



Memo

To: Honorable Mayor Armitage; City Council
From: City Manager LaPere, MPAP
Date: October 10, 2022
Re: Goeble Field Lease Agreement (4th Amendment)

Background

On August 28, 2002 the City entered into a lease agreement with Charlotte Junior Orioles for the use of Goeble Field. Two previous amendments to extend the term of the lease have been approved and recorded. The current lease term expired August 29, 2022 and was extended through December 31, 2022 to provide an opportunity for administration and CJO to discuss questions raised by Council. There were three main areas of concern: insurance limits, use by other entities, and length of lease term.

CJO Commissioner Mike Bialkowski and I have met to discuss the lease terms and related matters. Regarding the use by other entities, he has clarified that any use of the field by other entities is not on a sub-lease arrangement but was permitted as a courtesy by the CJO. They have agreed to not permit other entities to use the field.

CJO has expressed a desire to maintain a 10-year lease term as it provides the organization with a reliable field to use for their program and it supports the long-range planning of their program. Furthermore, the long-term agreement incentivizes their investment to maintain and improve the field and structures. CJO has undertaken many site improvements to the buildings and consistently maintains the property. This is beneficial to the City who has a recreational site being used, maintained, and improved at no expense to the taxpayers.

I have also discussed the questions related to the insurance coverage and liability with the City's insurance agent. She noted the city's limit is \$5mill and both the city and CJO policies would provide protection to the city. She also conferred with their risk management specialist and they offered the following suggestions:

- The City of Charlotte has \$5M in municipal general liability limits. Consider whether to word the contracts so that the insurance required is primary.
- Require appropriate protective gear such as helmets and pads. Even with flag football you could still receive injuries. **(Already done by CJO)**
- Do the participants receive physicals before playing? This is a suggestion.
- Have a list of rules for the players and hold everyone accountable to them. **(Already done by CJO)**
- Do the referees have any training in how to handle irate parents? **(Already done by CJO)**
- Do they sign waivers to play? This may or may not apply legally and we suggest checking with an attorney. **(Already done by CJO)**

- Does the program check the field before each game to make sure there is no debris or other problems with the field? Is there a checklist that they use for this purpose? **(Already done by CJO)**
- Are water fountains available and working or is there an understanding that water is provided by the entity using the field? **(Already done by CJO)**

I will also note, the current insurance levels required are consistent with the city's other lease agreement for use of the softball field by CARC. I have added language that permits the City to review the insurance coverage at the 5-year mark and other language that was found in the CARC lease agreement to provide a more comprehensive agreement. CJO has reviewed the proposed amendment and is agreeable to the changes suggested.

Attached is a draft amendment for Council's consideration.

Recommendation

Charlotte Junior Orioles have made good use of the field for many years and have been a good steward of the property. I recommend Council adopt the amendment to provide detailed insurance requirements and a ten (10) year lease extension expiring December 31, 2032.

Financial Impacts

N/A

Suggested Motion

The Council hereby approves the 4th Amendment of the Goeble Field lease for another 10-year term expiring December 31, 2032 with the addition of language regarding insurance coverage review after 5 years.

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attachment