

**RECORD OF PROCEEDINGS**  
GEAUGA PARK BOARD

0121

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

SEPTEMBER 9

20<sup>03</sup>

The regular meeting of the Geauga Park District Board was held on September 9, 2003, at the Park District office, Chardon, Ohio. The meeting was called to order at 3:30 p.m. President Robert McCullough was in the chair. Board members Betty Cope and Mark Rzeszotarski were present. Employees present were: Tom Curtin, Keith McClintock, Nate Eppink, Paige Hosier, Sylvia Neptune, and Eileen Smith. Guests present were: Kim Coy, Jay Giles, and Jim Phelps.

**ADOPTION OF THE AGENDA**

Miss Cope moved to accept the agenda as presented for the meeting.

Mr. McCullough seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

Miss Cope	Yes
Mr. McCullough	Yes
Dr. Rzeszotarski	Yes

**ADOPTION OF THE MINUTES OF AUGUST 19, 2003**

Dr. Rzeszotarski moved that the minutes August 19, 2003, be approved as amended.

Miss Cope seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

Miss Cope	Yes
Mr. McCullough	Yes
Dr. Rzeszotarski	Yes

**FINANCIAL STATEMENT  
FOR THE MONTH ENDING  
AUGUST 31, 2003**

<b>GENERAL FUND</b>		
<b>BALANCE AUGUST 1, 2003</b>		<b>849,846.78</b>
<b>EXPENDITURES</b>		<b>241,667.14</b>
Personnel	156,602.22	
PBX- JULY	185.06	
Medicare	1,728.18	
Ohio PERS	21,788.34	
Vouchers	61,363.34	
<b>RECEIPTS</b>		<b>2,523,798.56</b>
Fees:		
Camping	100.00	
Shelters	40.00	
Rookery Heat	20.00	
Canoe/Kayak Programs	50.00	
Out of County Program Fees	85.00	
WCNAF - Table Fees	30.00	
Holly Days Table Fees	450.00	
Rental Properties-August		
- McKinnon- Swine Creek house	350.00	
- Scott - Krehlik House	350.00	
- Kolar - Burton Wetlands House	350.00	
- McClintock - Hyde House	90.32	
Refund: overpayment J P Propane	283.85	
Sales: Nature Stores	3,453.17	
Donations:		
Mildred Welch	10.00	
Second Half Manufactured Homes Tax	6,636.17	
Second Half Real Estate Tax	2,504,845.92	
Citation Disbursement- Chardon Muni Court	19.00	
Local Government Funds	5,678.96	
Interest earned- July	956.17	
<b>BALANCE AUGUST 31, 2003</b>		<b>3,131,978.20</b>

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20<sup>03</sup>**CONSTRUCTION FUND****BALANCE AUGUST 1, 2003****2,828,490.57****EXPENDITURES****163,681.39**

Vouchers

163,681.39

**RECEIPTS****5,664.48**

Interest Earned-July

2,617.54

Donations

2,030.00

Mary Blalock- TWWNC

30.00

B B Metzenbaum Fnd

2,000.00

Geauga Title - Tax Proration Refund-

Kiebler

97.77

Farley House Deposit from Kirks

125.50

Deposit for Natural Gas for House -

Kirk Trust

300.00

Royalties: Oxford Oil - Ford Well

290.17

Royalties: Cedar Valley Energy - Hehmeyer

203.50

**BALANCE AUGUST 31, 2003****2,670,473.66****VOUCHER RESOLUTION NO. 29-03**

Dr. Rzeszotarski moved the adoption of the voucher resolution, a copy of which is on file in the Park District office, so marked Resolution No. 29-03.

Miss Cope seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

Miss Cope	Yes
Mr. McCullough	Yes
Dr. Rzeszotarski	Yes

**COMMUNICATIONS TO THE BOARD**

Keith McClintock, on behalf of the staff members, extended thanks to Miss Cope for her hospitality in hosting a staff picnic at her residence.

Dr. Rzeszotarski shared with the Board the enthusiastic response of the geocachers at the Geauga Park District fair building on Sunday morning. Dr. Rzeszotarski was impressed that many visitors to the building were familiar with our geocaching program and have frequented the parks where the geocaching programs exist. Miss Cope commended the staff on the building and on sharing information regarding the Park District with the public. Due to the inclement weather, the Geauga Park District fair building's attendance was only down by 500 people from the previous year. The total attendance was 3,485 people.

**RESOLUTION NO. 30-03****BYLAWS REVISION**

The Board was given a draft of the amended Bylaws in their Board packet for the August Board Meeting. The Board was satisfied with the amended changes to the Bylaws.

Mr. McCullough moved approval of the Bylaws as entered herewith:

**ARTICLE I****STATEMENT OF PURPOSE**

Geauga County Park District ("Geauga Park District") was established in accordance with Section 1545 of the Ohio Revised Code. Geauga Park District was created to conserve the natural resources of the State, including forests, fields, streams, lakes and wetlands, and the plants and animals which live in these habitats. The mission of the Geauga Park District is to preserve, conserve and protect the natural features of Geauga County and to provide the opportunity for people to enjoy and appreciate these resources. A small percentage of the land managed by Geauga Park District may be developed for direct human use. The development of visitor facilities shall not conflict with the primary objectives of preservation, conservation and protection.

**ARTICLE II****OFFICERS**

The officers of this Board shall consist of a President and Vice-President who shall be elected by the Board annually at the first meeting in January, each to serve until his or her successor is elected.

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The Board shall appoint the Executive Director and legal counsel. The Executive Director shall serve as Secretary to the Board.

**ARTICLE III DUTIES OF OFFICERS**

The President shall preside at all meetings of the Board and with the consent of the Board shall appoint all committees of the Board. In the absence or disability of the President, the Vice-President shall serve in the place of the President.

The Executive Director shall be the chief executive officer of the Park District. In the absence or disability of the Executive Director, the Deputy Director shall serve in the place of the Executive Director.

The Executive Director, serving as Secretary to the Board, shall make an accurate and permanent record of the proceedings of the Board, affix his or her signature thereto after the proceedings have been approved by the Board. The Executive Director or Deputy Director shall designate all vouchers that are approved for payment, shall designate all checks to be signed or stamped payable to Geauga Park District, depositing to the credit of Geauga Park District all monies received, shall sign all legal documents for and on behalf of the Board and shall be the proper person to certify any action of the Board.

**ARTICLE IV REGULAR SESSIONS**

The regular sessions of the Board shall be held once a month on a regular day at a regular time unless otherwise ordered by the Board. When said regular session day falls upon a legal holiday the regular session shall be rescheduled by the Board. Regular session day and time are to be determined by action of the Board.

**ARTICLE V SPECIAL SESSIONS**

Special sessions of the Board shall be held upon call of the President or Executive Director or upon written request to the Executive Director by two (2) members of the Board. Notices of special sessions shall be given by telephone, mailed to or personally served on each member at least forty-eight (48) hours before the time of such session. If any member of the Board is out of the County or otherwise unavailable for a period of at least forty-eight (48) hours before such special session, failure of such member to receive notice of a special session shall not invalidate such session or any of its proceedings.

**ARTICLE VI EMERGENCY SESSIONS**

Emergency sessions of the Board may be held upon call of the President or Executive Director or upon request to the Executive Director by two (2) members of the Board. Notices of emergency sessions shall be given by telephone or personally served on each member at least one (1) hour before the time of such session.

**ARTICLE VII EXECUTIVE SESSIONS**

The Board may hold an executive session only after a majority of the Board determines, by a roll call vote, to hold such a session and only during a regular, special or emergency meeting and only for the purpose of the consideration of personnel, land acquisition, litigation, security arrangements, collective bargaining, or other matters permitted or required to be kept confidential by federal law, federal rule, or state statutes.

**ARTICLE VIII QUORUM**

Two (2) members shall constitute a quorum of the Board for any session. Action of the Board may be by motion or resolution. The affirmative votes of at least two (2) members shall be necessary to adopt any motion or resolution. All votes shall be taken by call of the roll and answered by yes or no or abstain. Votes to abstain shall not be counted. Roll to be called in descending order of the respective members terms.

**ARTICLE IX PUBLIC MEETINGS**

The Board shall perform its business, including the adoption of resolutions and motions, at public meetings held and conducted in accordance with applicable provisions of the Ohio Revised Code

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and these bylaws. The current edition of "Robert's Rules of Parliamentary Procedure" shall govern the proceedings of the Board when not expressly covered or provided for herein.

#### **ARTICLE X PUBLIC RECORDS**

An accurate and permanent record of the proceedings and minutes of all sessions, regular or special, shall be kept and entered in a book to be known as the "Journal of Proceedings" and the records of each session in the "Journal of Proceedings" shall be and constitute the only evidence of the acts of the Board at such sessions when signed at the end of the record of such session by the presiding officer and the Executive Director. The Executive Director shall be the official custodian of all records of the Board.

#### **ARTICLE XI PAYMENT OF BILLS AND OBLIGATIONS**

All vouchers in payment of bills shall be certified by the Executive Director or Deputy Director or his/her designee. Expenditure Vouchers and Payroll Vouchers shall be approved and certified to the County Auditor by the Executive Director, Deputy Director or his/her designee and shall at the next regular session be entered into a resolution ratifying payment of bills. The list of vouchers may be included in the Journal of Proceedings by reference.

The payment of bills shall not include any voucher which has not been first approved by the designated employees of the Board as to the quantity, quality, price, and the legality of the claim. The resolution acknowledging payment shall indicate, the payee, in general the material or services furnished and the amount to be paid. The voucher certified to the County Auditor for payment shall indicate the number of the resolution approving the payment and the date of its adoption by the Board.

#### **ARTICLE XII CONTRACTUAL RELATIONSHIP BOARD APPROVAL**

No contract, agreement, deed, option or other document or action creating any right or obligation, contractual relationship from, in or to the Board shall be executed, given, transferred, assigned, delivered, accepted or received on behalf of the Board except with the approval or authorization of the Board, except contracts and agreements valued at less than twenty-five thousand dollars (\$25,000.00) may be approved or authorized by the Executive Director or Deputy Director. The Executive Director or Deputy Director may approve change orders on existing contracts for amounts up to twenty-five thousand dollars (\$25,000.00).

#### **ARTICLE XIII CONTRACTING SPECIAL SERVICES**

In hiring or contracting for professional, technical, consulting, or other special services, the Board may, after considering the competence, ability and availability of any person, firm or corporation and the recommendation of the Executive Director, approve the hiring of any such person, firm or corporation and authorize a contract therewith. Such contract may be in the form of a proposal submitted to the Executive Director by such person, firm or corporation.

#### **ARTICLE XIV EXECUTIVE DIRECTOR AUTHORITY TO PURCHASE**

The Executive Director is authorized to purchase equipment, supplies or services without prior approval of the Board if the cost of the items of equipment, supplies or service, alone or combined for a single common project, does not exceed twenty-five thousand dollars (\$25,000.00). The Executive Director shall report such expenditures to the Board at the next meeting. Items approved in the annual budget do not require further approval unless the purchase price exceeds the budgeted amount by more than 10%.

#### **ARTICLE XV REMOVAL OF RECORDS**

No paper or document belonging to the permanent files of the Board shall be taken from the park office except by the Executive Director or Deputy Director without the written request of a majority of the members of the Board, or upon legal process.

#### **ARTICLE XVI COMMUNICATIONS PRESENTED TO THE BOARD**

All petitions, applications, communications intended for the consideration of the Board, other than those presented or requested by members of the Board, must be in writing and shall not be

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considered or acted upon by the Board unless placed in the hands of the Executive Director at least two (2) hours before the session of the Board. The Board may grant exceptions to such requirements on a case-by-case basis.

**ARTICLE XVII SESSION AGENDA**

The "Business of the Board" shall be considered in the following order:

1. Roll Call
2. Adoption of Agenda
3. Approve or amend minutes of the previous meeting
4. Introduction of Guests
5. Presentation of Financial Statement
6. Presentation of Vouchers
7. Communications to the Board
8. Open to Public
9. Unfinished Business
10. New Business
11. Reports from Committees of the Board
12. Report of Officers and Employees of the Board
13. Adjournment

**ARTICLE XVIII STAFFING AND COMPENSATION SCHEDULE**

The Board shall authorize all adjustments to compensation for employees which affect multiple employees. The Executive Director shall be responsible for all hiring, promotions, demotions or terminations and shall establish the rate of pay for any individual employee who is hired, promoted or demoted. The establishment of a new position or a restructuring affecting managerial or supervisory employees shall first be discussed with the Board prior to implementation by the Executive Director.

**ARTICLE XIX FOUNDATION AND COMMITTEES**

The Board shall appoint all Trustees of the Geauga Park District Foundation. Appointment of Foundation Trustees shall be by an affirmative vote of a majority of the Park Board. The Board may create committees. Appointments to committees shall be by an affirmative vote of a majority of the Board.

**ARTICLE XX AMEND BYLAWS**

These bylaws may be amended at any regular meeting of the Board by an affirmative vote of two (2) members of the Board provided that the amendment has been submitted in writing at the previous regular meeting.

Miss Cope seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

Miss Cope	Yes
Mr. McCullough	Yes
Dr. Rzeszotarski	Yes

The original Bylaws were passed July 5, 1989, amended March 9, 1994, amended January 14, 1997, and amended September 9, 2003.

**BIOHABITATS INC.**

Keith McClintock requested that the Board approve an increase of Thirty Thousand Six Hundred Eighty Dollars (\$30,680.00) to the Biohabitats Inc. contract to pay for the design and construction plans and the supplemental survey. The above-described change in the scope of Biohabitats Inc.'s work is required for permitting in order to allow the downstream portion of the project eligibility to receive mitigation funds.

Dr. Rzeszotarski moved to approve increasing Biohabitats Inc.'s contract to Thirty Thousand Six Hundred Eighty Dollars (\$30,680.00) for the reasons stated above.

Mr. McCullough seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

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Miss Cope	Yes
Mr. McCullough	Yes
Dr. Rzeszotarski	Yes

**MODERALLI EXCAVATING, INC.****CHANGE ORDER NO. 2**

Mr. Curtin updated the Board on the progress of the Walter C. Best Preserve dam restoration project. Mr. Curtin discussed with the Board Change Order No. 2 of Moderalli Excavating, Inc. in the amount of Fifteen Thousand Dollars (\$15,000.00), which change order is due to raising the spillway bridge abutment from 4" to 13" clearance and to fill the roadway with new stone to match the new height. This change order also reflects the placement of 304-crushed gravel used to construct a temporary access east of the existing bridge and the removal of any topsoil and straw from the dam in order that the stone can be spread evenly along the dam.

Dr. Rzeszotarski moved to approve Moderalli Excavating, Inc.'s Change Order No. 2 in the amount of Fifteen Thousand Dollars (\$15,000.00) for the reasons stated above.

Mr. McCullough seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

Miss Cope	Yes
Mr. McCullough	Yes
Dr. Rzeszotarski	Yes

**PARK UPDATES**

Tom Curtin updated the Board on the following Geauga Park District projects:

**Eldon Russell**

On Friday, September 12, 2003, from 10:00 a.m. until Noon, a PBS crew would be at Eldon Russell Park filming a documentary entitled, "Return of the Cuyahoga." They will be interviewing Steve Tuckerman from the Ohio Environmental Protection Agency, who is conducting fish shocking.

**Felkin**

Gauga Park District has begun advertising for the sale of the Felkin estate. This advertisement will run for four weeks, with open houses scheduled for September 20<sup>th</sup> and 27<sup>th</sup>, from 10:00 a.m. until Noon, and October 5, 2003, from 1:00 p.m. until 3:00 p.m., for public viewing. Bids will be opened on Friday, October 10, 2003, awarding the bid to the highest and best bid.

**Russell Township**

Russell Township will be celebrating their township's bicentennial celebration at The West Woods on Saturday, September 14, 2003, from 10:00 a.m. until 4:00 p.m. They will host different service clubs and activities. Dr. Rzeszotarski inquired whether a ranger would be on duty. Mr. Curtin replied that a ranger had been scheduled and that Russell Township would be responsible for disposal of the rubbish.

**Binocular Program**

The Board viewed a sample of the Geauga Park District logo imprint that would be placed on the center front of the binocular cases.

**Telescope**

Tom Curtin met with Evan Cooper of the Chagrin Valley Astrological Society. Mr. Curtin reported that they met at the McGrath property, which is now part of The Rookery, on Sunday evening, September 7, 2003. Both Mr. Curtin and Mr. Cooper felt they could use the barn on the property for the restoration work on the telescope. We have two trucks to move the mount and scope, but would need something at the McGrath property to unload these items.

**Affelder**

Gauga Park District would be meeting with the architectural firm to discuss renovations and should know the approximate costs within a week or so. This project should commence this year.

**Bass Lake Clubhouse**

A member of the Geauga County Engineer's reviewed the truss design of the Bass Lake Clubhouse. It was his opinion that repairs to the damaged truss would be sufficient. We are good to go with using the building as long as we do not add on to the building. The Romtec facility is the choice for the restroom design and would be heated.

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**Big Creek Expansion/Ranger Garage**

This project is progressing nicely. Work continues on the punch list for both projects. Park Operations North is performing custom interior requirements to suit their needs.

**The Maple Highlands Trail – Central Section**

The Ohio Department of Transportation's Central Office has required that we upgrade our environmental study. We will be hiring a firm to work with Jay Abercrombie, Biologist, in order to meet the October 1<sup>st</sup> deadline.

**The Maple Highlands Trail – North**

The section of the bike trail from the City of Chardon to Hosford Road is experiencing more difficulties with cracks in the pavement. The design firm and the contractor have been notified. These cracks appear only at points where fill has been placed to build up the sub-grade.

**The Maple Highlands Trail – Parking Area**

The revised title sheets would be sent out this week for signature. The Ohio Department of Transportation will sell the project this fall.

**Meyer Center**

The material has been selected for the acoustical treatment of the walls in the Cherry Room. The Board viewed a small sample of the acoustical material. Geauga Park District will procure a larger piece of this fabric for review as well as samples to match colors for paint and carpeting. A Request for Proposal (RFP) has been sent out for labor and material.

**Walter C. Best Wildlife Preserve**

The dam restoration project is 95% complete.

**The West Woods Nature Center**

The electrical floor outlets have been replaced with a lower profile receptacle. A letter was sent to Tony Paskevich on September 9, 2003, regarding previously reported concerns related to the HVAC warranty. We have not heard back from Mr. Paskevich to date. The Planning Department is working on the roof leaks. We are monitoring the water temperatures off the well field to help determine if the glycol will be needed. No decision has been reached as to the use of the glycol. Data information has been submitted to the architect and engineer for their analysis.

**RESOLUTION NO. 31-03**

**TRANSFER OF FUNDS**

Mr. Curtin reported to the Board that Geauga Park District received over Two Million Dollars (\$2,000,000.00) from the Auditor's office as part of the tax revenues. Mr. Curtin asked the Board for approval to transfer One Million Seven Hundred Thousand Dollars (\$1,700,000.00) from SO5 to Q41 to provide funds for the construction fund projects as identified in the 2003 budget.

Miss Cope moved to approve the transfer of funds from SO5 to Q41 in the amount of One Million Seven Hundred Thousand Dollars (\$1,700,000.00) for the reasons stated above.

Mr. McCullough seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

Miss Cope	Yes
Mr. McCullough	Yes
Dr. Rzeszotarski	Yes

**LOCK/ENTRY SYSTEM**

Tom Curtin informed the Board that we have changed the locks on the buildings for security purposes. We are considering changing our lock system to a swipe card. Mr. Curtin showed the Board a picture sample of the swipe card system. Dr. Rzeszotarski showed the Board the swipe card the hospital currently uses. Mr. Curtin shared the advantages of using swipe cards, including the capability of using an expiration date, which would be helpful with seasonals. This would be an all-weather, battery operated system. This system would be placed at the entry doors of the park buildings and would provide extra security. Dr. Rzeszotarski suggested a trial of this system. Mr. Curtin responded that we would have a free 90-day trial and would be under no obligation. Mr. Curtin will keep the Board updated.

**EXECUTIVE SESSION**

Mr. McCullough moved to go into Executive Session at 4:18 p.m. for the purpose of discussing land acquisitions and personnel matters.

Dr. Rzeszotarski seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

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Miss Cope	Yes
Mr. McCullough	Yes
Dr. Rzeszotarski	Yes

The Board returned from Executive Session at 7:30 p.m. The following has been discussed for resolution.

**LAND ACQUISITION****L. B. LIMITED (CROW) PROPERTY**

At the August 19, 2003, Board meeting, the Board authorized the Executive Director to proceed with the purchase of approximately 534.7496 acres of land in Montville Township for One Million Three Hundred Forty Thousand Dollars (\$1,340,000.00) contingent upon receiving a mutually agreed to Purchase and Sale Agreement which had been signed by the landowner and approved by Geauga Park District's legal counsel. Mr. Curtin presented to the Board a Purchase and Sale Agreement for Mr. McCullough's signature. Mr. McCullough executed the Purchase and Sale Agreement. This transaction should close next week.

**LEE-MISICK**

Dr. Rzeszotarski moved to authorize the Executive Director to proceed with the purchase of approximately 47.07 acres of land in Montville Township, known as Permanent Parcel No. 20-070778, for the purchase price of Two Hundred Thirty-Five Thousand Three Hundred Fifty Dollars (\$235,350.00) from Lois Lee-Misick.

Mr. McCullough seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

Miss Cope	Yes
Mr. McCullough	Yes
Dr. Rzeszotarski	Yes

**EDWARDS SMITH**

Mr. McCullough moved to authorize the Executive Director to proceed with the purchase of approximately 57.37 acres of land in Montville Township, known as Permanent Parcel No. 20-070960 for the purchase price of Two Hundred Eight-Six Thousand Eight Hundred Fifty Dollars (\$286,850.00) from Karen Edwards Smith, Trustee.

Dr. Rzeszotarski seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

Miss Cope	Yes
Mr. McCullough	Yes
Dr. Rzeszotarski	Yes

**Munson Township**

Mr. McCullough moved to authorize the Executive Director to proceed with land acquisition negotiations in Munson Township.

Dr. Rzeszotarski seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

Miss Cope	Yes
Mr. McCullough	Yes
Dr. Rzeszotarski	Yes

**PERSONNEL****Director's Contract**

Mr. McCullough moved to accept the renewal of the Director's contract, awarding Mr. Curtin a salary of Seventy-five Thousand Dollars (\$75,000.00) per year. This contract also reflects professional memberships in various organizations up to One Thousand Dollars (\$1,000.00) as well as Two Hundred Dollars (\$200.00) allowance to be used for the purchase of job-related books, journals, periodicals, or other reference materials for his own personal use. A copy of the Director's contract is on file in the Park District office.

Dr. Rzeszotarski seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

Miss Cope	Yes
Mr. McCullough	Yes
Dr. Rzeszotarski	Yes



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**COUNCIL OF GOVERNMENTS**

Mr. Curtin informed the Board that he would be meeting with Keith Shy from the Metroparks serving Summit County and Chris Craycroft from Portage County Park District on September 18, 2003, regarding the Council of Governments.

**THE WEST WOODS EXHIBIT HALL DEDICATION**

The dedication of The West Woods Nature Center Exhibit Hall in honor of Robert McCullough has been scheduled for Saturday, October 25, 2003, from 1:00 p.m. until 3:00 p.m. A reception will follow the ceremony.

**DEPARTMENTAL REPORTS**

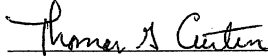
Departmental reports from the Supervisors were submitted for the month of July to the Executive Director and a summary sheet was forwarded to the Board in their mailing packets prior to the Board meeting.

The meeting adjourned at 7:45 p.m.

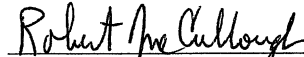
**SUNSHINE LAW COMPLIANCE**

The rules of the Park Board were complied with by sending notice pursuant to the rules adopted by the Board.

Respectfully submitted,



Thomas G. Curtin, Executive Director



Robert McCullough, President