

Canfield, Ohio
May 8, 2017

A Regular Meeting of the Board of Park Commissioners of Mill Creek MetroParks was held on Monday, May 8, 2017, at the MetroParks Farm. President Lee Frey 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, Tom Frost, present; John Ragan, present; and Tom Shipka, present.

The Board was presented with the Minutes of the Regular Meeting of March 13, 2017. Commissioner Shipka noted a few edits and typographical errors. Commissioner Frey moved that the minutes be accepted to the records as amended.

The Board was presented with the Minutes of the Board Retreat Meeting of March 25, 2017, the Special Meeting Minutes of April 10, 2017, and the Work Session Meeting of April 10, 2017. Commissioner Frey moved that the minutes be accepted to the records as presented.

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 #72968 - #73208, for a total of \$670,383.78 be approved. The motion was seconded by John Ragan, and the roll being called upon its adoption, the vote resulted as follows:

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

Aaron Young, Executive Director, presented the Yellow Creek Park Lease Agreement. Lee Frey motioned it be approved. Germaine Bennett seconded the motion. After discussion, and the roll being called upon its adoption, the vote resulted as follows:

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

Aaron Young presented proposed changes to the MetroParks General Rules and Regulations, and to the Metal Detecting Guidelines as follows:

Existing Rule: 17.1 (A): The use of metal detectors on Park property is prohibited.

Proposed Rule: 17.1 (A): The use of metal detectors on Park property is prohibited without the express written permission of the Executive Director or his/her designee. Guidelines for permitted use may be developed at the sole discretion of the Executive Director or his/her designee. All permitted users must adhere to the permit guidelines and are subject to having their permit revoked and future permit requests denied if it is determined that they violated the guidelines. Permits are only good for the calendar year; January 1 to December 31 in which they are issued.

Existing Rule: 17.1 (B): The excavation, recovery or removal of any artifact or item of historical significance from Park Property is prohibited.

Proposed Rule: 17.1 (B): Any artifact/item of archaeological or historical significance or one that exhibits personal identification information that is discovered on park property must be turned in to the Administrative office with the name of the person who discovered it and the location in which it was discovered within 24 hours of being discovered.

Proposed Rule: 17.1 (C): Any item located on park property not of archaeological or historical significance, and without any exhibited personal identification information may be kept by the person discovering the item, unless the item had been previously identified to the MetroParks as being lost by the original owner.

Metal Detecting

1. Metal Detectorists must acquire a special use permit from the Executive Director or his/her designee and must carry the permit and personal identification along with them while conducting the activity.
2. Metal Detectorists must adhere to all existing park rules and regulations.
3. Metal Detectorists must not disturb or interfere with any other park user and/or user related activity.
4. Metal Detecting may only occur during normal open park hours.
5. Metal Detectorists must wear headphones while detecting so as to eliminate any sound emitting from the metal detecting devices from being heard by other users.
6. Recovery of items must be done so as to cause minimal disturbance to the area of discovery. All disturbed areas must be restored back to their original condition immediately upon completion of the recovery.
7. Recovery tools must adhere to a maximum trowel width and length of 6", exclusive of the handle, extension and/or foot support.
8. Metal Detectorists must properly dispose of all litter or trash discovered as a result of the detecting activity.
9. Metal Detecting is not permitted in the following areas:
 - a. Fellows Riverside Gardens
 - b. Mill Creek Golf Courses (including Wick Recreation Area Par 3)
 - c. Any Preserve or Sanctuary Property
 - d. Volney Rogers Statue Area
 - e. Recreational Fields with the following exceptions
 - i. Surface Finding Only is permitted within the field of play limits during the respective sports fields' season(s).
 - ii. Detecting & recovery is only permitted within recreational fields of play (excluding infields) during the respective sports field "off" season.
 - iii. Detecting & recovery is permitted in recreational common areas. Common areas are defined as are those public areas that are outside the field of play limits.
 - iv. Detecting is not permitted within the infield limits of baseball/softball fields at any time.

Lee Frey motioned the General Rules and Regulations, and the Metal Detecting Guidelines be approved as proposed. Tom Frost seconded the motion. The roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Bennett, Frey, Frost, Shipka
Voting Nay: Ragan

Lee Frey, and Greg Beck – Legal Counsel, presented changes to the Bylaws of the Board of Park Commissioners as follows:

Section III – Employees, (A), (3) The Board of Park Commissioners of Mill Creek Metropolitan Park District shall have authority to employ, discipline, suspend, promote, demote, layoff, and terminate the employment of employees of the Park District and may delegate that authority to the Executive Director. If the Board of Park Commissioners delegate to the Executive Director the authority to employ, suspend, promote, demote, layoff, or terminate employees within the job description of the Executive Director, such power shall be limited to single employee events, and any suspension,

promotion, demotion, layoff, or termination that affects more than two employees at any time, must be approved by the Board of Park Commissioners.

Lee Frey motioned the changes be approved. Germaine Bennett seconded the motion. After discussion, and the roll being called upon its adoption, the vote resulted as follows:

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

Kevin Smith, Finance Director, presented the following Resolution for approval:

Resolution R-17-10

RESOLUTION AUTHORIZING PARTICIPATION IN THE
ODOT WINTER CONTRACT (018-18) FOR ROAD SALT

WHEREAS, the MILL CREEK METROPOLITAN PARK DISTRICT, MAHONING COUNTY (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid (018-18) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon of award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the winter road salt contract; and
- d. The Political Subdivision hereby requests through this participation agreement a total of 500 tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period of October 1, 2017 through April 30, 2018; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Thursday, June 1, 2017. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

NOW, THEREFORE, be it ordained by the following authorized person(s) that this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract.

Lee Frey motioned the resolution be approved. Tom Shipka seconded the motion. After discussion, and the roll being called upon its adoption, the vote resulted as follows:

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

Steve Avery, Planning & Operations Director, presented the following bid tabulations received in response to legal advertisement:

WEST NEWPORT DRIVE IMPROVEMENTS

BID OPENING: April 28, 2017 ESTIMATE: \$240,000.00
10% BID CAP: \$264,000.00

Name of Bidder	Total Amount of Bid as Read at Bid Opening	Total Amount of Bid After Tabulation
Butch & McCree Paving (Hillsville, PA)	230,023.30	230,023.30
R.T. Vernal Paving & Excavating	193,880.00	193,880.00
Shelly & Sands, Inc.	183,420.75	183,420.75
Utility Contracting, Inc.	237,724.00	237,724.00

NOTES:

1. Four (4) bids were received, checked and tabulated. The total amount for each of the four (4) bids was within the 10% bid cap, therefore, no bids must be rejected in accordance with Section 153.12 of the Ohio Revised Code.
2. No mathematical errors were found in any of the four (4) bids.
3. The low bidder at bid opening and after tabulation is Shelly & Sands, Inc.
4. The low bidder is currently prequalified with ODOT to perform the work specified in the plans.
5. At the time of bid opening, Shelly & Sands, Inc.'s bid did not include two required forms (Worker's Compensation and Drug-Free Workplace Program). All additionally required bonds, documents, forms and attachments were included with the bid.
6. Shelly & Sands, Inc. is experienced in the type of work required for this project. Shelly & Sands, Inc. has not completed any recent improvement projects for the MetroParks.

RECOMMENDATION:

1. It is recommended that Shelly & Sands, Inc. be awarded the contract for the project named "WEST NEWPORT DRIVE IMPROVEMENTS" at the grand total amount bid of \$183,420.75.

Lee Frey motioned that the bid of Shelly & Sands, Inc. be accepted. Tom Frost seconded the motion. After discussion, and the roll being called upon its adoption, the vote resulted as follows:

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

Aaron Young presented the following Resolution for approval:

Resolution R-17-08

ACKNOWLEDGEMENT OF GRANTS, DONATIONS, OR TRUSTS

BE IT RESOLVED by the Board of Park Commissioners of Mill Creek Metropolitan Park District that we deem it necessary and in the best public interest to acknowledge the grants, donations or trusts submitted to the Park District for the period of March 4, 2017, through April 30, 2017, as detailed on the summary marked Exhibit A, and authorize legal counsel to make application to the Probate Court pursuant to Ohio Revised Code 1545.11 for approval and to secure Journal Entry of the Probate Court.

Donations 2017 for period March 4 -April 30, 2017

Development Department Last update: April 30, 2017

Prepared by: Mandy Walker, Office Manager



Business Name	Contact first name	Contact last name	Restriction	Amount	Notes
Youngstown Foundation			to MCP Foundation	262.50	
	Jack	Moss	Veggie Gdn	100.00	
	Betty	Anania	Veggie Gdn	300.00	
	Jim and Lori	Graneto	Gardens	20.00	IMO Frances Graneto
	Jim and Lori	Graneto	Gardens	50.00	IMO Mary Majernik
	Diana	Melnick	Melnick Museum	50.00	IMO Mary Ann Melnick Caccarozzo
	Robert & Doreen	Chance	Melnick Museum	20.00	IMO Mary Ann Melnick Caccarozzo
	Bernice Caro	Diane Collins	Melnick Museum	50.00	IMO Mary Ann Melnick Caccarozzo
	Delores	Pernotto	Gardens	50.00	IMO Margaret Reinman
Handel's Ice Cream			Hole spons - main gc	500.00	Brian will take care of thank you's for hole sponsors
State Farm Insurance	Dan	Sabol	hole spons - main gc	500.00	
Olsavsky Jaminet Architect			hole spons - main gc	500.00	
Youngstown Foundation			to MCP Foundation	105.00	
	Carilla	Marsh	memorial	50.00	
Garden Forum of the Greater Youngstown Area			Veggie Gardens	1,000.00	
Farmer's National Bank			hole spons - Par 3	200.00	
	Mr. & Mrs. Harold	Brinkman	memorial	50.00	IMO Margaret J. Reinman
	Thomas & Beverly	Salmon	memorial	100.00	IMO Margaret J. Reinman
Garden Forum of the Greater Youngstown Area				1,500.00	Yearly donation

Donations 2017 for period March 4 -April 30, 2017

Development Department: Last update: April 30, 2017

Prepared by: Mandy Walker, Office Manager



Business Name	Contact first name	Contact last name	Restriction	Amount	Notes
	Marcia	Miot	memorial	25.00	IMO Margaret J. Reinman
	Virginia	Dineen	memorial	100.00	IMO Margaret J. Reinman
Madison Shores	William & Emily	De Toro	memorial	50.00	IMO Margaret J. Reinman
	Donna, Mark, Marin	Mazzie	memorial	100.00	IMO Margaret J. Reinman
	Mr.	Emerson	memorial bench	1,500.00	IMO Emerson
Glen Gardners	c/o Carol	Conti	memorial	50.00	IMO Margaret J. Reinman
Rhiel Supply			hole spons-main gc	500.00	
Janis Cefalu Insurance Agency			hole spons - main gc	500.00	
	Robert	Kempe	benefactor	250.00	
	Virginia	Chiarello	stone at main gc	1,000.00	IMO Acierno
	Jeanette	Hunter	memorial	50.00	IMO Margaret Reinman
	Scott Hunter	Michelle Barone	memorial	50.00	IMO Margaret Reinman
Stark Truss Company			land	45,000.00	Donation of land on Maple Drive, Austintown, OH
	Nancy & James	Collins	Wick Rec Area Children's Play Area	50.00	IMO Teddi Guju
Youngstown Foundation				105.00	
Buckeye Beverage			hole spons - main gc	500.00	
vince@galaxieies.com	Vince	Pecchia	stone at main gc	1,000.00	IMO Mario Pecchia
Total Donations				\$56,237.50	

John Ragan motioned the resolution be approved. Tom Shipka seconded the motion. After discussion, and the roll being called upon its adoption, the vote resulted as follows:

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

Steve Avery presented information regarding the finalization of the donation of 5 acres of property from Stark Truss located on Maple Drive in Austintown Township, adjacent to the MetroParks Bikeway. The process has been completed and the MetroParks is now the owner of the property.

Megan Millich presented proposed changes to the Employee Handbook as follows:

As a result of the Labor Management Committee meeting on April 13, 2017 including AFSCME & FOP Unions, the following MetroParks Employee Manual revisions are being requested.

Policy 4.1 Drug Free Workplace:

- *Current Language:* In the event a hospital refuses or fails to provide an alcohol/drug test, the employee is to contact the employer if this occurs during hours of operation. If it occurs after hours of operation, the employee is to contact the lab at the phone number provided to them to arrange the test.
- *Requested Language:* In the event a hospital refuses or fails to provide an alcohol/drug test, the employee is to contact the employer if this occurs during hours of operation. If it occurs after hours of operation, the employee is to contact the lab at the phone number provided to them *by the Human Resources Director* to arrange the test.

Policy 4.11 Personal Appearance:

- *Current Language:* The name badge will be worn and visible at all times when on duty. No exceptions will be made.
- *Requested Language:* The name badge will be worn and visible at all times when on duty. ~~No exceptions will be made.~~

Germaine Bennett motioned the changes be approved as presented. Tom Frost seconded the motion. The roll being called upon its adoption, the vote resulted as follows:

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

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

1. Struthers Rotary requests to hold their Rubber Duck Race fundraiser/community event in Yellow Creek Park, on Saturday, August 19, 2017.
2. Northeast Ohio Trail Club to hold their fundraiser/community event Ultra Trail Classic 50K & 25K throughout Mill Creek Park, on Saturday, September 16, 2017.
3. Youngstown Peace Race Foundation to hold their fundraiser/community event on the west side of Mill Creek Park, on Sunday, October 22, 2017.

Tom Shipka motioned the changes be approved as presented. John Ragan seconded the motion. The roll being called upon its adoption, the vote resulted as follows:

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

Executive Director's Report

1. Christopher Litton, Director of Development Introduction
2. Robert Vukovich, Patrol Sgt. Introduction

3. Ohio Parks and Recreation Association (OPRA) Membership. Board members are included as members through the MetroParks
4. MetroParks Foundation Support: Lanterman's Mill Wheel Replacement Project
 - a. Lanterman's Mill Wheel Fund: \$81,985.91 (Recipes of Youngstown Cookbook Sales)
 - b. Lanterman's Mill Endowment Fund: \$7,837.33 (4% of 12-31-16 market value)
 - c. Total Support: \$89,823.24
 Aaron Young publically thanked the Recipes of Youngstown for their support of the project.
5. State of Ohio Budget: Unitization Language & Oil and Gas Commission Makeup
 - a. Lee Frey read a document provided by Senator Schiavoni's office. The Senator is opposed to the budget amendment.

Deby Clark, Chairperson, of the Horticulture Standing Committee presented their report to the Board. Doug Pezzuto, member of the Horticulture Standing Committee, and retired MetroParks Forestry Supervisor, spoke to the Board about the importance of a Forestry-specific position. Discussion between Board, staff, and committee persons ensued.

The Board had the following requests of the Horticulture Committee:

- a. The Horticulture Standing Committee is to draft revised language to the the Board-approved charge that reflects their request for the Committee to be responsible for Horticulture Education.
- b. The Horticulture Standing Committee to come to the June work session to with formal recommendations on forestry-specific positions and background requirements.
- c. Staff provide more information inclusive of a site plan and formal estimates be brought to the June Board Meeting for additional discussion on the donation of a greenhouse structure to Fellows Riverside Gardens by the Friends of Fellows Riverside Gardens.

Commissioners Comments

- Lee Frey thanked everyone for coming.
- Germaine Bennett is appreciative of the Committee reports.
- Tom Shipka thanked those who communicated to Legislatures their objections to the recent proposed state budget that would change the Probate Judge's authority.

Tom Shipka moved that a topic for the Work Session on June 12, 2017, be "Water Quality in the MetroParks Lakes – Problems and Solution," and that appropriate local political officials, including Mayor McNally, as well as MCMP staff be invited to participate. Germaine Bennett seconded the motion. After discussion, and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Shipka
 Voting Nay: Bennett, Frey, Frost, Ragan

Public Comments to the Board

- Jeff Harvey spoke regarding the Grassland Bird Project, thanked Aaron, Carol, and Justin. The Audubon Society donated \$1,000.
- John Saunders spoke, as he has in several previous meetings, regarding using or purchasing MetroParks property at the corner of Tippecanoe and Western Reserve Roads, for his composting business. The Environmental Covenant for the property will be provided to him, which does not permit that type of use.
- Lynn Anderson spoke regarding fracking amendments like the one currently in the state budget that permits unitization; she also spoke about lease language for gas wells. She asked the Board to have their legal counsel get up to speed on unitization. Commissioner Frey indicated that the MetroParks would inform legal counsel of the concern.

Lee Frey announced that the next meeting, a Work Session, has been scheduled for 6 p.m., Monday, June 12, 2017, in McMahan Hall at the MetroParks Farm.

Lee Frey moved the Board meet in Executive Session to consider the appointment, employment, discipline, or compensation of public employees. Tom Frost seconded the motion, and the roll being called upon its adoption, the vote resulted as follows:

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

The motion was passed, and the Board met in Executive Session at 7:38 p.m.

Tom Shipka motioned to return to Regular Session. John Ragan seconded the motion and the Board returned from Executive Session at 8:13 p.m. and the roll being called upon its adoption, the vote resulted as follows:

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

There being no further business, Tom Shipka moved to adjourn the meeting. John Ragan seconded the motion, and the roll being called upon its adoption, the vote resulted as follows:

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

The meeting adjourned at 8:14 p.m.