

Stark County Park District Park Board – Regular Meeting Minutes
Exploration Gateway at Sippo Lake Park, 5712 12th St. NW, Canton, OH 44708
November 3, 2021
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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 Denise Freeland at 2:03 p.m.

A. Roll Call of Members

MEMBERS PRESENT:

Denise Freeland, Bill Bryan, Ralph Dublikar, Pat Quick, David Regula

STAFF PRESENT:

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

Corianne Kocarek, Clerk to the Board

Justin Laps, Chief of Public Safety

Dani McGuinness, Human Resources Manager

Rick Summers, Operations Manager

Talula Wiater, Natural Resources Manager

Sarah Buell, Projects & Administration Manager

GUESTS PRESENT:

None

B. Adoption of Agenda

D. Regula MOVED to adopt the agenda, which was SECONDED by B. Bryan

DISCUSSION:

None

MOTION CARRIED on a vote as follows:

Voting Aye: Denise Freeland, Bill Bryan, Ralph Dublikar, Pat Quick, David Regula

2. PUBLIC COMMENT

None

3. STAFF PRESENTATION – TALULA WIATER, NATURAL RESOURCES MANAGER

T. Wiater shared the following information with the Park Board:

- Natural Resources Department includes Wildlife Rehabilitation and Land and Wildlife Management
- Natural Resources Mission: dedicated to the conservation and management of native wildlife and their habitat through research, education, and quality animal care
 - Wildlife Conservation Center Essential Goals:
 - Offer quality wildlife educational experience
 - Offer quality care to all animals
 - Employ trained, friendly, and knowledgeable staff to provide excellent service
 - Wildlife Conservation Center Services
 - Care for injured, sick, and orphaned native wildlife
 - Native Wildlife Education – human/animal conflict resolution
 - Live Animal Trap Loans: average 12 rentals per year. 2021 so far it was 9
 - Native Wildlife on display – 12 outdoor and 15 indoor displays
 - Wildlife Conservation Center Donations
 - 560+ boxes of produce from Buehler's
 - Over \$3,700 in cash donations
 - Over 400 items from our wish list and Amazon wish list

• **Reference 79**

- Animal Intake Comparison 2019-2021
 - Totals: 2019-2075, 2020-1188, 2021-1207
 - Mammals: 2019-1216, 2020-671, 2021-682
 - Herps: 2019-74, 2020-55, 2021-38
 - Birds: 2019-785, 2020-641, 2021-487
- Exhibit Hall completed this year
- Three new part-time staff hired
- Vanessa was invited back to help teach a class at Ohio Wildlife Rehabilitators Association (OWRA) on bats
- Land and Wildlife Management
 - Prairie and Grassland Restoration: Zimmer Ditch, Tam O'Shanter, Walborn (Bingham Property), Fry Family Park – takes 2-5 years for the growth process
 - Forest Restoration – Zimmer Ditch, Tam O'Shanter Park and Fry Family Park
 - Invasive Species Management
 - Community Events and Programming – seed collection program, Women of the Wild (WOW) – nature programming component, L3 – Living Learning Lab – with university partners to see how habitat improves with restoration work and fishing derbies (currently on hold)
 - Water Quality – Walborn, Petros, Sippo and Deer Creek
 - Bioswale Installation – Tam O'Shanter and Fry Family Park
 - Spotted Turtle Surveys – may start happening in the fall. We did catch one at the Nimisila Preserve, but it had previously been tagged on the Summit Metroparks property

4. APPROVAL OF MINUTES

WHEREAS, minutes from the October 5, 2021 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 October 5, 2021 Regular Park Board meeting as submitted.

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

DISCUSSION: None

MOTION CARRIED to approve the minutes on a vote as follows:

Voting Aye: Denise Freeland, Bill Bryan, Ralph Dublikar, Pat Quick, David Regula

5. FINANCIAL REPORTS

WHEREAS, the monthly Financial Report and Summary Financial Report for the period ending September 30, 2021 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 September 30, 2021 as submitted.

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

DISCUSSION:

None

MOTION CARRIED on a vote as follows:

Voting Aye: Denise Freeland, Bill Bryan, Ralph Dublikar, Pat Quick, David Regula

6. APPROVAL OF PAYROLLS AND BILLS

WHEREAS, copies of payroll and bills for the month of September 2021 were submitted for the Board's review in accordance with Resolution #98-133.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to approve and accept for audit the payroll and bills for September 30, 2021 as submitted.

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

DISCUSSION:

P. Quick asked when the CMOR (Center for Marketing & Opinion Research) report will be completed and when would the Board be able to review?

S. Buell stated it should be ready to review in the Spring of 2022.

MOTION CARRIED on a vote as follows:

Voting Aye: Denise Freeland, Bill Bryan, Ralph Dublikar, Pat Quick, David Regula

7. OLD BUSINESS

A. Informational: Upcoming Events

DISCUSSION: None

B. Informational: Updated Appearance and Attire Policy

APPEARANCE AND ATTIRE

Stark Parks strives to present itself in a manner acceptable to the public it serves and recognizes that it is not practical to establish an absolute attire and appearance code. Dress for your day practice allows for non-uniformed employees' discretion to select appropriate dress for the business of each workday. Employees are allowed to wear casual dress on workdays when they do not have meetings with members, vendors or other outside third parties. When involved in any such meetings, employees are expected to wear business casual attire. While dress for your day is intended to be relaxed, the expectation is that employees will nevertheless wear clothing appropriate for an office environment. Traditional business attire is always acceptable. On occasion, if visitors are expected, all staff may be required to forgo dress for your day and will be required to wear business casual or business attire. These days will be announced well in advance so employees can plan accordingly. Dress for your day clothing and appearance must:

- Be neat, clean and professional
- Not expose an excessive amount of skin

The following list outlines items that are not appropriate attire for employees of the Park District and is in no way meant to be an exhaustive list.

1. Exercise attire such as sweatpants and sweatshirts
2. Spandex type attire such as leggings, jeggings, and yoga pants (unless worn with appropriate length skirt, dress or pants)
3. Any attire branded with entities not associated with the Stark County Park District
4. Beachwear attire
5. Shoe wear without a back support such as slippers, flip flops, rubber/cloth sandals
6. Sleepwear attire such as pajamas, slippers, etc.
7. All head dress (excluding reasonably accommodated religious head dress and appropriate Stark Parks affiliated logo caps and hats for appropriate staff and worn as part of a job requirement)
8. All attire should fit in a manner that it does not expose undergarments or unnecessary body parts (i.e. midriff, etc.)

The following list outlines items that are appropriate attire for employees of the Park District and is in no way meant to be an exhaustive list

- Stark Parks provided t-shirts and polo-type shirts are acceptable and must be worn by non-uniformed staff to all outreach and public events to identify team members to the public.
- Park Provided polo-type shirts are mandatory for outreach events (non-Stark Parks) and meetings that are business casual if appropriate
- Jeans may be worn provided they are free of holes and tears and do not have missing hems or excessive markings
- Khaki or non-jean shorts may be considered acceptable attire providing that they are no shorter than knee length (and worn as appropriate for each position and in consideration with safety factors)
- If a team member is expected to spend a significant amount of time in the public, Stark Parks provided nametag should be worn.

• **Reference 81**

DISCUSSION:

D. Freeland asked what has changed?

D. McGuinness stated we updated the policy to state “Dress for your Day” and defined what that means

C. Informational: Informational: 2022 Stark County Commissioners – County Holidays Calendar

Exhibit A:

STARK COUNTY COMMISSIONERS

October 6, 2021

TO: All County Officials
and Department Heads

RE: 2022 County Holidays



County Office Building
110 Central Plaza South, Suite 340
Canton, Ohio 44702-2302
Phone (330) 451-7571
Fax (330) 451-7000

BOARD OF COMMISSIONERS
Bill Smith, President
Janet Weir Creighton
Richard Regula

The Board of Stark County Commissioners will observe the following holiday schedule during the 2022 calendar year:

HOLIDAY	DAY	DATE	OBSERVED ON
New Year's Day 2022	Saturday Friday	January 1 st December 31 st , 2021	Observed
Martin Luther King Jr. Day	Monday	January 17 th	Same Day
President's Day	Monday	February 21 st	Same Day
Memorial Day	Monday	May 30 th	Same Day
Juneteenth	Sunday Monday	June 19 th June 20 th	Observed
Independence Day	Monday	July 4 th	Same Day
Labor Day	Monday	September 5 th	Same Day
Columbus Day	Monday	October 10 th	Same Day
Veteran's Day	Friday	November 11 th	Same Day
Thanksgiving Day	Thursday & Friday	November 24 th & November 25 th	Same Day Same Day
Christmas Day	Sunday Monday	December 25 th December 26 th	Observed

Note: The Commissioners' Office will be open on Good Friday and other nationally designated religious days, but employees will be allowed reasonable time off with pay to attend religious services.


Michael Kautle
Director, Human Resources
The Board of Stark County Commissioners

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

DISCUSSION:

R. Fonte stated that normally the Park Board adopts the holiday schedule at the January meeting, but this year the New Year's Day Holiday is observed December 31. The County has also added Juneteenth, observed on June 20 in 2022.

8. NEW BUSINESS

A. RESOLUTION: #21-11-070: Wildlife Conservation 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 November 3, 2021, commencing at 2:00 p.m., at the Exploration Gateway, 5712 12th Street NW, Canton, Ohio with the following members present:

Denise Freeland Bill Bryan

Ralph Dublikar Pat Quick

Dave Regula

• **Reference 82**

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.

Pat Quick moved the adoption of the following resolution:

RESOLUTION NO. 21-11-070

A RESOLUTION AUTHORIZING THE ISSUANCE OF PARK DISTRICT IMPROVEMENT NOTES, SERIES 2021, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$750,000, 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. 20-11-071 adopted on November 4, 2020, a note in the aggregate principal amount of \$1,000,000, dated December 3, 2020, was issued for the purpose of construction of a new Wildlife Conservation Center, which note will mature on December 2, 2021 (the "Outstanding Notes"); and

WHEREAS, this Board has determined to issue new notes in the aggregate principal amount of \$750,000, 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 \$750,000, 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 5% 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 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

• **Reference 83**

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.

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 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.

• **Reference 85**

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.

Dave Regula seconded the motion.

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

Denise Freeland – aye Bill Bryan – aye

Ralph Dublikar – aye Pat Quick – aye

Dave Regula – aye

The foregoing is a true and correct excerpt from the minutes of the meeting on November 3, 2021, of the Board of Park Commissioners of the Stark County Park District, showing the adoption of the resolution hereinabove set forth.

Dated: November 3, 2021

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

DISCUSSION:

R. Fonte stated it was agreed to retire \$250,000 of the note this year

MOTION CARRIED on a vote as follows:

Voting Aye: Denise Freeland, Bill Bryan, Ralph Dublikar, Pat Quick, David Regula

B. RESOLUTION: #21-11-071: ODOT Preliminary Participatory Legislation – Jackson Connector Trail-Tunnel – STA TR-0211 01.970 (Fulton Drive)

PRELIMINARY PARTICIPATORY LEGISLATION
RC 5521.01

Ordinance/Resolution# #21-11-071

PID No. 110429

County/Route/Section STA TR 0211 01.970
(Fulton Drive)

The following is #21-11-071 enacted by the Stark County Park District of Stark
(An Ordinance/a Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

Construction of new pedestrian tunnel under Fulton Drive NW (TR 211). Includes sanitary and sewer line relocation.

NOW, THEREFORE, be it ordained by the Stark County Park District of Stark County, Ohio.
(LPA)

• **Reference 86**

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The LPA agrees to participate in the cost of construction and relocation of sanitary and sewer line at 100% less any MPO funds applied to the project with a 20% local match.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

(Optional-if required) The LPA further agrees to pay One Hundred Percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION IV - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION V - Authority to Sign

The Stark County Park Director, Robert A. Fonte of said Stark County Park District is hereby empowered on
(Contractual Agent) (LPA)
behalf of the Stark County Park District to enter into contracts with ODOT pre-qualified consultants
(LPA)

for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project.

Upon the request of ODOT, the Stark County Park Director, Robert A. Fonte is also empowered to assign all rights,
(Contractual Agent)
title, and interests of Stark County Park District to ODOT arising from any agreement with its
(LPA)

consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Passed: _____, 2021
(Date)

Attested: _____
(Clerk) (Officer of LPA - title)

Attested: _____
(Title) (President of Council)

This _____ is hereby declared to be an emergency measure to
(Ordinance/Resolution)
expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

_____ of _____ County, Ohio,
(LPA)

_____, as Clerk of the _____
(LPA)

of _____ County, Ohio, do hereby certify that the forgoing is a true and correct copy of _____ adopted by the legislative Authority of the said
(Ordinance/Resolution)

_____ on the _____ day of _____, 20 _____
(LPA)

that the publication of such _____ has been made and certified of
(Ordinance/Resolution)

record according to law; that no proceedings looking to a referendum upon such

_____ have been taken; and that such _____
(Ordinance/Resolution) (Ordinance/Resolution)

and certificate of publication thereof are of record in _____ Page _____
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 20 _____

CITY SEAL

Clerk

_____ of _____ County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.

For the _____ of _____ County, Ohio
(LPA)

Attest: _____, Date _____

For the State of Ohio

Attest: _____, Date _____

Director, Ohio Department of Transportation

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

• **Reference 88**

DISCUSSION:

B. Bryan asked how the trail connects

R. Fonte stated the tunnels connects North Park with the Jackson Bog Property (west)

S. Buell stated this resolution stated that the Park District has to sign this document for the Ohio Department of Transportation (ODOT) and this states that once we go to bid we (along with our partners – Jackson Township and Jackson Local Schools) are committed to paying for the construction. Since the grant is a Transportation Alternative (TA) Grant we work with ODOT on the project.

MOTION CARRIED on a vote as follows:

Voting Aye: Denise Freeland, Bill Bryan, Ralph Dublikar, Pat Quick, David Regula

C. RESOLUTION: #21-11-072: Jackson Connector Trail-Tunnel – Right of Way

WHEREAS, the Stark County Park District Board of Park Commissioners approved the design of the Jackson Connector Trail-Tunnel as part of the 2020 Project List & Budget with Resolution #20-05-031 and as part of the 2021 Project List & Budget with Resolution 21-02-015; and

WHEREAS, Stark Parks has a Support Agreement in place with the Jackson Township Trustees and the Jackson Local Board of Education which contemplates the donation of all right of way required for the completion of the project; and

WHEREAS, the Jackson Township Trustees and the Jackson Local Board of Education have agreed to donate the required fee simple and temporary right of way at no cost to the project; and

WHEREAS, Stark Parks must accept the following right of way in order to proceed with the project as outlined in Exhibit B:

From the Jackson Township Board of Trustees

1. Temporary Easement – LPA RE 807-D, Parcel 002-T;
2. Quit Claim Deed – ODOT LPA RE 803 EA, Parcel 002-WD; and
3. Quit Claim Deed – ODOT LPA RE 803 EA, Parcel 002-WDV

From the Board of Education of the Jackson Local School District

1. Temporary Easement – LPA RE 807-D, Parcel 001-T;
2. Quit Claim Deed – ODOT LPA RE 803 EA, Parcel 001-WD; and
3. Quit Claim Deed – ODOT LPA RE 803 EA, Parcel 001-WDV

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to authorize the Park Director, Robert A. Fonte to execute the documents required as approved for legal form and sufficiency by Attorney William Morris to accept the right of way required to complete the Jackson Tunnel project.

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

DISCUSSION:

B. Bryan asked for the definition of a “multi-modal” trail

R. Fonte stated that bike and hike are multi-modal

B. Bryan asked if it would accommodate a mower

S. Buell stated that it is 16 feet wide and 10 feet tall

MOTION CARRIED on a vote as follows:

Voting Aye: Denise Freeland, Bill Bryan, Ralph Dublikar, Pat Quick, David Regula

• **Reference 89**

D. RESOLUTION: #21-11-073: Memorandum of Understanding Use of Stark County Law Enforcement Training Facility: Stark County Sheriff's Office and Stark County Park District

WHEREAS, the Stark County Sheriff's Office operates the Stark County Law Enforcement Training Center, (herein referred to as the "LETC") located at 143 1st St. SE, Massillon, Ohio 44646 for the purpose of providing professional training to law enforcement agencies; and

WHEREAS, the Stark County Park District desires to make use of the LETC for its intended purpose; and

WHEREAS, a continuing memorandum of understanding (Exhibit C) is requested between the Sheriff's Office and the Park District beginning on October 1, 2021 through December 31, 2021 with an agreement to extend the initial term on terms that are mutually agreed upon for no fee; and

WHEREAS, this memorandum of understanding has already been approved for legal form and sufficiency by Attorney, William F. Morris.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to authorize the Park Director to enter into a memorandum of understanding with the Stark County Sheriff's Office as attached in Exhibit C.

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

DISCUSSION:

J. Laps stated this agreement is between the Park District and the Stark County Sheriff's Office who runs the training center. There is no cost for 2021, but in 2022 it will be \$25 per officer. This will be a great addition for us. Most of the required training is being offered at the center and having the Sheriff's leadership is a great benefit

MOTION CARRIED on a vote as follows:

Voting Aye: Denise Freeland, Bill Bryan, Ralph Dublikar, Pat Quick, David Regula

E. RESOLUTION: #21-11-074: Contract for Service – Ohio Parks and Recreation Association (OPRA) and Stark County Park District for Recruiting and Hiring an Executive Director

WHEREAS, the Stark County Park District desires to utilize a contracted service for needs assessment, recruitment, evaluation, reference checking, negotiation and follow-up for the hiring of an Executive Director; and

WHEREAS, a contract for service (Exhibit D) is requested between Ohio Parks and Recreation Association (OPRA) and the Stark County Park District; and

WHEREAS, this contract for service has already been approved for legal form and sufficiency by Attorney, William F. Morris.

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to authorize the Park Director to enter into a contract for service with the Ohio Parks and Recreation Association (OPRA) as attached in Exhibit D for the needs assessment, recruitment, evaluation, reference checking, negotiation and follow-up for the hiring of an Executive Director.

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

DISCUSSION:

R. Fonte stated to the Park Board he will retire effective May 2, 2022 and the official letter will be shared in the Director's Report

R. Fonte stated it is important to advise the staff at this time

MOTION CARRIED on a vote as follows:

Voting Aye: Denise Freeland, Bill Bryan, Ralph Dublikar, Pat Quick, David Regula

F. RESOLUTION: #21-11-075: Budget Transfer: Office Station Reconfiguration

WHEREAS, the Park Director, Robert A. Fonte, has determined that in order to provide adequate office spaces for administration department staff at Sippo Lake Park it is necessary to purchase additional and reconfigure office stations; and

WHEREAS, the administration department staff are currently working out of three buildings; and

WHEREAS, the current configurations are not conducive to effective communication and collaboration amongst the department; and

WHEREAS, the office station reconfiguration budget is estimated in an amount not to exceed Twenty Five Thousand Dollars (\$25,000.00).

NOW, THEREFORE, BE IT RESOLVED, by the Stark County Park District Board of Park Commissioners to authorize the transfer of funds in an amount not to exceed Twenty Five Thousand Dollars (\$25,000.00) from the Project Fund Unallocated (072.28.0000.65000) to the appropriate accounts for administration department staff office station reconfigurations.

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

DISCUSSION:

R. Fonte stated that in order to get the transition in place he will be meeting with each manager and their staff individually and try to satisfy the individual department concerns

MOTION CARRIED on a vote as follows:

Voting Aye: Denise Freeland, Bill Bryan, Ralph Dublikar, Pat Quick, David Regula

9. DIRECTOR'S REPORT

A. 2021 Project List and Budget

DISCUSSION: None

B. Director's Report:

DISCUSSION:

R. Fonte stated that the Park District received an Alliance Chamber Award for large business of the year and its positive impact in the community

S. Buell stated that they love the new Iron Horse Trail connections through the City

R. Fonte also advised the Board of the recent sale price of the Geitgey property Manor House adjacent to Tam O'Shanter Park sold for \$3,080,000 to Deville Apartments and we recently held a meeting with Don Deville and Jackson Township officials to talk about partnerships and collaborations

R. Fonte has officially submitted his retirement letter, his last day will be May 2, 2022.

10. EXECUTIVE SESSION

BE IT RESOLVED, to reconvene into Executive Session at 2:43 p.m. to consider the employment of a public employee.

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

MOTION CARRIED on a roll call vote as follows:

Voting Aye: Denise Freeland, Bill Bryan, Ralph Dublikar, Pat Quick, David Regula

11. RECONVENE FROM EXECUTIVE SESSION

BE IT RESOLVED to reconvene to Regular Session at 4:15 p.m.

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

MOTION CARRIED on a vote as follows:

Voting Aye: Denise Freeland, Bill Bryan, Ralph Dublikar, Pat Quick, David Regula

• **Reference 91**

12. ADJOURNMENT

BE IT RESOLVED to adjourn at 4:15 p.m. Next scheduled meeting: December 7, 2021 at 2:00 p.m. at the Exploration Gateway at Sippo Lake Park.

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

MOTION CARRIED on a vote as follows:

Voting Aye: Denise Freeland, Bill Bryan, Ralph Dublikar, Pat Quick, David Regula

APPROVAL DATE: December 7, 2021

ATTEST:

Denise Freeland, 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 92**