



Parks, Arts, Recreation & Culture  
(PARC) Commission  
April 6, 2017  
1:00 AM

Cornelius Town Hall  
[www.cornelius.org/parc](http://www.cornelius.org/parc)

## MINUTES

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### PARC COMMISSION - 1:00 AM

#### 1. CALL TO ORDER

Chair Higgins called the meeting to order at 5:30 pm.

#### 2. DETERMINATION OF QUORUM

A quorum was reached with seven commissioners in attendance.

Commissioners present: Rob McCloskey, Mary Wilson, Carol Livingston, Chris Kolkhorst, Chair Scott Higgins, Denis Bilodeau, David Rusk, and Town Commissioner Jim Duke.

Commissioners absent: Karina Baril and Travis Dancy

Staff present: Director Troy Fitzsimmons, Recreation Superintendent Chad Cauble, and Karen Ulmer

#### 3. APPROVAL OF MINUTES

##### A. March 2017 Draft Minutes

A motion was made to accept the minutes from the March 2, 2017, meeting as written. The motion was seconded and passed unanimously.

Motion: Approve, Moved by Denis Bilodeau, Seconded by Carol Livingston. Passed. 7-0. Council Members voting Ayes: Bilodeau, Higgins, Kolkhorst, Livingston, McCloskey, Rusk, Wilson. Council Members voting Absent: Baril, Dancy.

#### 4. PUBLIC APPEARANCES - CITIZEN CONCERNS/COMMENTS

None

#### 5. PRESENTATIONS

##### A. Xtreme Lacrosse - John Mott

Director Fitzsimmons introduced John Mott, Director of Xtreme Lacrosse. PARC has partnered with them since 2012. Mr. Mott said he has been in the Lake Norman area since 2000 as a lacrosse coach and started Xtreme in 2011. He shared a presentation [see attached] outlining their program. They are the

only recreation program in the area that issues helmets, which are expensive for families to purchase on their own. They also started and run the boys' and girls' programs at Bailey Middle School. They were recently contacted by YMCA of Greater Charlotte to develop lacrosse programming for area Ys. All of their coaches are experienced in coaching and also played collegiate lacrosse. They have generous corporate partners and are grateful to the Town of Cornelius for fields and marketing assistance.

## **6. DIRECTOR'S REPORT**

### **A. March 2017 Director's Report**

Director Fitzsimmons highlighted the following items from his March Director's Report:

- Special Events: Hop Into Spring is this Saturday, April 8, 2:00-4:00 pm at Robbins Park. Up next are Earth Day and Hooked on Cornelius on April 22, 10:00 am-1:00 pm, at Robbins Park and the Caldwell Station Creek Greenway opening on May 13 at 10:00 am. He challenged the PARC Commissioners to sign up for the Trail Run and/or try to find five friends or family members to join.
- Athletics: Our Athletic Program Manager, Joey Bruce, resigned abruptly a couple of weeks ago. Recreation Superintendent Cauble has been filling in, especially to schedule facilities. The job is posted with the deadline to apply set for April 20. We may need help from commissioners for interviews.
- Arts District: No progress to report.
- Summer Day Camps: We had a big push to increase capacity this summer but were stopped because we were not able to obtain a second bus. We have heard from CMS that we can get the second bus and are now targeting the expansion for next summer.
- Park Visitation: Total visitation pushing 400,000 over the past six months for the few parks that have counters.

## **7. PARC COMMISSIONER RECOMMENDATIONS AND REPORTS**

### **A. Commissioner Rob McCloskey**

If any commissioner has not had a chance to do the walking tour offered by the Planning Department, he highly recommend they do so. He attended the Wilhelm Park Dedication; it was unbelievably well done and well attended by the Wilhelm family. He continues to build a nice relationship with *Lakeside Living* magazine.

### **B. Commissioner Mary Wilson**

She attended the Wilhelm opening; it was very impressive, so well done. Kudos to Director Fitzsimmons, Chair Higgins, and Special Events Manager Jody Clark.

### **C. Commissioner Chris Kolkhorst**

He had the privilege serve on the committee that planned the Wilhelm dedication and thought staff did a fantastic job. It was a great event to attend, neat to see how emotionally affected the family was. He apologized for low attendance by Little League players. He helped review the design RFQs for the Smithville-to-JV Washam Greenway, though he ended up having to recuse himself. He also was part of the group that reviewed the RFPs for the Bailey Road Park playground proposals.

### **D. Chair Scott Higgins**

He thanked Commissioner Kolkhorst for his participation on the planning committee for the Wilhelm opening. The opening was great and he was also over there later in the afternoon and saw that the park was still packed. He attended the Town's budget retreat. Town Commissioners talked about funding signage for new bike paths and new roads will include a bike path feature. The Town seems to be moving towards a Public Information Officer in some capacity. The Smithville-to-JV Washam Greenway will likely be on the next bond. One Recreation Program Assistant is in the proposed budget. He is on the Main Street/Highway 115 committee; there is a lot of study to be done. At one point Zion Road was proposed to cut through Bailey Road Park. He has opposed that and thinks it will not happen. PARC has about ten events coming up the next few couple of months and he encouraged the Commissioners to attend as many as possible as ambassadors for PARC.

#### **E. Commissioner Denis Bilodeau**

He attended the Town Board retreat and thanked Town Commissioner Duke for representing PARC well. Chair Higgins and he attended the Mecklenburg County Park and Recreation Commission meeting on March 14 and the Mecklenburg County Commission meeting on April 4, both in support of the North Meck Regional Rec Center. He commended Chair Higgins for continuing to push for the NMRRC.

#### **F. Commissioner David Rusk**

He said that "Nextdoor" is a community forum which may be a great way to promote more of our events. He plans to post our events using this forum.

#### **G. Town Commissioner Jim Duke**

He said the 2017 Summer Camp Guide is very well done and asked Director Fitzsimmons to share it at the next Town Board meeting. The budget is pretty benign this year, as the Town is socking away for future projects. He referred to a list of potential capital projects that are part of the FY18 Capital Improvement Plan, indicating seven potential PARC projects that could be on the next bonds.

### **8. OLD BUSINESS**

#### **A. PARC Capital Improvements Update**

Director Fitzsimmons highlighted the following:

- Bailey Road Park playground: Thank you to Commissioners Kolkhorst and Baril for helping review the submitted designs. Staff had good meetings this week with the three finalists, who have until April 20 to come back with revised proposals based on committee feedback.
- Smithville-to-JV Washam Greenway: We have now been advised we will get funding for a multi-purpose path from McDowell Creek Greenway to JV Washam Elementary School. Additionally, Assistant Town Manager Andrew Grant met with County Stormwater and we may get money for pond and creek improvements in the Willow Pond area, which is along the Smithville-to JV Washam Greenway. So, there are three projects potentially receiving funds that we would like to make into one large project.
- Torrence Chapel tennis courts: The tennis courts are closed right now for repaving, not just resurfacing. Rain is causing delays but we hope to have the project completed by June 1.

#### **B. FY17 PARC Commission Goals & Committees**

- Public Awareness: Commissioner Wilson submitted the monthly article to *Lakeside Living*. The committee met informally after the last PARC Commission meeting and Commissioner Baril made great suggestions about ways to improve our social media reach, for example to the Latin community through their churches.
- Regional Partnerships: Chair Higgins said their next meeting is Friday, April 14. At their last meeting on March 14, they discussed greenway plans in Davidson and Huntersville. Mecklenburg County Park and Recreation is planning to start a greenway fund.

#### **C. Future Arts/Recreation Center Update**

Chair Higgins said the board is finding members with various area of expertise to join committees. They are working with a marketing firm for promotion and publicity and he is anticipating a big splash of publicity in the next month or so. They are still looking for an executive director and have hired an executive assistant. Commissioner Bilodeau added that they are encouraged by the number (80+) candidates that have applied for the executive director position.

#### **D. Regional Recreation Center**

Chair Higgins said that Mecklenburg County Park and Recreation Commission wrote a resolution in support of the North Regional Recreation Center and they did that because we have been persistent in our support and pursuit. He discussed his advocacy efforts with Mecklenburg County. There are still two budget meetings to be held. June 6 is next time public can speak about it the FY18 budget.

**E. Future Park Capital Funding**

No report.

**9. NEW BUSINESS**

**A. Girl Scout Community Pantry Project - Timara Bolding**

Timara Bolding and Cindy Davis, leaders for Girl Scout Troop 2460, along with five of the Scouts, gave a presentation regarding a proposed food pantry [see attached.] The girls are working on their Bronze Award and wanted to find something that would impact the community. They are proposing to build and supply a small free pantry, often called Blessing Boxes. The Girl Scouts would check the box weekly and most items would be non-perishable. They suggested locating next to the Cornelius Community Garden near the existing Little Free Library, though they are open to other locations. They have spoken with the Smithville Community Coalition, which supports the concept. Commissioners supported the idea but expressed concern about the location, that it may be better located near a business. Director Fitzsimmons suggested the Smithville Neighborhood Center, which is being renovated, as a possible location. He will discuss location options directly with Ms. Bolding.

**B. Mecklenburg County Jetton Park Entry Fees - Jim Garges**

Director Garges was unable to attend but has rescheduled for next month. Director Fitzsimmons said that Town Commissioner Gilroy had asked why Mecklenburg County is charging entrance fees at Jetton Park when they do not charge at other parks in their system. He has prepared a list of questions for Director Garges and asked the commissioners to contribute any questions they may have.

**10. ADJOURNMENT**

Chair Higgins adjourned the meeting at 7:07 pm.

**11. NEXT MEETING**

Next Meeting – Thursday, May 4, 2017

Future Dates – Thursday, June 1, 2016; Thursday, July 6, 2017; Thursday, August 3, 2017

## REQUEST FOR BOARD ACTION

 Print

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Date of Meeting: April 6, 2017

**To:** PARC Commissioners  
**From:** Troy Fitzsimmons, PARC Director  
**Action Requested:**  
**Manager's Recommendation:**

### **ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">2017.3.2.Minutes.pdf</a>	March 2017 Draft Minutes	Backup Material

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Parks, Arts, Recreation & Culture (PARC) Commission  
Thursday, March 2, 2017  
5:30pm – 7:00 pm

Cornelius Town Hall  
21445 Catawba Avenue  
Cornelius, NC 28031  
[www.cornelius.org/parc](http://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 nine commissioners in attendance.  
Commissioners present: Rob McCloskey, Karina Baril, Mary Wilson, Carol Livingston, Chris Kolkhorst, Chair Scott Higgins, Denis Bilodeau, David Rusk, Travis Dancy, and Town Commissioner Jim Duke  
Commissioners absent: None  
Staff present: Director Troy Fitzsimmons, Recreation Superintendent Chad Cauble, Karen Ulmer
- 3) **Approval of Minutes (February)**  
Commissioner Bilodeau made a motion to accept the minutes from the February 2, 2017, minutes as presented. Commissioner Baril seconded and the motion passed unanimously.
- 4) **Public Appearances – Citizen Concerns/Comments** – None
- 5) **Presentations**  
Prior to the start of presentations, Chair Higgins asked for a motion to add to and rearrange the agenda. Commissioner Kolkhorst made a motion to add Summer Camp Expansion to Presentations as 5 (b) and to move Walter Henderson Park Disc Golf Course Proposal from New Business to Presentations as 5 (c). Commissioner Dancy seconded and the motion passed unanimously.
  - a) **Lake Norman Giants – Ian Nickerson**  
Director Fitzsimmons introduced Ian Nickerson, the new president of the Lake Norman Giants, which is PARC's partner for tackle football and cheerleading. Mr. Nickerson said their organization has been in the area since the late 90s, starting as the Huntersville Giants run by the Town of Huntersville, before eventually becoming a regional organization run by volunteers. He shared a presentation [see attached.] Mark Atkinson, the group's Vice President, said they are excited about hosting some summer camps for 2017, hoping to bring in some high profile NFL names to assist.
  - b) **Summer Camp expansion**  
Director Fitzsimmons said we were hoping for an expansion of our full-day summer camp program but ran into a wall with CMS in getting a second bus. They were unable to give us an additional bus to use. Recreation Superintendent Cauble gave a presentation regarding purchasing vs. leasing a bus [see attached.] A discussion followed regarding the potential benefits, risks, issues, and costs of each option. Staff will continue to do research so that camps may be expanded in 2018.
  - c) **Walter Henderson Park**  
Director Fitzsimmons introduced Damon Towe, president of the Sawyers Landing HOA. This neighborhood is adjacent to Walter Henderson Park. They reached out to PARC to discuss installing disc golf in the park. Director Fitzsimmons gave a presentation [see attached] regarding the proposal. Their HOA has approved the plan and is willing to pay for the project, estimated to cost \$3500-\$4500. Their only request to the Town would be some help cleaning out some of the wooded area. A discussion followed regarding potential safety risks and traffic/parking concerns. Director Fitzsimmons said it will be similar to a par-3 course, with no long

or really wide fairways. In checking with Mark Huether of Charlotte Disc Golf Club (CDCG), he did not think it would be a big enough draw for visitors from outside of the neighborhood or adjacent neighborhoods. PARC's maintenance impact would be minimal. The Sawyers Landing HOA will maintain the course and CDCG will oversee it, similar to what they do with the courses at Robbins and Bailey Road Parks. Mr. Towe said if safety or traffic got out of hand they could just take down all or part of the course. Commissioner Wilson made a motion to support the disc golf project at Walter Henderson Park. Commissioner Baril seconded and the motion passed unanimously.

## **6) Director's Report**

Director Fitzsimmons highlighted the following items from his February report:

- Arts Center: Home Grown, with over 100 pieces of artwork from local artists, is on in the gallery. About 125 people attended the opening reception on February 3. Staff moved the Humpty Dumpty statue from Robbins Park to Catawba Avenue, in front of Cornelius Elementary School and had an unveiling with some of the faculty, staff, and students. The next event is Morning with the Easter Bunny on Friday, March 24.
- Athletics: In light of FLSA changes with programmers, we have already begun implementation by contracting out our adult softball program for handling daily operations. Team registration is open until March 13.
- Special Events: We held our annual Black History Month Celebration at Town Hall on February 18 with about 75 in attendance and we have already started discussing making next year's event even better. Up next is the James Hoyt Wilhelm Park dedication on March 25, 10:00 am.
- Operations: Our park visitation in January was nearly 58,000. We have added a third car counter at Torrence Chapel Park.
- Summer Camps: Camp registration began on March 1 at 7:00 AM. The first full-day camp sold out in less than one minute and all sold out that morning. Within 34 hours, there were 244 Cornelius residents on the waiting lists for full-day camps. Across the board, Summer Sports Camps and Summer Arts & Recreation Camps are ahead of last year's pace.

## **7) PARC Commissioner Recommendations & Reports**

- a) Items to be placed on record
- b) Commissioner Reports
  - 1) Commissioner Rob McCloskey – No report
  - 2) Commissioner Karina Baril – No report
  - 3) Commissioner Mary Wilson – She was recently speaking to a coworker who mentioned that there was an outstanding nearby park for disc golf, describing how well laid out and family friendly it was. He was talking about Bailey Road Park. It was interesting to hear that perspective, since the coworker was unaware that Commissioner Wilson served on the PARC Board.
  - 4) Commissioner Carol Livingston – She attended the Northcross Drive extension presentation and was disappointed in how informally the meeting was conducted, thinking there should have been a formal presentation. She has walked Torrence Creek, McDowell Creek, and Caldwell Station Creek Greenways and has talked to people she has encountered there. They love the greenways but the main concern is lack of connectivity. Can we post maps and plans? Director Fitzsimmons said we will have maps posted at Caldwell Station Creek Greenway.
  - 5) Commissioner Chris Kolkhorst – He attended the sponsor reception. It was a wonderful idea and it would be good to put more energy into getting more sponsors and getting more of them at future receptions. He is looking forward to the Wilhelm Park event.
  - 6) Chair Scott Higgins – He attended several different functions and meetings. Commissioners Bilodeau, Baril, and he will attend the Town Board's budget retreat on March 8 and he will attend the Eastway Rec Center kickoff to meet Mecklenburg County Commissioners on Saturday, March 4. On Tuesday, March 14, he will go to the Mecklenburg County Park and Recreation Commission meeting to share the northern towns' resolutions and other information regarding the North Mecklenburg Rec Center. All other Commissioners are welcome to join them at these meetings.
  - 7) Commissioner Denis Bilodeau – He attended the partner appreciation and Black History Month events. Both were very well done; hats off to Special Events Manager Jody Clark and staff.
  - 8) Commissioner Dave Rusk – No report
  - 9) Commissioner Travis Dancy – No report

- c) Town Commissioner Report – Commissioner Jim Duke – He welcomed all to attend the upcoming budget retreat, as well as a coffee chat on Monday, March 6, 9:00 am at Acropolis. Director Fitzsimmons will be the featured guest to talk about park projects.

## 8) Old Business

- a) PARC Capital Improvements Update  
Director Fitzsimmons highlighted the following projects from his February report:
  - Antiquity Greenway – We are hoping to hear something regarding the final easement any minute. Design plans were submitted to the state. We received comments back and are addressing areas of concern.
  - Smithville Park – We have started the accessibility project there.
  - Bailey Road Park - We have issued a Request for Proposals for a playground to replace the silo playground and those proposals are due back by March 17. He asked for Commissioners to help review the proposals. Commissioners Kolkhorst, Wilson, McCloskey and Baril volunteered.
- b) FY17 PARC Commission Goals & Committees:
  - Strategic Planning & Long-Term Finance – No report
  - Public Awareness – Commissioner Wilson said she and Chair Higgins have met to discuss some ideas. They continue to hope the Town will get a Public Information Officer. She has developed a template that could help with development of standard reports for HOA articles, etc. The committee needs to meet to look at what they want to accomplish, what more could be done. Commissioner McCloskey said the latest *Cornelius Lakeside Living* March issue includes his latest article. That issue also included a listing of Cornelius parks.
  - Programs, Fees & Facilities – No report
  - Regional Partnerships – Chair Higgins said they had a very productive meeting last month and they have another meeting this Tuesday. They have discussed the Jazz Festival. On June 6, the Mecklenburg County Commission will entertain input about their budget. Meanwhile, he has been talking to Senator Jeff Tarte about the Regional Rec Center. They want to have a wayfinding sign at the end of Caldwell Station Creek Greenway, which the County is going to install.
- c) Future Arts/Recreation Center Update  
Commissioner Bilodeau said they are currently working with a marketing firm to develop a logo and website, and a committee is working on finding an Executive Director within the next six months or so. They will start fundraising later this year. There will be a survey going out in the next few days looking for input on proposed names. Chair Higgins expressed concerns about transitioning the successful programs happening in the current arts center into the new center.
- d) Regional Recreation Center  
Chair Higgins said we need to see this come to fruition. He encouraged the Commissioners to attend the County Park and Recreation Commission meeting on March 14. The only time the public can speak to the County Commission will be at their June 6 meeting.
- e) Future Park Capital Funding  
Director Fitzsimmons said we will find out March 8 what is being proposed by the Town Manager to the Town Board for the FY18 budget, as well as potential bond referendums. Commissioner Duke said, because of the significant cost of the new arts center, he is pushing for a bond for the arts center as part of the bond package, to include infrastructure for the proposed arts district.

## 9) New Business

- a) Jazz Fest Multi-Cultural Program Addition  
Commissioner Bilodeau said that on Saturday, May 20, Splashville Park is scheduled to open at 3:00 pm, followed by the Jazz Festival at 4:00 pm. The Lake Norman Chamber has approached the Cornelius Cultural Arts Group about adding a multicultural event, including entertainment and food from around the world. The Chamber will provide resources (volunteers, shuttle, etc.) so there would be no additional cost to PARC. Director Fitzsimmons said he thought it would complement the Jazz Festival perfectly, especially with the Chamber's contributions. Commissioner Bilodeau made a motion to support expanding the Jazz Festival to include the Lake Norman Chamber's multicultural event. Commissioner Livingston seconded. Discussion followed with Commissioner Wilson asking for clarification of the Chamber's piece and making sure we are complementing and not diluting the Jazz Festival. After explanation from Commissioner Bilodeau, the vote passed unanimously.

**10) Adjournment** – Chair Higgins adjourned the meeting at 7:47pm.

**Next Meeting** – Thursday, April 6, 2017

**Future Dates** –Thursday, May 4, 2017; Thursday, June 1, 2016; Thursday, July 6, 2017

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## REQUEST FOR BOARD ACTION

 [Print](#)

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Date of Meeting:

**To:**

**From:**

**Action Requested:**

**Manager's Recommendation:**

**ATTACHMENTS:**

Name:

Description:

Type:

No Attachments Available

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# MISSION

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# TOWN OF CORNELIUS

- Fields / Facilities
- Exposure



Thank You!!

## REQUEST FOR BOARD ACTION


 Print

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Date of Meeting: April 6, 2017

**To:** PARC Commissioners  
**From:** Troy Fitzsimmons, PARC Director  
**Action Requested:**  
**Manager's Recommendation:**

### **ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">2017.3.27 March Director Report.pdf</a>	March 2017 Director's Report	Backup Material

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# PARC Director's Report

March 2017

## **PROGRAMMING**

### **Recreation Centers**

- Continued planning for the Earth Day/Hooked on Cornelius event scheduled for April 22.
- Began registration for a new session of Couch 2 5k running plan program scheduled to begin in April.
- Coordinating planning for the 2017 Summer Day Camp Series.
- For March, Cardio Funk had 348 participants (2016 – 280 participants); PIYO had 30 participants (2016 – 15 participants); Pickleball only met once with 7 participants (10 participants last year).
- LKN Bridge had 771 participants for the month of February (2016 – 773 participants).
- Began a new session of Tai Chi with a total of 14 participants (2016 – 26 participants).
- Attended the State Leadership Conference in Fayetteville, NC, on February 25-27, with 12 members of the Lake Norman Teen Council.
- Youth Volleyball spring season with Huntersville Parks and Recreation continues with 345 participants (330 last year).

### **Arts Center**

- Held A Morning with the Easter Bunny on Friday, March 24, 10:00 am-12:00 pm with over 200 in attendance (411 last year).
- Began Spring A Classes the week of March 6. Ten of the eleven adult programs made, with 73 total registrants (last year fourteen classes were offered and eleven made with 72 students), and five of five youth programs made, with 40 total registrants (Last year nine youth classes were offered and six made with 41 students).
- Drop-In Art hosted 21 participants in March.
- Began installation of 2017-18 Beyond Walls Public Art Exhibition including 6 artists and 7 sculptures.
- Planning for the next 'Tawba Walk on Friday, April 29, 2:00-8:00 pm; and the *Beyond Walls* opening and Art in the Open event on Saturday, May 6, 4:00-6:00 pm.

### **Athletics**

- LNTA Tennis lessons at Jetton Park had 48 participants in the March session. (42 in 2016)
- Cornelius/Davidson Youth Basketball League concluded with final games and tournament play. The league had 865 participants and 148 volunteer coaches. (836 and 144 in 2016)
- Managed 2035 total hours of outdoor athletic facility use in February.
- LKN Little League games began March 24 with 850 participants signed up for the spring 2017 season (676 in 2016).
- Adult Softball began March 21 with 12 men's teams. No coed again this season.

### **Special Events**

- Met with Andrew Durstewitz of D9 Brewing Company regarding participation in the Caldwell Station Creek Greenway Celebration and All American Dog Show.
- Held the James Hoyt Wilhelm Park Dedication on Saturday, March 25, with approximately 300 in attendance.
- Planning for Hop Into Spring at Robbins Park on Saturday, April 8, 2:00-4:00 pm; Earth Day/Hooked on Cornelius at Robbins Park on April 22, 10:00 am-12:00 pm; Caldwell Station Creek Greenway Celebration on May 13, 10:00 am; Splashville Opening at Smithville Park on Saturday, May 20, at 3:00 pm; Jazz/International Fest at Smithville Park on Saturday, May 20, 4:00-9:00 pm; and Symphony in the Park at Bailey Road Park on Saturday, June 24, 6:00-10:00 pm.

## **CAPITAL PROJECTS**

### **Under Design**

- **McDowell Creek Greenway** –Construction documents have been sent to the State for review. Still need to acquire one easement.
- **Antiquity Greenway** – Comments on the design plans have been received from the State review.
- **South Bailey Greenway** – No change. The County added this project to their Capital Improvement Plan for construction. The Town will develop construction drawings as part of its contribution towards the project.
- **ADA Bailey Road and Legion Parks** –BRP surveying is complete and design is underway.
- **JV Washam and Bailey Recreation Centers** – Bid documents are 90% complete for gym dividers (both locations) and basketball goal height adjusters (JV).
- **Bailey Road Park Track** – The design is 90% complete and the plans are under review by CMS.
- **Bailey Road Park Playground** – The RFP responses were due March 17 for playground renovation and submissions are scheduled for first review on March 28.

### **Under Construction**

- **Caldwell Station Creek Greenway** – The construction is complete except for the installation of the landscaping. The general contractor is working on the few remaining punch list items. Dedication ceremony is scheduled for May 13, 2017, at 10:00 am.
- **Torrence Chapel Park** – Tennis courts are closed for renovations. Work should be completed by ?

## **OPERATIONS**

- Renovated baseball infields
- Painted and reinstalled backboards and goals at TCP
- Landscaping installed at Smithville Park and Caldwell Station Creek Greenway
- Plinth construction underway at Smithville Park for the splash pad plaque
- Flashing beacons installed on Bailey Road for greenway crossing
- Smithville parking lot repainted and new handicap parking spaces/signs installed

### **Visitation/car counts**

- |              |               |                 |               |                        |
|--------------|---------------|-----------------|---------------|------------------------|
| • September: | WAC 8343 cars | BRP 22545 cars  | N/A           | 92,664 visitors        |
| • October:   | WAC 7218 cars | BRP 18551 cars  | N/A           | 77,307 visitors        |
| • November:  | WAC 4354 cars | BRP 14133 cars  | N/A           | 55,461 visitors        |
| • December:  | WAC 2430 cars | BRP 9906 cars   | N/A           | 37,008 visitors        |
| • January:   | WAC 2322 cars | BRP 15,769 cars | TCP 1213 cars | 57,912 visitors        |
| • February:  | WAC 4199 cars | BRP 18643 cars  | TCP 2018 cars | 74,580 visitors        |
|              |               |                 |               | 394,932 total visitors |

## REQUEST FOR BOARD ACTION



 Print

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Date of Meeting: April 6, 2017

**To:** PARC Commissioners  
**From:** Troy Fitzsimmons, PARC Director  
**Action Requested:**  
**Manager's Recommendation:**

### **ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">2017.3.16.PRC Letter to BOCC.pdf</a>	County PRC Letter to BOCC	Backup Material
 <a href="#">2017.4.4.PRC Motion.pdf</a>	PRC Motion	Backup Material

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## MECKLENBURG COUNTY Park and Recreation Commission

March 16<sup>th</sup>, 2017

Dear Chair Scarborough, Vice Chair Puckett and Mecklenburg County Commissioners,

The Park and Recreation Commission (PRC) continues to be dedicated to fulfilling our purpose of advising you on matters affecting public recreation in Mecklenburg County. In this capacity, we unanimously approved two resolutions on March 14<sup>th</sup>, 2017 that address the CIP Cash Flow submission for FY19-23. In brief, the resolutions request that the "special" line item for Memorial Stadium be removed from the Parks and Recreation Department CIP Cash Flow submission, and separately, that funds for the Northern Towns Recreation Center be moved forward in the cycle, so construction funding will be available beginning in FY19.

The request for removal of the Memorial Stadium line item stems from the fact that it is not a public recreation project and will not improve access to recreation opportunities for the citizens of Mecklenburg County. The PRC is concerned that the inclusion of this line item misrepresents the nature of the project and will lead to confusion regarding the Park and Recreation Department budget by making it appear that there are significantly more funds allocated to public recreation than there actually are. By way of example, looking at FY19, the total CIP submission is \$113,723,153. Of this, only \$42,473,153 (37%) is allocated for P&R projects and land acquisition with the remaining \$71,250,000 (63%) allocated to the Memorial Stadium project.

The request regarding forwarding construction funds for the Northern Towns Recreation Center (NTRC) is based on longstanding and recently reinforced commitments to the citizens of these municipalities. According to the 2008 bond package and associated project prioritization, the NTRC was to be the first regional recreation center to be constructed. In the last year the Eastway Regional Recreation Center was reprioritized ahead of the NTRC. However, the expectations and needs of the citizenry in the Northern Towns have not changed and CIP funding should be moved forward to meet existing commitments.

The members of the Park and Recreation Commission appreciate the opportunity to advise and consult with you and are available to discuss this matter at your convenience.

Thank you for your thoughtful consideration of these resolutions and any actions that may be appropriate as a result.

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Resolution 1: The Park & Recreation Commission (PRC) submit the following to the Board of County Commissioners for its consideration:

- In the CIP Cash Flow for FY 2019, remove the “special” line item of \$71,250,000 for Memorial Stadium. This amount reflects a proposed payment to the professional MLS Soccer entity, and is not a public Park & Recreation project.
- In the CIP Cash Flow for FY 2020, remove the “special” line item of \$47,500,000 for Memorial Stadium. This amount reflects a proposed payment to the professional MLS Soccer entity, and is not a public Park & Recreation project.
- In subsequent CIP Cash Flow for 2021 and beyond, remove the special line item for Memorial Stadium that reflects the repayment of the apparent loan to the professional MLS Soccer entity.

Resolution 2: The Park & Recreation Commission submit the following to the Board of County Commissioners for its consideration:

- Advance the CIP funding for the Northern Towns Regional Recreation Center currently allocated in FY 2020 (\$6,532,500), FY 2021 (\$19,890,000), and 2022 (\$12,090,000) to FY 2019, FY 2020, and FY 2021 respectively.

Sincerely,

Elaine Powell, Chair  
Kendel Bryant, Vice Chair  
Tristan McMannis, Executive Secretary  
Aubin Guinness  
Sterling Martin  
Brian Cox  
Douglas Burnett  
Ed Barnhart  
Heidi Pruess  
Peter Engels

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*All services are available without regard to origin, sex, or disability*

**Motion was made** by Commissioner Cox for the Park and Recreation Commission to submit the following to the Board of County Commissioners for its consideration:

- In the CIP Cash Flow for FY 2019, remove the “special” line item of \$71,250,000 for Memorial Stadium. This amount reflects a proposed payment to the professional MLS Soccer entity, and is not a public Park and Recreation project.
- In the CIP Cash Flow for FY 2020, remove the “special” line item of \$47,500,000 for Memorial Stadium. This amount reflects a proposed payment to the professional MLS Soccer entity, and is not a public Park and Recreation project.
- In subsequent CIP Cash Flow for 2021 and beyond, remove the “special” line item for Memorial Stadium that that reflects the repayment of the apparent loan to the professional MLS Soccer entity.

**Motion was made** by Commissioner Cox for the Park and Recreation Commission to submit the following to the Board of County Commissioners for its consideration.

- Advance the CIP funding for the Northern Towns Regional Recreation Center currently allocated in FY 2020 (\$6, 532,500), FY 2021 (\$19,890,000), and 2022 (12,090,000) to FY 2019, FY 2020 and FY 2021 respectively.

The motions were seconded by Commissioner Pruess and approved unanimously.

The Board agreed to draft a letter of resolution regarding the above to the Board of County Commissioners.

## REQUEST FOR BOARD ACTION

 [Print](#)

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**Date of Meeting:**

**To:** PARC Commissioners  
**From:** Troy Fitzsimmons, PARC Director  
**Action Requested:**  
**Manager's Recommendation:**

**ATTACHMENTS:**

Name:	Description:	Type:
No Attachments Available		

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## REQUEST FOR BOARD ACTION



 Print

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Date of Meeting: April 6, 2017

**To:** PARC Commissioners  
**From:** Troy Fitzsimmons, PARC Director  
**Action Requested:**  
**Manager's Recommendation:**

### **ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">Girl Scout Community Pantry Project.pptx</a>	Pantry Project Presentation	Presentation
 <a href="#">Liability Protection Food Donation.pdf</a>	Food Donation Liability Information	Backup Material

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# GIRL SCOUT COMMUNITY PANTRY PROJECT TOWN OF CORNELIUS

Junior Troop 2460  
February 27, 2017

# WHO ARE WE?

We are Junior Girl Scout Troop 2460 based out of Cornelius, NC. Most of us attend J.V. Washam Elementary school and have been scouting together, performing community service since we were Kindergarteners. This year we are working very hard to earn our Bronze Award which is the 3<sup>rd</sup> highest award in Girl Scouting. In order for us to earn this award, we have researched and looked within our community for something we could do to help our neighbors. We



# TOWN OF CORNELIUS – COMMUNITY PANTRY

Many people have seen the little libraries popping up all over town like the one at the Smithville community garden. The idea of the little library is simple. Anyone can drop off book donations and anyone can take a book. It is self sustaining. Around the country, community pantries that look exactly like the little libraries are also sprouting up all over towns with the same idea. Donate when you can, take what you need. These little pantries contain non-perishable items, baby items (food and non-food), coupons, etc...

# POVERTY IN CORNELIUS

While the poverty rate is substantially lower in Cornelius (6.7%), vs. the national average (14.7%), this equates to approximately 2,000 people living below the poverty line in our community. (Source:

<https://datausa.io/profile/geo/cornelius-nc/>)

The Ada Jenkins center is a great resource for low income families to obtain food but it is located in Davidson. There is also a community pantry outside of the Ada Jenkins Center near Davidson Pizza Company. We recently visited this little pantry to brainstorm ideas (and eat some great pizza 😊).

# PROPOSAL

Our troop would like to build a community little pantry around the Smithville area of Cornelius, perhaps next to the community little library near the garden but we are open for other areas. We would like to build the pantry before July, 2017. The pantry would have its initial stock provided by our troop (including Girl Scout cookies, of course). We would put out a press release in the local newspapers to encourage future donations and bring awareness to the project.

# LITTLE PANTRY DESIGN

The following photos are just examples of other little pantries around the country and are intended to give the town an idea of what the Cornelius pantry would look like. Our design and build team of talented moms and dads from our troop will build our pantry. The design will have a latch to keep critters out.



# YOUR QUESTIONS, ANSWERED.

## **Who will pay to build the little pantry?**

Our troop has fundraised and will be asking for in-kind donations from various businesses to support the project. The Town of Cornelius will not be asked to pay for anything towards this project.

## **Who will keep the pantry looking nice and making sure it's stocked?**

Our troop has committed to making sure the pantry stays stocked and looks nice. We will pass on responsibilities to other troops within our service unit once we graduate or if the troop disbands.

## **Will the town of Cornelius be expected to use resources or funds to build or sustain the little pantry?**

No.

# CONCLUSION

Thank you for considering this special community project. We look forward to hearing back from the Cornelius community leaders and would like to present this to the town leadership if possible. Please reach out to our troop leader, Timara Bolding ([timara.bolding@gmail.com](mailto:timara.bolding@gmail.com) 704-699-5787) for follow up questions or to discuss next steps.



# Liability Protection for Food Donation

Each year, over 100 billion pounds of food are thrown away in the United States,<sup>1</sup> with estimates suggesting that up to 40 percent of America's edible food supply ends up as food waste during the farm-to-table lifecycle.<sup>2</sup> Meanwhile, there are 49 million people, including more than 16 million children, who are at risk of going hungry or lack adequate access to wholesome food (referred to as "food insecurity").<sup>3</sup> A large portion of this waste comes from commercial and retail sources and is thrown away in significantly greater quantities than the average person's table scraps. This food may be excess food made for cafeterias or catering services, or food that did not meet the retailer's quality control standards (such as sell by dates, appearance, dented or damaged containers, etc.). One way to simultaneously improve the issues of mounting landfills and food insecurity in America is to encourage these corporate donors, as well as individuals and smaller retailers, to donate their surplus food.

Unfortunately, many prospective food donors have been hesitant to participate. In a national survey conducted by America's Second Harvest,<sup>4</sup> more than 80 percent of the companies surveyed responded that the threat of liability for food related injuries was the greatest deterrent for donating excess food.<sup>5</sup> Starting with California in 1977, states began adopting "Good Samaritan" statutes to protect food

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One way to simultaneously improve the issues of mounting landfills and food insecurity in America is to encourage these corporate donors, as well as individuals and smaller retailers, to donate their surplus food.

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donors from potential liability.<sup>6</sup> In the absence of a Good Samaritan law, a donor would likely be held strictly liable for any harm caused by the food or products they donate.<sup>7</sup> However, discrepancies in both liability protection and coverage from state to state made understanding liability risks too great of a legal burden for many national corporations.<sup>8</sup> The Bill Emerson Good Samaritan Act provides one national standard to overcome this hurdle and allow donors to reap the benefits of donating food without fear of liability for unforeseen injuries.<sup>9</sup>

### What is the Bill Emerson Good Samaritan Food Donation Act?

The Bill Emerson Good Samaritan Food Donation Act (“Good Samaritan Act”) is a federal law aimed at “encouraging the donation of food and grocery products to nonprofit organizations for distribution to needy individuals”<sup>10</sup> by providing a national standard of liability protection for both food donors and the nonprofits accepting these donations.

### Who is covered?

The federal law covers a broad set of both donors and donees:

**Donor.** Any person donating grocery or food products, with “persons” encompassing: individuals, corporations, partnerships, organizations, associations, governmental entities, retail grocers, wholesalers, hotels, motels, manufacturers, restaurants, caterers, farmers, non-profit good distributor, or hospitals.<sup>11</sup> Donors also include “gleaners.” A “gleaner” is defined as “a person who harvests for free distribution to the needy, or for donations to a non-profit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.”<sup>12</sup> The Federal Food Donation Act of 2008 extended the definition of donor to include both executive agencies and contractors hired by those agencies.<sup>13</sup>

**Donee.** Any nonprofit organization receiving food donations, including those “operating for religious, charitable, or educational purposes.”<sup>14</sup>

### What may be donated?

The Good Samaritan Act covers both food and grocery products, with the condition that the items be “apparently fit.”<sup>15</sup> To meet this standard, the item “must meet all quality and labeling standards imposed by Federal, State, and local law and regulations even though the [item] may not be readily marketable due to appearance, freshness, grade, size, surplus, or other conditions.”<sup>16</sup>

**Food.** “Any raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.”<sup>17</sup>

**Grocery Product.** “A nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product, or miscellaneous household item.”<sup>18</sup>

### What kind of protection does the Good Samaritan Act offer?

Both donors and donees are generally protected from criminal and civil liability related to the donation of food and grocery products covered under the Good Samaritan Act. A donor or donee will only be liable for acts of gross negligence or intentional misconduct.<sup>19</sup> Donors are protected against strict liability, the typical standard for food products, or mere negligent conduct.

**Gross negligence.** Gross negligence is more serious and harmful than basic negligence. It is a voluntary or conscious act or failure to act by a person who knew, at the time of his or her conduct, that the conduct was likely to cause harm to another.<sup>20</sup> The facts of a particular situation will generally determine if negligence is basic or gross.<sup>21</sup>

TABLE 1: Comparison of the Good Samaritan Act with Existing State Laws<sup>27</sup>

	State Law <sup>28</sup>	Federal Law
Who It Protects	Varies by state; may only protect donors, not nonprofit organizations.	Protects both the donor and the donee.
What It Protects	Products and foods covered vary by state.	Uniform definition of “food” and “grocery product.”
Type of Liability	May only protect against civil liability.	Protects against civil and criminal liability.
Liability Threshold	Varies by state.	Sets minimum liability standard of gross negligence.

**Intentional misconduct.** Intentional misconduct occurs when a person acts with knowledge that his or her actions will be harmful to others.<sup>22</sup>

In order to receive protection under the law, donations must also be made in good faith. “Good faith” is acting with good, honest intention or belief.<sup>23</sup>

### How does the federal law impact state Good Samaritan laws?

The Department of Justice has interpreted the federal law to partially preempt state laws by setting a base floor of liability protection.<sup>24</sup> The states, however,

are free to exceed this floor and offer higher levels of liability protection for donors and donees (Table 1).<sup>25</sup> While gross negligence is the most common liability standard, some states set the bar slightly higher at “willful, wanton, or reckless” conduct.<sup>26</sup>

### What impact does the Good Samaritan Act have on the person receiving the donated product?

Absent gross negligence, intentional misconduct, or a violation of food or product regulations, the Good Samaritan Act prevents the donation’s recipient from bringing a lawsuit against the donor or donee for food-or product-related injuries.

*Last updated:  
March 2013*

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## Endnotes

- <sup>1</sup> U.S. Dep't of Agric., *Let's Glean! United We Serve Toolkit* (2010), [http://www.usda.gov/documents/usda\\_gleaning\\_toolkit.pdf](http://www.usda.gov/documents/usda_gleaning_toolkit.pdf).
- <sup>2</sup> Kevin D. Hall et al., *The Progressive Increase of Food Waste in America and Its Environmental Impact*. 4 PLoS ONE 11, at e7940 (2009).
- <sup>3</sup> U.S. Dep't of Agric. Economic Research Service, *Food Security in the United States: Key Statistics and Graphics* (2010), [http://www.ers.usda.gov/briefing/foodsecurity/stats\\_graphs.htm#food\\_secure](http://www.ers.usda.gov/briefing/foodsecurity/stats_graphs.htm#food_secure).
- <sup>4</sup> America's Second Harvest is now Feeding America and is the country's largest domestic charitable food bank.
- <sup>5</sup> David. L. Morenoff, *Lost Food and Liability: The Good Samaritan Food Donation Law Story*, 57 Food & Drug L.J. 107, 2002, at 116-17.
- <sup>6</sup> H.R. Rep. No. 104-661, at 3. (1996).
- <sup>7</sup> *Id.*
- <sup>8</sup> *Id.*
- <sup>9</sup> The benefits of donating food include tax benefits, public relations and reputational benefits, as well as reducing landfill and waste disposal costs. See Env't. Prot. Agency, *Food Donation: Feed People — Not Landfills* (2012), <http://www.epa.gov/osw/conservation/materials/organics/food/fd-donate.htm>.
- <sup>10</sup> H.R. Rep. No. 104-661, at 2 (1996).
- <sup>11</sup> 42 U.S.C.A. § 1791 (b)(10) (West 2012).
- <sup>12</sup> 42 U.S.C.A. § 1791 (b)(5) (West 2012).
- <sup>13</sup> 48 C.F.R. § 26.403 (a)(3) (2012).
- <sup>14</sup> 42 U.S.C.A. § 1791 (b)(9)(A)-(B) (West 2012). These entities cannot “provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.”
- <sup>15</sup> 42 U.S.C.A. § 1791 (b)(1)-(2) (West 2012).
- <sup>16</sup> *Id.*
- <sup>17</sup> 42 U.S.C.A. § 1791 (b)(4) (West 2012).
- <sup>18</sup> 42 U.S.C.A. § 1791 (b)(6) (West 2012).
- <sup>19</sup> 42 U.S.C.A. § 1791 (c)(3) (West 2012).
- <sup>20</sup> 42 U.S.C.A. § 1791 (b)(7) (West 2012).
- <sup>21</sup> There are no cases on record in which the defendant has raised the Good Samaritan Act as a defense, thus no judicial guidance on what constitutes “gross negligence” within the context of food and grocery product donations.
- <sup>22</sup> 42 U.S.C.A. § 1791 (b)(8) (West 2012).
- <sup>23</sup> Black's Law Dictionary (9th ed. 2009).
- <sup>24</sup> Preemptive Effect of the Bill Emerson Good Samaritan Food Donation Act, 21 Op. Off. Legal Counsel 55 (1997), <http://www.justice.gov/olc/bressman.htm>.
- <sup>25</sup> *Id.*
- <sup>26</sup> See Am. L. Prod. Liab. 3d § 80:6.
- <sup>27</sup> Morenoff, *supra* note 5; 42 U.S.C.A. § 1791 (West 2012).
- <sup>28</sup> For a comprehensive list of state statutes, see Am. L. Prod. Liab. 3d § 80:6-7.