

**Canfield, OH**  
**February 10, 2014**

The Board of Park Commissioners of Mill Creek MetroParks met in Regular Session on Monday, February 10, 2014, at 6:00 p.m. with members Bob Durick, Jay Macejko, Valencia Marrow, and Louis Schiavoni present. John Ragan was not present at the beginning of the meeting.

This being the second meeting of 2014, and their bonds having been duly provided, the election of officers in accordance with Section I-b of the By-Laws of the Board of Park Commissioners was commenced. Dennis Miller, Secretary of the Board, acted as temporary chairman and asked for a motion for the election of officers for 2014. Mr. Macejko suggested that all Board members retain their same positions as 2013. Mr. Macejko moved that Mr. Schiavoni be re-elected President for 2014. The motion was seconded by Dr. Durick and passed. Dr. Durick moved that Ms. Marrow be re-elected 1<sup>st</sup> Vice President. The motion was seconded by Dr. Durick and passed. Mr. Macejko moved that Dr. Durick be re-elected 2<sup>nd</sup> Vice President. The motion was seconded by Ms. Marrow and the vote taken resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Schiavoni  
Voting Nay: None

Mr. Miller returned control of the meeting to the Board President, Lou Schiavoni.

Dennis Miller, Executive Director presented a new program to be held at the Wick Recreation Area in September in cooperation with OH WOW! Children's Center.

Dennis Miller spoke about the recent Volney Rogers Legacy Award Dinner, and thanked staff for their hard work in putting the dinner together.

Dennis also spoke about the recently opened ice skating at the Lily Pond, it's popularity, measuring the ice, and guest skaters. Mr. Schiavoni was pleased with the opening.

Mr. Ragan arrived for the meeting.

Mr. Schiavoni presented the Minutes of the Meeting of January 13, 2014, and asked that they be approved. Dr. Durick motioned they be approved. The motion was seconded by Mr. Schiavoni and passed, and the vote taken resulted as follows:

Voting Aye: Durick, Schiavoni, Ragan  
Voting Nay: None  
Voting to Abstain: Marrow, Macejko (were absent at the January 13 meeting)

Kevin Smith, Administrative Services Director/Treasurer presented the Treasurer's Report. Mr. Macejko moved, the funds having been certified as on hand and duly appropriated, that disbursements #63327 through #63552 be approved. The motion was seconded by Ms. Marrow and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni  
Voting Nay: None

Kevin Smith, Administrative Services Director/Treasurer, presented the following resolution for approval.

R-14-01  
RESOLUTION REQUESTING AUTHORIZATION  
TO MAKE TAX ADVANCE REQUESTS TO  
THE MAHONING COUNTY AUDITOR ON BEHALF OF THE BOARD  
AS THEY BECOME AVAILABLE THROUGHOUT 2014

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 21, 2014 (if sufficient taxes are collected)
- February 28, 2014
- March 7, 2014
- March 14, 2014 (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

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, Ms. Marrow motioned that the resolution be approved. The motion was seconded by Mr. Macejko and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni  
Voting Nay: None

Samantha presented the rental fees for the Trolley.

Trolley Rental Fees

*The rental fee for the trolley will be \$350 for the first two (2) hours; \$150 for each additional hour; minimum of two (2) hours. A guide is available for an additional cost of \$25.00 per hour (cannot be less hours than the rental).*

After discussion, Mr. Ragan motioned that the fees be approved. The motion was seconded by Mr. Macejko and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni  
Voting Nay: None

Samantha presented the rental guidelines for the Trolley.

Rental Facility Guidelines

Trolley Rental

Terms and Conditions

Availability

- Reservations may be made up to one-year-to-date, by someone at least 21 years old.
- Reservations must be made no less than 72 hours in advance.
- The trolley is available to rent any day April 1 through October 31 for your choice of hours between 7 a.m. and midnight.

### Reservation Policy | Payment

- Full payment must be made at the time a reservation is made, with Visa/MC/Discover, cash or check.
- Reservations may be made several ways.
  - Phoning the Administrative Office at 330.702.3000, Monday - Friday, 8 a.m. to 4:30 p.m.
  - Visiting the Administrative Office at 7574 Columbiana-Canfield Rd., Canfield, Ohio
  - By mail to Mill Creek MetroParks, Administrative Office, PO Box 596, Canfield, Ohio 44406

Client is responsible for the full payment of any overtime charges, beyond the original reservation agreement, as well as, but not limited to, any additional costs incurred due to tolls, parking, trip charges, entry or exit charges. Overtime is charged in ½ hour increments and begins at 15 minutes into the hour. The time of trolley service ends when all passengers and belongings are removed from the vehicle and the trolley is clear to drive off.

### Transfers | Changes | Cancellations

- Your receipt number must be provided to us in order to make a transfer, change, cancellation.
- Time may be changed up to 72 hours in advance of date reserved.
- Cancellation schedule:
  - prior to 60 days before reserved date 85% refund
  - 30-60 days before reserved date 50% refund
  - less than 30 days before reserved date, or no-show, no refund

### No Smoking Policy

The trolley is smoke free. If smoking does occur, Client will be charged a \$50 fee for each person smoking, per occurrence.

### Alcohol/Illegal Behavior Policy

If any drinking or illegal behavior occurs, the service will be terminated immediately with no refund. The guests will be returned to the original pick up location and the Client or responsible party who made the reservation will be contacted. No refunds will be given.

### Decoration Policy

Client understands that the trolley is unable to be decorated with items that secure to any surface of the vehicle. Confetti, tacks, nails, tape, or any permanent structures are also not allowed. Balloons or free standing decorations are allowed, but must not obstruct the driver's vision or trolley door. Use of prohibited decorations will result in a fee of \$100 or the cost to repair and clean, whichever is higher.

### Other Policies

Prohibited (including, but not limited to): Smoking, alcohol, gambling, disorderly conduct, boisterous or profane language, use of tacks or nails, confetti or rice, use of products which produce smoke, ticket sales or admission fees, music that is played loud enough to disturb or be offensive to other MetroParks visitors.

Client agrees that no illegal substances or alcohol will be consumed or brought on the trolley

Client agrees that the passenger capacity of trolley provided shall not be exceeded.

In case of misconduct or illegal activity by the Client or any person(s) in their party, or if the Chauffeur or other person(s) feel threatened, the Chauffeur has the right to terminate trolley service and this agreement without any refunds and drop all passengers off at the pick-up location or nearest safe location. The Client holds Mill Creek MetroParks harmless and not liable for any personal or material damages arising from the conduct of the Client and or their party.

Client is responsible for damages to the trolley committed by them or their party during service, either willfully or accidentally. Any actions that cause damage to the trolley will result in extra charges of no less than \$100 or the cost of the repair, whichever is higher.

If anyone vomits or exudes any bodily waste in the trolley, the client must pay an additional \$300 fee, or the cost of cleaning, whichever is higher.

If items belonging in the trolley are lost or stolen, the client must pay an additional \$100 fee, or the full cost to replace the item(s), whichever is higher.

#### Fuel Surcharge

If the distance of your trip one way is over 30 miles, there will be a \$2 per mile charge added on the rental charge. This fee will be waived if you rent for six (6) or more hours.

#### Lost and Found Policy

Mill Creek MetroParks, or its drivers, are not responsible for lost or stolen items. Mill Creek MetroParks will make all possible attempts to retrieve items. Items left on the trolley will be sent to the MetroParks Police Department's lost and found.

#### Waiver

Mill Creek MetroParks does not guarantee arrival at or departure from any point at a specific time due to circumstances beyond its control, including, but not limited to accidents, breakdowns, traffic and road conditions, acts of nature, etc. and shall not be held liable for claims resulting in delays from such conditions. Mill Creek MetroParks cannot be held responsible for delays or inconveniences due to unknown or unforeseen mechanical failures or situations deemed as "Acts of God." Mill Creek MetroParks reserves the right to substitute the contracted vehicle in the event of such an occurrence with a vehicle of like kind and quality. Client waives all claims for consequential damages and agrees that liability shall be limited to the costs accrued to Mill Creek MetroParks for the disputed service.

#### Indemnification and Hold Harmless

Mill Creek MetroParks and Client each agree to defend, indemnify and hold harmless the other party from and against all claims, actions or causes of action, liabilities, including attorneys' fees and costs arising from the defense of any claim, action, cause of action or liabilities arising out of or resulting from any act taken or committed by Mill Creek MetroParks or Client pursuant to the performance of each party's obligations hereunder. Mill Creek MetroParks and Client each agree to defend, indemnify and hold harmless the other party for any claim, actions, and cause of action and liabilities which may be asserted by third parties arising out of the performance of either party's obligations pursuant to this contract, except for the willful misconduct of gross negligence of the other party.

#### Acceptance

Client has read the terms and conditions stated above and agree to all stated terms and conditions. Client hereby authorizes Mill Creek MetroParks to charge the credit card account on file for any transportation related services which may be rendered through Mill Creek MetroParks. This agreement will be considered accepted in its entirety when it is signed and dated below by Client/Cardholder/Responsible Party.

At the time of payment, you are agreeing to be bound by these guidelines, and by the General Rules and Regulations of the Mill Creek MetroParks. These can be found on our website, or you can ask for a copy. Failure to abide by these rules and regulations, and failure to use MetroParks' facilities in a responsible manner could cause your permit to be revoked with forfeiture of the reservation fee.

After discussion, Ms. Marrow motioned that the rules and regulations be approved. The motion was seconded by Mr. Macejko and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni  
Voting Nay: None

Steve Avery, Planning & Natural Resources Director presented the following resolution:

R-14-02

FILING OF APPLICATIONS FOR TRANSPORTATION ALTERNATIVES PROGRAM

WHEREAS, the Eastgate Regional Council of Governments (Eastgate), on behalf of the Federal Highway Administration (FHWA) and the Ohio Department of Transportation (ODOT), administers financial assistance for FHWA's Transportation Alternatives Program, as authorized in the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), and

WHEREAS, Eastgate is currently accepting applications for the Transportation Alternatives Program, and

WHEREAS, the Transportation Alternatives Program will provide up to 80% of the total construction cost of a project, including construction engineering, inspection and testing, and

WHEREAS, the Dividing Sycamore Stone Arch Bridge on Bears Den Drive and the Orchard Meadow Stone Arch Bridge on West Drive, both in Mill Creek Park, need to be rehabilitated, and

WHEREAS, the Dividing Sycamore Stone Arch Bridge and the Orchard Meadow Stone Arch Bridge are eligible projects based on the Transportation Alternatives Program criteria, having a direct relationship to the surface transportation system and are contributing structures in the Mill Creek Park Historic District, and

WHEREAS, Mill Creek Metropolitan Park District desires financial assistance under FHWA's Transportation Alternatives Program.

THEREFORE BE IT RESOLVED the Board of Park Commissioners of the Mill Creek Metropolitan Park District agree as follows:

1. The Executive Director of the Mill Creek Metropolitan Park District is hereby authorized and directed to prepare and file an application with Eastgate for financial assistance from the Transportation Alternatives Program for the rehabilitation of the Dividing Sycamore Stone Arch Bridge and the Orchard Meadow Stone Arch Bridge in Mill Creek Park.
2. The Board of Park Commissioners hereby agrees to share in the cost of the proposed project.
3. The Board of Park Commissioners hereby agrees to the future maintenance of the proposed project.

After discussion, Dr. Durick motioned that the resolution be approved. The motion was seconded by Mr. Macejko and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni  
Voting Nay: None

Kirsten Peetz, Natural Resources Manager presented the following resolution.

R-14-03

Resolution Authorizing MetroParks Executive Director to Apply for  
Clean Ohio Conservation Fund Program

WHEREAS, the Board of Park Commissioners of the Mill Creek Metropolitan Park District, operating under Chapter 1545 of the Ohio Revised Code, intends to apply to the Ohio Public Works Commission for Clean Ohio Conservation Fund Program funds.

NOW THEREFORE BE IT RESOLVED, that the Executive Director is hereby authorized to apply, on behalf of the Board of Park Commissioners, to the Ohio Public Works Commission for Clean Ohio Conservation Fund Program funds, and

BE IT FURTHER RESOLVED that the Executive Director, is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

After discussion, Ms. Marrow motioned that the resolution be approved. The motion was seconded by Mr. Macejko and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni  
Voting Nay: None

Justin Rogers, Planning Manager presented the following resolution.

R-14-04

Resolution Authorizing MetroParks Executive Director to Apply for  
Ohio Environmental Protection Agency Surface Water Improvement Fund Grant

WHEREAS, the Board of Park Commissioners of the Mill Creek Metropolitan Park District, operating under Chapter 1545 of the Ohio Revised Code, intends to apply to the Ohio Environmental Protection Agency (EPA) for Surface Water Improvement Fund (SWIF) Grant Program funds, and

WHEREAS, Ohio EPA's SWIF Grant Program is designed to fund implementation of projects that address non-point source pollution and/or stormwater runoff and improve water quality in Ohio's streams, rivers and lakes, and

WHEREAS, Mill Creek MetroParks, an eligible applicant to receive grant funding from the program, has been the recipient of grant funds from previous rounds of the SWIF program, and

WHEREAS, Mill Creek MetroParks intends to submit an application to improve the Lily Pond parking lot and surrounding area by creating an innovative stormwater demonstration project with pervious pavement, bio-filtration islands, stormwater treatment wetlands, and more.

NOW THEREFORE BE IT RESOLVED, that Dennis Miller, MetroParks Executive Director, is hereby authorized to apply, on behalf of the Board of Park Commissioners, to the Ohio EPA for SWIF Grant Program funds, and

BE IT FURTHER RESOLVED that Dennis Miller, MetroParks Executive Director, is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

After discussion, Ms. Marrow motioned that the resolution be approved. The motion was seconded by Mr. Ragan and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni  
Voting Nay: None

Dennis Miller presented the 2014 Golf Course Restaurant Lease for one year with Barry Dyngles for approval.

After discussion, Mr. Ragan motioned that the Lease be approved. The motion was seconded by Mr. Macejko and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni  
Voting Nay: None

Rikki Brammer, Events and Programs Manager presented the following requests.

- Fitness Together 5k walk/run Fundraiser, Saturday, May 10, 2014, 9 a.m. - noon, in the Wick Recreation Area and on closed MetroParks roads.
- Race Against Amyloidosis 5k Fundraiser, Saturday May 31, 2014, 9 a.m. – noon, in the Wick Recreation Area and on closed MetroParks roads
- YMCA Triathlon Fundraiser – cycling portion, Sunday, July 20, 2014, 7:30 – 10:30 a.m., in the Lake Glacier Area, and on closed MetroParks roads
- Covelli Panerathon 10k Race Fundraiser, Sunday, August 24, 2014, 10 a.m. – noon, in the Lake Glacier Area, and on closed MetroParks roads
- YMCA Community Cup Fundraiser, Saturday, September 6, 2014, 8 a.m. – 3 p.m., in the Wick Recreation Area and on closed MetroParks roads.
- Youngstown Ultra Trail Classic 50k & 25k, Saturday, September 13, 2014, 8 a.m. – 4 p.m., in the Lake Glacier area and on closed MetroParks roads.

After discussion, Ms. Marrow motioned that the requests be approved. The motion was seconded by Dr. Durick and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni  
Voting Nay: None

Dennis Miller requested that the Board schedule a Special Meeting/Workshop to discuss the 2014 budget.

The Board received the following public comments.

- Question regarding Egypt Swamp and the chemical spill there in the 1960's.
- Nancy Brundage spoke regarding the Board Meeting locations being moved around, suggested in the summertime only, and reminded that the meetings always be handicapped accessible.
- Samantha Villella, Community Engagement Director, introduced the new Marketing Manager, Leslie Cusano.

At the end of the public comment session, the Board thanked the public for their comments.

Mr. Schiavoni announced that the next Regular Board Meeting has been scheduled for Monday, March 10, at 6:00 p.m. at Pioneer Pavilion.

Mr. Macejko moved the Board meet in Executive Session to consider the appointment, employment, discipline, or compensation of public employees.

The motion was seconded by Dr. Durick and the vote taken resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni  
Voting Nay: None

The motion was passed, and the Board met in Executive Session at 6:41 p.m.

The Board returned from the Executive Session at 8:10 p.m.

There being no further business, Mr. Macejko moved to adjourn the meeting. Mr. Ragan seconded the motion, and the vote taken resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni  
Voting Nay: None

The meeting adjourned at 8:10 p.m.