

April 8, 2019  
Canfield, OH

A Regular Meeting of the Board of Park Commissioners of Mill Creek MetroParks was held on Monday, April 8, 2019, 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; Jeff Harvey, present, and Paul Olivier, present.

The Board was presented with the Minutes of the Meetings of March 18 & 23, 2019. Commissioner Frey accepted the minutes into the records as written.

Kevin Smith, Finance Director/Treasurer presented the Department Report for Finance. Lee Frey moved, the funds having been certified as on hand and duly appropriated, that disbursements #78666 - #78963 for a total of \$893,795.06 be approved. The motion was seconded by Tom Frost and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Bennett, Frey, Frost, Harvey, Olivier  
Voting Nay: None

Kevin Smith requested to increase appropriations to account 701-7045-5056 – Replacement Reserve – Professional Services by \$248,000.00. This is for Clean Ohio Round 12 – Anderson Run Riparian Corridor Preservation project that is carried forward from 2018. This is a 75% matching grant and we expect to receive \$186,000 toward this project from OPWC. Our 25% local match was funded by the Mill Creek MetroParks Foundation. Lee Frey moved that the appropriation request be approved. Jeff Harvey seconded the motion, and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Bennett, Frey, Frost, Harvey, Olivier  
Voting Nay: None

Kevin Smith requested to increase appropriations to account 100-0400-5057 – Human Resources Training by \$750. We received a \$750 safety grant check from our property insurance provider and plan on getting two of our Police officers certified as C.P.R./A.E.D./First Aid trainers in order to train MetroParks staff. Lee Frey moved that the appropriation request be approved. Paul Olivier seconded the motion, and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Bennett, Frey, Frost, Harvey, Olivier  
Voting Nay: None

James Ridge, Staff Accountant presented the Credit Card Compliance Report.

Lee Frey presented an amendment to Resolution R-98-5 as follows:

#### R-98-5

### RESOLUTION ESTABLISHING REGULATIONS CONCERNING MEMBERS OF THE PUBLIC SPEAKING AT BOARD MEETINGS

WHEREAS: The Board of Park Commissioners conducts its official business at public meetings, and

WHEREAS: From time to time, individuals have comments or questions they wish to make to the Board, and

WHEREAS: The Board of Park Commissioners is interested in the concerns of the public it serves, and the smooth functioning of its meetings, and

WHEREAS: The Board has previously adopted Resolution R-94-7 establishing a procedure to facilitate communication, and

WHEREAS: The Board now wishes to rescind Resolution R-94-7 and establish the following regulations concerning members of the public speaking at Board Meetings.

NOW THEREFORE BE IT RESOLVED THAT THE FOLLOWING REGULATIONS BE ESTABLISHED CONCERNING MEMBERS OF THE PUBLIC SPEAKING AT BOARD MEETINGS:

1. ~~A public comment session, if needed, will be provided before the start and at the completion of all Board Meetings. Any individuals wishing to address the Board must submit their comment or questions on the form provided. To accommodate others wishing to address the Board and in the interests of using time efficiently, each individual will be limited to three minutes.~~ **A public comment session will be held at the end of each Board meeting if needed. The sign-up sheet can be signed, by those desiring, up to the public comment section on the meeting agenda. The public comment sign-up sheet will remain in the front of the room, by the agendas until such time as scheduled on the agenda. To allow all wishing to address the Board and in the interest of using time efficiently, each individual will be limited to three minutes.**
2. Any question posed to the Board will be treated as follows:
  - a. Answered immediately if possible and practical and pertinent to the Board.
  - b. Taken under advisement and responded to at a later date.
  - c. Referred to appropriate Park District staff for disposition.
  - d. Inviting the individual to the Park District Offices to review pertinent documents.
3. Individuals completing forms to comment to or ask questions of the Board may speak only when recognized by the presiding officer of the Board.
4. The presiding officer may, if circumstances warrant, allow comments or questions from individuals during the meeting.
5. If an individual or group has an items on the agenda, they will be permitted to speak during the meeting when the item is considered by the Board upon recognition by the presiding officer of the Board.
6. The Board, at its discretion, may ask questions directly to staff members of member of the public in attendance.
7. It is expected that all comments and questions will be made in a courteous manner. If any individual becomes disruptive, they will be told they are out of order. Anyone refusing to cooperate may be asked to leave or be escorted from the meeting.

IN WITNESS THEREOF; We, the Board of Park Commissioners, hereunto set our hand this  
8<sup>th</sup> day of April 1998.

Jac Lynn Ridel, President  
Harry Meshel, Vice-President  
M. Virginia Daily, Vice-President

Lee Frey moved that the amendment be approved. Germaine Bennett seconded the motion. After discussion about the 3 minute time period, being concise, and the process being formalized, the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Bennett, Frey, Frost, Harvey, Olivier  
Voting Nay: None

Germaine Bennett spoke regarding the recent changes to the Standing Committee Policy. She requested that, since she missed the meeting when the policy was changed, that this be on today's agenda, so that she could understand the rationale for it. No changes were made at today's meeting.

Kevin Smith presented the following resolution for approval:

**Resolution R-19-03**

**RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT WINTER CONTRACT  
(019-20) 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 (2019-2020) 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 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 700 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 September 1, 2019 through April 30, 2020; 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, 2019. 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 moved that the resolution be approved. Tom Frost seconded the motion, and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Bennett, Frey, Frost, Harvey, Olivier  
Voting Nay: None

Steve Avery, Planning & Operations Director presented the following resolution for approval:

**R-19-04**

**ODOT-PARK DISTRICT ROAD IMPROVEMENT FUND, 2020-2021 BIENNIUM**

**WHEREAS**, the Director of the Ohio Department of Transportation (ODOT), in accordance with Ohio Revised Code 5511.06, has approved a discretionary funding allocation for the ODOT-Park District Road Improvement Fund for the 2020-2021 biennium, and

**WHEREAS**, under specific agreement with ODOT, the Ohio Parks and Recreation Association (OPRA) is serving as the management liaison for the ODOT-Park District Road Improvement Fund, and

**WHEREAS**, Mill Creek Metropolitan Park District (MCMPD) is eligible to receive the funds based on the following criteria: MCMPD was created according to Ohio Revised Code 1545; MCMPD owns (or holds a minimum 15-year lease) and manages property in Mahoning County; and MCMPD has adequate, available resources for the construction and maintenance of the requested improvement project, and

**WHEREAS**, a funding distribution formula approved by the Director of ODOT, which is based upon motor vehicle registrations within each county on a State biennium basis, will determine the actual amount allocated to the MCMPD for the 2020-2021 biennium, and

**WHEREAS**, MCMPD understands the requirements for receiving such funds and agrees to comply with the OPRA policy dated April 13, 2007, and as amended on November 7, 2008, and

**WHEREAS**, MCMPD has various park drives, roads, bridges and parking lots that need to be maintained and improved, including the attached list of two-year priority projects.

**THEREFORE BE IT RESOLVED**, by the Board of Park Commissioners of the Mill Creek Metropolitan Park District that:

1. MCMPD hereby requests approval from OPRA to receive the amount allocated by ODOT plus any carry over amounts from the previous biennium, and
2. MCMPD agrees to pay all project costs in excess of the amount allocated by ODOT, and

3. MCMPD agrees to pay for all costs associated with design, engineering, environmental documentation and right-of-way activities, and
4. The allocated funds will be used for construction, reconstruction, improvement, repair and maintenance of park district drives, roads, bridges or parking lots in accordance with Ohio Revised Code 5511.06, and
5. The proposed project will be initiated during the 2020-2021 biennium period.

Lee Frey moved that the resolution be approved. Jeff Harvey seconded the motion, and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Bennett, Frey, Frost, Harvey, Olivier  
Voting Nay: None

Carol Vigorito presented the following special event requests for approval.

- a. Mahoning Valley Amateur Radio Association Field Day Request at the MetroParks Farm
- b. Buster's Brigade 5k Fundraiser in the Wick Recreation/Bears Den Area
- c. Kool Boiz Foundation 5k Fundraiser, in the Wick Recreation Area
- d. Youngstown Marathon Foundation Marathon Fundraiser in Mill Creek MetroParks
- e. YYFFA to sell merchandise at their games in the Wick Recreation Area.

Lee Frey moved that the requests be approved. The motion was seconded by Germaine Bennett, and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Bennett, Frey, Frost, Harvey, Olivier  
Voting Nay: None

Brian Tolnar, Director of Golf and Recreation, thanked Rocco Nolfi of Allstate Insurance for the contribution of the "Let's Play Golf" educational supplies.

Jim Willock, Chief of Police, recognized Officer White for exemplary performance at an incident in the MetroParks in March.

Jim also recognized Officers Wharry, Shirilla, Hunter, Lapierre, and Vukovich for exemplary performance at an incident in the MetroParks this past weekend.

Aaron Young provided the Vickers Nature Preserve Equestrian Facilities Rental Fees and Rules & Regulations for approval. Lee Frey moved that the request be approved. The motion was seconded by Paul Olivier. It was noted that the fees have remained the same as the previous 3<sup>rd</sup> party partnership, and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Bennett, Frey, Frost, Harvey, Olivier  
Voting Nay: None

Chris Litton, Development Director, asked that the Naming and Recognition Agreement, with the John Andrews & Doris Andrews Fund of the Community Foundation of the Mahoning Valley be approved in recognition for their donation for the Main Entrance Lobby at the Ford Nature Center. Lee Frey moved that the agreement be approved. The motion was seconded by Tom Frost, and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Frey, Frost, Harvey, Olivier  
Voting Nay: None

Nick Derico, Natural Resources Steward, and staff liaison to the Environment Standing Committee, gave a presentation of the Committee's Annual Report. Lee thanked the Committee for their recommendations and will look into them.

#### Commissioners Comments

- Lee Frey – attended Baby Animal Shower event over this past weekend, and it was wonderful. Thanked everyone for their work. Cannot make the June 10 meeting – will try to reschedule with the other Board members
- Tom Frost – thanked everyone for coming and to the Environment Committee for their recommendations. He also suggested that we add more trash containers and doggie bags on the bike trail.
- Germaine Bennett – congratulated and thank the officers for keeping the park safe. Thanked Allstate Insurance for the donation. She thanked everyone for coming this evening
- Paul Olivier – attended the Baby Shower – great event. Cannot make the June 10 Board meeting.
- Jeff Harvey – attended the Baby shower and said the place was packed. Thanked the Environment committee, police officers, and guests.

#### Public Comments to the Board

- Terry Orechoneg – spoke regarding when the Vickers property was originally donated to the MetroParks, that a stipulation was that it remain a horse park. Feels there's a conflict of interest with a member of the MetroParks Board, and the Canfield Fair Board.
- Diane Byers – spoke in support of Buckeye Horse Park Association, 25 years of volunteering, and raising their own funds. Questioned the MetroParks stipulation of no overnight accommodations, when it's permitted once a year on the Morley Pavilion lawn. Would like to see the negotiations continue.
- Jan Hubbard – signed up but didn't speak
- Robert Henrogt – Buckeye Horse Park is a nice facility, uses it for trail rides. Believes negotiations can be worked out. Suggested we allow horses on other trails in the MetroParks once a year.
- Sandy Pintaric & Kim Walter – spoke about how the partnership between BHP Assn. and MCMP began 25 years ago. Also detailed what the equine world includes, most of which the BHP Assn. brought to the MetroParks.
- Heidi Kroeck – speaking on behalf of Lynn Anderson who could not be here. Requested that Resolution to enter a pact with Enervest that was approved at the last Board meeting be rescinded. She points to safety and conflict of interests, and explained that there is a history of MCMP Executive Director's giving permissions to fracking companies.
  - Atty. Ted Roberts spoke as to the resolution, that the properties that the pipelines are on are not MetroParks properties, and that a resolution was needed to permit the MetroParks and Enervest to work together when work needs to be done on the bikeway, either by Enervest or the MetroParks.
- Judy Vershum – spoke regarding Resolution R-19-02, questioned how many pipelines, how big, what's in them, and what the gas companies intend to do with the property. Feels those answers need to be known by the MetroParks, for safety reasons.
  - Atty. Ted Roberts said, again, that the properties where the pipelines are, are not owned by the MetroParks, however, we can find out the information.
- Candice Murton Bradbury – spoke in support of the Buckeye Horse Park Association, and recommended an open meeting with all parties. She gave a thorough explanation of her qualification history, and suggested that there are no Board members or employees that have any equine experience or equipment. Urged overnight stabling be permitted, and gave the reason for it.
- Chris Jones – wife is on the board of the Buckeye Horse Park Association. Disappointed in the negotiations and lack of understanding how shows are conducted. Felt that the stipulations forced BHPA out.

- Darrrell Markijohn – Buckeye Horse Park Association paid attorney spoke about the partnership, significant policy decisions, financial issues, and feels that the issues can be worked out. He urged the Board to reconsider.
- Megan Hruska –submitted a comment by email supporting the Buckeye Horse Park Association, and asking that the MetroParks and BHPA come to a mutually beneficial agreement.

Lee Frey announced that the next meeting is scheduled for Monday, May 13, 2019, at 6 p.m. at the MetroParks Farm.

Lee Frey moved to adjourn the meeting, at 7:29 p.m.

A member of the audience asked about the resolution from Sept. 2018, asking for tax advances, and would like to see the amount of tax dollars that would be in the budget to run the Buckeye Horse Park. Lee said that is yet to be determined.

Lee Frey moved to adjourn the meeting at 7:32 p.m.

Many members of the audience continued to have comments and questions regarding the Buckeye Horse Park Association's use of the property; the meeting continued with a question & discussion period.

Questions and comments from the audience included the following topics:

- Agreement must be mutually financially beneficial
- Competency of the MCMP staff to maintain a horse arena
- BPHA's Board is 17 people, with a membership of 500+ people
- The Vickers Nature Preserve plan for the property, and does that include keeping horses off of the property
- The Board's knowledge of the negotiations
- Keeping the facility for horses, not other activities like motocross
- Overnight stabling, due to safety; horses plus an attendant
- Overnight "camping" in RV's for multi-day events, or early morning events; BHPA's board had discussed adding RV hookups for the future.
- Fundraising the BHPA has done, volunteerism, donations, education, community
- Indoor arena, conflict with the Canfield Fairgrounds plans; is there a conflict of interest
- Education, children, shows, events, insurance
- Impact on the horse community, not just locally, but regionally

The MCMP Board members and Executive Director had comments on the following topics:

- The BPHA had the opportunity to renew the lease and didn't do it.
- The Board was aware of the negotiations, they approve policies, and the Executive Director carries them out.
- The property will remain as a horse facility
- The Vickers Nature Preserve plan is in process, and will be available when completed, hopefully by the end of 2019, which will address shared use of the property, vehicle, equine, pedestrian, etc., drainage, water quality, natural resources, parking, trailers, and future activities.
- Health Department had no record of permitting overnight camping at that facility.
- The MetroParks was not aware there was overnight camping
- Park rules *and* state rules need to be followed.
- The MetroParks Police Dept. has about 10 incidents on record over the last 25 years.
- The MCMP and BPHA attorneys will work on this further.

Lee Frey moved to adjourn the meeting. Germaine Bennett seconded the motion, and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Bennett, Frey, Harvey, Frost, Olivier  
 Voting Nay: None

The meeting adjourned at 8:12 p.m.