

Canfield, OH  
January 9, 2017

Judge Rusu presented the oath of office to Germaine Bennett, who has been reappointed as a Mill Creek MetroParks Commissioner with a commission ending date of 12/31/19.

The Regular Meeting of the Board of Park Commissioners of Mill Creek MetroParks was held on Monday, January 9, 2017, at the MetroParks Farm. President John Ragan welcomed guests and staff.

The meeting opened at 6 p.m. with recitation of The Pledge of Allegiance. Roll Call was as follows: Germaine Bennett, present, Lee Frey, present; John Ragan, present; and Tom Shipka, present.

John Ragan presented the Minutes of the Meeting of December 19, 2016, and asked that they be approved. Germaine Bennett motioned they be approved. The motion was seconded by Tom Shipka and passed, and the vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
Voting Nay: None

Kevin Smith, Finance Director presented the Finance Director's report. Lee Frey moved, the funds having been certified as on hand and duly appropriated, that disbursements #72252 - #72450, for a total of \$778,531.44 be approved. The motion was seconded by Germaine Bennett and the vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
Voting Nay: None

Kevin also presented the cash balances as shown below:

## Departmental Report for Finance

Finance Department

Last updated: January 3, 2017

Prepared by: Kevin W. Smith - Director of Finance



### INFORMATION ITEMS:

#### CASH BALANCES January 3, 2017

Cashier Change	\$1,800.00
Cash-Active Account	\$621,743.60
Cash-Payroll Account	\$10,000.00
*Star Plus Investment Acct.	\$1,894,293.04
**Home Savings Money Market	\$1,000,000.00
<b>TOTAL CASH</b>	<b>\$3,527,836.64</b>

\*Star Plus has a current net yield of 0.40%.

\*\*Home Savings Money Market has a current net yield of 1.25%

Kevin Smith presented the 2017 Budget for approval. After discussion, Germaine Bennett motioned that the budget be approved. The motion was seconded by Lee Frey and the vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
Voting Nay: None

Kevin presented Resolution R-17-01 as follows:

**R-17-01**  
**RESOLUTION REQUESTING AUTHORIZATION**  
**TO MAKE TAX ADVANCE REQUESTS TO**  
**THE MAHONING COUNTY AUDITOR ON BEHALF OF THE BOARD**  
**AS THEY BECOME AVAILABLE THROUGHOUT 2017**

**WHEREAS**, per ORC 321.34, the Mahoning County Auditor has procedures available to request Real Property Tax Collection advances for Mill Creek MetroParks, and

**WHEREAS**, the Treasurer of the MetroParks will request advances on the dates listed below:

- February 24, 2017 (if sufficient taxes are collected)
- March 3, 2017
- March 10, 2017
- March 17, 2017
- March 24, 2017 (if settlement is not completed by this date)

and,

**WHEREAS**, the Board of Park Commissioners of Mill Creek MetroParks authorizes the Treasurer to make this request, and authorizes the Treasurer to receive advances when funds are available throughout the calendar year, and

**WHEREAS**, the Treasurer of the MetroParks will provide the Mahoning County Auditor a copy of this resolution by noon the Monday before the advance is scheduled.

After discussion, Lee Frey motioned that the resolution be approved. The motion was seconded by Tom Shipka and the vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
Voting Nay: None

Aaron Young, Executive Director gave an update on the Yellow Creek Park Lease with Aqua Ohio.

Carol Vigorito, Recreation and Education Director presented the Boating Fees and asked that they be increased in 2017 as follows:

		Mahoning County Resident Rate		Regular Rate	
Kayaks	One Hour Minimum	<del>\$6</del>	<b>\$8</b>	<del>\$10</del>	<b>\$15</b>
	Tandem Second Person One Hour	<del>\$3</del>	<b>\$4</b>	<del>\$5</del>	<b>\$7.50</b>
	Additional Half Hour	<del>\$3</del>	<b>\$4</b>	<del>\$5</del>	<b>\$7.50</b>
Pedal Boats	One Half Hour	<del>\$3</del>	<b>\$5</b>	<del>\$4</del>	<b>\$8</b>
	One Hour	<del>\$6</del>	<b>\$8</b>	<del>\$8</del>	<b>\$15</b>
Passenger Boat (Glacier only)	Child 12 years and under	<del>\$.50</del>	<b>\$1</b>	<del>\$.50</del>	<b>\$2</b>
	Adult Over 12 years old	<del>\$.75</del>	<b>\$2</b>	<del>\$1</del>	<b>\$2</b>
	(no change) Babies in Arms		Free		Free
	(no change) Charter Per Hour		\$15		\$30

After discussion, Tom Shipka moved that the fees be accepted. Lee Frey seconded the motion and the vote resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
 Voting Nay: None

Special Event Requests:

Carol Vigorito, Recreation and Education Director presented the following requests:

1. Youngstown Road Runners Club requests permission to hold a half-marathon fundraiser on March 5, 2017, in the Wick Recreation Area
2. Second sole requests permission to hold a fundraiser on April 23, 2017, in various areas of Mill Creek Park.
3. Casals requests permission to hold a fundraiser on April 30, 2017, in the Wick Recreation Area (Carol Vigorito)
4. Fitness Together requests permission to hold a 5k fundraiser on May 19, 2017 in the Wick Recreation Area.
5. Youngstown Marathon – Bold Speed Ahead requests permission to hold a fundraiser on June 4, 2017, on roads throughout Mill Creek Park.
6. Canfield Cross Country Boosters requests permission to hold a 5k & 15k fundraiser on June 18, 2017, on the MetroParks Bikeway.

After discussion, Tom Shipka moved that the requests be approved. Germaine Bennett seconded the motion and the vote resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
 Voting Nay: None

Andrew Pratt, Fellows Riverside Gardens Director presented the following request:

1. Glaciers Sports, Inc., requests permission hold a fundraiser on February 11, 2017, in the Rossi Auditorium.

After discussion, Germaine Bennett moved that the request be approved. Tom Shipka seconded the motion and the vote resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
 Voting Nay: None

Aaron presented a revision to the original Kirk Road Trailhead Lease with Trailside Bicycle Company for approval. After discussion, Lee Frey moved that the request be approved. Germaine Bennett seconded the motion and the vote resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka

Voting Nay: None

Aaron responded to recent community questions regarding permission to metal detect in the MetroParks. He read from the approved General Rules and Regulations of the MetroParks where it states that metal detecting is prohibited, as well as removal of items found. This rule has been in place at least 30 years since we became a MetroParks. He clarified that past directors did not have the authority to give permission for metal detecting. The Board was in agreement that metal detecting should not be permitted on MetroParks' properties.

Aaron commended Kevin and James on the budget and presentation, and the difficult work that the department directors put into it. He also commended Carol for her presentation on boating fees.

#### Public Comments

- Lynn Anderson – requested that the Environmental Advisory Committee be a regulatory committee, not an advisory committee, and they develop an environmental impact statement. She spoke about the Sunoco pipeline.
- Jack Saunders – requested that he be given permission to use the land belonging to the MetroParks at Tippecanoe and Western Reserve Roads for his composting business; he spoke at last month's meeting and felt he did not get an answer. Aaron said he spoke to Mr. Saunders previously and relayed to him that the type of activity he wants to do on that land is not permitted. Justin Rogers, Planning Manager, gave information on the Environmental covenant in place on that land, and that it dictates that such activities cannot take place. Lee Frey said we will not be permitting Mr. Saunders to use that land. It was requested of Justin to prepare/provide the document prohibiting such activities.
- Kathleen Berry – spoke regarding the attendance at meetings, elimination of positions in 2016, mobilization of community, resources, new commissioners, litigations, advisory committees. She asked if the E.coli issue impacted boat rentals.
- Anne Ciambotti – spoke regarding capital improvement funding reduced in 2017, the drop in grants and donations; she asked if we applied for grants. Lee Frey replied that this could be a topic for the semi-monthly public work session meetings.
- Liz Ramsey – asked about the justification for employee raises given, and suggested that grants get disallowed due to raises given to employees.
- Elsie Dursi – congratulated Germaine on her reappointment to the Board. Spoke about Board training, committee, executive director recommendations, and thanked the Board.
- Pam Garver – feels that the recent raises given to employees, that have been asked to do more indicate a mishandling of public monies. She feels the public was misinformed, and asked that the raises be reconsidered.
- Jeff Harvey – thanked Dr. Durick for his seven years of service on the Board.

The Board thanked the public for their comments and input.

## Commissioners Comments

- Lee Frey – Happy New Year, and thanked Dr. Durick for his seven years of service on the Board. He spoke regarding the evaluation of the Executive Director. Lee made a motion that #8 on the employment contract between Aaron Young and the MetroParks be instituted quarterly in 2017 as follows:

8. Performance Evaluation. The Board shall perform a performance evaluation of the Executive Director on an annual basis. The evaluation shall include illustrations or examples of strengths and/or weaknesses. The evaluation shall address progress on goals achieved and identify organizational and personal goals for the forthcoming evaluation period. Any such evaluation shall not create an expectancy of continued employment for the Executive Director.

As part of the evaluation process, the Board may schedule and conduct quarterly evaluation conferences with the Executive Director to establish performance goals for the ensuing quarter and to assess the areas of performance by the Executive Director that are strengths, that need improvement, or that are unsatisfactory in the preceding quarter.

For any quarterly or annual performance of evaluation, the Board shall recommend improvement in areas cited as needing improvement or as unsatisfactory, and shall indicate any assistance given or to be given by the Board in those areas; the Board shall also indicate a reasonable period in which the desired improvements are to be attained, and a statement of consequence that may occur if acceptable improvement is not shown; and similarly, the Board shall indicate any progress achieved by the Executive Director in areas cited on prior evaluations as needing improvement or as unsatisfactory.

After discussion, Tom Shipka seconded the motion and the vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka

Voting Nay: None

- Germaine Bennett – she expressed her disappointment that Dr. Durick would not coming back to be on the Board. She reapplied due to the controversies, and is excited about the committees, and work sessions.
- John Ragan – thanked Dr. Durick for his past seven years of service that he showed a great passion for the Park, was supportive, and involved, and he will be missed. He also mentioned that the delay in the Advisory Committee appointments being finalized was due to four people selected that did not respond to the background check paperwork.

Tom Shipka moved to adopt the recommended agenda for the orientation of members of the Standing Committees of the Board on Saturday, January 21, 2017, at 10 a.m. at the MetroParks Farm as follows:

### **ORIENTATION**

#### **Standing Committees of the Board of Commissioners of Mill Creek MetroParks**

Date: January 21, 2017 Time: 10:00 a.m. Place: MetroParks Farm

Attending from MCMP: Judge Rusu, Board Members, Executive Director, Legal Counsel,  
Office Manager, Ex Officio Staff Members of Standing Committees

Attending from Standing Committees: Appointees to Standing Committees

Others Attending: Media, Public

### **AGENDA**

1. Call to Order and Welcome
2. Brief Self-Introduction of Attendees

3. Distribution of List of Appointees to Standing Committees
4. Review of the Mission of the Mill Creek MetroParks
5. Review of the Board-Approved Policy on Standing Committees
6. Review of Ohio law on Public Meetings (ORC 121.22)
7. Review of Ohio law on Park Districts (ORC 1545)
8. Review of the MCMP Website and the MCMP E-Mail System
9. Informal Meetings of Members of the Standing Committees to Select Date, Time, and Place of First Official Meeting of the Seven Committees
10. Announcement of the Dates, Times, and Places of the First Meetings of the Seven Committees
11. Review of the Agenda for the First Official Meeting of the Standing Committees; at the First Official Meeting, Committee Members will...
  - a. Introduce themselves, give brief personal backgrounds, and explain their knowledge of and interest in MCMP;
  - b. Exchange contact information (name, address, phone, e-mail);
  - c. Select a chairperson and a secretary for year one;
  - d. Decide on a quorum (three or four appointed members);
  - e. Clarify procedures to comply with the Ohio Open Meetings Law (including keeping, approving, and distributing minutes, and providing notice of meetings);
  - f. Clarify committee policy on dealing with the media;
  - g. Review and discuss the charge of the committee and other provisions of the Board-approved policy on standing committees;
  - h. Set two or more goals for the committee during year one;
  - i. Discuss possible topics for Work Sessions of the Board;
  - j. Identify optimal meeting days and times for future meetings;
  - k. Select the date, time, and place of the next meeting;
  - l. Set the agenda for the next meeting;
  - m. Discuss and agree on reports to the Board, including format and majority and minority reports;
  - n. Other.
12. Questions and Answers
13. Adjournment

After discussion, Tom Shipka seconded the motion and the vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
Voting Nay: None

Germaine Bennett moved that Tom Shipka and Lee Frey co-chair the Advisory Committees. After discussion, Tom Shipka seconded the motion and the vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
Voting Nay: None

Tom Shipka moved that the Executive Director of the MCMP conduct background checks on all Park volunteers, volunteer applicants, employees, employment applicants, vendors, contractors, consultants,

and legal counsel who have not been subjected to such checks by the Park in the past, that the Executive Director report the results of these checks to the MCMP Board of Commissioners. Lee Frey seconded the motion. Discussion. It was noted that background checks are done on all employees and volunteers, with their permission, however, we need to check with legal counsel regarding vendors, consultants, etc. Lee Frey moved that the motion be tabled until we get an opinion from legal counsel. After discussion, Germaine Bennett seconded the motion and the vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
Voting Nay: None

Tom Shipka moved that a single uniform policy be adopted for the Standing Committees which incorporates the original proposal and subsequent amendments as follows:

Policy on Standing Committees of the Board of Commissioners  
of Mill Creek MetroParks

- a. Each Standing Committee will comply with The Open Meetings Act (ORC 121.22);
- b. Standing Committees will serve in an advisory role to the Board of Commissioners;
- c. Each Standing committee will consist of seven voting members with knowledge of and interest in the area(s) of concern of the Committee to which he/she is appointed;
- d. The Executive Director of the Park or his/her designee will be a non-voting, ex officio member of each Standing Committee;
- e. Standing Committees will be appointed by the President of the Board from the list of applicants as follows:
  1. The other four Board Members will submit lists to the President of four applicants for each of the seven committees, identifying one person on each list as the preferred candidate;
  2. The President will appoint all of these preferred candidates;
  3. The President will then appoint the balance of the committee members from the entire list of applicants; and
  4. The President will select replacements of committee members who resign or are unable to serve;
- f. Standing Committee members may include current and former Board members;
- g. Each Standing Committee will meet at least two times a year and will report to a meeting of the Board at least once a year;
- h. Each Standing Committee will select its own chairperson for a given calendar year;
- i. The voting members of each Standing Committee will serve for three-year, renewable terms;
- j. Standing Committees will be appointed no later than January, 2017;
- k. Standing Committees will be provided space on Park property to conduct their meetings;
- l. Standing Committees will be provided information which they request by Park staff to carry out their work;

- m. The Finance Committee will monitor and evaluate the Park's revenues and expenditures, evaluate proposed budgets, and make recommendations on these matters to the Board to ensure long-term fiscal soundness;
- n. The Development Committee will monitor and evaluate the Parks' fund-raising efforts, including those of the Mill Creek MetroParks Foundation, the Friends of Fellows Riverside Gardens, and other relevant Park entities, and make recommendations to the Board to coordinate and improve these efforts;
- o. The Wildlife Committee will monitor and evaluate the welfare and treatment of animals on Park property and make appropriate recommendations to the Board on this matter;
- p. The Nature Education Committee will monitor and evaluate the nature education programs offered by the Park and make appropriate recommendations to the Board on them;
- q. The Environment Committee will monitor and evaluate the current contracts, and proposed future contracts, between the Park and private or public companies which use, or seek to use, Park property to extract or transport gas, oil, or other materials or chemicals and make appropriate recommendations to the Board on such matters;
- r. The Horticulture Committee will monitor and evaluate the programs used and the practices followed in the Park to grow, sustain, or remove plants, flowers, trees, and other vegetation and make appropriate recommendations to the Board on such matters; and
- s. The Community Engagement Committee will monitor and evaluate the Parks' current efforts to attract and retain qualified and dedicated volunteers, and the recreational sites and activities in the Park, and make appropriate recommendations to the Board on such matters.

After discussion, Germaine Bennett seconded the motion and the vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka

Voting Nay: None

Tom Shipka spoke regarding the Work Sessions' intent, which is not to diminish the staff's importance and that contributions by staff are essential to educate. Tom moved that the appropriate MCMP staff prepare and give presentations at the Work Sessions of the Board that questions and comments by individuals and groups from the community are welcome at the Work Sessions, and that topics for the Work Session of the Board in February 2017 are the following:

- a. MCMP Land. What land does the MCMP own? How does it use the land that it currently owns? Should the MCMP acquire more land? If so, where and why? Should MCMP sell any land? If so, where and why?
- b. Nature Education in MCMP – Past, Present, and Future. What programs and activities in nature education did the MCMP provide in the past? What programs and activities in nature education does the MCMP provide at present? What impact, if any, did the reorganization in February 2016 have on nature education? Is nature education part of the mission of the MCMP? If not, should the mission be changed to incorporate nature education?"

Lee Frey seconded the motion. Discussion. Germaine Bennett requested that the discussion on the mission of MCMP be addressed at the Board retreat, and not included in this motion. Tom Shipka agreed to amend his motion to remove the last two sentences from b. regarding the mission. Germaine Bennett seconded the motion, and the vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka

Voting Nay: None



Tom Shipka made a motion to approve his original motion, including the amendments. Germaine Bennett and the vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
Voting Nay: None

Tom Shipka made a motion to adopt twelve goals for the Executive Director for the period from January to June 2017 in accord with "8. Performance Evaluation" in the "Employment Agreement" of the Executive Director with MCMP. At this point, John Ragan moved the Board meet in Executive Session to consider the appointment, employment, discipline, or compensation of public employees. Germaine Bennett seconded the motion and the vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
Voting Nay: None

The motion was passed, and the Board met in Executive Session at 7:56 p.m.

Lee Frey motioned to return to Regular Session. Germaine Bennett seconded the motion and the Board returned from Executive Session at 9:10 p.m. The vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
Voting Nay: None

Tom Shipka made a motion to adopt the following ten goals for the Executive Director for the period from January to June 2017 as follows:

#### Goals for MCMP Executive Director, January to June 2017

1. Facilitate the start-up and continuing functioning of the MCMP Standing Committees;
2. Facilitate the start-up and continuing functioning of the Work Sessions of the MCMP Board;
3. Submit suggestions of topics for Work Sessions of the MCMP Board;
4. Make a strong effort to exercise authority prudently and to resolve conflicts and problems;
5. Sustain or increase traditional support for capital improvement projects in grants and gifts;
6. Provide information about the Park to the MCMP Board via a biweekly memo;
7. With the Director of Development and the Development Committee, upgrade fund-raising at the MCMP;
8. With appropriate staff and the Community Engagement Committee, upgrade efforts to attract and retain Park volunteers;
9. Notify the MCMP Board of your absence from duty, in advance if possible, due to conferences, vacation, sickness, etc.; and
10. Using a consultant, if necessary, for assistance, develop and implement plans to improve your public image and the Park's.

Lee Frey seconded the motion and the vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
Voting Nay: None

John Ragan announced that the next Board Meetings are as follows:

- January 19, 6 p.m., MetroParks Farm, Special Meeting to discuss the Board Retreat
- January 21, 10 a.m., MetroParks Farm, Special Meeting for Advisory Committee Orientation
- February 13, 6 p.m., MetroParks Farm, Work Session

There being no further business, Lee Frey moved to adjourn the meeting. Germaine Bennett seconded the motion, and the vote taken resulted as follows:

Voting Aye: Bennett, Frey, Ragan, Shipka  
Voting Nay: None

The meeting adjourned at 9:16 p.m.