

STARK COUNTY PARK DISTRICT
PARK COMMISSION MEETING AGENDA

Wednesday, April 1, 2020 @ 2:00 P.M.

Teleconference Via Live Streaming

1. CALL TO ORDER

- A. Roll Call of Members: A. Hayden, D. Freeland, W. Bryan, R. Dublikar, P. Quick
- B. Adoption of Agenda **AS AMENDED**: **MOTION to approve the agenda**
_____ MOVED _____ SECONDED. **Discussion** **Vote**

2. APPROVAL OF MINUTES: **MOTION to approve the March 5, 2020 minutes**
_____ MOVED _____ SECONDED. **Discussion** **Vote**

3. FINANCIAL REPORTS: February 2020 **MOTION to accept for audit the Financial Report and Summary Financial Report for the period ending February 29, 2020 as submitted.**
_____ MOVED _____ SECONDED. **Discussion**
A. Summary Financial Report
B. Budget
C. Grant Status
Vote

4. PAYROLLS & BILLS: February 2020 **MOTION to accept for audit the Payrolls & Bills for the period ending February 29, 2020 as submitted.**
_____ MOVED _____ SECONDED. **Discussion** **Vote**

5. OLD BUSINESS

- A. Informational: Upcoming Events **(All events are subject to the Ohio Department of Health "Director's Stay at Home Order")**

6. NEW BUSINESS

- A. Resolution: #20-04-023: Village of Waynesburg Request for Assistance with Sandy Valley Trail Relocation
_____ MOVED _____ SECONDED. **Discussion** **Vote**
- B. Resolution: #20-04-024: Sandy Valley Trail Easement to Accommodate Barry R. Grodhaus Request to Connect to a Landlocked Parcel Across Park Property for a Farm Driveway (Exhibit A)
_____ MOVED _____ SECONDED. **Discussion** **Vote**
- C. Resolution: #20-04-025: Vehicle Use for Essential On-Call Exempt Staff During Ohio Department of Health "Director's Stay at Home Order"
_____ MOVED _____ SECONDED. **Discussion** **Vote**
- D. Resolution: #20-04-026: Adoption of Severe Weather or Other Emergency Policy (Exhibit B)
_____ MOVED _____ SECONDED. **Discussion** **Vote**
- E. Resolution: #20-04-027: Emergency Appropriation for Responses to Park Needs During the Ohio Department of Health "Director's Stay at Home Order"
_____ MOVED _____ SECONDED. **Discussion** **Vote**

7. DIRECTOR'S REPORT

A. Director's Report

8. EXECUTIVE SESSION: (if necessary) MOTION to adjourn into Executive Session at (time) to consider: MOTION _____ MOVED _____ SECONDED. Discussion Vote

 X to consider the appointment, employment, dismissal, discipline, promotion, demotion, and/or compensation of a public employee or official, and/or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing pursuant to division (G) (1) of this section of the Ohio Revised Code (ORC).

_____to consider the purchase of property for public purposes, and/or for the sale of property at competitive bidding pursuant to division (G) (2) of this section of the ORC.

_____to conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action pursuant to division (G)(3) of this section of the ORC.

_____to prepare for, conduct, and/or review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment pursuant to division (G)(4) of this section of the ORC.

_____to discuss matters required to be kept confidential by federal law or rules and/or state statutes pursuant to division (G) (5) of this section of the ORC.

_____to discuss specialized details of security arrangements pursuant to division (G) (6) of this section of the ORC.

Roll Call of Members: A. Hayden, D. Freeland, W. Bryan, R. Dublikar, P. Quick

9. ADJOURNMENT MOTION _____ MOVED _____ SECONDED. Discussion Vote

NOTE:

**NEXT REGULAR SCHEDULED MEETING: May 6, 2020
at 2:00 PM at the Sippo Lake Clubhouse**

STARK COUNTY PARK DISTRICT

Summary and Recommendations of Agenda Items

CATEGORY: OLD BUSINESS

SUBJECT: Informational: Upcoming Events (All events are subject to Ohio Department of Health "Director's Stay at Home Order")

EVENT	DATE	TIME	LOCATION	BOARD MEMBER
Friends of Stark Parks Meeting	Wednesday, April 8, 2020	4p	Sippo Lake Park Exploration Gateway	Andy Hayden
Buzz Watch Volunteer Training	Wednesday, April 15, 2020	1p-3:30p	Sippo Lake Park Wildlife Conservation Center	
Earth Week Sweep: Walborn Reservoir (clean-up)	Monday, April 20, 2020	11a-2p	Walborn Reservoir Marina	
Earth Day Open House	Wednesday, April 22, 2020	5-7p	Sippo Lake Park Wildlife Conservation Center	
Backyard Habitat Series: Sustainable Practices	Thursday, April 23, 2020	6-7:30p	Sippo Lake Park Exploration Gateway	
Jack Cullen Memorial Trout Derby (ages 4-15)	Saturday, April 25, 2020	8-11a	Ohio & Erie Towpath Trail – Lock 4 Park Canal Fulton	
Park Board Meeting	Wednesday, May 6, 2020	2p	Sippo Lake Park Clubhouse	
Friends of Stark Parks Meeting	Wednesday, May 13, 2020	4p	Sippo Lake Park Exploration Gateway	Bill Bryan
"Back the Blue" Bass Tournament	Saturday, May 16, 2020	6a-4p	Walborn Reservoir Marina	
Spring Plant Sale	Saturday, May 16, 2020	9a-1p	Sippo Lake Park Exploration Gateway	

STARK COUNTY PARK DISTRICT

Summary and Recommendations of Agenda Items

CATEGORY: NEW BUSINESS

SUBJECT: Village of Waynesburg Request for Assistance with Sandy Valley Trail Relocation

RESOLUTION: #20-04-023

WHEREAS, the Stark County Park District partnered with the Village of Waynesburg in the construction of the Sandy Valley trail portion within the Village Park; and

WHEREAS, the Village of Waynesburg requires that the trail be rerouted as part of a ballfield expansion in their park; and

WHEREAS, the Stark County Park District is seeking an easement from the Village of Waynesburg for the trail connection from the existing Sandy Valley Trail, across Route 183 to the north as part of the reroute; and

WHEREAS, the Park District will provide the labor to reroute the trail; and

WHEREAS, the Village will pay for all materials needed to construct the rerouted trail.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to authorize the Park Director to sign/execute the necessary paperwork to enter into an Easement Agreement with the Village of Waynesburg and complete the rerouted trail construction.

_____ MOVED to adopt this resolution, which was SECONDED by _____.

DISCUSSION:

MOTION CARRIED on a roll call vote as follows:

Voting Aye:

Voting Nay:

STARK COUNTY PARK DISTRICT

Summary and Recommendations of Agenda Items

CATEGORY: NEW BUSINESS

SUBJECT: Sandy Valley Trail Easement to Accommodate Barry R. Grodhaus Request to Connect to a Landlocked Parcel Across Park Property for a Farm Driveway

RESOLUTION: #20-04-024

WHEREAS, the Stark County Park District is the owner of a 4.27 acre parcel of land in Sandy Township also referred to as Stark County Auditor Permanent parcel number 6180198; and

WHEREAS, the Barry R. Grodhaus, trustee of the Barry R. Grodhaus Revocable Trust is seeking a permanent easement for ingress and egress, equivalent to a farm driveway suitable for farm equipment (including tractors and pickup trucks) across the lands of the Stark County Park District; and

WHEREAS, the Stark County Park District and Barry R. Grodhaus desire to establish a twenty-five (25) foot permanent easement across the Stark County Auditor's Permanent Parcel No. 6180198 as laid out in the attached as Exhibit A and to provide for its construction, operation and maintenance.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to authorize Robert A. Fonte, Park Director, to sign/execute the necessary paperwork to enter into an Easement Agreement as attached in Exhibit A.

_____ MOVED to adopt this resolution, which was SECONDED by _____.

DISCUSSION:

MOTION CARRIED on a roll call vote as follows:

Voting Aye:

Voting Nay:

Sandy Valley Trail Easement to Accommodate Barry R. Grodhaus Request to Connect to a Landlocked Parcel Across Park Property for a Farm Driveway_EXHIBIT_A

WILLIAM F. MORRIS

LAW OFFICES
520 EAST MAIN STREET - SUITE 200
ALLIANCE, OHIO 44601

TELEPHONE (330) 823-3575
wfmorrislaw@att.net

March 20, 2020

Ms. Sarah Buell
Stark County Park District
5300 Tyner Street NW
Canton, OH 44708

Re: Easement Agreement
Stark County Park District to Barry R. Grodhaus, Trustee of the
Barry R. Grodhaus Revocable Trust, dated December 6, 2005
Stark County Auditor's Permanent Parcel No. 6180198

Dear Ms. Buell:

Please find enclosed the **original** Easement Agreement between the Stark County Park District and Barry R. Grodhaus, Trustee of the Barry R. Grodhaus Revocable Trust, dated December 6, 2005. The same is approved as to legal form and sufficiency. *Please note that "Exhibit A" (plat map of the trail crossing) needs to be generated and attached prior to execution.*

Sincerely,



William F. Morris
Attorney at Law

WFM:ram
Enclosure

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, ("Agreement"), is entered into as of the day of _____, 2020, by and between **STARK COUNTY PARK DISTRICT**, an Ohio political subdivision, of 5300 Tyner Street NW, Canton, Ohio 44708 (the "Grantor") and **BARRY R. GRODHAUS, Trustee of the Barry R. Grodhaus Revocable Trust, dated December 6, 2005**, of P.O. Box 328, Waynesburg, Ohio 44688 (the "Grantee").

RECITALS

WHEREAS, the Grantor is the owner of a 4.27 acre parcel of land located in the Northwest and Southwest and Quarters of Section 28, Sandy Township, Stark County, Ohio, being Stark County Auditor's Permanent Parcel No. 6180198, and claims title through instrument recorded at Stark County Official Records Imaging No. 20011213091816, the same being the former right-of-way of the former Cleveland & Pittsburgh Railroad; and

WHEREAS, the Grantor intends to develop its property for a hike and bike trail extending the existing Sandy Valley Trail in Sandy Township, Stark County, Ohio; and

WHEREAS, the Grantee is the owner of a 45.54 acre parcel of land located in the Southwest Quarter of Section 28, Sandy Township, Stark County, Ohio, being Stark County Auditor's Permanent Parcel No. 6102252, and claims title through instrument recorded at Stark County Official Records Imaging No. _____, said tract of land being bisected by the lands of the Grantor; and

WHEREAS, Grantee seeks a permeant easement for ingress and egress, equivalent to a farm driveway suitable for farm equipment (including tractors and pickup trucks) across the lands of the Grantor; and

WHEREAS, Grantor and Grantee desire to establish a twenty-five (25) foot wide permeant easement, providing Grantee ingress and egress across Grantor's land and future park trail, equivalent to a farm driveway suitable for farm equipment (including tractors and pickup trucks), in the location set forth on attached "Exhibit A" and to provide for its construction, operation and maintenance.

NOW THEREFORE, in consideration of the forgoing, and for One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

AGREEMENT

1. Grant of Easement. Grantor hereby gives, grants, conveys, extends and confers unto the Grantee, its successors and assigns, the right, privilege and easement, for a permanent twenty-five (25) foot easement for ingress and egress, equivalent to a farm driveway suitable for farm equipment (including tractors and pickup trucks) across Grantor's 4.27 acre parcel of land located in the Northwest and Southwest and Quarters of Section 28, Sandy Township, Stark County, Ohio, being Stark County Auditor's Permanent Parcel No. 6180198 in the location of the Easement Area (as set forth in Exhibit "A" attached hereto), and to obtain access to the Grantor's Property at times and in a reasonable manner to maintain and repair the Easement Area.

2. Use Restrictions and Performance Covenants. Grantor hereby restricts the use of the Easement Area to be used only as a farm driveway for access to and from the lands of the Grantee. The Easement Area shall be used exclusively for the purpose of the installation, operation, repair, maintenance, re-building, replacing, relocating and removal of the farm driveway and appurtenances thereto, all of which shall be the Grantee's responsibility. The use of the Easement Area, except for the passage of farm equipment, shall not interfere with Grantor's future development of its land for the Sandy Valley Trail.

3. Operation. Grantee, in the operation of vehicles within the Easement Area, shall yield the right of way to the passage of hikers and bikers along the Sandy Valley Trail.

4. Maintenance/Repair. Grantee shall be responsible for the overall maintenance of Easement Area and shall generally maintain the area for safe usage. If Grantee enters upon Grantor's Property to maintain and/or repair the Easement Area, Grantee shall promptly restore any area affected by such maintenance or repair work at its own expense to its condition immediately prior to such work to the extent compatible with the exercise by Grantee of its easement rights.

5. Indemnification by Grantee. Grantee shall indemnify, save, hold harmless, and defend the Grantor, its agents and employees, from and against any actual or alleged loss, damage, liability, or expense, including reasonable legal fees, because of any injury to person or property, including property owned by Grantor and Grantor's successors and assigns, caused by any act or omission of Grantee, its agents, lessees, employees, invitees, successors, assigns, contractors, or any other person in connection with Grantee's maintenance, repair and/or use of the Easement Area.

6. Agreement Runs with the Land. The provisions of this Agreement shall run with the land and shall inure to the benefit of and be binding upon the Grantee, the Grantor and their respective successors and assigns.

7. Matters of Record. The easement rights granted herein are subject to all existing matters of record.

8. Counterparts. The Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which shall constitute one and the same agreement.

9. Prevailing Party Legal Fees. In the event that any party hereto institutes legal action to enforce the provisions of this Agreement, the prevailing party therein shall be entitled to be awarded by the court reasonable attorney's fees (including the reasonable cost of in-house and/or staff counsel) incurred in such action.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement at Canton, Ohio, as of the date and year first written above.

STARK COUNTY PARK DISTRICT,
an Ohio political subdivision – Grantor

By: _____
Robert A. Fonte, Director

BARRY R. GRODHAUS, Trustee of the
Barry R. Grodhaus Revocable Trust, dated
December 6, 2005 - Grantee

STATE OF OHIO :
 :SS:
COUNTY OF STARK :

BE IT REMEMBERED, that on this _____ day of April, 2020, before me a Notary Public in and for said County, personally came the above-named STARK COUNTY PARK DISTRICT, an Ohio Political Subdivision, by Robert A. Fonte, its Director, who acknowledged that he did sign the foregoing instrument and the same is the free act and deed of the said STARK COUNTY PARK DISTRICT, and of him personally.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Canton, Ohio on this day and year aforesaid.

NOTARY PUBLIC
My commission expires: _____

STATE OF OHIO :
 :SS:
COUNTY OF STARK :

BE IT REMEMBERED, that on this _____ day of _____, 2020, before me a Notary Public in and for said County, personally came the above-named BARRY R. GRODHAUS, Trustee of the Barry R. Grodhaus Revocable Trust, dated December 6, 2005, who acknowledged that he did sign the foregoing instrument and the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Canton, Ohio on this day and year aforesaid.

NOTARY PUBLIC
My commission expires: _____

This instrument prepared by:
STARK COUNTY PARK DISTRICT

Approved as to legal form and sufficiency:



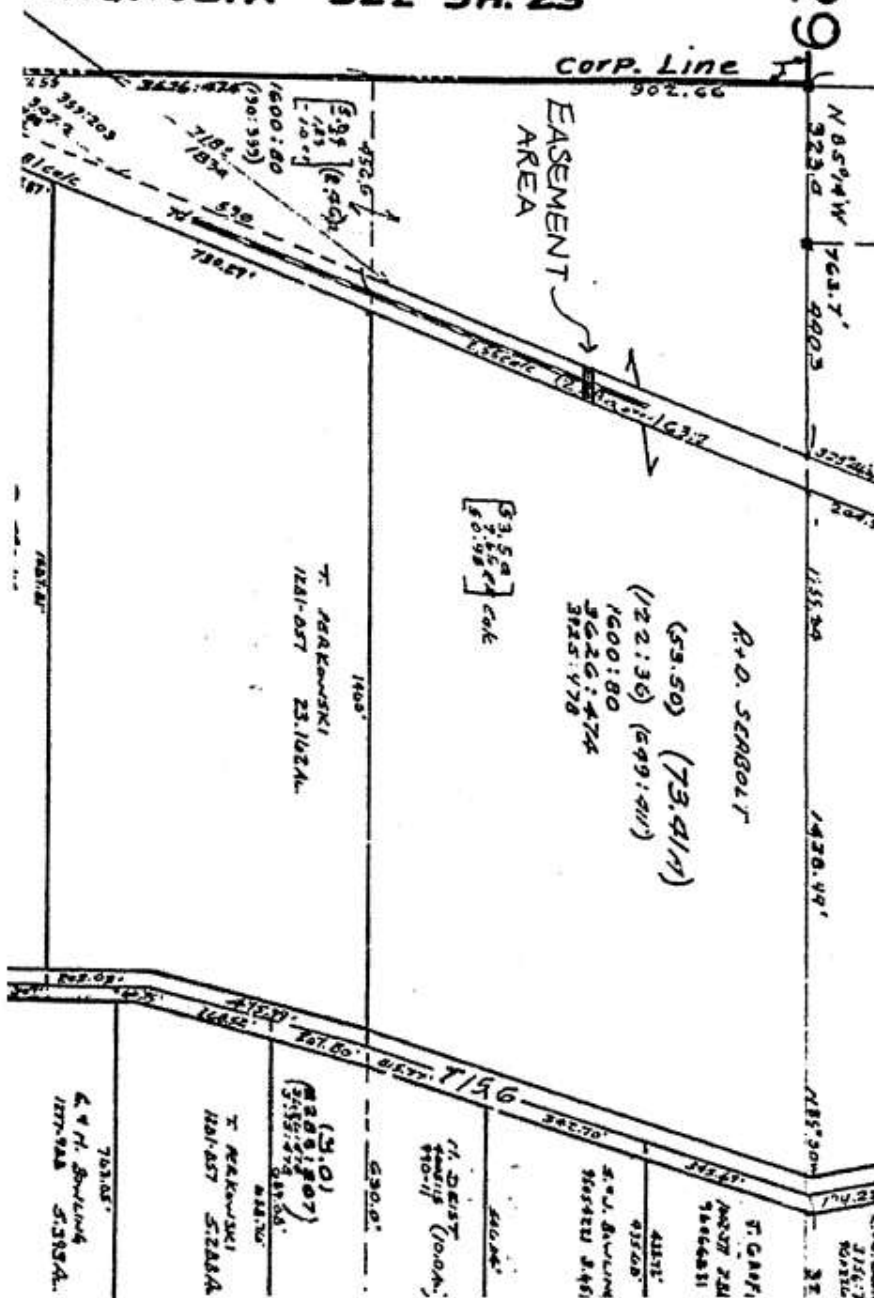
WILLIAM F. MORRIS

Counsel for the Stark County Park District

EXHIBIT A

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MAGNOLIA SEE SH. 23



STARK COUNTY PARK DISTRICT

Summary and Recommendations of Agenda Items

CATEGORY: NEW BUSINESS

SUBJECT: Vehicle Use for Essential On-Call Exempt Staff During Ohio Department of Health "Director's Stay at Home Order"

RESOLUTION: #20-04-025

WHEREAS, the Stark County Park District requires Park Board of Commissioner approval to take Stark County Park District vehicles to employees homes overnight for extended periods of time; and

WHEREAS, the Operations Manager, Parks and Trails Supervisor and Construction Supervisor are "on-call" during the Ohio Department of Health "Director's Stay at Home Order" in response to the COVID-19 Pandemic; and

WHEREAS, the Park Director recommends the Park Board of Commissioners allow the Operations Manager and Construction Supervisor to take Stark County Park District vehicles home with them to be responsive to emergencies during the "Director's Stay at Home Order".

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to authorize the Operations Manager, Richard Summers, Parks and Trails Supervisor, Jason Yost and Construction Supervisor, Rob Hoover to drive a Park District vehicle home to be responsive to emergencies during the Ohio Department of Health "Director's Stay at Home Order" in response to the COVID-19 Pandemic.

_____ MOVED to adopt this resolution, which was SECONDED by _____.

DISCUSSION:

MOTION CARRIED on a roll call vote as follows:

Voting Aye:

Voting Nay:

STARK COUNTY PARK DISTRICT

Summary and Recommendations of Agenda Items

CATEGORY: NEW BUSINESS

SUBJECT: Adoption of Severe Weather or Other Emergency Policy

RESOLUTION: #20-04-026

WHEREAS, it was determined by the Stark County Park District Director that there is a need for a Severe Weather or Other Emergency Policy; and

WHEREAS, the recommended policy is attached as Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to adopt the Severe Weather or Other Emergency Policy as attached as Exhibit B.

_____ MOVED to adopt this resolution, which was SECONDED by _____.

DISCUSSION:

MOTION CARRIED on a roll call vote as follows:

Voting Aye:

Voting Nay:

Severe Weather or Other Emergency Policy_Exhibit B

Severe Weather or Other Emergency Policy

In a case where a weather and/or other emergency is declared by the President of the United States, the Governor of the State of Ohio, the Ohio Department of Health Director or other similar agency, or a resolution of the Stark Parks Board of Park Commissioners or in the absence of a Board Meeting, after the concurrence of the Board President and the Park Director, requiring the official closure of operations, all hourly and exempt employees will receive straight time pay for the hours they were otherwise regularly scheduled to work up to 40 hours per defined work week (prorated to the average hours worked for the preceding 12 weeks for part time staff).

Employees absent from work and on “active pay status” (i.e. FMLA, personal leave, paid sick leave, etc.) during a declared emergency will be charged the time off during the declared emergency. Exceptions to this would be any pre-scheduled vacations as cancelled by the employee.

During a defined emergency the Stark Parks Director will identify essential staff as those necessary to perform the basic functions of the business. These essential staff will be defined based on the severity of each situation. Any hourly identified essential staff will be paid for all hours worked (per federal, state and local guidelines) or their base straight time, whichever is greater. Exempt essential staff will be paid their regular base pay.

Employees assigned to work from home will be expected to continue to work from home as assigned as the workload is available. No additional pay outside of the straight time pay outlined above will be paid.

Declaration of a weather related emergency by any authority other than those listed above is not sufficient to trigger payment under this provision, including declaration of “Level 3” road conditions by the Sheriff or other authorized agency.

STARK COUNTY PARK DISTRICT

Summary and Recommendations of Agenda Items

CATEGORY: NEW BUSINESS

SUBJECT: Emergency Appropriation for Responses to Park Needs During the Ohio Department of Health "Director's Stay at Home Order"

RESOLUTION: #20-04-027

WHEREAS, due to the COVID-19 public health crisis and Amy Acton, Director of Health, Ohio Department of Health signing of the "Director's Stay at Home Order" Robert A. Fonte, Park Director, recommends an emergency appropriation for responses to park needs; and

WHEREAS, the Board of Park Commissioners have determined it is necessary to follow this order and provide for essential functions and activities to proceed as outlined by said order; and

WHEREAS, it is impossible to anticipate all needs at this time to protect the public, staff and facilities of the Park District and to meet all contractual obligations already in place; and

WHEREAS, the full 2020 Budget has yet to be adopted by the Park Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, to authorize Robert A. Fonte, Park Director along with approval of the Board Chairperson for said action and Park Legal Counsel for legal form and sufficiency to expend any funds already approved in the 2020 "Operating" Budget with Resolution #19-12-101 regardless of the category in which they were appropriated if said expenditure is determined necessary as an emergency to comply with the "Director's Stay at Home Order" provided said expenditure does not exceed the total adopted 2020 "Operating" Budget; and

BE IT FURTHER RESOLVED, to authorize Robert A. Fonte, Park Director to sign/execute any contracts necessary to complete the Emergency Appropriation for Responses to Park Financial Needs during the Ohio Department of Health "Director's Stay at Home Order".

BE IT FURTHER RESOLVED, that any such expenditures be reported to the full Board at the next Board Meeting following said expenditure(s).

_____ MOVED to adopt this resolution, which was SECONDED by _____.

DISCUSSION:

MOTION CARRIED on a roll call vote as follows:

Voting Aye:

Voting Nay:

Stark County Park District
DIRECTOR'S REPORT
March 1-31, 2020

3/3/2020	– Meeting with Facilities Supervisor Regarding his Resignation
	– Conducted Manager Meeting at Sippo Lake Clubhouse
	– Attended Stark Council of Governments (SCOG) Meeting at Canton City Council
	– Attended Perry Township Trustees Meeting
	– Attended Regional Planning Commission Meeting at Regional Planning Commission Offices
3/5/2020	– Attended Park Board Meeting for Evening Meeting at Exploration Gateway at Sippo Lake Park
3/11/2020	– Attended Fulton Road Tunnel Scoping Meeting at Sippo Lake Clubhouse with Jackson Township Representatives and the Consultants
	– Meet with Public Safety Chief Regarding 2020 Projects and Staffing
	– Attended Public Safety Department Staff Meeting Regarding Updates on 2020 Budget
	– Attended Meeting with Management Team Regarding Coronavirus Protocols at Stark Parks
3/12/2020	– Attended Quail Hollow Volunteer Association (QHVA) Board Meeting at Quail Hollow Park Manor House
3/19/2020	– Attended Exploration Gateway/Library Operations Conference Call
3/23/2020	– Attended Project Update Meeting Conference Call
	– Attended Managers Meeting Conference Call

EXHIBIT A

Event/Location	Date	Description	Staff/Vol.
Jackson Rotary Club	10-Mar	Stark Parks Updates and Tam O'Shanter Presentation	JS