

Stark County Park District Park Board – Regular Meeting Minutes
Sippo Lake Clubhouse
April 3, 2019
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(AGENDA ITEM: 3)

- 1. CALL TO ORDER** – The regular meeting of the Stark County Park Commission was called to order by Andy Hayden at 2:03 p.m.

A. Roll Call of Members:

MEMBERS PRESENT:

Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

STAFF PRESENT:

Robert A. Fonte, Park Director/Secretary to the Board

Barbara Wells, Finance Manager

Corianne Kocarek, Clerk to the Board

Samantha Collmar, Volunteer Coordinator

Linda Watkins, Wildlife Rehabilitator

GUESTS PRESENT:

Robert F. Fay

Sam Sarv

Hamid Sarv

B. Adoption of Agenda

B. Bryan MOVED to adopt the agenda as amended, which was SECONDED by D. Freeland

DISCUSSION:

None

MOTION CARRIED on a vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

C. Oath of Office: Ranger Thomas Koontz II

DISCUSSION:

T. Koontz graduated in 2015 from Perry High School, went on to the University of Akron and graduated in December of 2017. Volunteered through the Ranger Explorer program.

2. PUBLIC COMMENT

None

3. APPROVAL OF MINUTES:

WHEREAS, minutes from the March 6, 2019 Regular Park Board meeting have been submitted for review.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to approve the minutes from the March 6, 2019 Regular Park Board meeting as submitted.

D. Freeland MOVED to adopt this resolution, which was SECONDED by R. Dublikar

DISCUSSION:

P. Quick asked that her name be removed from approval the Financial Reports from the March 6, 2019 meeting

• **Reference 32**

MOTION CARRIED to approve the minutes on a vote as follows:
Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

4. FINANCIAL REPORTS

WHEREAS, the monthly Financial Report and Summary Financial Report for the period ending February 28, 2019 have been submitted to the Board for review.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to approve and accept for audit the Financial Report and Summary Financial Report for the period ending February 28, 2019 as submitted.

B. Bryan MOVED to adopt this resolution, which was SECONDED by P. Quick

DISCUSSION:

None

MOTION CARRIED on a vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

5. APPROVAL OF PAYROLLS AND BILLS

WHEREAS, copies of payroll and bills for the month of February 2019 were not available at this time for the Board's review in accordance with Resolution #98-133.

DISCUSSION:

B. Wells stated that there were new reports that just came back, but they still have the same data that is not useful. She hopes that they are getting closer to being able to produce the reports

A. Hayden asked if the expenditures have been fairly routine so far this year

B. Wells answered yes, the Park Board is missing seeing the projects progressing, for example – at Fry Park the re-drilling of the well and payment to IAP for the Magnolia Flouring Mills

6. OLD BUSINESS

A. Informational: Upcoming Events

DISCUSSION:

None

B. Informational: Wildlife Conservation Center Volunteer Handbook (Exhibit A)

DISCUSSION:

S. Collmar stated that the general volunteer handbook has been approved and revised several times throughout the years. The purpose of an additional handbook for the volunteers at the Wildlife Conservation Center is to stress the importance of safety when working with wild animals as well as other policies like the social media policy

A. Hayden stated he found the descriptions of the animals interesting and that he would think that the Wildlife Conservation Center and working with animals would be the first thought from some people wanting to volunteer at Stark Parks

S. Collmar agreed and stated that 80 to 90% of new volunteers are interested in volunteering at the Wildlife Conservation Center. We are currently not accepting any additional volunteers at the Wildlife Conservation Center due to new staff and seasonal employees starting. The current orientation is two (2) hours in length and includes going over the handbook. The first eight (8) hours are probational and includes hands-on learning with staff member

R. Fonte stated that often times volunteers are on boarded and find out it's not exactly what they expected

L. Watkins stated that sometimes volunteers think they are going to cuddle the animals and they do not realize the amount of cleaning that takes place to rehabilitate and care for the animals

• **Reference 33**

7. NEW BUSINESS

A. RESOLUTION: #19-04-032: Wildlife Conservation Center Note Sale Transfer

WHEREAS, the Stark County Park District Board of Park Commissioners previously approved the Wildlife Conservation Note with Resolution #18-05-031; and

WHEREAS, the interest rate on said note will be determined by the close of business on April 8, 2019; and

WHEREAS, a transfer is needed from the General Fund for an amount not to exceed Eight Thousand Three Hundred Fifty Nine Dollars and Twenty-Three Cents (\$8,359.23) for interest and legal fees.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to transfer an amount not to exceed Eight Thousand Three Hundred Fifty Nine Dollars and Twenty-Three Cents (\$8,359.23) from 072.28.0000.82100 (Transfers Out) to 529.28.0000.72100 (Transfers In) for interest and legal fees.

P. Quick MOVED to adopt this resolution, which was SECONDED by B. Bryan

DISCUSSION:

None.

MOTION CARRIED on a roll call vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

B. RESOLUTION: #19-04-033: Wildlife Conservation Center Note Sale – Squire Patton Boggs, LLP

The Board of Park Commissioners of the Stark County Park District, County of Stark, State of Ohio, met in regular session on April 3, 2019, commencing at 2:00 p.m., at the Sippo Lake Clubhouse, 5300 Tyner Street, Canton, Ohio with the following members present:

Andy Hayden Denise Freeland

Bill Bryan Ralph Dublikar

Pat Quick

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.

B. Bryan moved the adoption of the following resolution:

RESOLUTION NO. 19-04-033

A RESOLUTION AUTHORIZING THE ISSUANCE OF PARK DISTRICT IMPROVEMENT NOTES, SERIES 2019, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,600,000, 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 November 6, 2012 and pursuant to Section 1545.21 of the Ohio Revised Code, the electors of this Park District authorized a replacement and additional 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 2012 tax year for the purpose of acquisition, planning, development, operation, maintenance and protection of the park system; and

• **Reference 34**

WHEREAS, that replacement and additional tax levy was first levied and extended on the Park District's 2012 tax list and duplicate for collection in calendar year 2013 and will continue to be levied and extended on the tax list through tax year 2019 for collection in calendar year 2020; and

WHEREAS, pursuant to Resolution No. 18-05-031 adopted May 2, 2018, a note in the aggregate principal amount of \$1,600,000, dated May 9, 2018, was issued for the purpose of construction of a new Wildlife Conservation Center, which note will mature on May 9, 2019 (the "Outstanding Notes"); and

WHEREAS, this Board has determined to issue new notes in the aggregate principal amount of \$1,600,000, to retire 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 \$1,600,000, 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 4% per year, payable at maturity, until the principal amount is paid or provided for, with such rate of interest to be fixed by the Park 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 Park 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 Park 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 one 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 Park 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 Park 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.

• **Reference 35**

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 Park 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 Park 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 Park 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 November 6, 2012, 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, 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.

D. Freeland seconded the motion.

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

Andy Hayden Denise Freeland

Bill Bryan Ralph Dublikar

Pat Quick

The foregoing is a true and correct excerpt from the minutes of the meeting on April 3, 2019, of the Board of Park Commissioners of the Stark County Park District, showing the adoption of the resolution hereinabove set forth.

Dated: April 3, 2019

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

C. RESOLUTION: #19-04-034: Hazard Mitigation Grant Program FEMA-DR-4098-Increment 6

WHEREAS, the Stark County Park District Board of Park Commissioners approved Increment 1 of the Hazard Mitigation Grant Program FEMA-DR-4098-OH in an amount not to exceed Seven Hundred Forty-Two Thousand Eight Hundred and Seventy-Five Dollars (\$742,875.00) with Resolution #14-10-067; and

WHEREAS, the Stark County Park District Board of Park Commissioners approved Increment 2 of the Hazard Mitigation Grant Program FEMA-DR-4098-OH in an amount not to exceed Seven Hundred Fifty-Eight Thousand One Hundred Twenty-Five Dollars (\$758,125.00) with Resolution #15-04-025; and

WHEREAS, the Stark County Park District Board of Park Commissioners approved Increment 3 of the Hazard Mitigation Grant Program FEMA-DR-4098-OH in an amount not to exceed Three Hundred Twenty-Two Thousand Five-Hundred Dollars (\$322,500.00) with Resolution #15-05-037; and

WHEREAS, the Stark County Park District Board of Park Commissioners approved Increment 4 of the Hazard Mitigation Grant Program FEMA-DR-4098-OH in an amount not to exceed Three Hundred Thirty-Two Thousand Eighty-Eight Dollars (\$332,088.00) with Resolution #16-09-046; and

WHEREAS, the Stark County Park District Board of Park Commissioners approved Increment 5 of the Hazard Mitigation Grant Program FEMA-DR-4098-OH in an amount not to exceed One Hundred Sixty Thousand Two Hundred and Seventy Dollars (\$160,270.00) with Resolution #17-02-022; and

WHEREAS, the grant application for Increment 6 of the Hazard Mitigation Grant Program FEMA-DR-4098-OH is not to exceed Two Million Six Hundred Ninety Five Six Hundred Six Dollars (\$2,695,606.00); and

WHEREAS, the cost share breakdown of the grant is Seventy Five Percent (75%) Federal, Twelve and One Half Percent (12.5%) State and Twelve and One Half Percent (12.5%) Local for a total Local share in an amount not to exceed Three Hundred Thirty Six Thousand Nine Hundred Fifty Dollars and Seventy Five Cents (\$336,950.75), conditioned on the City of North Canton, Stark County Commissioners and Muskingum Watershed Conservancy District agreeing to amend their agreements to cover the local match required in its entirety.

• **Reference 38**

NOW, THEREFORE BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to apply for the pre- and full-application for Increment 6 of the Hazard Mitigation Grant FEMA-DR-4098-OH in an amount not to exceed Two Million Six Hundred Ninety Five Six Hundred Six Dollars (\$2,695,606.00).

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Stark County Park District Board of Park Commissioners to designate Robert A. Fonte, Park Director, as agent and authorize the Park Director (agent) to sign/execute any paperwork necessary to complete the Hazard Mitigation Grant Program FEMA-DR-4098-OH.

P. Quick MOVED to adopt this resolution, which was SECONDED by R. Dublikar

DISCUSSION:

R. Fonte stated this is the next sequence in the series of grants from FEMA. The total so far is over \$5 million for the removal of structures in the flood plain

D. Freeland asked how many houses?

R. Fonte 17 structures have been demolished to date, we are waiting to receive a grant (round 5) for 5 additional houses); with round 6 we applied for 5 more houses and listed 13 alternatives in the case that someone declines the offer

A. Hayden said where does the Park District fall in money committed with the City, County and Watershed?

B. Wells stated that the Park District has no cash commitment

R. Fonte stated that it is only staff time to manage the projects

B. Wells stated this resolution is giving the Park District permission to apply

MOTION CARRIED on a roll call vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

D. RESOLUTION: #19-04-035: Nimisila Creek Preserve Phase II: Due Diligence

WHEREAS, the Stark County Park District Board of Park Commissioners approved the purchase of the Nimisila Creek Nature Preserve Phase II as part of the 2019 Project List & Budget with Resolution #19-02-018; and

WHEREAS, the Park District has a Purchase Agreement with the owner of the property in the amount of Twelve Thousand Dollars (\$12,000.00) per acre for approximately One Hundred Eighty (180) acres, as determined by a metes and bounds survey, for an approximate purchase price of One Million Dollars Two Hundred and Ten Thousand Dollars (\$1,210,000.00); and

WHEREAS, the Park District has received a grant from The Conservation Fund in the amount of Nine Hundred Fifty Thousand Dollars (\$950,000.00); and

WHEREAS, the Park District has received a grant from the Water Resource Restoration Sponsor Program (WRRSP) in the amount of One Million Six Hundred Seventy-Five Thousand Five Hundred dollars (\$1,675,500.00); and

WHEREAS, the current due diligence items cost Eighteen Thousand Eight Hundred and Twenty One Dollars (\$18,821.00) were to be paid out of escrow at closing; and

WHEREAS, the project was originally set to close in February 2019, but is delayed due to an issue with the title regarding gas storage wells on the property; and

WHEREAS, it is the recommendation of parks to reallocate the funds from the Wildcat Culvert Project on the 2019 Project List & Budget to cover the cost of the due diligence in the amount of Eighteen Thousand Eight Hundred and Twenty One Dollars (\$18,821.00) until this amount can be reimbursed by the grants.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to authorize the reallocation of Eighteen Thousand Eight Hundred and Twenty One Dollars (\$18,821.00) from Wildcat Culvert Project to Nimisila Creek Preserve Phase II Project.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Stark County Park District Board of Park Commissioners to authorize the transfer of Eighteen Thousand Eight Hundred and Twenty One Dollars (\$18,821.00) from Project Fund Unallocated (072.28.0000.65000) to Purchased Services – Occupational – Real Estate (072.28.1000.64103) for the due diligence items.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Stark County Park District Board of Park Commissioners to authorize the non-encumbered payments for the due diligence items in the amount not to exceed Eighteen Thousand Eight Hundred and Twenty One Dollars (\$18,821.00).

D. Freeland MOVED to adopt this resolution, which was SECONDED by B. Bryan

DISCUSSION:

A. Hayden asked for the location of the Nature Preserve

R. Fonte answered it is located in Canal Fulton by the feeder canal, near the Summit County line. Summit County Metroparks purchased the Nimisila Creek Preserve in Summit County. Once the acquisition is final the two Park Districts will have an agreement to manage the property in their respective counties since the property lines cross counties

A. Hayden asked what the Due Diligence included

R. Fonte stated environmental testing and historical survey, appraisal and other survey work

MOTION CARRIED on a roll call vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

E. RESOLUTION: #19-04-036: Nimisila Creek Preserve Phase III: NRAC & Muskingum Watershed Grant Agreements

WHEREAS, the Stark County Park Board of Park Commissioners approved Resolution #18-08-044 authorizing the Park Director to apply for funding through the Natural Resource Assistance Council (NRAC) and the Muskingum Watershed Conservancy District (MWCD); and

WHEREAS, the Ohio Public Works Commission (OPWC) is the state entity that oversees NRAC funds; and

WHEREAS, the Park District was awarded funding from OPWC for Phase III of the Nimisila Creek Preserve property acquisition and due diligence in the amount of One Hundred and Twenty Three Thousand Dollars (\$123,000.00); and

WHEREAS, the Park District will apply for additional funding through the Muskingum Watershed Conservancy District in the amount of One Hundred and Fifty Thousand Dollars (\$150,000.00); and

WHEREAS the Park District is negotiating a purchase agreement with the sellers of the Phase III of the Nimisila Creek Preserve property for an amount of Two Hundred Fifty Three Thousand Dollars (\$253,000.00) which is contingent on securing the above-referenced grant funding; and

WHEREAS, the sellers require Twenty Thousand Dollars (\$20,000.00) in earnest money to bind the agreement; and

WHEREAS, the Stark County Park Board of Park Commissioners approved with Resolution #19-02-023 the match of Fifteen Thousand Dollars (\$15,000.00), or Seventy-Five Percent (75%) of the required total earnest money from NRAC funding and Five Thousand Dollars (\$5,000.00) or Twenty Five Percent (25%) in park funds; and

WHEREAS, OPWC requires that funding for earnest money is paid by the Park District upfront and subsequently reimbursed by the grant; and

WHEREAS, the Park District recommends the reallocation of funds from the Wildcat Culvert Project to cover these costs in the amount of Six Thousand One Hundred Seventy Nine Dollars (\$6,179.00) and Park & Trail Acquisition Project in the amount of Eight Thousand Eight Hundred and Twenty One Dollars (\$8,821.00) toward the earnest money for a total amount not to exceed Fifteen Thousand Dollars (\$15,000.00); and

• **Reference 40**

WHEREAS, the Park District will be reimbursed the full Twenty Thousand Dollars (\$20,000.00) in earnest money from both grant funds upon closing.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to authorize the reallocation of Fifteen Thousand Dollars (\$15,000.00); Six Thousand One Hundred Seventy Nine Dollars (\$6,179.00) from the Wildcat Culvert Project and Eight Thousand Eight Hundred and Twenty One Dollars (\$8,821.00) from the Park & Trail Acquisition Project to the Nimisila Creek Preserve Phase III Project.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Stark County Park District Board of Park Commissioners to authorize the transfer of Fifteen Thousand Dollars (\$15,000.00) from Project Fund Unallocated (072.28.0000.65000) to Capital Outlay – Land (072.28.1000.65100) for the earnest money.

P. Quick MOVED to adopt this resolution, which was SECONDED by B. Bryan

DISCUSSION:

A. Hayden asked if the money will be reimbursed to the Park District

R. Fonte stated all except the \$5,000 outlined in the Resolution, but the Park District is at risk for the full \$20,000 in earnest funds if the grants do not get final approval

MOTION CARRIED on a roll call vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

F. RESOLUTION: #19-04-037: Stark County Park District Levy: 1.0 mill replacement

WHEREAS, pursuant to the provisions of Chapter 1545, Ohio Revised Code, the Stark County Park District was created in April 1967 for the purpose of acquiring and developing a park system for Stark County, Ohio; and

WHEREAS, there is annually being levied a one (1) mill tax for each one dollar of valuation in Stark County for Stark County Park District purposes, and said tax levy will continue to be collected for tax year 2019 when it will expire; and

WHEREAS, the funds available from said tax levy are insufficient to meet the needs of the Stark County Park District, both now and in the foreseeable future; and

WHEREAS, the Board of Commissioners of the Stark County Park District has, after careful investigation, determined that there is an immediate need for increased funding for the continued acquisition, planning, development, operation, maintenance, and protection of a park system.

NOW, THEREFORE, BE IT RESOLVED by the Board of Park Commissioners of the Stark County Park District, pursuant to the provisions of the Ohio Revised Code Section 5705.03(B):

1. The Stark County Park District declares it a necessity to levy a tax outside the 10-mill limitation and submit the question of a replacement of a tax for the benefit of the Stark County Park District for the above-stated purposes in the amount of one (1) mill for each one dollar in valuation, which amounts to the \$0.10 for each one hundred dollars in valuation, for ten (10) years, commencing in 2019, first due in calendar year 2020. An existing levy of one (1) mill, having 1 year remaining, will be canceled and replaced upon the passage of this levy, as authorized by Ohio Revised Code Section 1545.21; and
2. The Stark County Park District requests the Stark County Auditor to certify to the taxing authority the total current tax valuation of Stark County and the dollar amount of revenue that would be generated by a one (1) mill replacement levy at the next general Election on November 5, 2019.

D. Freeland MOVED to adopt this resolution, which was SECONDED by R. Dublikar

DISCUSSION:

R. Fonte stated that it has been 7 years since we have last asked the Auditor for certificates, in 2012 there were 5 versions to choose from. After talking with the Park District's legal counsel, the board of elections as well as the Auditor's staff, we added three additional options. When we receive the valuations we will present them to the Park Board

A. Hayden asked will it tell us what it will cost the homeowners?

R. Fonte stated yes

MOTION CARRIED on a roll call vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

G. RESOLUTION: #19-04-038: Stark County Park District Levy: 1.0 mill replacement and .2 mill new

WHEREAS, pursuant to the provisions of Chapter 1545, Ohio Revised Code, the Stark County Park District was created in April 1967 for the purpose of acquiring and developing a park system for Stark County, Ohio; and

WHEREAS, there is annually being levied a one (1) mill tax for each one dollar of valuation in Stark County for Stark County Park District purposes, and said tax levy will continue to be collected for tax year 2019 when it will expire; and

WHEREAS, the funds available from said tax levy are insufficient to meet the needs of the Stark County Park District, both now and in the foreseeable future; and

WHEREAS, the Board of Commissioners of the Stark County Park District has, after careful investigation, determined that there is an immediate need for increased funding for the continued acquisition, planning, development, operation, maintenance, and protection of a park system.

NOW, THEREFORE, BE IT RESOLVED by the Board of Park Commissioners of the Stark County Park District, pursuant to the provisions of the Ohio Revised Code Section 5705.03(B):

1. Declares it a necessity to levy a tax outside the 10-mill limitation and submit the question of the replacement of one (1) mill of an existing levy and an increase of 0.2 mills, to constitute a tax for the benefit of the Stark County Park District for the above- stated purposes at a rate not exceeding 1.2 mills for each one dollar in valuation, which amounts to \$0.12 for each one hundred dollars in valuation, for eight (8) years, commencing in 2019, first due in calendar year 2020. An existing levy of one (1) mill, having 1 year remaining, will be canceled and replaced upon the passage of this levy, as authorized by Ohio Revised Code Section 1545.21; and
2. The Stark County Park District requests the Stark County Auditor to certify to the taxing authority the total current tax valuation of Stark County and the dollar amount of revenue that would be generated by the replacement of one (1) mill of an existing levy and an increase of 0.2 mills at the next General Election on November 5, 2019.

P. Quick MOVED to adopt this resolution, which was SECONDED by R. Dublikar

DISCUSSION:

None

MOTION CARRIED on a roll call vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

H. RESOLUTION: #19-04-039: Stark County Park District Levy: 1.0 mill replacement and .5 mill new

WHEREAS, pursuant to the provisions of Chapter 1545, Ohio Revised Code, the Stark County Park District was created in April 1967 for the purpose of acquiring and developing a park system for Stark County, Ohio; and

WHEREAS, there is annually being levied a one (1) mill tax for each one dollar of valuation in Stark County for Stark County Park District purposes, and said tax levy will continue to be collected for tax year 2019 when it will expire; and

WHEREAS, the funds available from said tax levy are insufficient to meet the needs of the Stark County Park District, both now and in the foreseeable future; and

• **Reference 42**

WHEREAS, the Board of Commissioners of the Stark County Park District has, after careful investigation, determined that there is an immediate need for increased funding for the continued acquisition, planning, development, operation, maintenance, and protection of a park system.

NOW, THEREFORE, BE IT RESOLVED by the Board of Park Commissioners of the Stark County Park District, pursuant to the provisions of the Ohio Revised Code Section 5705.03(B):

1. Declares it a necessity to levy a tax outside the 10-mill limitation and submit the question of the replacement of one (1) mill of an existing levy and an increase of 0.5 mills, to constitute a tax for the benefit of the Stark County Park District for the above- stated purposes at a rate not exceeding 1.5 mills for each one dollar in valuation, which amounts to \$0.15 for each one hundred dollars in valuation, for eight (8) years, commencing in 2019, first due in calendar year 2020. An existing levy of one (1) mill, having 1 year remaining, will be canceled and replaced upon the passage of this levy, as authorized by Ohio Revised Code Section 1545.21; and
2. The Stark County Park District requests the Stark County Auditor to certify to the taxing authority the total current tax valuation of Stark County and the dollar amount of revenue that would be generated by the replacement of one (1) mill of an existing levy and an increase of 0.5 mills at the next General Election on November 5, 2019.

B. Bryan MOVED to adopt this resolution, which was SECONDED by D. Freeland

DISCUSSION:

None

MOTION CARRIED on a roll call vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

I. RESOLUTION: #19-04-040: Ohio Department of Natural Resources (ODNR) Operating Plan

WHEREAS, a 2019 Stark County Park District Land Management Operating Plan with the Ohio Department of Natural Resources (ODNR) regarding Deer Creek and Walborn Reservoirs and all other Park Lands is attached as Exhibit B; and

WHEREAS, adoption of the operating plan is required annually in accordance with the management agreement with ODNR authorized by Resolution #99-033; and

WHEREAS, the Park Director, Robert A. Fonte, is recommending approval of said operating plan.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to accept the attached 2019 Stark County Park District Land Management Operating Plan (Exhibit B) with the Ohio Department of Natural Resources as recommended by the Park Director, Robert A. Fonte.

D. Freeland MOVED to adopt this resolution, which was SECONDED by P. Quick

DISCUSSION:

R. Fonte stated this agreement goes back to 1998 when the Park District entered into an agreement with the City of Alliance for Walborn and Deer Creek Reservoirs. The Ohio Department of Natural Resources' (ODNR)'s 25 year Management Agreement had just expired so the City agreed to have the Stark County Park District to take the lead but stipulated that ODNR be included in the Stark County Park District plan and that hunting be included where practicable as part of the plan. Since this was a three-way agreement, the Stark County Park District included an Annual Operating Plan as part of the agreement. The plan varies each year and also covers the public hunting areas

A. Hayden asked how much land does the Park District manage that allows public hunting?

R. Fonte responded that there are large areas at Walborn and Deer Creek as well as an area south on the Towpath. It is healthier to have hunters control the populations, but he wasn't sure of the exact acreage

• **Reference 43**

A. Hayden asked if there was a scheduled hunt at Quail Hollow

R. Fonte stated that the Natural Resources Department has been doing surveys and will have a recommendation

A. Hayden asked how they get people signed up to hunt?

R. Fonte answered that it is going to be tough to get something scheduled by the end of April, but we hope to be ready for next year

A. Hayden commented that there is a new wildlife officer at ODNR

D. Freeland asked about why they are trying to encourage herd growth at Walborn and Deer Creek

R. Fonte will talk with the Natural Resources Manager to find out what the reasoning is behind this

MOTION CARRIED on a roll call vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

J. RESOLUTION: #19-04-041: Stark County Park District Levy: 1.0 renewal and 0.2 mill new

WHEREAS, pursuant to the provisions of Chapter 1545, Ohio Revised Code, the Stark County Park District was created in April 1967 for the purpose of acquiring and developing a park system for Stark County, Ohio; and

WHEREAS, there is annually being levied a one (1) mill tax for each one dollar of valuation in Stark County for Stark County Park District purposes, and said tax levy will continue to be collected for tax year 2019 when it will expire; and

WHEREAS, the funds available from said tax levy are insufficient to meet the needs of the Stark County Park District, both now and in the foreseeable future; and

WHEREAS, the Board of Commissioners of the Stark County Park District has, after careful investigation, determined that there is an immediate need for increased funding for the continued acquisition, planning, development, operation, maintenance, and protection of a park system.

NOW, THEREFORE, BE IT RESOLVED by the Board of Park Commissioners of the Stark County Park District, pursuant to the provisions of the Ohio Revised Code Section 5705.03(B):

1. Declares it a necessity to levy a tax outside the 10-mill limitation and submit the question of the renewal of one (1) mill of an existing levy and an increase of 0.2 mills, to constitute a tax for the benefit of the Stark County Park District for the above- stated purposes at a rate not exceeding 1.2 mills for each one dollar in valuation, which amounts to \$0.12 for each one hundred dollars in valuation, for eight (8) years, commencing in 2020, first due in calendar year 2021, as authorized by Ohio Revised Code Section 1545.21; and
2. The Stark County Park District requests the Stark County Auditor to certify to the taxing authority the total current tax valuation of Stark County and the dollar amount of revenue that would be generated by the renewal of one (1) mill of an existing levy and an increase of 0.2 mills at the next General Election on November 5, 2019.

R. Dublikar MOVED to adopt this resolution, which was SECONDED by D. Freeland

DISCUSSION:

None

MOTION CARRIED on a roll call vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

• **Reference 44**

K. RESOLUTION: #19-04-042: Stark County Park District Levy: 1.0 renewal and 0.4 mill new

WHEREAS, pursuant to the provisions of Chapter 1545, Ohio Revised Code, the Stark County Park District was created in April 1967 for the purpose of acquiring and developing a park system for Stark County, Ohio; and

WHEREAS, there is annually being levied a one (1) mill tax for each one dollar of valuation in Stark County for Stark County Park District purposes, and said tax levy will continue to be collected for tax year 2019 when it will expire; and

WHEREAS, the funds available from said tax levy are insufficient to meet the needs of the Stark County Park District, both now and in the foreseeable future; and

WHEREAS, the Board of Commissioners of the Stark County Park District has, after careful investigation, determined that there is an immediate need for increased funding for the continued acquisition, planning, development, operation, maintenance, and protection of a park system.

NOW, THEREFORE, BE IT RESOLVED by the Board of Park Commissioners of the Stark County Park District, pursuant to the provisions of the Ohio Revised Code Section 5705.03(B):

1. Declares it a necessity to levy a tax outside the 10-mill limitation and submit the question of the renewal of one (1) mill of an existing levy and an increase of 0.4 mills, to constitute a tax for the benefit of the Stark County Park District for the above- stated purposes at a rate not exceeding 1.4 mills for each one dollar in valuation, which amounts to \$0.14 for each one hundred dollars in valuation, for eight (8) years, commencing in 2020, first due in calendar year 2021, as authorized by Ohio Revised Code Section 1545.21; and
2. The Stark County Park District requests the Stark County Auditor to certify to the taxing authority the total current tax valuation of Stark County and the dollar amount of revenue that would be generated by the renewal of one (1) mill of an existing levy and an increase of 0.4 mills at the next General Election on November 5, 2019.

D. Freeland MOVED to adopt this resolution, which was SECONDED by P. Quick

DISCUSSION:

None

MOTION CARRIED on a roll call vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

L. RESOLUTION: #19-04-043: Stark County Park District Levy: 1.0 renewal and 0.7 mill new

WHEREAS, pursuant to the provisions of Chapter 1545, Ohio Revised Code, the Stark County Park District was created in April 1967 for the purpose of acquiring and developing a park system for Stark County, Ohio; and

WHEREAS, there is annually being levied a one (1) mill tax for each one dollar of valuation in Stark County for Stark County Park District purposes, and said tax levy will continue to be collected for tax year 2019 when it will expire; and

WHEREAS, the funds available from said tax levy are insufficient to meet the needs of the Stark County Park District, both now and in the foreseeable future; and

WHEREAS, the Board of Commissioners of the Stark County Park District has, after careful investigation, determined that there is an immediate need for increased funding for the continued acquisition, planning, development, operation, maintenance, and protection of a park system.

NOW, THEREFORE, BE IT RESOLVED by the Board of Park Commissioners of the Stark County Park District, pursuant to the provisions of the Ohio Revised Code Section 5705.03(B):

• **Reference 45**

1. Declares it a necessity to levy a tax outside the 10-mill limitation and submit the question of the renewal of one (1) mill of an existing levy and an increase of 0.7 mills, to constitute a tax for the benefit of the Stark County Park District for the above- stated purposes at a rate not exceeding 1.7 mills for each one dollar in valuation, which amounts to \$0.17 for each one hundred dollars in valuation, for eight (8) years, commencing in 2020, first due in calendar year 2021, as authorized by Ohio Revised Code Section 1545.21; and
2. The Stark County Park District requests the Stark County Auditor to certify to the taxing authority the total current tax valuation of Stark County and the dollar amount of revenue that would be generated by the renewal of one (1) mill of an existing levy and an increase of 0.7 mills at the next General Election on November 5, 2019.

B. Bryan MOVED to adopt this resolution, which was SECONDED by R. Dublikar

DISCUSSION:

None

MOTION CARRIED on a roll call vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

9. DIRECTOR'S REPORT

A. 2019 Project List and Budget

DISCUSSION:

A. Hayden stated he saw staff out this morning on the Hoover Trail, are there any updates on the temporary trail and the State Route 43 Tunnel?

R. Fonte responded that we anticipate a mid-April opening – we are waiting for the railing to be installed. Paving will begin on the west side as soon as the weather breaks. Temporary signage will be installed and used for the next one to two years on the east side

A. Hayden asked if there were any updates on the Hoover Trail connection near the ballfields

R. Fonte answered that the design has been changed to a flatbed truck from a box culvert, the new design is considerably less money and will be scheduled as soon as the new design is approved by North Canton

B. Director's Report

A. Hayden asked about R. Fonte's meeting on March 14 with Lake Township

R. Fonte answered that Lake Township put in an application last year to the Natural Resources Advisory Council (NRAC) and were declined. This meeting was to talk about a potential partnership. They are on the ballot for a park levy in May. There is a follow-up working session with Stark Parks and Lake Township Trustees next week

A. Hayden asked about how the March 19th Tam O'Shanter Public Meeting went

R. Fonte stated that the park staff spoke, the consultant talked and there were various stations set up for the public to vote on the priorities they would like to see at the park

A. Hayden asked if there were any ideas that Stark Parks hadn't thought about

R. Fonte answered no, just keeping it as a golf course and driving range, a few things that we cannot do due to the grant guidelines/stipulations

A. Hayden asked about the clubhouse

R. Fonte stated that we asked what the public wanted to see done with it, as well as talked about what other amenities we could build like shelters, trails, nature playground, etc.

R. Fay stated that the staff did a great job presenting the information. It was good to focus the ideas with the boards, it was an excellent way to do it

R. Dublikar asked why the Middle Branch Trail was closed near Gervasi

R. Fonte stated that the gas company was doing work across the trail, we had posted the closure on the website

• **Reference 46**

R. Fonte addressed the Park Board on the following Updates:

- Staffing – 10 of 11 seasonal contingent positions have been filled and will begin employment in the coming weeks. Special thank you to the finance team staff and the executive assistant for stepping in to help while the Human Resources Manager is out on leave
 - Marketing: Graphic Designer Part-time
 - Education: Two Education Program Assistants Part-time
 - Wildlife Conservation Center: Two Part-time Wildlife Rehabilitators (one position still vacant), Part-time Receptionist/Rehabilitation
 - Public Safety: Ranger Full-time
 - Operations: Three Crew Worker I Full-time
 - Plus three replacements of existing positions (two of three filled)
- R. Fonte passed out voting postcards from Ohio Parks and Recreation Association (OPRA) – the Park Board can vote for OPRA Board Members
- R. Fonte talked about the upcoming meeting with the developer regarding a grading plan for Tam O'Shanter
- R. Fonte updated the Park Board regarding the strategic plan item of long-term sustainable funding
 - Tax levy (talked about earlier with the Resolutions)
 - Grant program – 50% of our revenue this year
 - Sales revenue from concessions/Enterprises – working on a plan to go from \$600,000 to \$6 million
 - The Stark Community Foundation Endowment Fund for the Park District and a separate fund for the Wildlife Conservation Fund
 - Unknowns – mineral rights and oil and gas rights
- A. Hayden asked what happens to the money saved from the grant funding?
- R. Fonte answered that it is mostly for capital projects, so the projects would not happen without the grant funding. The Levy takes care of our operating and maintenance costs

10. EXECUTIVE SESSION

BE IT RESOLVED, to adjourn into Executive Session at 3:10 p.m. to consider the purchase of property for public purposes.

P. Quick moved to adopt this motion, which was SECONDED by D. Freeland

MOTION CARRIED on a roll call vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

11. RECONVENE FROM EXECUTIVE SESSION

BE IT RESOLVED to reconvene to Regular Session at 3:22 p.m.

D. Freeland MOVED to adopt this resolution, which was SECONDED by P. Quick

MOTION CARRIED on a vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

12. ADJOURNMENT

BE IT RESOLVED to adjourn at 3:23 p.m. Next scheduled meeting: May 1, 2019 at 2:00 p.m. at the Sippo Lake Clubhouse.

D. Freeland MOVED to adjourn the meeting, which was SECONDED by R. Dublikar

• **Reference 47**

MOTION CARRIED on a vote as follows:

Voting Aye: Andy Hayden, Denise Freeland, Ralph Dublikar, Bill Bryan, Pat Quick

APPROVAL DATE: May 1, 2019

ATTEST:

Andy Hayden, Chairperson
Stark County Park Commission

Robert A. Fonte, Director/Secretary to the Board
Stark County Park District

Corianne Kocarek/Clerk to the Board
Stark County Park District

- **Reference 48**