

GEAUGA PARK DISTRICT
MINUTES
July 19, 2005

The regular meeting of the Geauga Park District Board was held on July 19, 2005, 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 member Mark Rzeszotarski was present.

Employees present were:

Tom Curtin, Executive Director
Keith McClintock, Deputy Director
Les Bednar, Development Officer
Sherry Bosworth, Business Affairs Director
Barb Emch, Executive Secretary
Joel Firem, Ranger
Cindy Ford, Marketing Assistant
Kathleen Henning, Ranger
Paige Hosier, Marketing Director
Larry McKinnon, Sgt. Ranger
John Oros, Natural Resource Manager
Robin Pilarczyk, Human Resources Manager
Paul Pira, Park Biologist
Rod Sharpnack, Operations Director
Dick Sherwood, Ranger Consultant
Robert Urban, Chief Ranger
Diane Valen, Naturalist Services Director
Vince Valerio, Ranger

Guests present were:

Carrie McCall
Kim Paterson
Marjorie Urban
Sandy Young

Foundation Representative: Dave Weibel

ADOPTION OF THE AGENDA

Dr. Rzeszotarski moved to accept the agenda as revised for the meeting.
Mr. McCullough seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

Dr. Rzeszotarski	Yes
Miss Cope	Absent
Mr. McCullough	Yes

ADOPTION OF THE MINUTES OF JUNE 14, 2005

Mr. McCullough moved that the minutes of June 14, 2005 be approved as amended.
Dr. Rzeszotarski seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

Dr. Rzeszotarski	Yes
Miss Cope	Absent
Mr. McCullough	Yes

FINANCIAL STATEMENT
FOR THE MONTH ENDING
June 30, 2005

**GENERAL FUND
BALANCE JUNE 1, 2005**

1,349,112.94

EXPENDITURES		294,919.95
Personnel	152,892.17	
Medicare	1,811.10	
Dental /Hospitalization	29,841.65	
PERS	20,886.19	
Vouchers	89,488.84	
RECEIPTS		68,105.06
General:		
Personal Property Tax	51,060.37	
Fees:		
Out of County School Program Fees	737.00	
- Camping	30.00	
- NAF Table Fees	1,775.00	
Rental Properties		
Agriculture Lease Payments - McCullum - 2nd hlf tax reimb	893.42	
- Harry- Swine Creek house	350.00	
- Kolar - Burton Wetlands House	350.00	
- McKinnon - Hyde House	350.00	
Sales:		
Sales: Gift Cart - Meyer Center	378.09	
Sales: Tree Tops	442.95	
Sales - Credit Cards	710.08	
(\$137.70 - Meyer Center, \$572.38 Tree Tops)		
Sales: Water Vending Machine Sales - TWW	33.00	
Other:		
Citation Disbursement	67.00	
Donations:	225.00	
- Blackbrook Audubon Society - Nature Scopes		
- White, Alaine & Carl - In Honor of Ava Peck's 90th		
- Russell Civic Cub - seedling donation		
Local Government Funds	6,447.03	
Interest earned	3,756.12	
Other Miscellaneous	500.00	
- Old Order Amish Safety Committee - Covered Bridge fence materials		
BALANCE AS OF JUNE 30, 2005		1,122,298.05
CONSTRUCTION FUND		
BALANCE JUNE 1, 2005		1,541,672.98
EXPENDITURES		162,398.13
Vouchers	162,398.13	
RECEIPTS		5,669.58
Interest Earned	3,784.57	
Donations : Affelder Trust	406.00	
Other - Clerk of Court Return Deposit - Boatwright	34.22	
Royalties: Oxford Oil Co	1,058.36	
Royalties: Cedar Valley Energy	386.43	
BALANCE AS OF JUNE 30, 2005		1,384,944.43

VOUCHER RESOLUTION NO. 19-05

Mr. McCullough moved the adoption of the voucher resolution, a copy of which is on file in the Park District office, so marked Resolution No. 19-05.

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

Dr. Rzeszotarski	Yes
Miss Cope	Absent
Mr. McCullough	Yes

COMMUNICATIONS TO THE BOARD

Mr. Curtin had no communications to share with the Board.

Dr. Rzeszotarski reported on the program held on July 10, 2005 at Swine Creek Reservation called *Insect Airshow: Butterflies & Dragonflies* at which the 13th annual butterfly count was taken. There was great turnout for the event with lots of enthusiasm on the part of the participants. Tami Gingrich, Field Naturalist, will post the results of the count on the Park District's website.

Mr. McClintock shared a photograph he received from Ben Sustin, Russell Township resident and neighbor of the Silver Creek restoration project. The picture showed Mr. Sustin and his granddaughter on his recently completed bridge. Mr. Sustin is very pleased with the stream restoration project.

BLAUGRUND, HERBERT & MARTIN INC. INVOICE

Mr. McClintock presented an invoice from Blaugrund, Herbert & Martin Inc. for legal services for the month of June in the amount of Two Thousand Seventy-Five Dollars and Three Cents (\$2,075.03) for the Board's approval.

Mr. McCullough made a motion to approve the invoice from Blaugrund, Herbert & Martin Inc. for legal services for the month of June in the amount of Two Thousand Seventy-Five Dollars and Three Cents (\$2,075.03).

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

Dr. Rzeszotarski	Yes
Miss Cope	Absent
Mr. McCullough	Yes

Miss Cope arrived at 3:45 p.m.

LEVY PRESENTATION AND BROCHURE

Les Bednar showed the latest version of the levy presentation to the Board. Minor edits and changes were suggested.

Cindy Ford presented the draft of the brochure that will be used for mailings and presentations. Comments were favorable for the document's readability and simplicity. The brochure will be printed in time for the Nature Arts Festival.

APPOINTMENT OF CHIEF RANGER
RESOLUTION NO. 20-05

Mr. Curtin called Robert Urban forward and administered to him the oath of office of Chief Ranger. Members of the Ranger Department and Chief Urban's family and friends were present for the swearing in ceremony. Chief Urban had been sworn in on June 30, 2005 by Mr. Curtin as he began his employment as Chief Ranger for the Park District.

Mr. McCullough made a motion for the adoption of the following resolution:

RESOLVED, that Robert Urban be appointed as Chief Ranger of Geauga Park District pursuant to Section 1545.13 of the Ohio Revised Code, and

RESOLVED, that this appointment be effective June 30, 2005.

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

Dr. Rzeszotarski	Yes
Miss Cope	Yes
Mr. McCullough	Yes

FISHERIES MANAGEMENT

John Oros and Paul Pira asked the Board for comments regarding the proposed changes to the Park District's fisheries management plan which the Board members received for review prior to the meeting. The document outlined two suggested changes. The first change was a proposal to eliminate the catch and release signage at park properties and statements in park literature. Mr. Oros explained that the catch and release philosophy currently promoted does not necessarily ensure healthy fisheries. Many of the District's aquatic resources are overcrowded with pan fish. The catch and release philosophy does not allow provision for removal of these species. Most anglers utilize catch and release as a personal philosophy or ethic without being told. A creel census conducted by the Park District volunteers reveals many anglers practice catch and release. Mr. Oros reported that alternatives in fisheries management for predator and prey species exist. Implementing slot, minimum, and maximum length limits are desirable means for attaining a healthy fishery.

The second change involved a request to increase funding and alternative species for stocking park fisheries. Mr. Oros explained that a strategy for stocking and maintaining healthy fisheries was approved by the Board in 2001. Fisheries are beginning to improve; however, we continue to see severely stunted sunfish populations in many of our ponds and lakes. Increased stocking of predator species will improve the health of our fisheries and provide a positive angling experience. He further explained that the Natural Resource Department is requesting a catch and keep scenario for consideration at Beartown Lakes Reservation through the stocking of rainbow trout. This service is widely sought after by anglers of all ages and will provide a positive experience for park patrons. Mr. Oros stated that if approved, these management practices will require an increase of approximately Two Thousand Dollars (\$2000.00) in the Natural Resource Department budget to cover the cost of these services.

Mr. McClintock recalled that there was much attention and excitement regarding the last stocking event of rainbow trout at Beartown Lakes Reservation and that this could go a long way in serving that patron population. Dr. Rzeszotarski suggested that we eliminate the catch and release policy for a one year trial period and collect data and feedback. Mr. Curtin added that it would take some time to change all park signs and publications. The Board agreed to eliminate the catch and release policy for a one year trial period and approved an increase in the budget line item for the stocking of alternate species.

PARK UPDATES

Mr. Curtin updated the Board on the following:

The Maple Highlands Trail-North

Mr. Curtin reported that Park District legal counsel is working on a letter to be sent to the legal counsel representing Great Lakes Construction, Inc. stating that the Park District feels that Great Lakes Construction, Inc. is responsible for repairs to the north section of The Maple Highlands Trail and asking that we be reimbursed for payments made by the Park District for these repairs.

Kostelec, Pete & Darlene

Mr. Kevin O'Reilly, the attorney representing Pete and Darlene Kostelec, responded to Mr. Curtin's letter of June 7, 2005. Mr. O'Reilly's letter stated that his clients are disappointed that Geauga Park District did not see fit to compensate them as they had requested. He advised his clients that they have the right to go to the common pleas court or to seek binding arbitration. Mr. Curtin has faxed the letter to the Park District's legal counsel for advice. Dr. Rzeszotarski commented that we will discuss this issue further at the next Board meeting after hearing from our legal counsel.

River Oaks Investment Company

Mr. Curtin reviewed the fact that River Oaks Investment Company had filed a complaint regarding their desire to have an at-grade crossing through The Maple Highlands Trail to access a parcel they wish to develop. Attorneys representing River Oaks Investment Company and the Park District have filed their status report. The facts will be presented to the court for full review.

Railroad Right-of-Way

Bullock

Mr. Curtin updated the Board on the status of this case. The Bullocks sold the right-of-way parcel to the Park District for Nineteen Thousand One Hundred Dollars (\$19,100.00) while reserving the right to seek additional funds pending the outcome of a jury trial. Mr. Curtin stated that the trial has been set for August 15, 2005. Dave Ondrey, legal counsel for Geauga Park District, will take depositions at the end of July. On August 4, 2005, Kevin O'Reilly, attorney for the Bullocks, will take a deposition from Jeff Sherman, appraiser with the Sherman-Andrzejczyk Group and the Park District's expert witness.

Old Order Amish Safety Committee

Mr. Curtin reported that he will be meeting with Mr. Peter Miller of the Old Order Amish Safety Committee next week to continue their discussions about using the service road at Headwaters Park as a buggy by-pass route from State Route 322 to State Route 608. Mr. Miller thought that the trial period of one year was a good idea and would like to talk about extending the buggy by-pass route down Durkee Road to Station Street and on to Burton Station to the right-of-way.

Affelder House

Mr. Curtin informed the Board that Rod Sharpnack, Operations Director, met with the Russell Fire Department to clarify the specifics on the driveway requirements. Payment has been made for the HVAC improvements. A dry hydrant will be installed at this location as part of the safety plan for the facility. We will request a grant for up to One Thousand Dollars (\$1,000.00) from Western Reserve Resources Conservation and Development to help pay for this dry hydrant.

Beartown Lakes Reservation

Lower Bear Lake Dam Improvements

Mr. Curtin explained that the dam at Lower Bear Lake is in need of repair. The work is to be designed in 2005 with the repairs being performed in 2006. Three Requests for Qualifications have been received and will be presented to the Board later in the meeting.

Frohring Meadows

The design considerations expressed by the Board at their July meeting were presented to Environmental Design Group, Inc. (EDG). The design contract has been reviewed by the Park District's legal counsel and has been sent to EDG for review.

The Maple Highlands Trail – Central

The Taylor-Wells Road bridge contractor will be pulling off the job shortly to allow Soda Construction, Inc. to do grading on the slopes. The bridge contractor will then come back in and complete construction of the bridge. Payment number six is being processed. Forty percent (40%) of the grant funds have been spent and total expenditures to date represents thirty-two percent (32%) of the total project cost. Mr. Curtin stated that Taylor Wells Road will hopefully reopen prior to the Geauga County Fair and Labor Day weekend traffic. Mr. McCullough asked about screening and snow coming off the roof of the bridge. Mr. Curtin stated that the window openings of the bridge will be screened and that snow breaks will be installed on the roof to prevent the snow from falling on the roadway. A change order for the Soda Construction, Inc. contract will be presented for approval later in this meeting.

Mountain Run Station

Mark Haynes Construction completed clearing and stump grinding on July 12th. A change order for the contract with Mark Haynes Construction will be presented for approval later in this meeting. A drawing of the location of the driveway and future picnic pavilion was shown. Dr. Rzeszotarski asked about preventing vehicle access to the right-of-way. Mr. Curtin explained that bollards will be placed to prevent this but which can be removed for maintenance or emergency vehicles.

Observatory Project

The Natural Resource Department continues to do the work on the site inventory. The review of the Requests for Qualifications for the design of the project has begun.

Grandview Golf Club Survey

Mr. Curtin reported that he received an updated legal description for the survey.

Q-46 FUND CERTIFICATION

RESOLUTION NO. 21-05

Mrs. Bosworth requested the Board approve the establishment of a separate fund for the retainage monies for Soda Construction, Inc. for The Maple Highlands Trail project. She explained that the Ohio Revised Code states that we must hold eight percent (8%) retainage on the first fifty percent (50%) of a bid contract. It also states that we must hold it in a separate account. A separate bank escrow account was not an option since the funds were first coming from the Ohio Department of Transportation (ODOT) and Park District money was not being used until the end of the project. ODOT refused to hold the retainage funds and a separate account within the county was not feasible as ODOT said they had no process in place to pay Geauga Park District or Geauga County as the contract was with Soda Construction, Inc. only. After discussions with the Geauga County Auditor, the decision was made to create another Park District fund named Q-46 Retainage. Mrs. Bosworth asked the Board to approve the creation of the Q-46-Retainage Fund and to approve the transfer of the sum of One Hundred Eighty-Eight Thousand Dollars (\$188,000.00) from the Q-41 Construction Fund.

Mr. McCullough made a motion to approve the creation of the Q-46 Retainage Fund and to transfer the sum of One Hundred Eighty-Eight Thousand Dollars (\$188,000.00) from the Q-41 Construction Fund.

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

Dr. Rzeszotarski	Yes
Miss Cope	Yes
Mr. McCullough	Yes

2006 TEMPORARY APPROPRIATIONS

RESOLUTION NO. 22-05

Mr. Curtin directed the attention of the Board to the copy of the 2006 temporary budget which they had received prior to the meeting for review.

Dr. Rzeszotarski moved the adoption of the following resolution:

RESOLVED

SECTION 1 That to provide appropriations for the current expenses and other expenditures of the Geauga Park District during the fiscal year commencing January 1, 2006 the following sums are hereby set aside and appropriated as follows:

SECTION II That there be appropriated from the General Park Board Fund S05:

63-S05	PERSONNEL	2,052,000.00
63-S05 H	HOSPITALIZATION	375,542.00
63-S05 M	MEDICARE	27,489.00
63-S05 P	OHIO PERS	291,893.00
63-S05 W	WORKERS' COMPENSATION	40,834.00
63-S05 U	UNEMPLOYMENT COMPENSATION	5,660.00
64-S05	SUPPLIES	167,385.00
65-S05	MATERIALS	195,441.00
66-S05	EQUIPMENT	246,589.00
67-S05	CONTRACT – REPAIR	40,400.00
68-S05	CONTRACT – SERVICES	601,331.00
71-S05	ADVERTISING	13,850.00
72-S05	TRAVEL AND EXPENSES	12,673.00
76-S05	OTHER	146,004.00
76A-S05	CONTINGENCY	297,000.00
999-S05	TRANSFERS	<u>2,951,000.00</u>
	TOTAL – GENERAL FUND	7,465,091.00

SECTION III That there be appropriated from the Construction Fund Q41:

70-Q41	CONTRACT – SERVICES	557,900.00
71-Q41	CONTRACT – PROJECTS	779,000.00
72-Q41	LAND ACQUISITION	1,700,444.00
77-Q41	OTHER	<u>0.00</u>
	TOTAL – CONSTRUCTION FUND	3,037,344.00

SECTION IV That there be appropriated from the Retainage Fund Q46:

01-Q46	RETAINAGE - PAYOUT	<u>1,880.00</u>
	TOTAL	1,880.00

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

Dr. Rzeszotarski	Yes
Miss Cope	Yes
Mr. McCullough	Yes

SODA CONSTRUCTION, INC.
CHANGE ORDER NO. 5

Mr. Curtin presented Change Order No. 5 for Soda Construction, Inc. for approval. This Change Order represents an increase of Two Hundred Fifty-Three Thousand Eight Hundred Forty-Four Dollars and Sixty-Eight Cents (\$253,844.68) for the labor and materials required for the fill materials placed east of State Route 608 along the Kostelec property to create a gradual downhill slope to the right-of-way on The Maple Highlands Trail-Central. The figure stated was arrived at by Richland Engineering and verified by Environmental Design Group, Inc. with Soda Construction, Inc. providing the numbers for labor and materials. Miss Cope asked if Soda Construction, Inc. had agreed to the Change Order. Mr. McClintock stated that it was sent to them last week, but they will not continue work until they get a signed copy. Dr. Rzeszotarski asked if this was a sufficient increase for this area. Mr. Curtin and Mr. McClintock replied that it would be adequate. The section north of State Route 322 does not seem to have these height variance issues.

Mr. McCullough made a motion to approve Soda Construction, Inc. Change Order No. 5 in the amount of Two Hundred Fifty-Three Thousand Eight Hundred Forty-Four Dollars and Sixty-Eight Cents (\$253,844.68).

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

Dr. Rzeszotarski	Yes
Miss Cope	Yes
Mr. McCullough	Yes

MARK HAYNES CONSTRUCTION
CHANGE ORDER NO. 1

Mr. Curtin explained that the storm water plan for the Mountain Run Station project was reviewed by the Geauga Soil and Water Conservation District. They recommended changes to the bio-retention trenches. The actual amount of the change order is being calculated but is not to exceed Forty-Three Thousand Seven Hundred Sixty Dollars (\$43,760.00). The budget for the project was Five Hundred Twenty-Five Thousand Dollars (\$525,000.00) and the original contract with Mark Haynes Construction was Three Hundred Ninety Thousand Five Hundred Seventy-Eight Dollars (\$390,578.00).

Dr. Rzeszotarski asked if additional change orders are anticipated. Mr. Curtin replied that some soft sections may be encountered that may require additional work. Dr. Rzeszotarski asked if Geauga Soil and Water will approve the changes. Mr. McClintock replied in the affirmative.

Dr. Rzeszotarski made a motion to approve Mark Haynes Construction Change Order No. 1 in an amount not to exceed Forty-Three Thousand Seven Hundred Sixty Dollars (\$43,760.00).

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

Dr. Rzeszotarski	Yes
Miss Cope	Yes
Mr. McCullough	Yes

BEARTOWN LAKES
LOWER BEAR LAKE DAM REPAIR

Mr. Curtin presented the bids that have been received for the engineering of repairs of miscellaneous items on the Lower Bear Lake Dam that have been requested by the state inspectors. The following three bids were received:

URS Corporation	
Engineering Lower Bear Lake	\$14,000.00
Two Causeway Review	<u>4,400.00</u>
	\$18,400.00
Fultech Consulting Engineers, Inc.	
Engineering Lower Bear Lake	\$ 7,237.00
Two Causeway Review	<u>2,400.00</u>
	\$9,637.00
Smolen Engineering, Ltd.	\$ 7,200.00
Two Causeway Review	<u>1,250.00</u>
	\$ 8,450.00

Mr. Curtin stated that Smolen Engineering, Ltd. is recommended for the work based upon being the most cost-effective as well as our previous working relationship with the firm on other projects.

Mr. McCullough made a motion to approve Smolen Engineering, Ltd. for the repair work to Lower Bear Lake Dam in the amount of Eight Thousand Four Hundred Fifty Dollars (\$8,450.00). Miss Cope seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

Dr. Rzeszotarski	Yes
Miss Cope	Yes
Mr. McCullough	Yes

CHANGE OF MEETING DATES FOR SEPTEMBER BOARD MEETING

Due to scheduling conflicts the Board meeting for September has been changed from September 13, 2005 to September 20, 2005. Mr. Curtin will notify staff to remind all vendors and contractors that there will be six weeks between the August and September Board meetings.

FREQUENTLY ASKED QUESTIONS BROCHURE

The Board discussed the draft of the brochure that presents a brief statement of the rules that apply to the most frequently asked questions by patrons. The Board members questioned why there was a need for the brochure when our Rules and Regulations are already published. Mr. McClintock stated that this brochure is short and to the point and more likely to be read by patrons. The Board members suggested minor changes to the text such as the catch and release policy statement in view of the changes made to that policy. The complete Rules and Regulations are posted on the Park District's website as well as available in hard copy format.

GRASS DAIRY OPERATION PROPOSAL

Mr. McCullough asked for a status of the proposal received by an individual who wanted to partner with the Park District for a grass dairy operation. Mr. Curtin stated that he referred the individual to Grand River Partners who have established partnerships in the Parkman area.

EXECUTIVE SESSION

Mr. McCullough moved to go into Executive Session at 5:05 p.m. for the purpose of discussing land acquisition and personnel matters.

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

Dr. Rzeszotarski	Yes
Miss Cope	Yes
Mr. McCullough	Yes

The Board took a break from 5:40 p.m. to 5:50 p.m.

The Board returned from Executive Session at 6:05 p.m. The following was discussed for resolution:

LAND ACQUISITION

Russell Township

Dr. Rzeszotarski moved to authorize the Executive Director to enter into negotiations for real property in Russell Township.

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

Dr. Rzeszotarski	Yes
Miss Cope	Yes
Mr. McCullough	Yes

DEPARTMENTAL REPORTS

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

HOUSE BILL 367

Mr. Curtin stated that a discussion of House Bill 367, which permits park districts operating under Ohio Revised Code Section 1545.21 to increase the size of their Boards of Commissioners, will take place at the August 9, 2005 meeting of the Board of Park Commissioners. Miss Cope asked that other Ohio parks operating under ORC Section 1545.21 be surveyed regarding the discussion of the issue or any action taken as a result of the passage of the bill. Mr. Curtin replied that such a survey would be undertaken.

The meeting adjourned at 6:15 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