

STARK COUNTY PARK DISTRICT

PARK COMMISSION MEETING AGENDA

Wednesday, November 2, 2022 @ 2:00 P.M.

Exploration Gateway at Sippo Lake Park, 5712 12th St. NW, Canton, OH 44708 – Room A

1. CALL TO ORDER at time __:__ Pledge of Allegiance

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

B. Adoption of Agenda: **MOTION to approve the agenda**

_____ MOVED _____ SECONDED. Discussion Vote

2. PUBLIC COMMENT

3. STAFF PRESENTATION – Talula Waiter, Natural Resources Manager and Stephon Echague, Wildlife Care Supervisor

4. APPROVAL MOTION to approve the October 4, 2022 minutes

_____ MOVED _____ SECONDED. Discussion Vote

5. FINANCIAL REPORTS: September 2022 **MOTION to accept for audit the Financial Report and Summary Financial Report for the period ending September 30, 2022 as submitted.**

_____ MOVED _____ SECONDED. Discussion

A. Summary Financial Report

B. Budget

C. Grant Status

Vote

6. PAYROLLS & BILLS: September 2022 **MOTION to accept for audit the Payroll and Bills for the period ending September 30, 2022 as submitted.** _____ MOVED _____ SECONDED. Discussion Vote

7. OLD BUSINESS

A. None

8. NEW BUSINESS

A. Resolution: #22-11-086: Wildlife Conservation Center Note Sale Transfer

_____ MOVED _____ SECONDED. Discussion Vote

B. Resolution: #22-11-087: Wildlife Conservation Center Note Sale – Squire Patton Boggs, LLP

_____ MOVED _____ SECONDED. Discussion Vote

C. Resolution: #22-11-088: Request for Annual Financial Audit by Ohio Auditor of State

_____ MOVED _____ SECONDED. Discussion Vote

D. Resolution: #22-11-089: Land & Water Conservation Fund Grant Application – ADA Accessible Fishing Dock and Headwall at Fry Family Park

_____ MOVED _____ SECONDED. Discussion Vote

E. Resolution: #22-11-090: State Capital Grant Acceptance and 2022 Project List & Budget Amendment – Magnolia Flouring Mills Restoration

_____ MOVED _____ SECONDED. Discussion Vote

F. Resolution: #22-11-091: Budget Transfer – Operations Truck Repair

_____ MOVED _____ SECONDED. Discussion Vote

9. DIRECTOR'S REPORT

A. 2022 Project List & Budget

- B. Department Reports
- C. Director's Report

10. EXECUTIVE SESSION: MOTION to adjourn into Executive Session at (time: __:__) to consider: MOTION
____ MOVED ____ SECONDED. Discussion Vote

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

____ 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.

____ 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.

11. RECONVENE FROM EXECUTIVE SESSION: MOTION to Reconvene from Executive Session at time __:__
____ MOVED ____ SECONDED. Vote

12. ADJOURNMENT MOTION at time __:__ ____ MOVED ____ SECONDED. Discussion Vote

NOTE:

NEXT REGULAR SCHEDULED MEETING: Tuesday, December 6, 2022
at 2:00 PM at the Exploration Gateway at Sippo Lake Park

STARK COUNTY PARK DISTRICT

Summary and Recommendations of Agenda Items

CATEGORY: NEW BUSINESS

SUBJECT: Wildlife Conservation Center Note Sale Transfer

RESOLUTION: #22-11-086

WHEREAS, the Stark County Park District Board of Park Commissioners previously approved the Wildlife Conservation Center Note with Resolution #21-11-070; and

WHEREAS, the Financial Manager recommends paying down an amount not to exceed Two Hundred and Fifty Thousand Dollars (\$250,000.00) and issuing a new note in the amount of Five Hundred Thousand Dollars (\$500,000.00); and

WHEREAS, the interest rate on the new note will be determined after the quotes are received; and

WHEREAS, a transfer is needed from the General Fund for an amount not to exceed Two Hundred Sixty-Four Thousand One Hundred Dollars (\$264,100.00) for principal, interest, and legal fees.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to authorize a new note for the Wildlife Conservation Center in the amount not to exceed Five Hundred Thousand Dollars (\$500,000.00).

BE IT FURTHER RESOLVED, by the Stark County Park District Board of Park Commissioners that the Board hereby authorizes the transfer of an amount not to exceed Two Hundred Sixty-Four Thousand One Hundred Dollars (\$264,100.00) from 072.28.0000.82100 (Transfers Out) to 529.28.0000.72100 (Transfers In) for principal, interest, and legal fees.

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

DISCUSSION:

MOTION CARRIED on a vote as follows:

Voting Aye:

Voting Nay:

STARK COUNTY PARK DISTRICT

Summary and Recommendations of Agenda Items

CATEGORY: NEW BUSINESS

SUBJECT: Wildlife Conservation Center Note Sale – Squire Patton Boggs, LLP

RESOLUTION: #22-11-087

The Board of Park Commissioners of the Stark County Park District, County of Stark, State of Ohio, met in regular session on November 2, 2022, commencing at 2:00 p.m., at the Exploration Gateway, 5712 12th Street NW, Canton, Ohio with the following members present:

The Secretary advised the Board that the notice requirements of Section 121.22 of the Revised Code and the implementing rules adopted by the Board pursuant thereto were complied with for the meeting.

_____ moved the adoption of the following resolution:

RESOLUTION NO. 22-11-__

A RESOLUTION AUTHORIZING THE ISSUANCE OF PARK DISTRICT IMPROVEMENT NOTES, SERIES 2022, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$500,000, IN ANTICIPATION OF THE RECEIPT OF CERTAIN TAXES AUTHORIZED TO BE LEVIED IN THE PARK DISTRICT FOR THE PURPOSE OF ACQUIRING AND IMPROVING LANDS OF THE PARK DISTRICT.

WHEREAS, at the election held on April 28, 2020 and pursuant to Section 1545.21 of the Ohio Revised Code, the electors of this Park District authorized a renewal tax levy at the rate of 1.00 mill to be levied on all of the taxable property situated in this Park District for a period of eight consecutive years beginning with the 2020 tax year for the purpose of acquisition, planning, development, operation, maintenance and protection of the park system; and

WHEREAS, that renewal tax levy was first levied and extended on the Park District's 2020 tax list and duplicate for collection in calendar year 2021 and will continue to be levied and extended on the tax list through tax year 2027 for last collection in calendar year 2028; and

WHEREAS, pursuant to Resolution No. 21-11-070 adopted on November 3, 2021, a note in the aggregate principal amount of \$750,000, dated December 1, 2021, was issued for the purpose of construction of a new Wildlife Conservation Center, which note will mature on December 1, 2022 (the "Outstanding Notes"); and

WHEREAS, this Board has determined to issue new notes in the aggregate principal amount of \$500,000, to retire, together with other amounts available to the Board, the principal amount of the Outstanding Notes on their maturity date;

NOW, THEREFORE, BE IT RESOLVED by the Board of Park Commissioners of the Stark County Park District, County of Stark, State of Ohio, that:

Section 1. It is hereby declared necessary, in anticipation of the collection of certain taxes authorized to be levied in the Park District as hereinbefore recited and the issuance of any subsequent refunding obligations, that this Board may determine to issue from time to time for the same purpose notes of the Stark County Park District, in the aggregate principal amount of \$500,000, for the purpose of acquiring and improving lands of the Park District. Those notes, subject to the terms and conditions herein contained, shall be issued in one installment.

Section 2. The notes shall bear interest at a single rate per year not to exceed 7% per year, payable at maturity, until the principal amount is paid or provided for, with such rate of interest to be fixed by the Executive Director in his certificate awarding the notes at private sale in accordance with Section 4 hereof (the "Certificate of Award"); shall be dated as of the date of their issuance; shall mature one year from the date of issuance, provided that the Executive Director may, if it is determined to be necessary or advisable to the sale of the notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that date in the Certificate of Award; and shall be issued in such numbers and denominations as shall be requested by the purchaser thereof and approved by the Executive Director of this Board, provided that the entire principal amount may be represented by a single note.

Section 3. The notes shall be signed by at least three members of this Board, provided that two of those signatures may be a facsimile; shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America at the main office of a bank or trust company with an office in Ohio selected by the Executive Director and determined by him to be such that the payment at that bank or trust company will not endanger the funds or securities of the Park District and that proper procedures and safeguards are available for that purpose (the Paying Agent); and shall express upon their faces, in summary terms, the purpose for which they are issued and that they are issued pursuant to this Resolution. If agreed to by the original purchaser, the Notes shall be prepayable in whole or in part without penalty or premium at the option of the Park District at any one or more times prior to maturity (each a Prepayment Date) as provided in this Resolution. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the portion of the principal amount of the Notes to be prepaid on the Prepayment Date, together with interest accrued on such amount to the Prepayment Date. The Park District's right of prepayment shall be exercised by mailing a notice of prepayment, stating the Prepayment Date, the amount to be prepaid and the name and address of the Paying Agent, by certified or registered mail to the original purchaser and to the Paying Agent not less than seven days prior to the Prepayment Date. If money for prepayment is

on deposit with the Paying Agent on the Prepayment Date following the giving of that notice, interest on the principal amount prepaid shall cease to accrue on the Prepayment Date. The Executive Director may request the original purchaser to use its best efforts to arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment, surrender and cancellation.

Section 4. The notes shall be awarded and sold at private sale for not less than the principal amount thereof in accordance with Sections 1, 2 and 3 hereof; and the Executive Director is hereby authorized and directed to determine the interest rate that the notes will bear in accordance with Section 2 hereof, to make any other designations required in connection therewith and herewith and to deliver the notes, when executed, to said purchaser upon payment of such purchase price. The Executive Director, the Secretary of this Board and any member of this Board, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transaction contemplated by this Resolution. The proceeds from the sale of the notes, except any premium and accrued interest, shall be paid into the proper fund and used for the purpose for which the notes are being issued under the provisions of this Resolution and are hereby appropriated for that purpose. Any premium or accrued interest received from such sale shall be transferred to the bond retirement fund of the Park District to be applied to the payment of the principal and interest of the notes in the manner provided by law.

Section 5. This Board covenants that it will use, and will restrict the use and investment of, the proceeds of the notes in such manner and to such extent, as may be necessary so that (a) the notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the notes will not be an item of tax preference under Section 57 of the Code.

This Board further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Executive Director, the Secretary of this Board, or any member of this Board having responsibility for issuance of the notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Notes as "qualified tax-exempt obligations"), choice, consent, approval, or waiver on behalf of this Board with respect to the notes, as the Board is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings

as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the Board, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the notes, and (c) to give one or more appropriate certificates of the Board for inclusion in the transcript of proceedings for the notes, setting forth the reasonable expectations of the Board regarding the amount and use of all the proceeds of the notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the notes.

Each covenant made in this Section with respect to the notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the notes.

Section 6. The proceeds from the sale of the notes in an amount not exceeding their principal amount are hereby appropriated for the purpose for which the notes are issued; any proceeds of the notes in excess of their principal amount shall be deposited in the bond retirement fund of the Park District. The amount to be received from the sale of the refunding bonds or notes anticipated by the notes herein authorized and any excess funds resulting from the issuance of the notes, shall, to the extent necessary, be used for the retirement of the notes at maturity, together with interest thereon, and are hereby pledged for such purpose.

Section 7. During the year or years while the notes are to run, the 1.00 mill levy approved by the electors of the Park District on April 28, 2020 anticipated by the notes and described in the preambles to this Resolution, shall be and the same is hereby levied on all the taxable property in the Park District at least to the extent required to pay principal of and interest on the notes and any refunding notes or bonds. That tax is a direct tax which shall be annually not less than that which would have been levied if the long-term refunding bonds had been issued without the prior issuance of the notes, which is the interest and sinking fund tax required by Section 11 of Article XII, Ohio Constitution. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, levied, extended and collected. To the extent required for the payment of the notes and any refunding notes or bonds, that tax shall be placed before and in preference to all other items and for the full amount thereof. This Board covenants that it will levy that tax for collection in each of the years the notes or any refunding notes or bonds are outstanding, and the funds derived from that tax in an amount required to pay the principal of and interest on the notes or any refunding notes or bonds, shall be placed in a separate fund that shall be a bond retirement fund, which, together with all interest collected on the same, shall be irrevocably pledged for the payment of the principal of and interest on the notes or any refunding notes or bonds in anticipation of which they are issued, when and as the same fall due. The proceeds of the anticipated tax levy are to be applied to the extent required to the payment of the principal of and interest on the notes or any refunding notes or bonds as they come due. The amounts of the annual proceeds of the anticipated tax levy required to pay that principal and interest in each year are deemed

to be appropriated to pay that principal and interest and shall be so applied; this Board covenants that it will give effect to that appropriation, to the extent stated above, in resolutions it hereafter adopts appropriating money for expenditure or encumbrance in each of the years in which the notes or any refunding notes or bonds mature.

Section 8. It is determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the notes in order to make them legal, valid and binding special obligations of the Park District have happened and have been done and performed in regular and due form as required by law and that the amount of indebtedness to be incurred by the issuance of the notes does not exceed any limitation of indebtedness as fixed by law.

Section 9. The Secretary of this Board is hereby directed to forward a certified copy of this Resolution to the Auditor and the Treasurer of Stark County.

Section 10. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 11. This Resolution shall be in full force and effect from and immediately upon its adoption.

_____ seconded the motion.

Upon roll call on the adoption of the resolution, the vote was as follows:

The foregoing is a true and correct excerpt from the minutes of the meeting on November 2, 2022, of the Board of Park Commissioners of the Stark County Park District, showing the adoption of the resolution hereinabove set forth.

Dated: November ___, 2022

Secretary, Board of Park Commissioners,
Stark County Park District, Ohio

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

DISCUSSION:

MOTION CARRIED on a vote as follows:

Voting Aye:

Voting Nay:

STARK COUNTY PARK DISTRICT

Summary and Recommendations of Agenda Items

CATEGORY: NEW BUSINESS

SUBJECT: Request for Annual Financial Audit by Ohio Auditor of State

RESOLUTION: #22-11-088

WHEREAS, the Stark County Park District is required under Ohio Revised Code Section 117.11 to be audited by the Ohio Auditor of State at least once every two fiscal years; and

WHEREAS, the Stark County Park District is currently audited by the Ohio Auditor of State on a biennial basis; and

WHEREAS, the Financial Manager recommends that the Stark County Park District be audited by the Ohio Auditor of State on an annual basis.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners that the Board hereby requests that the Ohio Auditor of State conduct an audit of the Stark County Park District on an annual basis.

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

DISCUSSION:

MOTION CARRIED on a vote as follows:

Voting Aye:

Voting Nay:

STARK COUNTY PARK DISTRICT

Summary and Recommendations of Agenda Items

CATEGORY: NEW BUSINESS

SUBJECT: Land & Water Conservation Fund Grant Application – ADA Accessible Fishing Dock and Headwall at Fry Family Park

RESOLUTION: #22-11-089

WHEREAS, the Ohio Department of Natural Resources is accepting land and water recreation applications for the Land & Water Conservation Fund (LWCF) grants for fiscal year 2023; and

WHEREAS, the application deadline for LWCF grant funds distributed by the Ohio Department of Natural Resources is November 15th, 2022; and

WHEREAS, the Stark County Park District seeks to construct an ADA accessible fishing dock and headwall at Fry Family Park, at an estimated cost of \$250,000.00; and

WHEREAS, the Stark County Park District desires to apply for LWCF grant funds to cover 50% of the Project cost; and

WHEREAS, the Stark County Park District would be required to cover the remaining 50% of the Project cost in the form of cash, materials, or force account labor.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners that Daniel J. Moeglin, Executive Director, is hereby authorized to file an application with the Ohio of Natural Resources for LWCF grant funds for the construction of an ADA accessible fishing dock and headwall at Fry Family Park.

BE IT FURTHER RESOLVED, by the Stark County Park District Board of Park Commissioners that Daniel J. Moeglin, Executive Director, is hereby authorized to enter into agreement for and accept the LWCF grant funds referenced above.

BE IT FURTHER RESOLVED, by the Stark County Park District Board of Park Commissioners that Daniel J. Moeglin, Executive Director, is hereby authorized to execute any and all contracts and documents and to take any and all other actions necessary to accomplish the intent of this resolution.

BE IT FURTHER RESOLVED, by the Stark County Park District Board of Park Commissioners that the Board agrees that the obligation of any funds required to satisfactorily complete the proposed Project and to become eligible for reimbursement under the terms of the LWCF will be considered in accordance with the Park District's standard budgetary process.

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

DISCUSSION:

MOTION CARRIED on a vote as follows:

Voting Aye:

Voting Nay:

STARK COUNTY PARK DISTRICT

Summary and Recommendations of Agenda Items

CATEGORY: NEW BUSINESS

SUBJECT: State Capital Grant Acceptance and 2022 Project List & Budget Amendment – Magnolia Flouring Mills Restoration

RESOLUTION: #22-11-090

WHEREAS, the Stark County Park District (SCPD) applied for a State Capital Grant, administered by the Ohio Department of Natural Resources (ODNR), for the continuation of the redevelopment of the Magnolia Flouring Mills into a visitor destination with public access (the Project); and

WHEREAS, SCPD has been awarded Five Hundred Seventy-One Thousand Dollars (\$571,000.00) for these redevelopment efforts; and

WHEREAS, said grant does not require matching funds; and

WHEREAS, Eleven Thousand Four Hundred Twenty Dollars (\$11,420.00) of the total Project appropriations will be used by ODNR for the administration of the Project, leaving Five Hundred Fifty-Nine Thousand Five Hundred Eighty Dollars (\$559,580.00) for use by the Stark County Park District for the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners that Daniel J. Moeglin, Executive Director, is hereby authorized to enter into agreement for and accept the State Capital Grant referenced above.

BE IT FURTHER RESOLVED, by the Stark County Park District Board of Park Commissioners that the 2022 Project List & Budget is hereby amended to add the State Capital Grant referenced above.

BE IT FURTHER RESOLVED, by the Stark County Park District Board of Park Commissioners that Daniel J. Moeglin, Executive Director, is hereby authorized to execute any and all contracts and documents and to take any and all other actions necessary for the completion of the Project, not to exceed the total budget for the Project.

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

DISCUSSION:

MOTION CARRIED on a vote as follows:

Voting Aye:

Voting Nay:

STARK COUNTY PARK DISTRICT

Summary and Recommendations of Agenda Items

CATEGORY: NEW BUSINESS

SUBJECT: Budget Transfer – Operations Truck Repair

RESOLUTION: #22-11-091

WHEREAS, Truck #27 in Operations is in disrepair and is currently not drivable; and

WHEREAS, Truck #27 is one of the main trucks used for plowing and salting, and it is essential to the operations of the Stark County Park District; and

WHEREAS, Truck# 27 needs extensive front-end work, including tie rods, drag links, adjuster arms, and power steering lines; and

WHEREAS, these repairs will increase the life and usability of this vehicle; and

WHEREAS, the total cost of these repairs is approximately \$3,400.00.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners that the Board hereby authorizes a transfer of funds in an amount not to exceed Three Thousand Four Hundred (\$3,400.00) from Project Fund Unallocated (072.28.0000.65000) to Machinery/Equipment-Maintenance (072.28.1035.65405).

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

DISCUSSION:

MOTION CARRIED on a vote as follows:

Voting Aye:

Voting Nay: