

Canfield, Ohio  
March 18, 2019

A Regular Meeting of the Board of Park Commissioners of Mill Creek MetroParks was held on Monday, March 18, 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 Meeting of February 11, 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 #78427 - #78665 for a total of \$620,037.48 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

Kevin Smith requested to increase appropriations to account 100-0080-5195 – Reserve Contingencies by \$9,092.24. This is reimbursement for two recent insurance claims. Lee Frey made a motion to approve the request. 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

Jim Willock, Chief of Police, presented updates to the Police Policies Manual for approval. Lee Frey made a motion to approve the manual. After discussion, the motion was seconded by Jeff Harvey, and the roll being called upon its adoption, the vote resulted as follows:

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

Justin Rogers, Planning Manager, presented the following bid tabulations for MetroParks Farm Parking Lot Improvements.

METROPARKS FARM PARKING LOT IMPROVEMENTS

BID OPENING: March 06, 2019 ESTIMATE: \$146,453.00  
10% BID CAP: \$161,098.30

Name of Bidder	Total Amount of Bid as Read at Bid Opening	Total Amount of Bid After Tabulation
American Contracting, Inc. Austintown, Ohio	\$135,272.75	\$135,272.75
Barbicas Construction Co., Inc. Akron, Ohio	\$141,554.51	\$141,554.51
Chagrin Valley Paving, Inc. Chagrin Fall, Ohio	\$157,235.50	\$157,235.50

R.T. Vernal Paving & Excavation, Inc.  
North Lima, Ohio

\$139,934.18

\$139,934.18

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NOTES:

1. Four (4) bids were received, checked and tabulated. The total amount of all the bids were within the 10% bid cap.
2. No errors, mathematical or otherwise, were found in any of the four (4) bids.
3. The low bidder at bid opening and after tabulation is American Contracting, Inc.
4. All required bonds, documents, forms and attachments were included with R.T. Vernal Paving & Excavation, Inc.'s bid. Three (3) bids, including American Contracting, Inc., were missing both the worker's compensation certificate and proof of participation in a drug-free workplace program. Apparent low bidder American Contracting, Inc. was contacted on March 7, 2018 and informed that the items had to be submitted per the contract documents. Drug free workplace certification must be received within 10 days of bid opening to be considered for award.
5. American Contracting, Inc. is experienced in the type of work required. American Contracting, Inc. has not previously completed any MetroParks improvement projects.
6. While American Contracting, Inc. has no prior experience working with the MetroParks, the contractor does have experience working with ODOT and similar paving projects. American Contracting, Inc. is also subcontracting with Foust Construction, Inc. and Boca Construction, both of which have successfully completed MetroParks' projects as general contractor or subcontractor.

RECOMMENDATION:

1. It is recommended that American Contracting, Inc. be awarded the contract for the project named "METROPARKS FARM PARKING LOT IMPROVEMENTS" at the grand total amount bid of \$135,272.75.

Lee Frey made a motion to approve the bid of American Contracting, Inc. After discussion, 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

Aaron Young, Executive Director, presented the following resolution for approval.

**Resolution R-19-02**

The Board of Park Commissioners  
of the Mill Creek Metropolitan Park District,  
an Ohio public entity doing business as Mill Creek MetroParks

WHEREAS, on February 25, 1993, the Board of Park Commissioners (hereinafter, the "Board") of the Mill Creek Metropolitan Park District *d/b/a* Mill Creek MetroParks (the "MetroParks"), passed a resolution resolving that the public interest demanded the construction of a bicycle path on a railroad right-of-way abandoned by Conrail, stretching from Western Reserve Road on the South to Mahoning Trumbull County line on the north, and having a length of approximately 12 miles, situated in Mahoning County, State of Ohio; and

WHEREAS, in the years 2000 and 2001, MillCreek MetroParks constructed 10.6 miles of bikeway trail through Austintown Township, the City of Canfield, and Canfield Township upon such abandoned railroad line purchased by MetroParks, which construction comprised Phases I and II of the Mill Creek MetroParks Bikeway project (the "Bikeway"); and

WHEREAS, concurrent with the construction of Phases I and II of the Bikeway, the MetroParks commissioned and obtained a feasibility study for the alignment of Phase III of the Bikeway, which study resulted in the determination that the option to align and construct Phase III of the Bikeway along the former railroad corridor in the southern one-third of Mahoning County was the preferred alignment; and

WHEREAS, the existing Bikeway spans the northern two-thirds of Mahoning County, while the southern one-third of Mahoning County presently contains no bikeway facility; and

WHEREAS, the purpose of Phase III is to extend the existing Bikeway from Western Reserve Road in Canfield Township to High Street near State Route 14 at the Columbiana County line in the Village of Washingtonville; and

WHEREAS, completion of the 6.4 mile section of the Bikeway, described as Phase III, will provide local and regional users with a safe, uniformly-designed, multi-use, off-road trail facility dedicated for public transportation and recreational purposes; and

WHEREAS, since the completion of the feasibility study, MetroParks has completed preliminary steps in furtherance of Phase III, including programming and securing funding for project planning, environmental studies, aerial surveying, geotechnical testing, site visits, and conducting individual meetings with property owners along the former railroad corridor; further, MetroParks has engaged consultants to assist in the completion of the various phases of the Phase III project; and

WHEREAS, on September 10, 2018, by resolution of the Board, MetroParks resolved that it is necessary and in the best public interest that MetroParks be authorized to complete Phase III of the Bikeway project and, further, that MetroParks be authorized to consummate and complete all acquisition transactions as may be necessary to acquire the real property contemplated for inclusion in Phase III of the Bikeway or, in instances where agreement cannot be reached with the landowner, that MetroParks by and through its legal counsel be authorized to appropriate such property by power of eminent domain and initiate legal proceedings pursuant to Ohio Revised Code Chapter 163; and

WHEREAS, Belden & Blake, LLC (f/k/a Belden & Blake Corporation), as successor to The Canton Oil & Gas Company and its affiliates CGAS Properties, LP; and EnerVest Operating, L.L.C. (collectively, "EnerVest") holds rights, title, and/or interest in certain oil and gas leases, easements, and/or rights-of-way (the "EnerVest Interests"); and

WHEREAS, MetroParks intends to construct the 6.4 mile Phase III extension of the Bikeway upon real property that may cross on, in, over, under, and through the EnerVest Interests; and

WHEREAS, MetroParks and EnerVest desire to coordinate and harmonize their efforts so that both parties may achieve and enjoy their respective interests in property where the Phase III extension of the Bikeway will be located, without disrupting the rights of the other party; and

NOW, THEREFORE, BE IT RESOLVED by the Board that we deem it necessary and in the best public interest that the MetroParks be and hereby is authorized to enter into a crossing agreement with EnerVest whereby Metro Parks will promote, develop, and maintain the Phase III extension of the Bikeway without disruption to the EnerVest Interests and EnerVest may continue to pursue the development and maintenance of the EnerVest Interests without disturbing the MetroParks' 6.4 mile Phase III extension of the Bikeway; and

BE IT FURTHER RESOLVED by the Board that the Executive Director of the MetroParks be and hereby is authorized to negotiate with the assistance of legal counsel of the MetroParks and execute a crossing

agreement between EnerVest and MetroParks that sets forth the terms and conditions under which the parties will promote, develop, and maintain their respective interests upon, under, and across the 6.4 mile Phase III extension of the Bikeway.

Lee Frey made a motion to approve the Resolution. Paul Olivier seconded the motion. Atty. Liz Farbman of Roth Blair Assoc., spoke regarding the purpose for the resolution. After discussion, 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, Recreation Manager presented the following special event requests for approval:

- a. YMCA Memorial 5 Miler fundraiser/community event, Saturday, May 25, 2019
- b. Cardinal Classic fundraiser, 5K & 15K, Saturday, June 15, 2019
- c. Sight for all United fundraiser, 5K, Sunday, July 28, 2019
- d. Struthers Rotary Rubber Duck Race, Saturday, August 17, 2019
- e. YMCA Community, fundraiser/community event, Saturday, September 7, 2019
- f. Youngstown Ultra Trail Classic fundraiser/community event, 50K, 25K, Saturday, September 14, 2019.
- g. Green Cathedral fundraiser, half marathon, 5K, Kids Run, Sunday, September 15, 2019
- h. American Foundation for Suicide Prevention fundraiser/community event, Saturday, September 21, 2019
- i. The Youngstown Peace Race fundraiser, Sunday, October 13, 2019

Lee Frey moved that the requests be approved. The motion was seconded by Germaine Bennett. After discussion, 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 request for approval.

- a. Covelli Panerathon 10K, Sunday, August 25, 2019

Lee Frey moved that the request be approved. The motion was seconded by Jeff Harvey. After discussion, and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Bennett, Frey, Frost, Harvey  
Voting Nay: None  
Voting to Abstain: Olivier – due to conflict of interest

Aaron Young provided the following Executive Director Report.

1. Equestrian Facilities Lease; The previous twenty-five (25) year lease with the Buckeye Horse Park Association has expired. Both parties are communication with the goal of developing a new lease.
2. 2018 Annual Report; The 2018 Annual Report is completed and available on the MetroParks website.
3. Arborist Certification Update; Lance Bailey, Golf Course Superintendent and Dave Donaldson, Golf Course Assistant Superintendent both recently became Certified Arborists, bringing the total number of Certified Arborists at the MetroParks to three (3).

Chris Litton, Development Director, presented his monthly deposit report. He also presented his 2019 Development Plan for approval.

Lee Frey moved that the plan be approved. The motion was seconded by Paul Olivier. After discussion, and the roll being called upon its adoption, the vote resulted as follows:

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

Justin Rogers spoke regarding the presentation that Nick Derico, Natural Resources Steward will give on the Mill Creek Wildlife Sanctuary Natural Resources Management Plan at this meeting. The board was pleased with the report.

Justin also gave a report from the Wildlife Standing Committee, thanked them for their help in developing the Natural Resources Management Plan for the Sanctuary, and with goose management throughout the MetroParks. He also stated that the Committee does not support the recent changes to the Standing Committee Policy, particularly that future members must be residents of Mahoning County, and that the staff liaison must give their report to the Board.

#### Commissioners Comments

- Lee Frey – thanked Chris & Aaron for the fantastic fundraising efforts, and looks forward to the Ford Nature Center's renovation. He thanked the Wildlife Committee, and the staff, and can see structure improvement is happening.
- Tom Frost – thanked everyone for the good news, great meeting, and was very happy with the Sanctuary plan.
- Germaine Bennett – proud of the staff and committees, and appreciates the input and time everyone is putting in. She suggested that the chairperson of each committee stand at the podium with the staff liaison when committee reports are presented, so that they can give their input.
- Paul Olivier – very pleased with the progress of the Development Plan. Questioned storm damage from last week, the Maintenance Manager reported nothing out of the ordinary.
- Jeff Harvey – was very happy with the Sanctuary plan, and welcomed everyone to the MetroParks for the spring.

#### Public Comments to the Board

- Deby Clark – asked that the discussion regarding the new Standing Committee Policies be put on the next Board Meeting Agenda.

Lee Frey announced that the next meeting is scheduled for Monday, April 8, 2019, at 6 p.m. at the MetroParks Farm. He also announced that there is a Special Meeting/Board Retreat scheduled for Saturday, March 23, 2019, at 8 a.m. in Classroom A at the MetroParks Farm.

There being no further business, 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 7:08 p.m.