

MINUTES OF THE MEETING OF THE BOARD OF PARK COMMISSIONERS OF MILL CREEK  
METROPARKS HELD MONDAY, MAY 9, 2022.

A Regular Meeting of the Board of Park Commissioners of Mill Creek MetroParks was held on Monday, May 9, 2022.

The meeting opened at 6:00 p.m., with recitation of The Pledge of Allegiance.

Lee Frey, Board President welcomed staff and guests.

Roll Call was as follows:

Germaine Bennett;	Present
Lee Frey;	Present
Tom Frost,	Present
Jeff Harvey;	Present
Paul Olivier;	Present

The Board was presented with the Minutes of the Regular Meeting of April 11, 2022. Lee Frey accepted the minutes into the record as written.

The Board was presented with the Minutes of the Special Meeting/Board Retreat of April 23, 2022. Lee Frey accepted the minutes into the record as written.

Kevin Smith, Finance Director/Treasurer presented the Department Report for Finance and requested that disbursements #86791- #86972 for a total of \$755,979.67 be approved. Lee Frey moved, at the request of the Finance Director, the funds having been certified as on hand and duly appropriated, that disbursements #86791- #86972 for a total of \$755,979.67. The motion was seconded by Tom Frost after discussion, 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 shared that thanks to the efforts of Justin Rogers, Planning & Operations Director and his team, that the MetroParks has received a \$136,177 grant from the Ohio Department of Natural Resources H2Ohio Program for Stream, Floodplain and Wetland Restoration at the Mill Creek Golf Course. The project will be scheduled for 2023.

Lee Frey moved to appoint Patrick Gaia and Marilyn Kenner to the Citizens Advisory Committee-Finance. The motion was seconded by Paul Olivier after discussion, the roll being called upon its adoption, the vote resulted as follows:

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

Megan Hanley, HR & Administrative Services Director presented the Fraternal Order of Police (FOP) Contract for approval. The contract is for the years 2022, 2023 & 2024. Lee Frey moved, at the recommendation of the HR & Administrative Services Director, that the contract be approved. The motion was seconded by Jeff Harvey after discussion, 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 & Operations Director presented the bid award recommendation for the East Park Hike & Bike Trail Improvements. It is recommended that R.T. Vernal Paving & Excavating be awarded the contract for the project named East Golf Hike & Bike Trail Improvements, at the grand total amount bid of \$185,705. Lee Frey moved, at the request of the Planning & Operations Director, to award the contract for the project named East Golf Hike & Bike Trail Improvements, at the grand total amount bid of \$185,705 to R.T. Vernal Paving & Excavating. The motion was seconded by Tom Frost after discussion, 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 & Operations Director presented the bid award recommendation for the East Golf Hike & Bike Trail Parking Lot Improvements. All bids received were in excess of the 10% bid cap. In accordance with Section 153.12 of the Ohio Revised Code, all bids must be rejected for the project named East Golf Hike & Bike Trail Parking Lot Improvements. Lee Frey moved, at the request of the Planning & Operations Director, to reject all bids in accordance with Ohio Revised Code section 153.12 as requested. The motion was seconded by Jeff Harvey after discussion, 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 a Special Event/Request to Collect Funds on MetroParks Property to the Board for approval. The special event/request is for a Horse Show Fundraiser for the Indian Run Interscholastic Equestrian Team on 08-06-22 at the Vickers Nature Preserve Equestrian Facilities. Lee Frey moved, at the recommendation of the Executive Director, that the Special Event/Request be approved as presented. The motion was seconded by Tom Frost after discussion, the roll being called upon its adoption, the vote resulted as follows:

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

Chris Litton, Development Director shared the MetroParks Foundation deposit report for the period of April 1-30, 2022 at a total of \$3,432.50. Lee Frey moved to accept the deposit report for the period of April 1-30, 2022 as presented. The motion was seconded by Tom Frost, after discussion, the roll being called upon its adoption, the vote resulted as follows:

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

Nick Derico, Natural Resource Manager, presented an update on the Mesopredator (Raccoon) Management efforts at the Wildlife Sanctuary. Nick requested to continue the active management of the raccoon population at the Wildlife Sanctuary with a fall trapping schedule. Lee Frey moved at the request of the Natural Resource Manger to continue the active management of raccoons at the Wildlife Sanctuary in June 2022 as presented. The motion was seconded by Paul Olivier, after discussion, the roll being called upon its adoption, the vote resulted as follows:

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

Public Comments to the Board: (see sign-in sheet)

- Richard Scarsella: Complimented the MCMP Police Department on their response to their issue at William Holmes McGuffey Wildlife Preserve. Richard spoke of their concern regarding the pond issue that they have previously brought to the attention of the MetroParks.
- Jerry Dicksy (?). spoke regarding the issue of the bikeway. He is in support of the Bikeway and would like to garner support for the project.

- Jason passed; thought it was a sign in sheet.
- Fifth person to sign in did not speak
- Michael North: a newly elected of a home owners association on the east side of Youngstown. Visited McGuffey Wildlife Preserve for the first time and is disappointed in the level of signage at the facility. Would like the grass trails to be aggregate or wood chips. He would support a bike at the property.
- Matt O'Brien: He was sewed by the MetroParks for a playground adjacent to his property for the bikeway. Disappointed in the MetroParks.
- Celeste Sinestro: Resident of Pinewood Drive. Voiced opposition to the development of a drive way from the new parking lot on to Pinewood Drive. Disagrees as to how the project come to light and the residents did not know. I also feel that the MetroParks reaching out to Boardman Township was inappropriate to the residents.
- Pearl Sinestro: Would like the microphones to be closer so they can hear. Shocked at how the project came forward without any input from the residents. Disagreed that a parking lot is needed, as the lots on Shields Road and the overflow Lot on East Golf is not used. Stated that too many trees were removed for the project. Asked if a study was done to support the project.
- Mary Alice O'Malley: Resident of Pinewood Drive that is not in favor for the East Golf Hike & Bike Parking Lot Expansion Project. Believes the project will make it a challenge for those on SR 224 to turn onto Pinewood Drive. Lines of cars will back up on Pinewood as a result of exiting the lots. Pinewood Drive does not have a left hand turn lane onto SR 224. She lives on the northern end of Pinewood Drive and notes that the storm water washes out the connection to the path as a result. Believes it is poorly maintained as a result. Races in the park would be at a danger due to the result of the wash out. Boardman Township has a barricade in front of the issue.
- Diane Morse Nemeth: A resident of Coitsville Township. Loves the area and believes that the McGuffey Wildlife Preserve is under appreciated. Would like to see the ponds redeveloped and would like to serve as a volunteer.

Lee Frey moved to exit regular session at 6:41 pm and go into executive session for the purpose of pending or imminent court action. The motion was seconded by Paul Olivier after discussion, the roll being called upon its adoption, the vote resulted as follows:

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

Lee Frey moved to exit executive session at 7:32 pm and return to regular session. The motion was seconded by Tom Frost after discussion, the roll being called upon its adoption, the vote resulted as follows:

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

Aaron read the following prepared statement:

*The MetroParks Bikeway Phase III project has been one of many challenges. One of those challenges happens to be directly related to the MetroParks use of eminent domain in attempting to complete the final phase of a decades long project intended to enhance the lives of Mahoning County residents. Like all challenges, this one offers the potential for significant benefit and advancement, but it comes with a considerable amount of risk in the form of financial liability. Should the MetroParks abandon this process at this time, ORC requires the payment of all landowners legal fees in the pending cases that would be abandoned. In addition, the MetroParks would be required to return in excess of \$3.4 million in Federal funding previously awarded for the construction of the project. In an effort to see this 30 year initiative to completion and to also limit the risk of additional financial liability to the MetroParks, it is apparent that we should accept the recommendation of the legal team to move forward with appealing the recent decision of the Seventh District Court of Appeals to the Ohio Supreme Court.*

Liz Farbman, MetroParks Legal Counsel summarized the recent decision of the Seventh District Court of Appeals and confirmed that the Ohio Revised Code outlines that should the MetroParks voluntarily withdraw from the current cases that it would be held responsible by the courts for all associated land owners legal fees for those cases that were still pending at the time of withdrawal.

Lee Frey moved at the request of the Executive Director and at the recommendation of legal counsel to continue with the current eminent domain cases and appeal the recent decision of the Seventh District Court of Appeals to the Ohio Supreme Court. The motion was seconded by Tom Frost, after discussion, the roll being called upon its adoption, the vote resulted as follows:

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

Commissioners Comments:

- Lee requested that a motion is added to the agenda for the next meeting to return the William Holmes McGuffey Wildlife Preserve back to the William Holmes McGuffey Historical Society.

The next meeting is scheduled for Monday, June 13, 2022, at 6:00 p.m., at McMahon Hall.

There being no further business, the meeting adjourned at approximately 7:40 p.m.

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Presiding Officer

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Secretary