

Canfield, Ohio
August 15, 2016

The Regular Meeting of the Board of Park Commissioners of Mill Creek MetroParks was held on Monday, August 15, 2016, 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, Bob Durick, present; Lee Frey, present; John Ragan, present; and Tom Shipka, present.

John Ragan presented the Minutes of the Meeting of July 11, 2016, and asked that they be approved. Tom Shipka motioned they be approved. The motion was seconded by Bob Durick and passed, and the vote taken resulted as follows:

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

John Ragan presented the Minutes of the Meeting of August 1, 2016, and asked that they be approved. Lee Frey motioned they be approved. The motion was seconded by Bob Durick and passed, and the vote taken resulted as follows:

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

Kevin Smith, Finance Director, presented his report. Tom Shipka asked that, in the future, the registers include a short description. Tom Shipka moved, the funds having been certified as on hand and duly appropriated, that disbursements #70974 - #71125, for a total of \$376,652.50 be approved. The motion was seconded by Germaine Bennett and the vote taken resulted as follows:

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

Kevin also presented the cash balances as shown below:

INFORMATION ITEMS:

CASH BALANCES
August 2, 2016

Cashier Change	\$7,400.00
Cash-Active Account	\$1,798,402.01
Cash-Payroll Account	\$5,000.00
*Star Plus Investment Acct.	\$1,890,188.93
TOTAL CASH	\$3,700,990.94

**Star Plus is currently paying a daily dividend rate of 0.003865% on all accounts.*

Discussion was held about the standing advisory committees, approved at the July 11, 2016, Board Meeting.

Tom Shipka made a motion to put the application for the committees online immediately. Germaine Bennett seconded it, and the vote taken resulted as follows:

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

Discussion was held about implementing a mileage log for all MetroParks vehicles, and keeping them on file for three years. Aaron indicated that mileage logs have already been put in place, and the Records Retention list will be updated.

Megan Millich, Human Resources Director presented the following updated overtime policy.

Overtime/Compensatory Time

Due to operational demands employees may be required to work extended hours totaling over forty hours per week. The Fair Labor Standards Act (FLSA) has established standards governing the payment of overtime. In accordance with FLSA employees are classified as “exempt” or “non-exempt”. All employees are notified of their classification at time of hire. If you are unsure of your classification please contact Human Resources. For employees covered by a collective bargaining agreement, consult the appropriate agreement to determine payment for overtime work.

Non-Exempt Employees are subject to the following guidelines:

- A. Time worked in excess of forty hours in one work week is considered overtime. Overtime will be paid at one and one-half times the employee’s hourly rate.
- B. Time worked for the purposes of calculating overtime includes paid working time, vacation and holiday time. Sick leave is not included in the calculation of time worked for overtime purposes. When attendance at meetings, conferences or training sessions is requested by Mill Creek MetroParks time spent in meetings will be considered time worked in the calculation of overtime.
- C. Employees must obtain supervisor approval of overtime before the hours of work are performed. Working overtime without prior authorization may result in disciplinary action.
- D. If a non-exempt employee is required to work on a holiday, they will be paid at one and one half times their hourly rate for each hour worked on that holiday.
- E. Full-time non-exempt employees may choose to accrue compensatory time off in place of overtime pay. Compensatory time is earned at the rate of one and one-half times each hour worked over forty hours in one week. Such compensatory time may not accumulate to more than forty hours at any one time and may not be accumulated from calendar year to calendar year. Compensatory time off shall be scheduled in the same manner as vacation time off and must be taken in 4 hour increments. Unused compensatory time shall be liquidated in cash on the last pay day in the calendar year at the pay rate in effect at the time of liquidation.

Exempt Employees are subject to the following guidelines:

- A. Exempt employees are not paid for overtime work and do not accumulate compensatory time.
- B. Exempt employees are permitted to request flextime when job demands or special events cause them to work additional hours outside of their normal work week requirements.

Flextime allows employees to adjust their typically scheduled arrival or departure times subject to approval of their direct supervisor. Requests for flextime are approved on a case by case basis based on staffing needs, job duties and hours worked.

- C. Any exempt employee working on a holiday will be paid at one and one-half times their calculated hourly rate in addition to holiday time. A time slip must be submitted to be compensated for holiday work.

Bob Durick motioned the policy be approved. After discussion the motion was seconded by Tom Shipka and the vote taken resulted as follows:

Voting Aye: Bennett, Durick, Frey, Ragan, Shipka

Voting Nay: None

Brian Tolnar, Golf Director, presented an amendment to our current golf car lease, with Lake Erie Golf Cars, LLC. After discussion, Lee Frey motioned the amendment be approved. The motion was seconded by Bob Durick and the vote taken resulted as follows:

Voting Aye: Bennett, Durick, Frey, Ragan, Shipka

Voting Nay: None

Jim Willock, Chief of Police, presented the Policy Manual Updates for the MetroParks Police. After discussion, Germaine Bennett motioned the policy be approved. The motion was seconded by Bob Durick and the vote taken resulted as follows:

Voting Aye: Bennett, Durick, Frey, Ragan, Shipka

Voting Nay: None

Aaron Young, Executive Director presented the Friend's Specialty Garden Café Lease, and requested the contract be terminated, due to the tenant's inability to abide by the terms and conditions of the lease. After discussion, Lee Frey made a motion to terminate the Lease. Germaine Bennett seconded the motion and the roll being called, the vote resulted as follows:

Germaine Bennett - Aye

Bob Durick – Aye

Lee Frey - Aye

John Ragan – Aye

Tom Shipka - Abstain

Aaron presented the Executive Director Report:

1. Welcome the return of Kevin Smith as Treasurer
2. Senatorial Citation on behalf of State Senator Joe Schiavoni presented to Brian Tolnar for the Mill Creek Foundation AJGA All-Star Golf Tournament
3. Lily Pond Ribbon Cutting on August 4, 2016
4. Participated as a member of the Steering Committee for the Youngstown Infrastructure Prioritization Plan; Discussed strengthening the connection of MCMP to City of Youngstown (Mahoning Ave.) on August 3, 2016
5. Participated in a meeting with the USEPA, OEPA and City of Youngstown regarding the new USEPA Water Community Assistance for Resiliency and Excellence (WaterCARE) Program on August 1, 2016. Purpose of WaterCARE is to develop finance strategies for water infrastructure
6. Lanterman's Mill Wheel Replacement Design Services; Faniro Architects, Inc.

Public Comments:

- Judy Peyko – gave the Board members and Aaron a handout regarding a broken boardwalk, and questioned the time schedule for fixing. Aaron replied that MetroParks is doing their due diligence to ensure safety, efficiency, and design cost. She thanked Mrs. Bennett for communicating with her.
- Jeff Barone – gave the Board members and Aaron photos of trails. He spoke about using the park extensively for running and bicycling. He supports the Executive Director's business plan, and thanked the Board for standing behind that plan. He noted that everything had been neglected for years, partially due to the many Executive Directors that have come and gone.
- Bill Adams – he thanked Mr. Barone for his comments. He spoke regarding his calculations of the budget, staff losses, levy income, capital improvements, and questioned Aaron's figures and calculations. Aaron replied that the figures Bill was referring to were from an out of date internal working document, and his figures were no longer applicable.
- Peggy Palma – she questioned the methodology used to decide that we needed less naturalists, and more golf pros. She suggested we get a State of Ohio Performance Audit, much like Great Parks of Hamilton County did. She provided a copy of this document to the Board.
- Chance Metz – expressed concern about his comments on the MetroParks Facebook page being blocked. He spoke regarding the timing to fix the broken boardwalk, the weeds at the Lily Pond and the Gardens. He felt Tom Shipka had been treated wrong in the recent emails released to the public. He asked for Aaron to be fired.
- Rosemary Thomas – she asked for the reinstatement of the park rangers at the Gardens, due to incidents of trash, her rented chair being moved and rained on, general public not being told to leave a rented space, and Frisbees being thrown near wedding ceremonies. She is upset with what she feels is the deterioration of the Gardens.
- Eric Clark – thanked Tom and Lee. He spoke regarding who would be volunteering for the committees, staffing at the gardens, and volunteers prior to the Garden Party. He requested that we make sure the park stays as Volney Rogers intended. He quoted John Muir regarding the natural world.
- Angie Bradian – Asked, again, that the issue of who provided an altered records request response to her request this year, be addressed publicly. She spoke regarding passion for animals, a humane wildlife policy, and the lack of the previous Natural Resources Manager to do her job properly, which caused backlash from the community. She questioned why one particular email between Tom Shipka, Aaron, and the Board had been shared with the Editor of the Vindicator.
- Kathy Pannunzio – spoke regarding river otters at the MCP Sanctuary, the 2009 Cleveland Museum of Natural History report about the Sanctuary, and lethal trapping. Aaron replied that there had been no trapping permits issued by him in his tenure at the MetroParks, and that there has been no discussion about continuing to trap.
- Liz Ramsey – asked about where donations to the Foundation go. Aaron replied that they get sent to the Foundation, and never go through the MetroParks accounting system. She questioned checks processed for reimbursement to Brian Tolnar. She asked about the addendum to the Golf Cart lease. Aaron and Brian explained that we would be getting more product, for the same amount of money.
- Eric Wells – he feels that Aaron is not the problem, but rather the conduit for all of the problems at this point. He questioned population control of otters. He asked that budgetary vs moral criteria be considered. He mentioned nepotism.

The Board thanked the public for their comments.

Commissioners Comments

- Bob Durick thanked the staff for a great job during the recent Struthers Rotary duck event fundraiser at Yellow Creek Park.
- Lee Frey – presented a resolution, for the September 12, 2016, meeting, regarding a policy change establishing regulations concerning the role of the Treasurer and Board of Commissioners. Discussion.

- Germaine Bennett – spoke regarding the treasurer’s role during her tenure with the Youngstown City School system. She said the Gardens Director will evaluate and monitor the situation with the chairs and rentals. The questions about naturalists and the Foundation will be brought up to date and shared with the public.
- Tom Shipka prepared to make a motion regarding the Job Description of the Executive Director. He read background information from page 2 and 3 of his handout.

Lee Frey commented that is about a policy decision, not an individual, therefore, it cannot be talked about in Executive Session.

Tom motioned that the Board of Commissioners of the Mill Creek MetroParks must approve, in a public session of a Board meeting, prior implementation, any proposal, plan, or decision of the Executive Director of the Mill Creek MetroParks, which has a significant impact on the employees, services, programs, or facilities of the Mill Creek MetroParks, including but not limited to the budget, capital improvements, reorganization, restructuring, retrenchment, reassignment, labor agreements, and property acquisition. Accordingly, the Job Description of the Executive Director of Mill Creek MetroParks which was approved by the Board of Commissioners of the Mill Creek MetroParks on February 8, 2016, shall be amended appropriately. Lee Frey seconded the motion.

Discussion.

Aaron Young commented that due to MetroParks currently being in the midst of litigation on this subject, that the Board be measured in their responses.

Germaine Bennett asked for a motion to table Tom’s motion until the litigation is resolved. John Ragan seconded the motion, and the roll being called, the vote resulted as follows:

Germaine Bennett - Aye
Bob Durick – Aye
Lee Frey - Opposed
John Ragan – Aye
Tom Shipka - Opposed

John Ragan announced that the next Regular Board Meeting will be held on Monday, September 12, 2016, at 6 p.m. at the MetroParks Farm.

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

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

The meeting adjourned at 7:55 p.m.