

Canfield, Ohio  
September 18, 2017

A Regular Meeting of the Board of Park Commissioners of Mill Creek MetroParks was held on Monday, September 18, 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, absent, Lee Frey, present, Tom Frost, present; John Ragan, present; and Tom Shipka, present.

The Board was presented with the Minutes of the Meetings of July 10, July 17, and August 14, 2017. Commissioner Frey moved that the minutes be accepted to the records.

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 #74033 - #74282, for a total of \$685,412.36 be approved. The motion was seconded by Tom Shipka, and the roll being called upon its adoption, the vote resulted as follows:

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

Appropriation requests:

- To increase appropriations by \$600.00 to account 100-4790-5073 – Morley Free Concerts, supplies. The Recreation Department received a \$600.00 donation in support of a concert at Yellow Creek and this appropriation increase will allow the donation to replace money spent on the concert.
- To increase appropriations by \$19,955.88 to account 100-2100-5007 – Fellows Riverside Gardens, contract jobs. We received this amount from our insurance provider for wind damages sustained to the gardens. Repairs to the gardens are currently underway.
- To increase appropriations by \$6,241.32 to account 100-4803-5097 – Pavilions, appropriations. We received this amount combined with the following request from our insurance provider for wind damages sustained to the Scholl tennis fence/Wick Recreation Area. Repairs to the tennis fencing will begin soon.
- To increase appropriations by \$4,000.00 to account 100-1750-5097 – Wick Recreation Area, appropriations. We received this amount combined with the preceding request from our insurance provider for wind damages sustained to the Scholl tennis fence/Wick Recreation Area. Repairs to the Wick area have already been completed.
- To increase appropriations by \$5,000.00 to account 100-4460-5042 – Mill Merchandise, merchandise. This will allow the Mill Manager to continue purchasing and reselling merchandise through the end of the year which has provided the MetroParks with an average 87% profit over the last few years.
- To increase appropriations by \$575.00 to account 100-0450-5042 – Volunteer Program, merchandise. The MetroParks received a \$575.00 donation in support of a volunteer bikeway program and this appropriation increase will allow the donation to replace money spent on the program.
- To increase appropriations by \$70,000.00 to account 100-4203-5097 – Ford Nature Design/Redevelopment, appropriations. The original budgeted amount was prepared based on the 2014 compass document and the estimated costs have increased.

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

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

Kevin presented Resolution R-17-12 Accepting Amounts and Rates as determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.

**R-17-12**  
**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

Revised Code Sections 5705.34-5705.35

The Board of Park Commissioners of Mill Creek Metropolitan Park District, Mahoning County, Ohio, met in Regular Session on the 18<sup>th</sup> day of September, 2017, at the office of Mill Creek MetroParks, with the following members present:

\_\_\_\_\_  
Lee Frey  
\_\_\_\_\_  
Tom Frost  
\_\_\_\_\_  
John Ragan  
\_\_\_\_\_  
Tom Shipka  
\_\_\_\_\_

Mr./Ms. Lee Frey moved the adoption of the following Resolution:

*RESOLVED*, By the Board of Park Commissioners of Mill Creek Metropolitan Park District, Mahoning County, Ohio, in accordance with the provisions of law has previously adopted a Tax Budget or has been granted the authority by the Mahoning County Budget Commission to waive this requirement for the next succeeding fiscal year commencing January 1, 2018; and

*WHEREAS*, The Budget Commission of Mahoning County, Ohio, has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within, the ten mill limitation; therefore, be it

*RESOLVED*, By the Board of Park Commissioners of Mill Creek Metropolitan Park District, Mahoning County, Ohio, that the amounts and rates as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

*RESOLVED*, That there be and is hereby levied on the tax duplicate of said Township the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

**SCHEDULE A**  
**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

<b>Fund</b>	<b>Amount Approved by Budget Commission Inside 10 Mill Limitation</b>	<b>Amount To Be Derived from Levies Outside 10 Mill Limitation</b>	<b>County Auditor's Estimate of Tax to be Levied Inside 10 Mill Limit</b>	<b>County Auditor's Estimate of Tax to be Levied Outside 10 Mill Limit</b>
General Fund		7,836,016	2.00	
<b>Total</b>		<b>\$ 7,836,016</b>	<b>2.00</b>	

**SCHEDULE B  
CURRENT PROPERTY VALUES AND  
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES  
(see attached)**

**And be it further**

*RESOLVED*, That the Secretary of this Board be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr./Ms. Tom Shipka seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

- Mr. Lee Frey - Aye
- Mrs. Germaine Bennett - absent
- Mr. John Ragan - Aye
- Mr. Tom Shipka - Aye
- Mr. Tom Frost- Aye

Adopted the 18 day of September, 2017.

\_\_\_\_\_  
Finance Director of the Board of Park Commissioners of  
Mill Creek Metropolitan Park District  
Mahoning County, Ohio

Lee Frey presented, for consideration, the following changes to the Mill Creek MetroParks Board of Park Commissioners Bylaws as follows:

BY-LAWS  
THE BOARD OF PARK COMMISSIONERS  
OF  
THE MILL CREEK METROPOLITAN PARK DISTRICT  
aka MILL CREEK METROPARKS

EFF. 1/1/89  
AM. 6/25/92  
Amended 6/24/02  
Amended 7/11/16  
Amended 5/8/17  
Amended

BY-LAWS  
THE BOARD OF PARK COMMISSIONERS  
OF  
THE MILL CREEK METROPOLITAN PARK DISTRICT  
a/k/a MILL CREEK METROPARKS

SECTION I - BOARD OF PARK COMMISSIONERS

- a. The commissioners appointed in accordance with applicable sections of the Ohio Revised Code shall constitute the Board of Park Commissioners of the Mill Creek Metropolitan Park District, a/k/a Mill Creek MetroParks park district.
- b. The Board shall consist of five members each serving three year terms, and each of whom shall be appointed at the discretion of the Judge of Probate Court of Mahoning County, pursuant to RC 1545.05. The terms will expire on the first day of January, three years from the appointment.
- c. The officers of this Board shall consist of a President and ~~two~~ Vice-Presidents who shall be elected for a period of one year at its first meeting; thereafter, they will be elected by the Board annually at the second meeting of the calendar year, each to serve until a successor is elected.
- d. Before entering upon the performance of any duties, each commissioner shall take an oath to perform faithfully the duties of the office and shall give bond for the faithful performance of the duties of the office in the sum of \$5,000. The bond shall be approved by and filed with the County Auditor.
- e. Commissioners shall serve without compensation, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.
- f. Pursuant to its authority in ORC Chapter 1545, the functions of the Board shall include:
1. To encourage citizen input for Board consideration.
  2. To present, discuss and vote on policies and programs affecting the park and to study issues and set policy for the operations of the Park. To actively participate in an overall planning process and assist implementing and monitoring the plan's goals.
  3. To select and regularly evaluate an Executive Director to manage the day to day activities of the Park subject to direction by the Board.
  4. To employ such other employees, including a secretary and a treasurer, as are necessary in the performance of the Board's powers conferred in ORC Chapter 1545.
  5. To provide input on the values, goals, and objectives of the Park through its mission statement and goals.

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6. To contribute to continuous feedback and to make recommendations as to which programs are consistent with the Park's mission and monitor their effectiveness.

7. To actively assist in developing the annual budget prior to approving it, and ensuring that proper financial controls are in place. The Board's foremost responsibility being to prudently manage the funds afforded to it to meet the goals of the Park.

8. To orient new Board members and self-evaluate the Board's performance on a yearly basis.

9. On an as-needed basis, review and revise the Bylaws of the Board.

10. Review the bylaws of the Board every five years through the selection of a citizens' committee with each Board member and the Executive Director nominating one person to serve. The recommendations will then be submitted to the Board for review and approval.

g. The Board of Park Commissioners shall adopt such by-laws and rules as the Board deems advisable for the preservation of good order within and adjacent to parks and reservations of land, and for the protection and preservation of land under its jurisdiction and control and of property and natural life therein. The by-laws and rules shall be published as provided in case of ordinances of Municipal Corporations before taking effect. No person shall violate any by-laws or rules. All fines collected for any violation of Park District by-laws or rules shall be paid into the Treasury of the Board of Park Commissioners.

h. The Board of Park Commissioners may close any park drive or facility or cease any park activity at any time, where in the Board's judgment, such drive, facility or activity is deemed unsafe or the best interests, general well-being and safety of the public is not being served.

i. The Board may remove any Board-appointed committee member who is not in compliance with committee requirements. Specific questions of conflict of interest shall be referred to the Board's attorney. The President shall promptly upon receipt of a resignation or when advised of a vacancy fill that vacancy on a Board Committee. The President may approve a special exception on the removal of members for absence at regularly scheduled committee meetings when the absences are due to health or time limited extenuating circumstances and the absences do not affect the ability of the committee to maintain a quorum.

j. The Board may adopt and enforce regulations as to the proper use and protection of all property of the Park District.

k. The Board may establish or extend parks, parkways, boulevards, connecting viaducts, public comfort stations, children's play grounds, bike paths, and trails of the Park District in accordance with State and/or Federal Laws.

l. The authority to supervise Park property rests with the Board, as may be delegated to its Executive Director and Park staff. This includes all land and facilities of the Park.

m. The Board, as may be delegated to its Executive Director, retains the right to operate or appoint agents to operate, or otherwise provide for operation of, its properties and its facilities, activities.

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and programs and to enter into agreements and arrangements related thereto, and to receive and apply the net proceeds thereof solely to the management, operation, development, maintenance, and repair of its properties, its buildings, facilities, improvements, and grounds.

n. The Board retains the right to charge admission for events, exhibits, and facilities at the Park District.

o. The Board retains the right to grant licenses, or enter into leases or contracts, for the use of any part of its properties, facilities, buildings, and grounds for such length of time and upon such terms and conditions as the Board deems appropriate and necessary, and grant easements in, through or over its property.

p. The Board reserves the right to receive and accept from any federal, state, county, municipal, or local government or agency or person, any grant or contribution of money, property, labor, or things of value to be held, used, and applied for the purpose for which such grants and contributions are made, subject to Probate Court approval.

q. Accept and expend gifts, grants, devises, and bequests of money and property on behalf of the park and hold, use, and apply such gifts, grants, and bequests according to the terms thereof, subject to Probate Court approval.

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## SECTION II - MEETINGS OF THE BOARD

a. Unless otherwise determined by the Board, Regular meetings of the Board will be held on the second Monday of each month.

~~a. Regular or Special Meetings of the Board shall be determined by the Board of Park Commissioners. Special Meetings of the Board shall be held upon call of any member of the Board or the Executive Director. Notices of Special Meetings shall be mailed to each member at least twenty-four hours before the time of such meetings or given by telephone or personally served on each member at least four hours before the time of such meetings. If any member of the Board is unavailable for a period of at least twenty-four hours before such meeting, failure of such members to receive notice of a Special Meeting shall not invalidate such meetings or any of its proceedings.~~

b. Special meetings may be called by the President and/or the Executive Director. Members will be notified of the special meeting by writing or email communication at least three calendar days in advance of the meeting. The staff liaison shall post official notice of all regular and special meetings in a timely manner pursuant to RC 121.22.

c. Meetings may be cancelled and/or rescheduled by the President due to insufficient business, lack of a quorum, conflict with a holiday, inclement weather or in an event of community emergency.

d. Every Regular or Special Meeting of the Board shall be open to the public unless an Executive Session is held pursuant to applicable state law.

e. Notice of the time and place of all Regular and Special Meetings of the Board or any change in the time or place thereof will be issued once to a newspaper of general circulation in accordance with Section 121.22 of the Revised Code.

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f. Any person may receive advance notification of meetings of the Board of Park Commissioners by providing self-addressed, stamped envelopes or postcards.

g. Notice of emergency meetings of the Board requiring immediate official action will be given to the news media and others who have requested notification immediately as per Section 121.22 of the Revised Code.

h. News media requesting notification of any meetings of the Board shall provide the Secretary of the Board with written designation of the person, mailing address and telephone number to whom notification is to be given. The Board will, if at all possible, provide such notice only within normal working hours. It shall be the obligation of the news media requesting notification to keep this written designation current at all times.

i. Meeting agendas will be prepared by the President and the Executive Director. Board Members may request that items be added to the agenda on the day of the meeting; however, the addition of such items is subject to the approval by the majority of the voting members. The meeting agenda will be sent electronically and/or mailed one week before a regular meeting and three (3) days before a special meeting.

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j. The meeting agenda will include a section for Community comment, which will be conducted by the President or Vice President and will be limited to three minutes per person. The President may limit the number of speakers making similar statements and to limit comments related to matters previously discussed. The Board is not required to respond to the comments at the moment, and may refer comments or questions to staff for review and response. In order to maintain a respectful environment for all those in attendance, disruptive behavior is prohibited during the meeting.

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k. Meeting minutes shall be prepared by the Mill Creek MetroParks staff. The minutes shall include enough facts and information to permit the public to understand and appreciate the rationale of the Board's actions as expressed by Board members at the meeting. As to executive sessions, the minutes need only to reflect the general subject matter of the session by way of the motion to convene the executive session. The draft minutes of the prior meeting shall be provided to the Board in the next meeting packet for correction and approval, and to the public upon request.

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l. The Board shall use Roberts Rules of Order to guide its meetings.

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m. All committees that report to the Board must maintain and submit minutes of their meetings to the Executive Director, with the assistance of Park staff. The Board reserves the authority to appoint committees that will report to the Board.

d. The minutes of the Board shall be recorded and open for inspection after they have been read and approved by the Board. The minutes need only reflect the general subject matter of discussion in Executive Sessions which have been called and held pursuant to the applicable law.

en. Accurate and written records of the proceedings of all meetings of the Board shall be kept as permanent records of the Park District. The record of each meeting in the "Minutes of the Board" shall be and constitute the only evidence of the approved acts of the Board and will be signed at the end of the record of such meeting by the presiding officer and the Secretary of the Board. The Secretary shall be the official custodian of all the records of the Board and shall certify or attest to any action of the Board.

No paper, documents or other matters which are a part of the permanent records and files of the Board shall be taken out of the office of the Secretary by any other than the Executive Director, Deputy Director, Secretary or Treasurer without the written request or authorization of a member of the Board, or upon legal process. The Board may approve archive repository agreements with suitable agencies.

~~§~~. All petitions, applications and communications intended for the consideration of the Board (other than those presented by the members of the Board) must be in writing and shall not be considered or acted upon by the Board unless placed in the hands of the Secretary at least five days before the meeting of the Board, provided, however, that the Board may grant exceptions to such requirements.

~~§~~. Three members of the Board constitute a quorum of the Board for any meeting. Actions of the Board may be by motion or resolution with affirmative votes of at least three members necessary in order to adopt any ~~motion~~ or ~~resolution~~. The President may second and vote on any action.

~~§~~. The President shall preside at all meetings. In the absence or disability of the President, ~~the~~ Vice-President shall perform this duty. Meetings of the Board shall be governed in accordance with regulations adopted by the Board.

No contract, agreement, deed, option or other document and no action creating any right, obligation, or contractual relationship involving the Board shall be executed, given, transferred, assigned, delivered, accepted or received on behalf of the Board unless done in compliance with these by-laws or the approval and authorization of the Board has first been given.

Section III – Employees. The Board of Park Commissioners of the Mill Creek Metropolitan Park District shall retain at all times the authority to take any action the Board may deem necessary or in the best interests of the Park District. The Board or any individual member of the Board may intercede to suspend any matter he or she deems to be of a critical nature until review by the Board and the Executive Director. The Board may employ personnel to carry out the daily operations of the Park District as follows:

(A) *Executive Director*: The Board of Park Commissioners may hire an Executive Director, who shall serve at the pleasure of the Board and who shall function as the Chief Administrator Officer of the Board and be responsible to the Board for the general operation of the Park.

- (1) The Executive Director shall have authority to permit the use of any Park District facility for Park District sponsored events, including waiving fees and closing drives.
- (2) The Executive Director shall have authority to permit Park District employees to travel at Park District expense to schools, seminars, conferences, and training sessions, subject to the review and approval of the Board of Park Commissioners.
- (3) The Board of Park Commissioners of the 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.
- (4) The Board may, but need not, designate the same individual to serve as Executive Director and Secretary to fulfill the duties outlined in Division (B) hereof, and may authorize a Deputy Director to perform the duties of the Executive Director and/or Secretary in their absence. The Board may designate the same individual to serve as a Deputy Director to perform the duties of the Treasurer in the Treasurer's absence.
- (5) A specific staff member will be designated by the President of the Board of Commissioners of the Mill Creek MetroParks to act on behalf of the Executive Director during the absence of the Executive Director, expected or unexpected, when the Executive Director is absent four or more consecutive days due to vacation, sickness, or other reasons and that the President publicize the identity of and contact information for this individual.

(B) *Secretary*: The Board may engage a Secretary who shall keep an accurate record of the proceedings of the Board. When authorized by the Board, the Secretary shall sign all legal documents for or on behalf of the Board.

(C) *Treasurer*: The Board may appoint a Treasurer to act as Custodian of the Board's funds and as fiscal officer for the Park District. The Treasurer shall report to the Board of Park Commissioners and the Executive Director. The accounts of the Board shall be kept by the Treasurer and the Treasurer shall be an ex-officio officer of the Board. No contract of the Board shall become effective until the Treasurer certifies that there are sufficient Park District funds to defray the cost of that contract and encumbers the same. The Treasurer shall attest the signatures of any members of the Board who sign bonds issued by the Board.

#### SECTION IV - APPROVAL OF VOUCHERS

a. All vouchers for payments of bills not in excess of the amount stated in ORC Section 307.86 may be certified by the Treasurer or Executive Director in his absence, without prior Board approval. Sums in excess of the amount stated in ORC Section 307.86 require Board approval.

#### SECTION V - PROCEDURE FOR CONTRACTING FOR PROFESSIONAL, TECHNICAL, AND OTHER SERVICES

a. Pursuant to applicable sections of the Ohio Revised Code requiring the establishment of a procedure for contracting for special services, the following procedure shall be followed:

##### Special Services Costing Less than the Amount Stated in ORC Section 307.86

The Executive Director, on behalf of the Park District, may enter into a contract for Special Services costing less than the amount stated in ORC Section 307.86 without Board approval.

##### Special Services Costing More than Amount Stated in ORC Section 307.86

When the expected cost of special services will exceed the amount stated in ORC Section 307.86, the Executive Director will, after considering the competence, ability and availability of any person, firm, corporation or agency, recommend to the Board for their approval, the name of one or more providers. The Board may authorize a contract for special services with the person, firm, corporation or agency of their choice. Such a contract may be in the form of a written acceptance of a proposal submitted to the Board by such person, firm, corporation or agency. The Board may designate legal counsel for the Park District, at its sole discretion.

##### Concession Services, Leases

The Executive Director, on behalf of the Park District, may enter into leases or contracts for concession services where estimated income is less than \$10,000 without Board approval. When estimated income from a lease or concession contract will exceed \$10,000 or when directed by the Board of Park Commissioners, the Executive Director will, after considering the competence, ability, availability and any other factor considered by the Executive Director or the Board of Park Commissioners to be significant, of any person, persons, firm, corporation or agency, recommend to the Board for their approval, the name of one or more providers. The Board may authorize a lease or contract for concession services with the person, persons, firm, corporation or agency of their choice. Such a contract may be in the form of a written acceptance of a proposal submitted to the Board by such person, persons, firm, corporation or agency.

In soliciting providers for concession services or when leasing Park District property, the Executive Director and/or Board of Park Commissioners may use informal requests for quotations or proposals, legal advertisement, requests for proposals, direct negotiations or any other suitable method.

Lee Frey motioned the Board By-law changes be approved as indicated. Tom Shipka seconded the motion, and the roll being called upon its adoption, the vote resulted as follows:

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

Deby Clark spoke for the Horticulture Standing Committee to the Board of Park Commissioners, and recommended that the Mill Creek MetroParks employ a full-time, certified field arborist or other qualified forestry professional. Lee Frey moved that an Arborist or similarly skilled person be employed by the MetroParks. Tom Shipka seconded the motion. Discussion ensued. Frey, Frost, and Ragan indicated they would like to wait to make a decision until the 2018 budget numbers are in, find out what 3<sup>rd</sup> party

contractors would cost, what current staff members do in forestry, and to get staff input. Shipka urged the Board to not vote against the recommendation due to the acreage of forest, and role the Horticulture Committee played in determining the need for an Arborist. The roll being called upon its adoption resulted as follows:

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

The motion failed.

Chris Litton, Development Director presented Resolution R-17-13 Accepting Donations for the period July 1, 2017, through August 30, 2017. Lee Frey motioned the donations be accepted. John Ragan seconded the motion, and the roll being called upon its adoption, the vote resulted as follows:

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

Chris gave a Development update:

- Establish endowments
- Mill Creek Park Foundation
- Annual Campaign
- Capital Campaign

Aaron Young, Executive Director, presented Design Services Agreement recommendation for the Ford Nature Center Redevelopment Project. Lee Frey motioned that the Executive Director be authorized to execute a professional consultant services Agreement with DLR Group (Westlake Reed Lecoskey) for the Ford Nature Center Redevelopment project at the fee proposal amount of \$293,643.00. Tom Frost seconded the motion. After discussion, and the roll being called upon its adoption, the vote resulted as follows:

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

Justin Rogers, Planning Manager, presented Resolution R-17-14 for approval.

#### **R-17-14**

#### **FILING OF GRANT APPLICATION 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 by 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 for construction Fiscal Years 2020-2021, 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 in Mill Creek Park needs to be rehabilitated, and

**WHEREAS**, the Dividing Sycamore Stone Arch Bridge is a contributing structure in the Mill Creek Park Historic District and is an eligible project based on the Transportation Alternatives Program criteria, specifically "rehabilitation of historic transportation facilities", and

**WHEREAS**, the needed improvements to the Dividing Sycamore Stone Arch Bridge have been estimated at \$205,000 and Mill Creek Metropolitan Park District (MCMPD) 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.
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.

Lee Frey motioned the resolution be accepted. John Ragan seconded the motion, and the roll being called upon its adoption, the vote resulted as follows:

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

Justin presented Resolution R-17-15 for approval.

#### **R-17-15**

#### **ODOT PARK DISTRICT ROAD IMPROVEMENT FUND, 2018-2019 BIENNIUM**

**WHEREAS**, the Director of the Ohio Department of Transportation (ODOT), in accordance with ORC 5511.06, has approved a discretionary funding allocation for the ODOT Park District Road Improvement Fund for the 2018-2019 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**, the 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 Section 1545; MCMPD owns and manages property in Mahoning County; and MCMPD has adequate resources to coordinate construction and maintenance of improvement projects, 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, has allocated \$126,933.23 to the MCMPD for the 2018-2019 biennium, and

**WHEREAS**, the road improvement funds are specifically to be used for construction, reconstruction, improvement, repair or maintenance of park district drives, roads or parking lots in accordance with ORC 5511.06, and

**WHEREAS**, West Newport Drive, from Sheban Drive to Hampton Drive, in Mill Creek Park needs to be improved and was identified as a priority project as provided to OPRA in March 2015.

**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 MCMPD is hereby authorized and directed to file the necessary programming, scoping and environmental documents and to execute an Agreement for the project with ODOT, and
2. The Executive Director is hereby authorized and directed to have plans and specifications prepared for advertisement of public bids, and
3. The MCMPD agrees to pay all project costs in excess of the amount allocated by ODOT.

Lee Frey motioned the resolution be accepted. Tom Frost seconded the motion, and the roll being called upon its adoption, the vote resulted as follows:

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

Justin presented the following bid tabulations:

**TABULATION OF BIDS**

**MILL CREEK GOLF COURSE – CART STAGING AREA**

BID OPENING: September 15, 2017 ESTIMATE: \$62,000.00  
 10% BID CAP: \$68,200.00

Name of Bidder	Total Amount of Bid as Read at Bid Opening	Total Amount of Bid After Tabulation
Parella-Pannunzio, Inc. (Youngstown, OH)	\$58,787.50	\$58,787.50

**NOTES:**

1. One (1) bid was received, checked and tabulated. The total amount for the one (1) bid is 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 the one (1) bid.
3. The low bidder at bid opening and after tabulation is Parella-Pannunzio, Inc.
4. The low bidder is currently qualified to perform the work specified in the plans.
5. At the time of bid opening, Parella-Pannunzio, Inc.'s bid did not include three required forms (Worker's Compensation, Drug-Free Workplace Program, and Criminal Background Check Certification). All additionally required bonds, documents, forms and attachments were included with the bid.
6. Parella-Pannunzio, Inc. is experienced in the type of work required for this project. Parella Pannunzio, Inc. has completed several recent improvement projects for the MetroParks including the Children's Play Area at Wick Recreation Area, along with the outing tent concrete pad and cart parking area at the Golf Course.

**RECOMMENDATION:**

1. It is recommended that Parella-Pannunzio, Inc. be awarded the contract for the project named "MILL CREEK GOLF COURSE – CART STAGING AREA" at the grand total amount bid of \$58,787.50.

Lee Frey motioned the bid of Parella-Pannunzio, Inc. be accepted. John Ragan seconded the motion. After discussion, and the roll being called upon its adoption, the vote resulted as follows:

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

Justin Rogers presented the following bid tabulations:

**TABULATION OF BIDS**

**MILL CREEK GOLF COURSE: BUNKER RESTORATION – SOUTH COURSE**

BID OPENING: September 15, 2017 ESTIMATE: \$225,000.00  
10% BID CAP: \$247,500.00

Name of Bidder	Total Amount of Bid as Read at Bid Opening	Total Amount of Bid After Tabulation	Add Alternate #1
Frontier Golf, Inc. (Jones Mills, PA)	\$234,690.84	\$234,690.84	\$19,575.00
Golf Preservations, Inc. (Middlesboro, KY)	\$200,970.00	\$200,970.00	\$18,900.00
Parella-Pannunzio, Inc. (Youngstown, OH)	\$212,895.00	\$212,895.00	\$24,300.00

**NOTES:**

1. Three (3) bids were received, checked and tabulated. The total amount for each of the three (3) 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 three (3) bids.
3. The low bidder at bid opening and after tabulation is Golf Preservations, Inc.
4. The low bidder is qualified to perform the work specified in the plans.
5. At the time of bid opening, Golf Preservations, Inc.'s bid did not include three (3) required forms (Proposal, Worker's Compensation and Drug-Free Workplace Program). All additionally required bonds, documents, forms and attachments were included with the bid.
6. Golf Preservations, Inc. is experienced in the type of work required for this project. Golf Preservations, Inc. has completed a recent improvement project for the MetroParks, specifically the installation of a new greens drainage system.
7. An "Add Alternate" item was included in the proposal worksheet, with Golf Preservations, Inc.

providing the lowest of three prices at \$18,900.00. Adding this item to the total maintains Golf Preservations, Inc.'s bid under both the project estimate and 10% bid cap.

RECOMMENDATION:

1. It is recommended that Golf Preservations, Inc. be awarded the contract for the project named "MILL CREEK GOLF COURSE: BUNKER RESTORATION – SOUTH COURSE," with the inclusion of the Add Alternate #1 item, at the grand total amount bid of \$219,870.00.

Lee Frey motioned the bid of Golf Preservations, 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: Frey, Frost, Ragan, Shipka  
Voting Nay: None

Executive Director's Report

1. Received in cooperation with Buckeye Horse Park, an American Quarter Horse Association Step Grant in the amount of \$2,910.
2. Hosted ODNR Statewide Comprehensive Outdoor Recreation Plan Focus Group on 08-24-17, Provided Survey Results at [parks.ohiodnr.gov/research](http://parks.ohiodnr.gov/research).

Kat Paull spoke for the Nature Education Standing Committee to the Board of Park Commissioners and made the following recommendations:

1. Adopt a policy that all school programs meet State standards
2. Add the word *education* to the Mission Statement.

Jeff Harvey of the Committee handed out a report with their research other parks' staffing compared to ours, mission statements, and defining Nature Education.

The Board asked Carol Vigorito, Recreation & Education Director, her opinion of the recommendations. She stated that Education Manager Mandy Smith is currently working on updating and leading the staff to follow State standards. She disagreed that the mission statement needs changed, because it is inclusive, and that a goal in the Strategic Plan is to increase educational programing.

Lee Frey stated that the Board will put the recommendations to a vote at the next Regular Meeting in November.

Commissioners Comments

Lee Frey thanked Attorney Roberts for his help with the Bylaws, and he thanked the Department Directors for their hard work this summer.

Tom Frost stated that even though a vote wasn't approved at this meeting for the Horticulture Standing Committee's recommendation for MCMP to hire an Arborist, that didn't mean that the subject is closed. Tom Frost motioned that, after the 2018 budget completion, and other information is gathered, the subject of adding an Arborist to the MCMP staff will be revisited again in the future. Lee Frey seconded the motion. After discussion, and the roll being called upon its adoption, the vote resulted as follows:

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

Tom Shipka thanked the Nature Education Committee.

Tom Shipka moved that any member of a Standing Committee of the Board of Commissioners who misses two consecutive meetings of the committee on which he or she serves, relinquishes his or her membership on the committee and, further, the President of the Board of Commissioners shall thereupon appoint a replacement as soon as possible for the remainder of the term from among applicants for the committee, or, if there are no such applicants, from among recommendations of members of the committee in question, or, if there are no such recommendations from members of the committee in question, from among recommendations of the members of the Board of Commissioners. Tom Frost seconded the motion. Discussion ensued.

Tom Frost motioned that an amendment to the motion be made “a member can be excused for just cause, with approval of the committee chairperson”. Tom Shipka seconded the motion. After discussion, and the roll being called upon its adoption, the vote resulted as follows:

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

John Ragan motioned that an amendment to the motion be made to remove “or, if there are no such recommendations from members of the committee in question,” and replace with the word “and”. Tom Frost seconded the motion. After discussion, and the roll being called upon its adoption, the vote resulted as follows:

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

The motion with the amendments now reads:

Any member of a Standing Committee of the Board of Commissioners who misses two consecutive meetings of the committee on which he or she serves, relinquishes his or her membership on the committee. The President of the Board of Commissioners may approve a special exception on the removal of members for absence at regularly scheduled committee meetings when the absences are due to health or time limited extenuating circumstances and the absences do not affect the ability of the committee to maintain a quorum. Further, the President of the Board of Commissioners shall thereupon appoint a replacement as soon as possible for the remainder of the term from among applicants for the committee, or, if there are no such applicants, from among recommendations of members of the committee in question, and from among recommendations of the members of the Board of Commissioners.

After discussion, and the roll being called upon its adoption, the vote resulted as follows:

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

#### Public Comments to the Board

- Judy Peyko spoke about the previous Arborist position that was part of the Feb. 2016 reorganization. She also spoke about the raise and contract extension for the Executive Director. She encouraged the audience vote Probate Judge Rusu out.
- Chance Metz spoke about the budget, arborist, road paving. Recommended elimination of the PR & Marketing position to pay for an Arborist. He stated that he was not in agreement with the way the Executive Director’s raise was voted on at the end of a Special Meeting.
- Celeste Sinistro spoke about the heart & integrity of the park, the development of real estate, the mission statement, and gold plaques on benches and bird boxes. She indicated that there are rumors about hunting and trapping coyotes in the park, and that wildlife management is not about killing. She suggestion that an “adopt-a-tree” program be put in place, and protection of the natural resources.
- Pam Garver spoke regarding a recent television interview, and that the community will never forget the terminations. She felt we need an arborist, that the Gardens Director doesn’t have time,

there are trees down, and infested trees, and that we should take a proactive approach to forest management not a reactive approach.

Lee Frey announced that the next meeting has been scheduled for 6 p.m., Tuesday, October 10, 2017, in McMahon 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: Frey, Frost, Ragan, Shipka  
Voting Nay: None

The motion was passed, and the Board met in Executive Session at 7:07 p.m.

John Ragan motioned to return to Regular Session. Tom Frost seconded the motion and the Board returned from Executive Session at 7:40 p.m. and the roll being called upon its adoption, the vote resulted as follows:

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

There being no further business, Tom Frost 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: Frey, Frost, Ragan, Shipka  
Voting Nay: None

The meeting adjourned at 7:41 p.m.