet often enough to complete its responsibilities within the deadline set and shall strive to meet at least bi-weekly on a date and time specified by a vote of the majority of the Committee at its first organization meeting. Other meetings may be called by the Chair, provided that the Chair shall call a meeting of the Committee upon the request of at least five

(5) voting members. The Committee shall keep minutes of its meetings and submit them to the Town Clerk's Office.