Parks, Arts, Recreation & Culture
(PARC) Commission
March 1, 2018
5:30 PM

Cornelius Town Hall
www.cornelius.org/parc

AGENDA

PARC COMMISSION - 5:30 PM

1. **CALL TO ORDER**
2. **DETERMINATION OF QUORUM**
3. **APPROVAL OF MINUTES**
   - A. **February 2018 Draft Minutes**
4. **PUBLIC APPEARANCES - CITIZEN CONCERNS/COMMENTS**
5. **PRESENTATIONS**
   - A. **Lake Norman Tennis Academy - Julie Mudge**
   - B. **10-Year PARC Key Metrics - Troy Fitzsimmons**
   - C. **Program Participation Rates - Troy Fitzsimmons**
6. **DIRECTOR'S REPORT**
   - A. **February 2018 Director's Report**
7. **PARC COMMISSIONER RECOMMENDATIONS AND REPORTS**
8. **OLD BUSINESS**
   - A. **PARC Capital Improvements**
   - B. **Future Cornelius Arts Center**
   - C. **Regional Recreation Center**
   - D. **Future Park Capital Funding**
   - E. **FY18 PARC Commission Goals & Committees**
9. **NEW BUSINESS**
   - A. **Smithville Community Coalition Community Garden Agreement Renewal**
10. **ADJOURNMENT**

11. NEXT MEETING

REQUEST FOR BOARD ACTION

Print

Date of Meeting: March 1, 2018

To: PARC Commissioners

From: Troy Fitzsimmons, PARC Director

Action Requested:

Manager's Recommendation:

ATTACHMENTS:		
Name:	Description:	Type:
2018.2.1.Minutes.pdf	February 2018 Draft Minutes	Backup Material

Parks, Arts, Recreation & Culture (PARC) Commission
Thursday, February 1, 2018
5:30 – 7:00 pm

Cornelius Town Hall
21445 Catawba Avenue
Cornelius, NC 28031
www.cornelius.org/parc

MINUTES

1) **Call to Order** – Chair Higgins called the meeting to order at 5:30 pm.

2) **Determination of Quorum** – A quorum was reached with six commissioners in attendance.
Commissioners present: Rob McCloskey, Mary Wilson, Carol Livingston, Chris Kolkhorst, Chair Scott Higgins, David Rusk, and Town Commissioner Denis Bilodeau
Commissioners absent: Trey Fouche and Travis Dancy
Staff present: PARC Director Troy Fitzsimmons, Recreation Superintendent Chad Cauble, and Karen Ulmer

3) **Approval of Minutes (January)** – Commissioner Kolkhorst made a motion to accept the minutes from the January 4, 2018, meeting as written. Commissioner Rusk seconded and the motion passed unanimously.

4) **Public Appearances – Citizen Concerns/Comments** – None

5) **Presentations**
   a) Lake Norman Tennis Academy – Julie Mudge
   Tabled, presenter unable to attend.
   b) The First Tee – Kaitlyn Jarman and John Quinn
   Kaitlyn Jarman is the Director of Operations for The First Tee Greater Charlotte. She handed out a presentation [see attached]. The First Tee's current programs are for ages 5-18 and their curriculum is in all CMS elementary schools, including Cornelius and JV Washam Elementary schools. They have received funding to teach their DRIVE program at the Lake Norman YMCA. Cost for children is typically $50, with the program running one day a week for 10 weeks. They also offer sponsorships. They are asking that the PARC Commission advocate for The First Tee and support their program in the new regional recreation center. Perhaps there will be space for a few par-3 holes, a simulator, etc. The center could use those amenities for recreation programming in addition to a possible revenue source. John Quinn, a community volunteer with the Smithville Community Coalition, said they were looking for programs that teach values to kids through sports, which The First Tee does. Director Fitzsimmons asked whether we would need a relationship with a golf course. Ms. Jarman said that is essential as the participants get into the older age groups.

6) **Director's Report**
Director Fitzsimmons highlighted the following items from his January 2018 report.
- For the second year in a row, Cornelius was awarded the NCRPA Arts and Humanities award, this time for the *Never Forget | 9/11 Monument* [see attached].
- Cornelius Arts Center: We are accepting submissions for the next *Beyond Walls* and the Public Art Committee is adding some new members. We would like for one or two volunteers from the PARC Commission to join the committee, so please contact Karen Ulmer if you are interested. The opening reception for *Home Grown*, with works from 125 local artists, is this Friday night. Up next: Valentine's heART pARTy on Saturday, February 10, 9:30-11:30 am; our second Parent's Night Out on Friday, February 16, 6:00-9:00 pm; and A Morning with the Easter Bunny on Friday, March 23, 10:00 am-12:00 pm.

DRAFT

- Summer Day Camp expansion went to the Town Board a couple of weeks ago and they tabled the discussion over concerns about adding a new full-time employee, which is crucial to expansion. We are preparing for them to revisit this issue on Monday, February 05, at their 5:45 pm pre-meeting.
- Special Events: Sponsor Appreciation Reception was held last night; thanks to all that attended. Up next: Black History Month celebration on Saturday, February 24, 1:00-3:00 pm. Also, our second Hike Cornelius: Winter Wander on Saturday, February 10 at Robbins Park at 10:00 am. We had 31 people attend our first one in November and have 15 registered so far for the February hike.
- Lake Norman Wildlife Conservationists are planning for a pollinator garden and chimney swift tower at Robbins Park. They are looking for a garage storage area to construct the towers for a couple of months.
- Overall, the Director's Report is light because we are all planning for summer, with over 120 camps.

7) PARC Commissioner Recommendations & Reports

a) Items to be placed on record

b) Commissioner Reports

1) Commissioner Rob McCloskey – The LKN App folks are working on the maps but there was a glitch, so the greenway information is not viewable at this time.
2) Commissioner Trey Fouche – Absent
3) Commissioner Mary Wilson – She attended the sponsor appreciation reception and that staff did a great job organizing it.
4) Commissioner Carol Livingston – She wants to track what happens with *Beyond Walls*, which costs a lot of money and only about 100 people show up for the opening. Is it worth it? Also wondering if we can offer free music concerts with bigger names, similar to what she has enjoyed at other towns in North Carolina, such as Morganton and Kannapolis. Director Fitzsimmons said something like that would have to be a budget goal. He agreed we need to discuss the future of *Beyond Walls*.
5) Commissioner Chris Kolkhorst – He echoed the positive comments regarding the sponsorship event.
6) Chair Scott Higgins – He went to the budget meeting held at The Peninsula discussing bonds. The general takeaway is that we will have to maintain current funding levels and the main focus of any bonds will be on roads, but that the Town Board seems supportive of the Emerald Necklace and land acquisition.
7) Open Seat
8) Commissioner Dave Rusk – No report
9) Commissioner Travis Dancy – Absent

c) Town Commissioner Report – Commissioner Denis Bilodeau – Most citizen feedback Town Commissioners have heard has been about growth and traffic congestion. The Town Board is considering road bonds. $15 million is needed to match DOT funds for approved projects. Director Fitzsimmons noted that betterment projects potentially included in the road bonds will include bike lanes and multi-use paths, which align with our master plan. The Town may be able to acquire some parkland without using bonds. This Monday, there will be the first monthly Connecting Cornelius coffee chat at Harvey's. On Tuesday, February 20, Town Commissioner Bilodeau will host a coffee chat at 11:00 am at Old Town Public House, looking for input ahead of the budget retreat. The retreat will be held on March 7 and 8 at Graylen.

8) Old Business

a) PARC Capital Improvements

Director Fitzsimmons highlighted the following items:

- Smithville Park playground: We have a signed contract with Cunningham Recreation; we spent a lot of time working on the shade structures. Equipment is on order and we hope to be finished by mid-May.
- Smithville-to-JV Washam Greenway: We have been meeting with consultant KimleyHorn, which we will most likely hire. Still waiting on the final grant agreement for the creek restoration. We hope to have everything signed by this summer and the project underway soon thereafter.

b) Future Cornelius Arts Center

Chair Higgins said that a projected budget will be presented to the Town Board on February 19. There is a meeting scheduled for next week with PARC, to discuss programs for arts center vs the regional recreation center. They should have some design options from the architect in the next couple of weeks. Costs for the new arts center keep going up.

DRAFT

c) Regional Recreation Center
Director Fitzsimmons said he has a meeting next Tuesday with the other park directors to discuss the planning process and what they want to see in the new center. The stakeholder group will meet in March.

d) Future Park Capital Funding
No additional report.

e) FY18 PARC Commission Goals & Committees
No additional report.

9) New Business

a) Lake Norman Little League Agreement
Superintendent Cauble gave a presentation [see attached] regarding Lake Norman Little League (LKNLL), showing field usage relating to participants who are Cornelius residents vs non-residents. Staff are proposing some changes in a new agreement and asked the commission for their support in implementing that. Commissioner Kolkhorst, who is also on the LKNLL board, said they have been in a growth mode from the beginning. If they cannot access more field hours, they will have to curb growth and go into a maintain mode. If PARC could solve the manpower and resources issues, LKNLL would put in the dollars. A discussion followed. Commissioner Kolkhorst made a motion to authorize the PARC Director to finalize the 2018 LKNLL Partnership Agreement based on the general terms presented and execute the agreement. Commissioner Wilson seconded and the motion passed unanimously.

b) PARC Commissioner Recommendation
Chair Higgins said he and Director Fitzsimmons interviewed three candidates for the open position and recommend Andrew Heywood [see attached] to fill that seat. Commissioner Wilson made a motion to recommend Andrew Heywood to the Town Board for appointment. Commissioner Livingston seconded and the motion passed unanimously.

10) Adjournment

Chair Higgins adjourned the meeting at 7:41 pm.

Next Meeting – Thursday, March 1, 2018
Future Dates – Thursday, April 12, 2018; Thursday, May 3, 2018; Thursday, June 7, 2018

DRAFT

REQUEST FOR BOARD ACTION

Print

Date of Meeting: March 1, 2018

To: PARC Commissioners

From: Troy Fitzsimmons, PARC Director

Action Requested:

Manager's Recommendation:

ATTACHMENTS:		
Name:	Description:	Type:
No Attachments Available		

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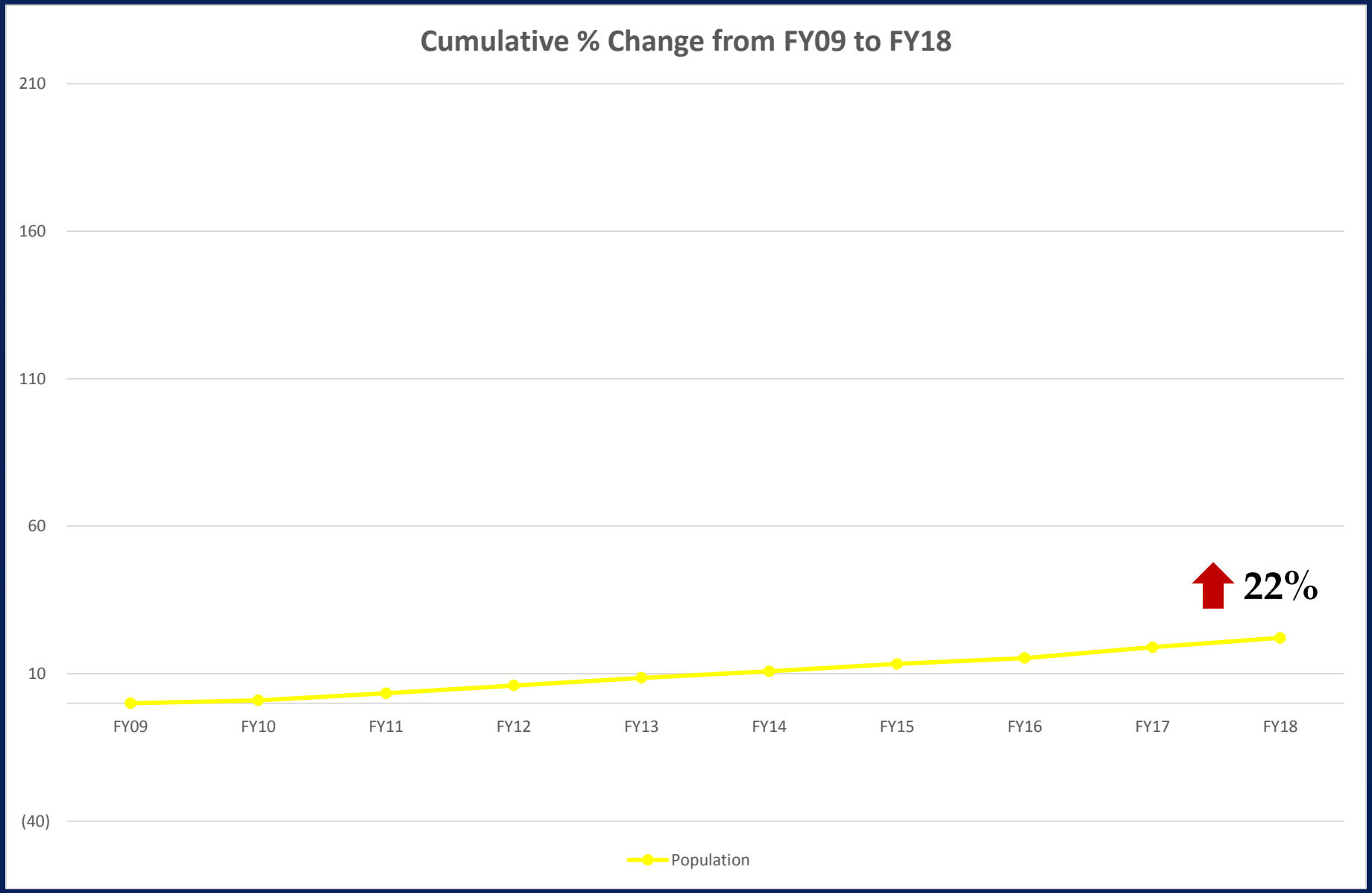
Name:	Description:	Type:
5b_-_10-Year_PARC_Key_Metrics.pdf	10-Yr PARC Key Metrics	Presentation

10-Year PARC Key Metrics

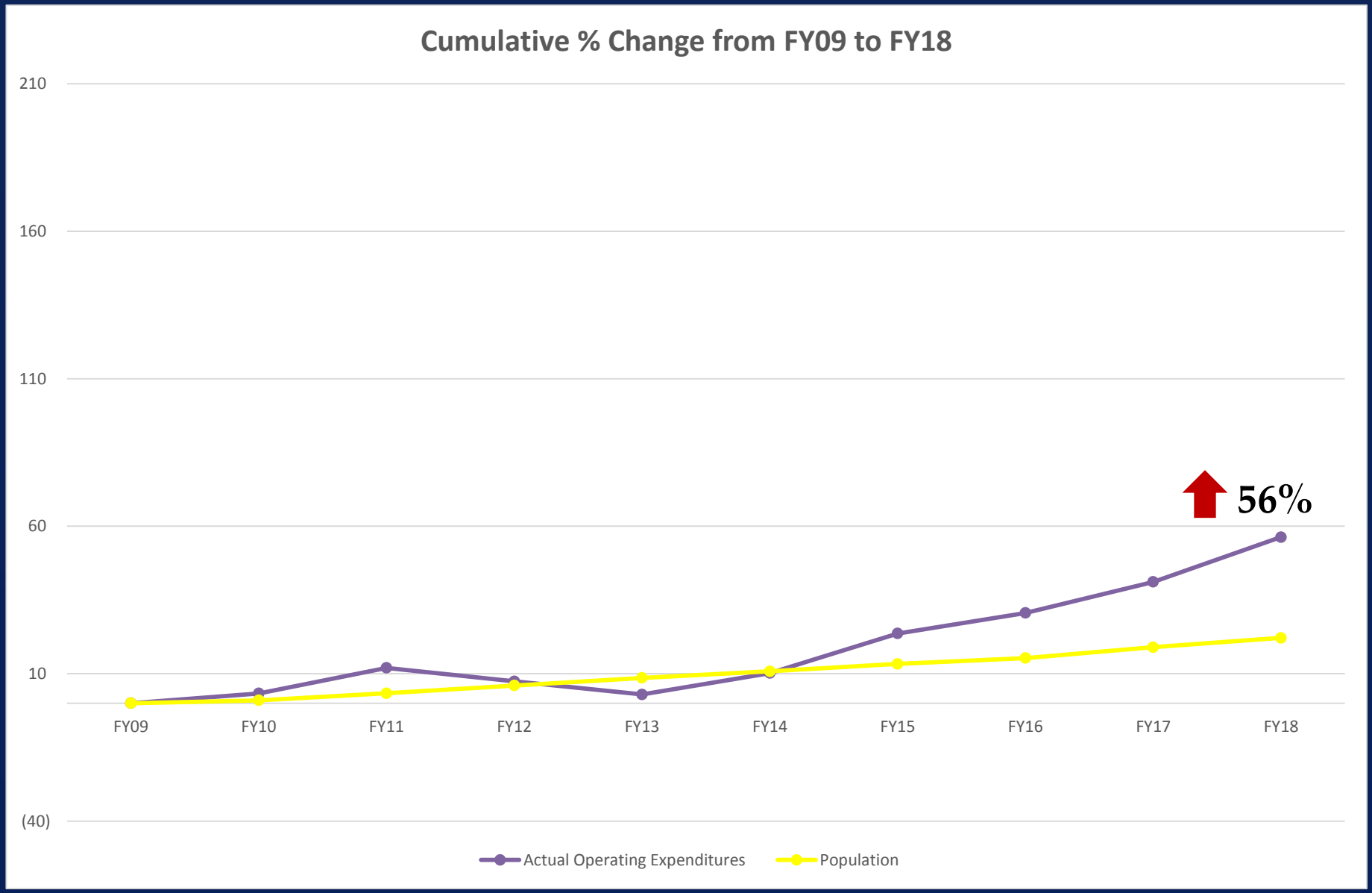
Cornelius PARC Commission

March 1, 2018

10-Year Key Metric Growth



10-Year Key Metric Growth



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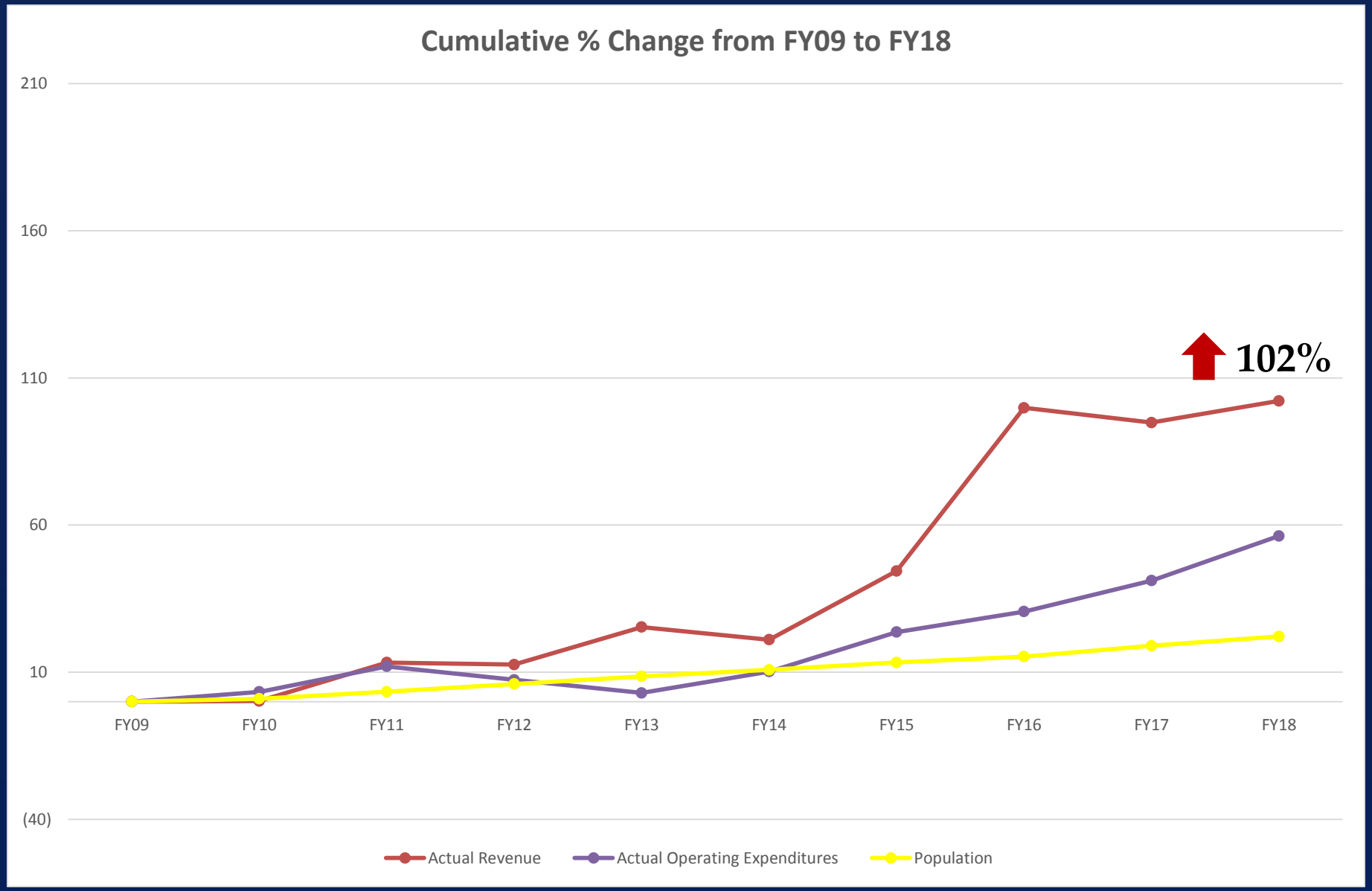
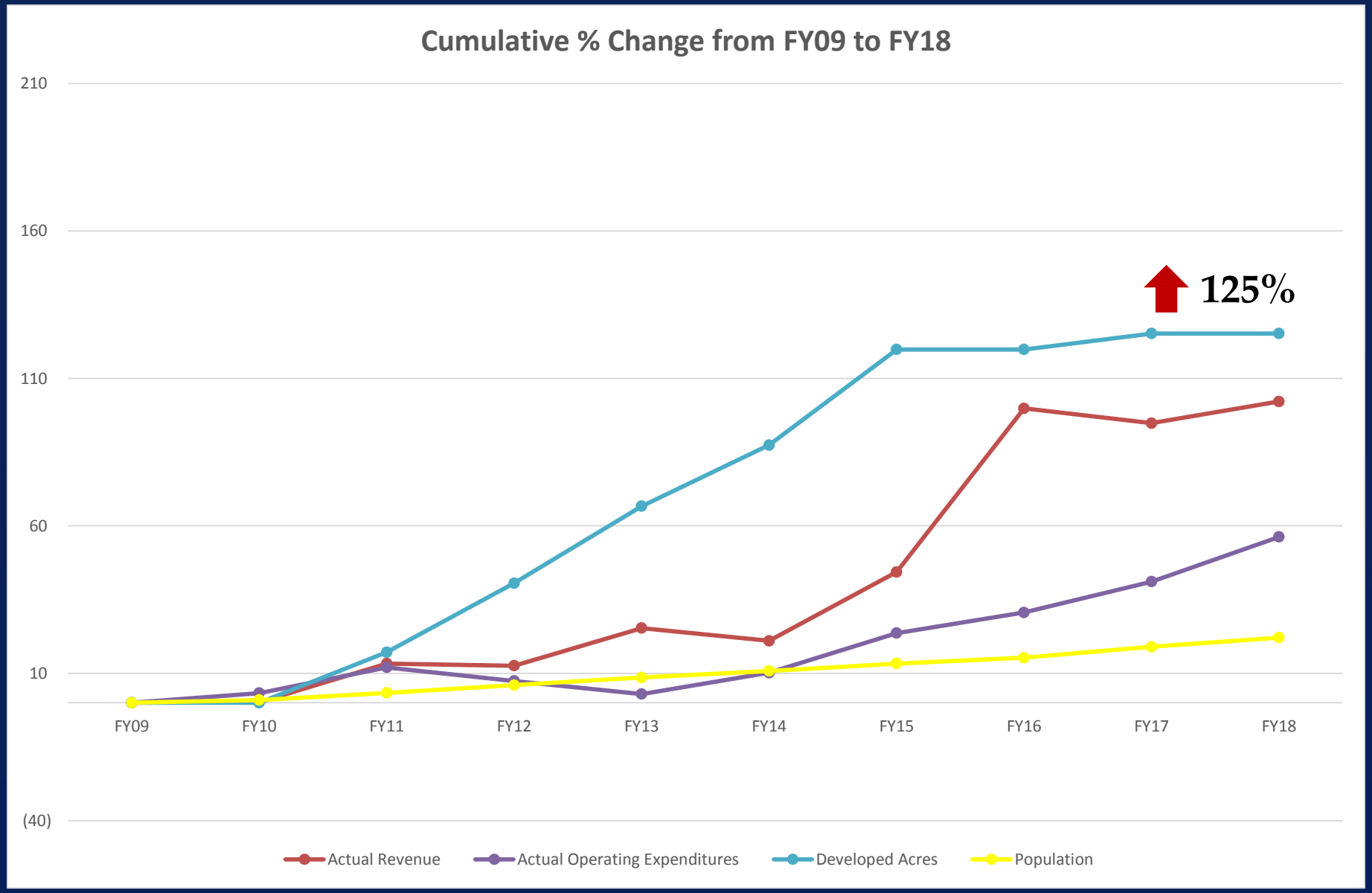
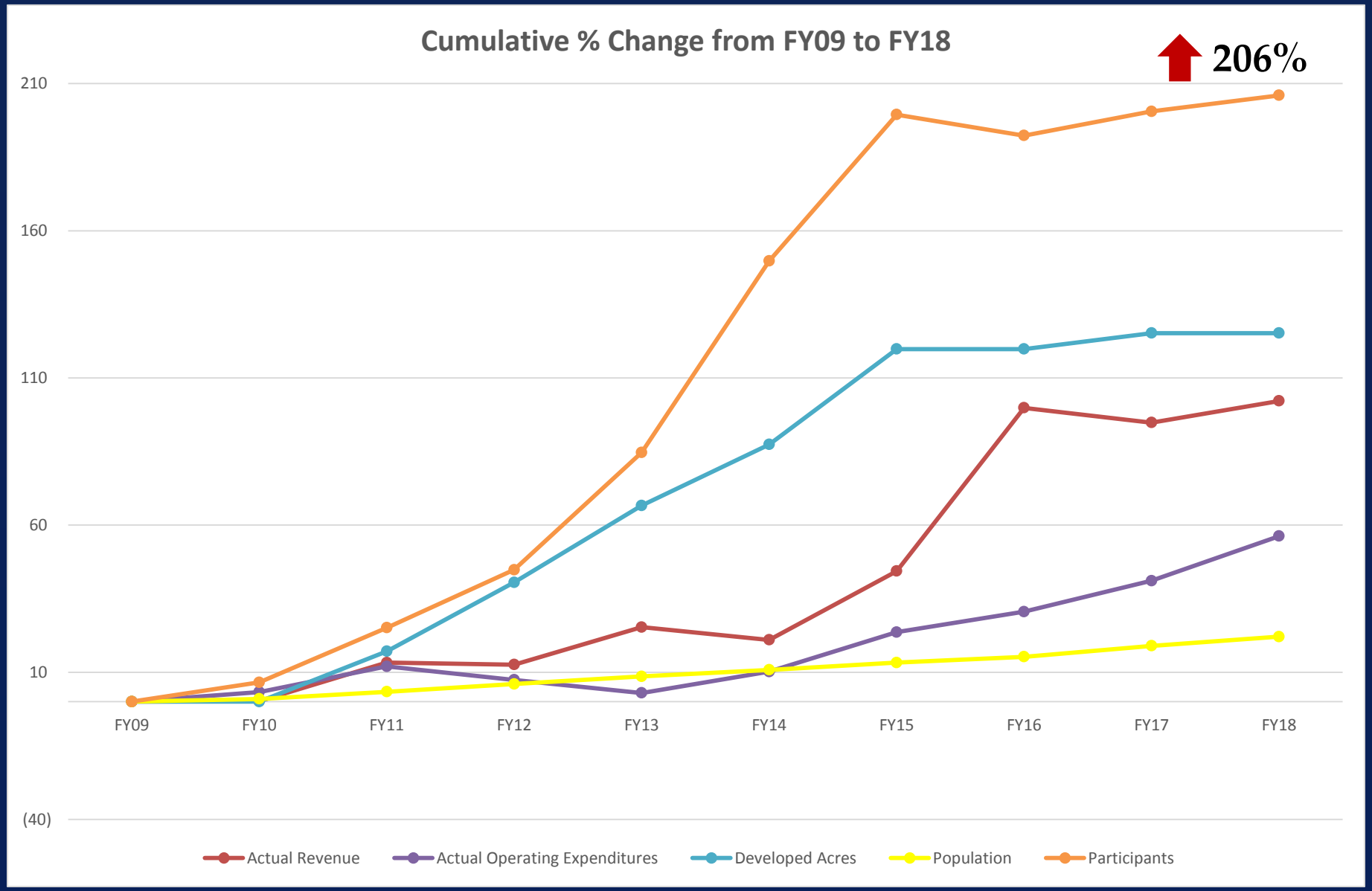


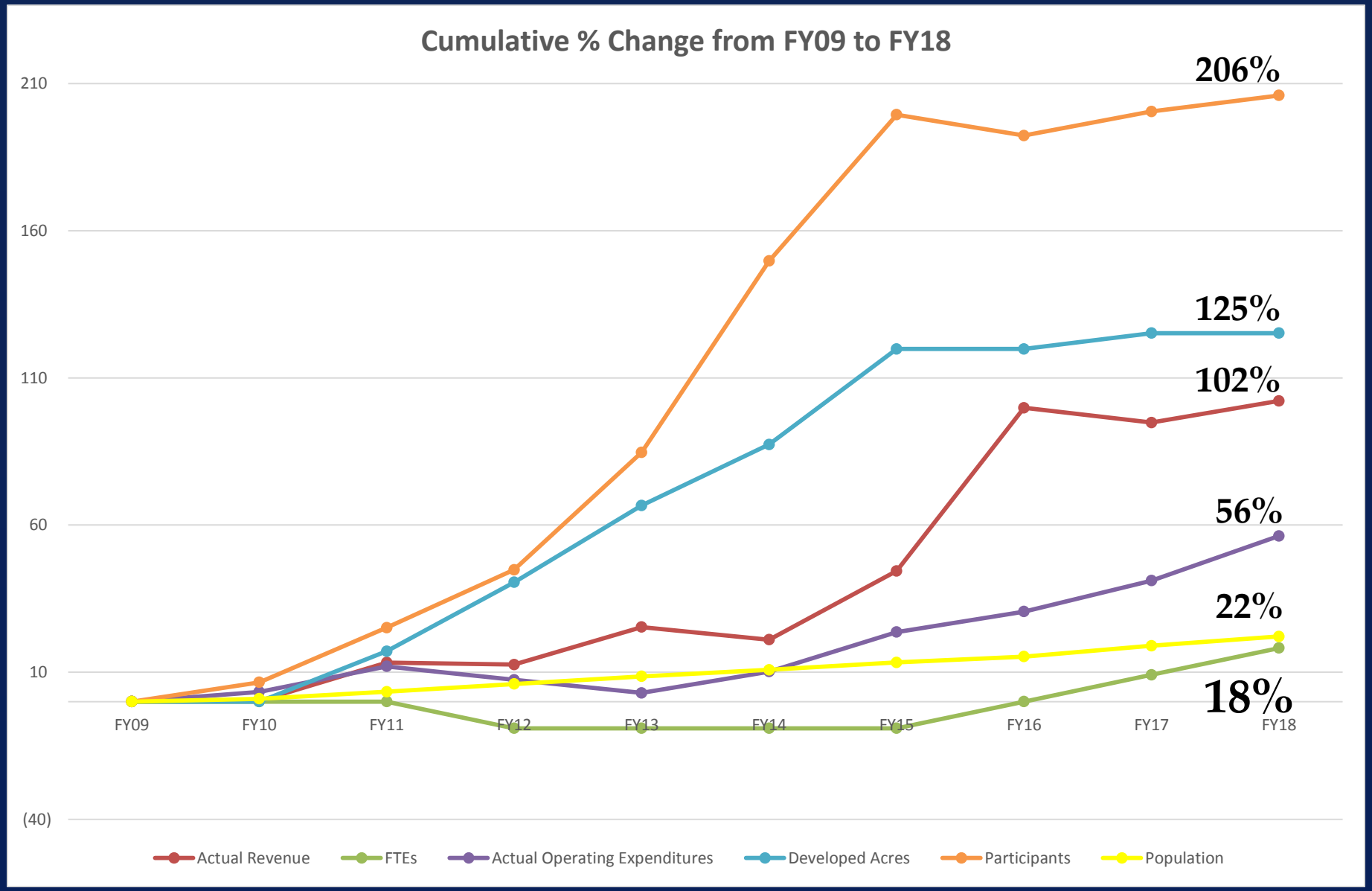
10-Year Key Metric Growth



10-Year Key Metric Growth



10-Year Key Metric Growth



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Manager's Recommendation:

ATTACHMENTS:		
Name:	Description:	Type:
5c_-_Program_Participation_Rates.pdf	Program Participation Rates	Presentation

FY17 Program Participation Rates

Cornelius PARC Commission

March 1, 2018

Category	Total	Cornelius Residents	Cornelius Res %	Partner Residents	Partner Res %	Non Residents	Non Res %	Avg % over Res. Fee
Adult Fitness	224	120	54%	0	0%	104	46%	16%
CAC Adults	450	198	44%	0	0%	252	56%	17%
CAC Youth	275	114	41%	0	0%	161	59%	16%
Summer Arts & Rec Camps	683	348	51%	0	0%	335	49%	18%
Summer Full Day Camps	526	522	99%	0	0%	4	1%	30%
Summer Sports Camps	2063	802	39%	914	44%	347	17%	23%
Youth Basketball	864	387	45%	344	40%	133	15%	44%
Youth Flag Football	401	122	30%	183	46%	96	24%	20%

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Name:	Description:	Type:
2018.2.25.February_Director_Report.pdf	February 2018 Director's Report	Backup Material

PARC Director's Report
February 2018

PROGRAMMING

Recreation Centers

- Began a new session of Intro and Intermediate classes of Tai Chi for the months of February – March with 15 total participants. (2017 – 20 participants)
- Began a new session of Senior Fit with 5 participants for 2 day a week workout plan and 3 participants for the 3 day workout plan. (2017 – 0 participants)
- Began planning to host the Northern Regional Recreation Center Workshop held at Bailey Recreation Center on March 10, 10:00 am-1:00 pm.
- Lake Norman Teen Council donated 140 purses filled with toiletries to benefit Women's Shelter of Charlotte, Huntersville United Methodist, and Lydia's Loft in Huntersville. (2017 – 70 purses) Some clothing was also collected and donated to Hope House in Huntersville.
- Upcoming activities: Hooked on Cornelius fishing event on April 21, Youth Basketball Spring Developmental Training, Middle School Open Gym, Intro to Standup Paddleboarding classes, Lake Norman Teen Council Retreat, and the 2018 Cornelius Outdoor Cinema Series.
- At their February 5 meeting, the Town Board approved Summer Day Camp expansion to 100 campers per week and a new Recreation Program Assistant (RPA) position.

Arts Center

- Concluded the Winter Session of classes. All 13 adult programs made, with 109 total registrants and 15 on waiting lists (last year 13 of 14 classes made with 91 students and 3 on waiting lists). All four youth classes made with 36 registrants and 9 on waiting lists (last year five of six classes made with 43 registrants and 3 on waiting lists). Registration for Spring A classes and workshops is underway, with classes to begin the week of February 26.
- Held five sessions of Drop-In Art with a total of 17 children.
- Installed the 2018 *Home Grown* exhibit including 125 works from local artists (91 in 2017). Held the opening reception on February 2 with over 125 attendees.
- Held the heART pARTy on February 10 with over 100 attendees (about 60 in 2017).
- Held Parents Night Out on February 16 with 23 registered participants.
- Coordinated *Beyond Walls* 2017-18 de-installation and call for artists for *Beyond Walls* 2018-19. Received 34 submissions from 15 artists representing 8 different states. Presented to the Public Art Committee, which selected 9 artists, 10 sculptures to participate in the 2018-19 show.

Athletics

- Cornelius/Davidson Youth Basketball League began end-of-season tournaments for older divisions, which will conclude on Saturday, February 24. Regular season for younger divisions will conclude on Saturday, March 3.
- Managed 313 total hours of outdoor athletic facility use in January (284 total hours in 2017).
- LNTA Tennis lessons at Jetton Park continue with 47 participants in February (56 participants in 2017).
- LKN Little League held Skills Day on Saturday, February 24 and Sunday, February 25 at WAC. Registration for older divisions will remain open through March 10.
- Adult Softball Spring 2018 registration opened on February 12 for returning teams and will open on Monday, February 26 for new teams. Registration will close on Friday, March 9.
- Cornelius/Davidson Youth Basketball League continued practices and played four weeks of games in January.

Special Events

- Marketing efforts are underway for summer camps. Billboard is up, ads are beginning to run or will run by March 1, in Cornelius Today, Herald-Citizen, and Lake Norman Currents. Social media posts have included Twitter, Nextdoor, and Facebook, including a Facebook Live Q&A on February 16.
- Held the annual Black History Month Celebration scheduled on February 24 at Cornelius Town Hall with approximately 200 in attendance. (75 attended in 2017). We had three volunteers from Lake Norman Charter.
- Upcoming events: Hop Into Spring on Saturday, March 24, 2-4pm at Robbins Park and Earth Day/Hooked on Cornelius on Saturday, April 21, 10am-12pm at Robbins Park:
- Held our 2nd Hike Cornelius event, Winter Wander, on February 24 (rescheduled from rainout on February 10) at Robbins Park with 40 participants.

CAPITAL PROJECTS

Under Design

- **McDowell Creek Greenway** – Construction documents were sent to the State for review. Working with property developer to acquire the final easement needed for the project. NCDOT changed their standards this year and is requiring the work done to date be modified to incorporate the changes. The plans were nearly 100% complete. This will add cost and time to the project
- **Antiquity Greenway** –Revised construction drawings and specifications have been submitted to NCDOT for review. The Town Board approved an easement for a 24" water main to Charlotte Water. Special conditions call for Charlotte Water to be finished by June 1 in order for the Town to start greenway construction this summer and completed by end of 2018.
- **South Bailey Greenway** – The Town has authorized and will pay its consultant to complete the construction drawings and specifications for the greenway. Once complete, the County will bid and construct the project with their funds. This project is in the County's CIP and designated for funding in FY19, however, it is still contingent upon Board of County Commissioners FY 19 budget approval.
- **Smithville Playground** – The design and contract with Cunningham and Associates have been finalized.
- **James Hoyt Wilhelm Park Paving** – The Town will partner with CMS to share costs. Project is out to bid.
- **ADA Legion Park** – Bids for this project were due on February 22 and two bids were received and are currently being reviewed by staff.

Under Construction

- **Bailey Road Bandshell –** The hillside will be replanted with a variety of plants to improve the appearance. The project also includes regrading the multi-use path in front of the bandshell to improve drainage. The paving and plant installation have been postponed until spring.
- **Bailey Recreation Center** – The curtain installation was completed on December 20. Most of the punchlist items have been resolved.
- **Robbins Park –** Tennis court resurfacing has been postponed to spring 2018 due to weather.

OPERATIONS

- **Field Consultant** – The plan recommendations for turf are being implemented beginning this month with pre-emergent applications and then fertilizer, weed and pest control applications through the spring and summer.
  - **Infields** – Batter's boxes are being rebuilt on 10 fields. Soil testing at WAC, TCP, BRP and SMP indicate the infield composition is nearly perfect for recreational play. The mix of clay, silt and sand has separated over time and needs to be tilled to improve drainage and reduce compaction. The infields will be rototilled and have the lips removed at TCP 1 & 2, Bailey Road 1 & 2 and WAC 2, weather and schedule permitting.
- **Bailey Road Park** – Shelter #2's water supply line damage from this winter's freeze has been repaired. Shelter #1 has far more extensive damage. Repairs there are underway with expected completion by March 5.
- **Glen Oak Open Space** – Removed dead tree that fell and hit a neighbor's garage.
- **WAC/TCP –** Installed borders along fence lines to prevent infield mix and gravel from washing away.
- **General –** Began replacing damaged trash can rack slats system wide
- **JV Washam –** Lowered storm drain inlets and regraded to improve field drainage

Visitation/car counts: Total visitors, February 2017-January 2018 = 951,841

Month/Year	Cars @ WAC	Cars @ BRP	Cars@ TCP	Estimated Visitors
January 2017	2,322	15,769	1,213	57,912
February 2017	4,199	18,643	2,018	74,580
March 2017	6,900	21,355	3,110	94,095
April 2017	6,846	19,377	3,315	88,614
May 2017	8,670	39,667	3,917	156,762
June 2017	7,992	13,418	2,642	72,156
July 2017	3,723	12,419	1,624	51,298
August 2017	4,745	19,045	2,104	77,682
September 2017	7,606	20,705	3,093	94,212
October 2017	8,984	21,297	3,217	100,494
November 2017	4,185	12,469	3,276	56,790
December 2017	2,145	6,617	241	27,009
January 2018	1,524	7,561	1,213	58,149

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Name:	Description:	Type:
9a_-_SCC_Community_Garden_Agreement_Renewal.pdf	SCC Community Garden Agreement Renewal	Presentation
2018_SCC_Community_Garden_Agreement_with_COI.pdf	SCC Community Garden Lease	Backup Material

Smithville Community Coalition Community Garden Agreement Renewal

Cornelius PARC Commission

March 1, 2018

Smithville Community Garden Site Layout

65 Plots

N

not to scale

Woodlawn Community Cupboard

- Stock the cupboard with daily, non-food essentials (i.e., toiletries, household products, etc.)
- Maintain "cupboard hours" on set days throughout the calendar year and man the distribution of items during such hours.
- All items will be distributed to Smithville residents free of charge
- 25.2”W x 18”D x 61.6”H, with adjustable legs for uneven areas, weatherproof and has a lock feature to ensure safekeeping

From Elise Redmond, Woodlawn School: To engage the community, inspire the Smithville residents to get involved with this effort, give them a lift where they may need it and encourage a “pay it forward” mentality amongst all of us!

CORNELIUS PARC DEPARTMENT COMMUNITY GARDEN SERVICES AND FACILITY USE AGREEMENT WITH SMITHVILLE COMMUNITY COALITION, INC.

This agreement between the Town of Cornelius PARC Department, herein the TOWN, and Smithville Community Coalition, Inc. herein SCC, for the provision of community garden programming services and use of Town operated community garden fields for the term of March 6, 2018, or date executed, through December 31, 2018, as herein after provided.

In consideration of the mutual promises and terms and conditions stated below, the TOWN and SCC enter into this Agreement with both parties agreeing as follows:

I. OBLIGATIONS OF SCC:

A. SCC shall provide full organization, administration, registration, management, and supervision of the community garden program at 20706 Catawba Avenue and 20708 Catawba Avenue. In providing these services, SCC shall at all times perform as an independent service contractor to the TOWN and its personnel shall not be deemed TOWN employees, nor be subject to TOWN control over the method and manner of providing these services.

B. SCC will install, repair and maintain fencing, planter boxes, trellises, topsoil for garden plots, and mulched paths within the garden area.

C. SCC shall maintain properly functioning irrigation or other water access necessary to operate the community garden and any additional equipment needed.

D. SCC shall provide full service maintenance within the garden area maintaining suitable paths to garden plots, control of weeds within the garden area including all paths and plots, adequately watering garden crops, and maintaining a clean and neat appearance within the garden area and the adjacent parking area.

E. SCC shall coordinate pick-up and disposal of all trash and recyclables associated with the community garden operation and shall be responsible for the costs of any damages to facilities that must be repaired by TOWN or litter that must be removed.

F. SCC shall observe hours of operation from sunrise to sunset or as determined by the TOWN and shall ensure that gardeners and SCC officials are familiar with and abide by these hours.

G. SCC shall not place any banners or signage within the facility with the exception of one entrance sign for the garden . A small kiosk may be placed within the garden area for SSC officials to post gardening information, sponsorship acknowledgement, important dates or other information about the community garden. The TOWN must approve any proposed sign or kiosk.

H. The community garden will have limited parking, but gardeners may use Smithville Park as an overflow parking area for peak times. SCC will advise gardeners that Smithville Park is available for parking.

I. SCC shall abide by all TOWN ordinances rules and regulations pertaining to recreation facilities and public property, PARC policies and any other applicable laws. SCC shall also notify all volunteers, gardeners, and visitors of such rules and regulations. SCC shall prepare gardening rules and procedures for participants that are subject to Town review and approval.

J. SCC shall include Cornelius PARC Department acknowledgement on all marketing materials for the community garden. This to include, but not limited to, using the PARC logo on all signage, print and electronic media.

K. If applicable, SCC shall include the PARC approved logo on the SCC website and provide a link to the PARC website.

L. SCC shall provide the TOWN with a summative, comprehensive report on programs and events, including revenue, expenditures and participation numbers at the conclusion of each year.

M. SCC will perform background checks (registered sex offender and criminal) on all employees and volunteers working at the community garden.

N. SCC will obtain TOWN consent on registration fees to ensure affordability for Town citizens.

O. SCC will accept garden plot applications from all Town residents and offer plots to residents in the order in which they were received or a lottery selection if demand exceeds capacity.

II. OBLIGATIONS OF TOWN:

A. The TOWN will pay Charlotte Water utility bills for irrigation water and stormwater fees up to a total of $500 annually. If costs exceed $500, SCC will fund the difference.

B. The TOWN will maintain a gravel parking lot with at least one handicap accessible parking space, parking signage, foot paths from the parking lot and to the garden area.

C. The TOWN shall coordinate comprehensive grounds maintenance and turf management services including mowing, edging and trimming for the site outside of the fenced garden area.

D. If applicable, the TOWN shall provide the Cornelius PARC Department logo for use on SCC's website.

E. The TOWN shall promote the community garden through the PARC website and e-newsletters.

F. The TOWN will not be responsible in any way for SCC's supplies, equipment, materials or personal belongings that may be damaged by fire, theft, accident, vandalism or otherwise.

III. INDEMNITY AND INSURANCE:

A. SCC agrees to provide and maintain at its own expense during the term of this Agreement, the following program(s) of insurance covering its operations. Such insurance shall be provided by insurer(s) satisfactory to the TOWN and evidence of such programs satisfactory to the TOWN shall be delivered to the TOWN on or before the effective date of this Agreement. Such evidence shall specifically identify this Agreement and shall list the TOWN as an additional insured. Commercial General Liability: Bodily injury and property damage liability as shall protect SCC and the TOWN, and any persons performing work under this Agreement from claims of bodily injury or property damage which arise from operations under this Agreement whether such operations are performed by SCC, any subcontractor or anyone directly or indirectly employed by either or volunteering for either. The amounts of such insurance shall not be less than ONE MILLION DOLLARS ($1,000,000) bodily injury each occurrence/aggregate and ONE MILLION DOLLARS ($1,000,000) property damage each occurrence/aggregate or ONE MILLION DOLLARS ($1,000,000) bodily injury and property damage combined single limits each occurrence/aggregate.

B. SCC, its employees, officers, representatives, participants, volunteers, or anyone associated with its program, shall indemnify and hold harmless the TOWN, its agents, officials, employees, successors and assigns from and against all losses, costs, damages, liability and expense, settlement costs, professional fees, or any other expenses including attorney's fees, arising from any accident or occurrence resulting in bodily injury, including death, sickness, disability, or disease to any person or resulting in any property damage or destruction arising from any action of any kind associated with, or arising out of connection with the use of the TOWN facilities, or out of this Agreement and/or performance thereunder, by SCC or representatives, participants, spectators, volunteers, or agents of the user groups. SCC further agrees to investigate, handle, respond to, provide defense for and defend incidents at its own expense, while agreeing to bear all costs and expenses related thereto. SCC's duty to indemnify the TOWN, its agents, officials, employees, successors, and assigns shall survive the expiration or other termination of this Agreement. SCC shall have gardening participants sign a release of the Town in a form satisfactory to the Town.

IV. MISCELLANEOUS TERMS

A. SCC and TOWN agree to develop and maintain the community garden in accordance with the site plan attached. Modifications may be made to the site plan if mutually agreed to by both parties and allowed under current municipal, county, state and/or federal regulations.

B. Events and activities offered by SCC in performing this Agreement will be made available to all Town residents without regard to race, color, religion, national origin, age, sex, disability or residential location within Town.

C. This Agreement provides for community garden facility use and management by SCC only, with the exception of Section IV.D below. SCC cannot utilize the property for any other uses not affiliated with a community garden program or community cupboard, and cannot sublease or contract out any portion of the community garden for any other uses.

D. SSC may install a free community cupboard at the community garden. SCC is responsible for stocking the cupboard with only non-food essential items. The cupboard design, location and operating hours are contingent on TOWN approval.

E. Failure of SCC to comply with any provisions of this Agreement will result in the termination of this Agreement by TOWN in its discretion.

F. The use and rights granted by the TOWN to SCC under this Agreement shall be non-exclusive and the TOWN may contract with other parties and programs in its discretion.

G. Because the Town may need this property for other governmental uses, the Town may terminate this Agreement on 30 day written notice to SCC.

H. If for any reason the Lease that is companion to this Agreement is terminated, this Agreement shall automatically terminate.

V. TERM OF AGREEMENT:

A. The term of this Agreement shall be from March 6, 2018, or date of execution, whichever is later, through December 31, 2018 unless otherwise amended in writing. An annual renewal option for up to four (4) years from January 1, 2019 thereafter will be provided at the Town's discretion. The maximum term life of the annual renewal option will expire on December 31, 2023. Town and SCC will negotiate an acceptable cost adjustment if the Town elects to renew the agreement.

VI. MODIFICATIONS:

A. Changes to this Agreement must be agreed upon in writing by both parties.

VII. PAYMENT:

A. There is no payment by the TOWN to SCC. SCC may keep and agrees to utilize all proceeds from community garden plot rentals and any other revenue associated with the community garden towards the management, maintenance, upkeep, and improvement of the community garden at 20706 Catawba Avenue and 20708 Catawba Avenue including Section B below.

B. SCC agrees to reimburse the Town for any services or materials the Town provides in accordance with Section II. A of this agreement should revenue exceed expenses incurred by SCC for the management, maintenance, upkeep, and improvement of the community garden, if requested in the discretion of the Town.

C. Any in-kind donation or volunteer contribution must have prior approval by PARC Director or his designee.

D. In exchange for the services and financial contributions outlined in this Agreement, SCC shall receive approved facility

reservations at no cost for the duration of this Agreement in lieu of being billed at the standard TOWN rate, subject to the terms of this Agreement.

In WITNESS WHEREOF, the parties have duly executed this Agreement as of the date above written.

Smithville Community Coalition, Inc.

By: _____

Garden Contact Name: Lisa Mayhew

Position: Co-Chair

Address: P.O. Box 463

City: Cornelius State: NC Zip: 28031

Phone: _____

Town of Cornelius

By: _____
Anthony Roberts
Town Manager

Copies to: Anthony Roberts, Town Manager
Karen Wolter, Town Attorney
Julie Niswonger, Finance Director

Smithville Community Garden Site Layout

N

not to scale

SMITH-1

OP ID: ASU1

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 02/14/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Aquesta Insurance - Cornelius
PO Box 189
Cornelius, NC 28031
House Account
704-892-6411

CONTACT NAME: House Account
PHONE (A/C, No, Ext): 704-892-6411
FAX (A/C, No): 704-892-3266
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Philadelphia Insurance Company	09566
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Smithville Community Coalition
Natalie Alisa Mayhew-Jones
PO Box 1206
Cornelius, NC 28031-0463

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE / X OCCUR	Y		PHPK1497724	07/17/2017	07/17/2018	DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	POLICY / PRO-JECT / LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	ANY AUTO			PHPK1497724	07/17/2017	07/17/2018	BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH)	N / A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Town of Cornelius is Additional Insured in reference to the above General Liability, as required by written contract.

CERTIFICATE HOLDER

TOW2144

Town of Cornelius
21445 Catawba Ave
Cornelius, NC 28031

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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