

**MINUTES OF THE**  
**BOARD OF PARK COMMISSIONERS**  
**OF THE**  
**CLEVELAND METROPOLITAN PARK DISTRICT**  
**MAY 20, 2020**

The Board of Park Commissioners met on this date, Wednesday, May 20, 2020, 8:00 a.m., via videoconference pursuant to HB 197 as noted on Cleveland Metroparks website as of Sunday, May 17, 2020.

The roll call showed President Bruce G. Rinker, Vice President Debra K. Berry, and Vice President Dan T. Moore to be present. It was determined there was a quorum. Chief Executive Officer, Brian M. Zimmerman, Chief Financial Officer, William Chorba, and Chief Legal and Ethics Officer, Rosalina M. Fini, were also in attendance.

**APPROVAL OF MINUTES.**

**No. 20-05-071:** It was moved by Vice President Moore, seconded by Vice President Berry and carried, to approve the minutes from the Regular Meeting of April 16, 2020, which were previously submitted to the members of the Board, and by them read.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

**FINANCIAL REPORT.**

Chief Financial Officer, William Chorba, presented a Comparative Summary of Revenues & Expenditures 2020 vs. 2019 Year-To-Date, for the Month Ended April 30, Schedule of Accounts Receivable, Encumbrances and Investments Placed, as found on pages **91493** to **91500**, and they were filed for audit. He also announced that as part of the 2019 audit, Cleveland Metroparks Public Records Program received the highest rating of the “Highest Achievement in Open and Transparent Government” in the new State of Ohio Auditor “Star Rating System (STAR) Program” monitoring transparency in government. The auditors announced this rating during the Post Audit Conference.

**ACTION ITEMS.**

- (a) **2020 Budget Adjustment No. 4**  
*(Originating Sources: William Chorba, Chief Financial Officer/Brian M. Zimmerman, Chief Executive Officer)*

The following amendments are requested for Board approval:

**CLEVELAND METROPARKS**  
**Appropriation Summary - 2020**

Object Code	Object Description	Original Budget			Total Prior Budget Amendments	Proposed Amendment #4 5/20/2020	Total
		Baseline Budget	Carry Over Encumbrances	Total			
<b>OPERATING</b>							
51	Salaries	\$ 56,164,224	\$ -	\$ 56,164,224	\$ 57,525	\$ 10,808 <b>A</b>	\$ 56,232,557
52	Employee Fringe Benefits	18,489,702	43,861	18,533,563	34,031	2,213 <b>B</b>	18,569,807
53	Contractual Services	14,615,911	1,163,297	15,779,208	747,767	(251,000) <b>C</b>	16,275,975
54	Office Operations	24,071,314	2,192,891	26,264,205	3,007,018	5,581 <b>D</b>	29,276,804
	Operating Subtotal	113,341,151	3,400,049	116,741,200	3,846,341	(232,398)	120,355,143
<b>CAPITAL</b>							
571	Capital Labor	900,000	-	900,000	-	-	900,000
572	Capital Construction Expenses	26,205,084	10,954,935	37,160,019	3,791,592	1,051,000 <b>E</b>	42,002,611
574	Capital Equipment	2,766,476	681,816	3,448,292	458,908	-	3,907,200
575	Zoo Animals	75,000	5,265	80,265	-	-	80,265
576	Land	2,032,525	12,406	2,044,931	107,690	-	2,152,621
	Capital Subtotal	31,979,085	11,654,422	43,633,507	4,358,190	1,051,000	49,042,697
<b>TOTALS</b>							
Grand totals		\$ 145,320,236	\$ 15,054,471	\$ 160,374,707	\$ 8,204,531	\$ 818,602	\$ 169,397,840

An explanation of the adjustments, by category, can be found on pages **91501** to **91502**. The net effect of all adjustments is an increase of \$818,602, all of which is provided for by increased revenue, donations, grants, or other restricted funds.

**No. 20-05-072:** It was moved by Vice President Moore, seconded by Vice President Berry and carried, to approve the 2020 Budget Adjustment No. 4 for a total increase of \$818,602 as delineated on pages **91501** to **91502**.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

**ACTION ITEMS (cont.)****(b) *Authorization to Enter into a Short-term Financing Agreement Providing Access to Emergency Funds***

*(Originating Source: William Chorba, Chief Financial Officer)*

**Background**

The current economic environment, due to the COVID-19 pandemic, has and will continue to put pressure on the financial resources available to Cleveland Metroparks. While Cleveland Metroparks has taken multiple measures to mitigate the effects of reduced revenue and delays in levy monies received, the Park District remains open and continues to incur operating expenditures necessary for maintaining public safety, buildings and fixed assets, and ongoing operations and services provided to the public. Therefore, the mitigating measures already taken may also need to be subsidized by additional capital, especially if the local economy and community's health experience an extended effect or second wave of COVID-19.

With limited availability of federal and state government assistance, reduced grant opportunities, reduced earned program and services revenue, and the fixed nature of property tax levy revenue, securing financing is the remaining option for subsidizing existing financial resources. Based on preliminary indications, Cleveland Metroparks expects it will be able to secure up to \$25 million in short-term note financing at current market conditions, for the purpose of defraying ongoing operating expenses. A short-term note will likely require a pledge of Cleveland Metroparks' faith and credit and/or a pledge of certain property tax levy revenue.

**No. 20-05-073:** It was moved by Vice President Moore, seconded by Vice President Berry and carried, to authorize Cleveland Metroparks Chief Executive Officer to enter into a short-term financing facility of up to \$25 million, subject to a pledge of certain property tax revenue of no more than \$25 million, in a form to be approved by the Chief Legal & Ethics Officer.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

**(c) *Authorization for Cleveland Metroparks Police Department to Enter into Intergovernmental Cooperative/Mutual Aid Agreements***

*(Originating Sources: Katherine Dolan, Chief of Police/Kenneth Schabitzer, Lieutenant/Rosalina M. Fini, Chief Legal & Ethics Officer)*

**Background**

The cities of Bedford, Berea, Euclid, Garfield Heights, Middleburg Heights, North Olmsted, and South Euclid and Cleveland Metroparks share mutual concerns to provide a

**ACTION ITEMS (cont.)**

safe and secure environment throughout the cities and the Park District. Ohio Revised Code §1545.131 provides authority for a park district to enter into agreements with municipal corporations to assist with police protection. The interagency agreements will delineate requests for assistance, Cleveland Metroparks' responsibilities, the respective city responsibilities and other relevant terms.

**No. 20-05-074:** It was moved by Vice President Moore, seconded by Vice President Berry and carried, to authorize the Cleveland Metroparks Chief Executive Officer to enter into Intergovernmental Cooperative/Mutual Aid Agreements with the municipalities of Bedford, Berea, Euclid, Garfield Heights, Middleburg Heights, North Olmsted and South Euclid in a form to be approved by the Chief Legal & Ethics Officer.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

**(d) *Adoption of Revised Cleveland Metroparks Codified Rules and Regulations – 2020***  
(Originating Sources: Brian M. Zimmerman, Chief Executive Officer/Rosalina M. Fini, Chief Legal & Ethics Officer/Katherine Dolan, Chief of Police/Anne Eisenhower, Chief Prosecuting Attorney/Priscila Rocha, Assistant Legal Counsel/Joseph Roszak, Chief Operating Officer/Richard Svoboda, Captain/Robert Butler, Captain/Gregory Headley, Director of Risk Management/Joseph Lambert, Safety Manager/Stacy DeChant, Sales Manager/Sam Cario, Senior Manager of Special Events and Experiences)

**Background**

Pursuant to Article 1, Section 1 of the Board of Park Commissioners of the Cleveland Metropolitan Park District By-Laws, the Park District's Codified Rules and Regulations must be amended to ensure conformity with State and Federal law and address other public policy issues. In this review, the following modifications are hereby proposed:

1. **General Required Changes:** Several changes occurred to the Ohio Revised Code and require the Board of Park Commissioners to further update its Codified Rules and Regulations as recommended by the Walter H. Drane Company, who annually performs the comprehensive code revisions for Cleveland Metroparks. A Summary of Changes to Traffic and General Offenses Codes for 2020, is provided on pages **91503** to **91507**.
2. **Additional Changes to Regulations:** After review of the Codified Rules and Regulations, the following changes are proposed by staff. The proposed new language is underlined and proposed language to be removed is stricken as noted below.

**ACTION ITEMS (cont.)**

A. Change “Ranger” to “Police Officer” in each and every provision within the Park District’s Codified Rules and Regulations.

**B. 373.08 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.**

(a) No person shall operate a bicycle, electric bicycle or scooter, or any other mode of transport that is not unlawful to operate in the Park District:

- (1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the roadways or any other property;
- (2) Without exercising reasonable and ordinary control ~~over such bicycle;~~
- (3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
- (4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section [373.02\(d\)](#);
- (5) At a speed greater than is reasonable and prudent under the conditions then existing.

**C. 351.03 PROHIBITED STANDING OR PARKING PLACES.**

(a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a ranger or a traffic control device, in any of the following places:

- (1) On a sidewalk or trail;

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- (16) In a parking lot unless the fee, including but not limited to the boat ramp launch facility fee, has been paid when a fee is required.

**D. 525.01 COMPLIANCE WITH LAWFUL ORDER; RESISTING OR ABUSING OFFICER.**

(a) No person shall fail or refuse to comply with any lawful order given by any ranger, or willfully resist, obstruct or abuse any ranger or any other official in the execution of his office.

(b) No person, without privilege to do so, shall do any act which hampers or impedes any park employee or any other official in the execution of his office.

(c) Whoever violates this section is guilty of a minor misdemeanor of the first degree unless the offender persists in the failure or refusal to comply with any lawful order after reasonable warning or request to desist then this violation shall be a misdemeanor of the fourth degree. A subsequent violation of this offense shall be a misdemeanor of the first degree.

(ORC 2921.31).

**E. 541.12 Ticket Resale Restrictions**

- (a) Price Cap: No person or entity shall sell, offer to sell, resell or offer to resell any Park District admission ticket for a price in excess of the price printed on the ticket.

**ACTION ITEMS (cont.)**

- (1) The Price Cap does not apply to religious, charitable, or educational organizations where all or a portion of the admission price reverts to the sponsoring group and the resale for profit of such tickets is authorized by the Park District in which the event is being held.
- (b) Resale Restrictions: No person or entity shall sell, offer to sell, resell or offer to resell a Park District admission ticket that contains restrictions on transfer, in violation of such restrictions.
- (c) See Section 501.99 for penalties applicable to any misdemeanor classification.

**~~743.06 CLIMBING, REPELLING OR SLACKLINING.~~**

~~—(a) No person shall climb any rock or tree; repel, which is to descend (as from a cliff) by sliding down a rope passed under one thigh, across the body, and over the opposite shoulder or through a special friction device; or slackline, which is a practice in balance that typically uses nylon or polyester webbing tensioned between two anchor points, without a permit.~~

~~—(b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.~~

~~(ORC 1545.99)~~

**745.03 RESTRICTIONS.**

- (a) No person shall launch, land or operate, or cause to be launched, landed or operated, any UAS weighing ~~more than~~ 4.4lbs/2.2kg or greater in any airspace within the Park District.
- (b) No person shall launch, land or operate, or cause to be launched, landed or operated, any UAS weighing less than 4.4lbs/2.2kg in any airspace within the Park District except in designated areas and must possess a current certificate of aircraft registration issued by the FAA for the UAS or is flying the UAS strictly for ~~hobby or~~ recreational use.

**747.01 DEFINITIONS.**

As used in the Park District regulations:

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- (c) "Special Event" means (1) any planned gathering of fifty (50) or more persons which is to assemble or travel in an organized manner on any street, park or other public property; or, (2) any planned activity conducted by a person for a common or collective use, purpose or benefit which directly or indirectly involves the use of, and has an impact on, street(s), park(s) or other public property or facilities which reasonably requires Park

**ACTION ITEMS (cont.)**

District management, regulation or resources to protect the health, safety, welfare or property of the Park District or its invitees, coordinate multiple uses of public property, control traffic or address other substantial governmental interests at or around the activity. Examples of special events include, but are not limited to: Parades, festivals, athletic or sporting events (e.g., ~~raees,~~ runs ~~marathons,~~ running events).

**747.04 PERMIT REQUIREMENTS.**

(a) General: No person shall, without a permit:

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(9) ~~Detect metal through surface mining~~ Engage in off-trail research and/or research collection activities;

(10) ~~Engage in off-trail research and/or research collection activities;~~

—(11) Place any temporary or permanent structure, including ~~but not limited to~~ without limitation any stage, fence, building, tent, canopy, large-scale stand when compared to the surrounding areas, bandstand, stage, tower, scaffold, sound stage, platform, rostrum or other structure in the Park District unless otherwise designated by the Chief Executive Officer. Erection of a small folding table or small brochure rack in the Park District does not require a permit;

(~~11~~) Access or disrupt Park District property to maintain, repair, or replace any and all equipment or improvements owned or leased by a third party but that is properly situated on Park District property.

**747.05 PERMIT APPLICATIONS.**

(a) Filing an Application:

(1) Event, Special Event or Activity Permit.

A. Any person seeking the issuance of a permit for activities in Section 747.05(a)(1)A. shall apply for a permit by filing a written application for permit on a form and within no less than forty-five (45) calendar days before the event date as shall be prescribed by the Chief Executive Officer. Written applications for a permit involving any of the following activities shall be filed with the Sales Manager in the Park District Marketing Department, or his designee:

1. Any activity or event involving fifty (50) or more individuals;

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7. ~~Daytime event~~ Event parking

**ACTION ITEMS (cont.)**

## 8. Cross Country Meets

B. Any person seeking the issuance of a permit for activities in Section [747.05\(a\)\(1\)B](#). shall apply for a permit by filing an oral application for permit within no less than twenty (20) calendar days before the event date as shall be prescribed by the Chief Executive Officer. Oral applications for a permit involving any of the following activities shall be filed by calling the Sales Manager in the Park District Marketing Department, or his designee:

1. Reserving a shelter, facility or center;
2. Religious ceremonies;
3. Athletics;
4. Camping - Day and Overnight;
5. Astronomy Permits Overnight;
6. Land Navigation, ROTC and Search and Rescue drills;
7. Commercial Photography and filming - Advertising, ~~Catalog~~Commercials, Catalogs, Photographs, Publications;
8. Multi-Purpose Fields;
9. Wedding Receptions and Ceremonies~~;~~;
10. Bicycle demonstrations.

(2) Off-Trail Research and/or Collection Permit: Any person seeking the issuance of a permit to conduct off-trail research and/or the collection of samples for research purposes shall file a written application for permit with the Manager of Field Research, Natural Resources Division or his designee on a form and within no less than forty-five (45) calendar days before the research commencement date.

(b) Application Fee: ~~An application for A permit will not~~may be considered unless denied if the applicant paid fails to pay the applicable-application fee at the time of ~~filing approval of the permit application~~ in an amount in accordance with the schedule of fees set by the Chief Executive Officer. The Park District reserves the right to waive the permit application fee as it deems necessary and in accordance with the schedule of fees approved by the Board.

**ACTION ITEMS (cont.)****747.06 PROCESSING OF PERMIT APPLICATIONS.**

(a) Process Timing: The Park District shall begin processing permit applications in order of receipt beginning on December 15th of each year for the following year. Permit applications submitted within the current calendar year of the requested activity shall be processed in order of receipt of the permit application, and the use of a particular facility, reservation, or part thereof shall be allocated upon receipt of a fully executed application ~~accompanied by the application fee.~~

(b) Permit Application Process: The Park District shall issue the requested permit if a complete application complying with all adopted rules and policies is filed and all of the following conditions are met:

- (1) The proposed use is consistent with the size of the facility and/or park;
- (2) The proposed use will not have an unreasonably adverse impact, from noise, litter traffic, on the facility ~~and/or park, the park, the surrounding businesses or residences, or the environment;~~
- (3) The proposed use does not pose an unreasonable risk to the public health or safety of the applicant, the public, or to the physical integrity of the facility and/or park;
- (4) The applicant pays all required fees and agrees to comply with all conditions of the permit;
- (5) The proposed use is otherwise lawful;
- (6) The proposed use does not conflict with an activity already planned or scheduled for the facility and/or park or for which a different permit has already has been applied for or issued in a for that facility and/or park that when the site does not reasonably permit multiple occupancy;
- (7) The proposed use ~~would~~does not conflict with ~~previously-planned or scheduled~~ programs, or park and/or facility use organized and conducted by the Park District ~~and previously scheduled for the same time and place;~~
- (8) The proposed use is not prohibited by or inconsistent with the classifications and uses of the facility, park, or part thereof designated pursuant to Section [747.02](#) above;
- (9) The permit application does not contain material falsehoods or misrepresentations;
- (10) The applicant is legally competent to contract or to sue and be sued;

**ACTION ITEMS (cont.)**

(11) The applicant or the person on whose behalf the permit application was made is submitted has conducted all previously permitted events in accordance with law and the conditions of the permit, has not damaged Park District property on prior occasions and, or does not have any unpaid debts to the Park District;

(12) The applicant possesses will provide an adequate number of police officers or security personnel as approved by the proper license, certifications Park District, fire and/or qualifications for paramedic personnel, and/or event volunteers and staff to ensure the requested permits safety of the event;

(13) The applicant has obtained any all necessary approvals, permits, licenses or, certifications, and qualifications required pursuant to local, state or federal rules, regulations, or statutes;

(14) The applicant will provide sufficient offsite parking, onsite parking, and/or shuttle service to minimize any adverse impacts on public parking and traffic circulation in the vicinity of the event;

(15) The applicant will provide adequate sanitation and other required health facilities on or adjacent to the permitted area;

(16) The proposed use does not require exclusive use of beach, parking areas, or non-reservable park areas during any period in a manner which will have an adverse impact on the reasonable access to those areas by the general public;

(17) The proposed use does not require the diversion of police officers or other park employees from their normal duties so as to unreasonably reduce adequate levels of service to any other portion of the park;

(18) The proposed use will not unduly disrupt construction, maintenance, or repairs occurring on park property;

(19) The application was submitted to the Park District with sufficient time to investigate and process the application before the event;

(20) The proposed research use is affiliated with a school, not-for-profit corporation, and/or for-profit corporation engaged in environmental and/or cultural assessments;

(15)(21) The proposed collection and/or research activities have a valid and rigorous study design with clear purpose and direction.

(22) The applicant has paid the application fee.

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**ACTION ITEMS (cont.)**

(d) Denials: Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the Park District for measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit. Where an application or permit has been denied because a prior conflicting application for the same time and place has been received, and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area, or the Park District has a conflicting planned or scheduled program or activity at the facility and/or park area, the Park District shall propose an alternative place, if available for the same time, or an alternative time, if available for the same place. To the extent permitted by law, the Park District may deny an application for permit if the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant.

**747.08 PERMITS ARE NON-TRANSFERRABLE.**

Any permit issued under this section shall be personal to the permittee, and shall be void if transferred or assigned in any manner, except with the written consent of the Chief Executive Officer.

**747.09 REVOCATION, SUSPENSION, OR TERMINATION OF PERMIT OR EVENT**

(a) Revocation, Suspension, Termination of event: Park District staff shall have the right for cause to revoke, suspend, or terminate any event permit or approval, and order the event stopped and terminated if the operation of the event is in violation of the Park District's codified rules and regulations, the permit, or any other applicable law, regulation, government order, or if such revocation, suspension, or termination is necessary to preserve the health, safety, or welfare of the public.

(b) Appeal:

(1) Notice: Written notice of the revocation, suspension, or termination with the stated reasons for revocation, suspension, or termination shall be served upon the applicant of the event, or his or her designee, at the time of revocation, suspension, or termination.

(2) No such revocation, suspension, or termination will take effect until the applicant of the event, or his or her designee, has been given notice and an opportunity to cure the violation within one hour of receipt of written notice from the Park District.

(3) Form of Appeals: Any applicant who is unable to cure the violation and whose permit is revoked, suspended, or terminated for the reasons specified in Section 747.09(a) will be given an opportunity to be heard and may within two hours of receipt of written

**ACTION ITEMS (cont.)**

notice of revocation, suspension, or termination from the Park District file a written appeal from such determination with the Chief Executive Officer, or his designee, who shall have two hours from the time in which the appeal was received in which to notify applicant that he has affirmed, modified, or reversed the revocation, suspension, or termination. When necessary to prevent an immediate threat to the health, safety, or welfare of the public, Park District staff may order the applicant of the event, or his or her designee, to cease operation of the event pending the outcome of the appeal.

(4) For any violation of the permit, the rules and regulations promulgated under this section, or any law regulation, or government order which endangers the health or safety of the public, no new special event permits shall be issued to the applicant of the event, or his or her designee, for the remainder of the year and for the following calendar year. Additionally, any revocation, suspension, or termination shall be consistent with applicant's state and federal constitutional rights.

**No. 20-05-075:** It was moved by Vice President Moore, seconded by Vice President Berry and carried, to adopt revised Cleveland Metroparks Rules and Regulations in their entirety effective June 18, 2020 at 12:01 A.M.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

(e) ***Adoption of Revised Policy***  
(Originating Sources: Brian M. Zimmerman, Chief Executive Officer/Rosalina M. Fini, Chief Legal and Ethics Officer/Joseph Roszak, Chief Operating Officer/Katherine Dolan, Chief of Police/Gregory Headley, Director of Risk Management)

Pursuant to Article 1, Section 1(a) of the Board of Park Commissioner By-Laws, the Board must review Board-level policies at least every five (5) years. Existing Board policies which are being reviewed at the five-year anniversary and contain no substantial changes, may be adopted upon one public reading. The following policy is before the Board for review of the minor changes and adoption:

**Designated Areas for No Swimming or Body Contact with Water**

Pursuant to Cleveland Metroparks Regulation 743.02, "swimming and wading are permitted except at areas that are otherwise designated." The purpose of the "Designated Areas for No Swimming or Body Contact with Water Policy" is to designate those areas where swimming and wading are not permitted. This Policy was first adopted in June 2015. After review and discussion with the Police, Park Operations, Legal, Risk Management, and the Chief Executive Officer, modest changes have been made to address additional areas that will be designated for not swimming or wading.

**ACTION ITEMS (cont.)**

The full Policy can be found at pages **91508** to **91509**.

**No. 20-05-076:** It was moved by Vice President Moore, seconded by Vice President Berry and carried, to adopt the revised “Designated Areas for No Swimming or Body Contact with Water Policy” for implementation pursuant to Article 1, Section 1(a) of the Board’s By-Laws.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

**(f) *Modification of Deed Restrictions – 21000 Brookpark Landlord LLC: Rocky River Reservation***

*(Originating Sources: Brian M. Zimmerman, Chief Executive Officer/Rosalina M. Fini, Chief Legal & Ethics Officer/Sean McDermott, Chief Planning & Design Officer/Kyle G. Baker, Senior Assistant Legal Counsel & Director of Real Estate/Stephanie Kutsko, Real Estate Manager)*

**Background**

21000 Brookpark Landlord LLC (“21000 Brookpark”) owns a property known as Permanent Parcel Number 331-35-002 (“Property”) located on the north side of Brookpark Road, the eastern edge of the Rocky River, and adjacent to the Rocky River Reservation in the City of Fairview Park near its border with the City of Cleveland (see map, page **91510**). The United States of America (“US”) previously owned the Property and operated it as part of the National Aeronautics and Space Administration Glenn Research Center Campus (“NASA Glenn Campus”). The US constructed two large buildings on the Property, known as the K and L Buildings, that housed operations associated with the NASA Glenn Campus. The US sold the Property in 2013 as it was no longer necessary for the operations of the NASA Glenn Campus and 21000 Brookpark is currently the owner.

In 2016, representatives of 21000 Brookpark, the City of Fairview Park (“Fairview Park”), and Cleveland Metroparks Staff began meeting to discuss potential redevelopment of the Property. Cleveland Metroparks researched and found recorded deed restrictions that encumber the Property and detailed those recorded deed restrictions to 21000 Brookpark and Fairview Park in 2016. In October 2016, with the support of Fairview Park, 21000 Brookpark put forth a zoning referendum to rezone the Property from office use zoning to multi-use zoning to accommodate apartments, retail, and hotel use. The zoning referendum passed in November 2016. In early 2017, representatives of 21000 Brookpark applied for state historic tax credits for a mixed-use redevelopment of the Property that sought to preserve the exterior facades of the K and L Buildings. 21000 Brookpark received notification that the state historic tax credits were awarded for the

**ACTION ITEMS (cont.)**

redevelopment of the Property in July 2017. Cleveland Metroparks Staff has been in continued contact with 21000 Brookpark regarding the recorded deed restrictions and continually pointed out the fact that the proposed redevelopment of the Property would violate the recorded deed restrictions. From the beginning of the discussions, Cleveland asserted that recorded deed restrictions are legal property rights under Ohio law and Cleveland Metroparks considers deed restrictions such as these to be a critical mechanism to maintaining the integrity of the natural and cultural resources of the Park.

**Deed Restrictions**

The recorded deed restrictions at issue can be found in the deed from City of Cleveland to Cleveland Metroparks recorded on November 29, 1938 in Cuyahoga County Deed Volume 4913, Page 327 (described as applying to Parcel 7 in the deed). The restrictions held upon the Property are outlined below:

1. Thirty (30) foot setback from Cleveland Metroparks property preventing any building or structure to be erected or remain.
2. Three hundred (300) foot setback from Cleveland Metroparks property limiting the use to agricultural, gardening, or residential purposes, or as an open landing field for aviation purposes, military training ground, picnic ground, or recreation field. No building may be erected within this setback that is used as a flat, apartment house, terrace, double or duplex house, or as the abode of more than one family living in separate apartments, or as a funeral home.
3. Three hundred (300) foot setback for any billboard, signboard, or advertising device.

Cleveland Metroparks zealously defends its long-standing recorded deed restrictions to maintain the parklike setting of its protected property holdings. The proposed mixed-use redevelopment and future land use of the Property by 21000 Brookpark would conflict with the recorded deed restrictions, namely the three hundred (300) foot setback severely restricting the use of the Property. When considering requests to amend recorded deed restrictions, which are rarely granted, Cleveland Metroparks considers, amongst other factors, the ultimate redevelopment plan, plan alternatives if deed restrictions are not amended, detailed explanation of why those planned alternatives may not be feasible, description of the public good served by the proposed land use change that requires deed restriction amendment, and verification of public partner support for the deed restriction amendment.

After extensive negotiations over the course of many years, strong public support in favor of modifying the recorded deed restrictions by Fairview Park and other state officials, local public support by the residents and local government of Fairview Park as evidenced by the passage of the mixed use zoning change in 2016, acknowledgement that renovation and reuse of the existing K and L Buildings as opposed to demolition and ground up redevelopment was a more sustainable plan that served the public good, and detailed discussions of why plan alternatives if the recorded deed restrictions were not

**ACTION ITEMS (cont.)**

amended would not be feasible, Cleveland Metroparks Staff proposed a resolution to modify the recorded deed restrictions to allow the proposed redevelopment of the Property to move forward. The fact that the existing K and L Buildings will remain and be renovated and that the main change in the Property will come in the form of use, not extensive new structures or buildings, weighed heavily in favor of thoughtfully modifying the recorded deed restrictions to allow for beneficial reuse of the Property.

**Proposed Resolution**

As such, Cleveland Metroparks Staff proposed the following resolution, which 21000 Brookpark has accepted:

1. Complete removal of three hundred (300) foot setback from Cleveland Metroparks property limiting the use to agricultural, gardening, or residential purposes, or as an open landing field for aviation purposes, military training ground, picnic ground, or recreation field. No building may be erected within this setback that is used as a flat, apartment house, terrace, double or duplex house, or as the abode of more than one family living in separate apartments, or as a funeral home.
2. Complete removal of three hundred (300) foot setback for any billboard, signboard, or advertising device.
3. Enlarged setback from Cleveland Metroparks property preventing any building or structure to be erected or remain in the area as depicted on the map (see map, page **91510**), but allows for up to 2 observation decks in the setback area, subject to Cleveland Metroparks review and approval, which will not be unreasonably withheld or delayed, as to the plans, specifications, and construction.
4. All proposed signage within three hundred (300) feet from Cleveland Metroparks property will need to be reviewed and approved by Cleveland Metroparks prior to installation to ensure that the signage is not visible from Cleveland Metroparks property.
5. All proposed lighting within three hundred (300) feet from Cleveland Metroparks property will need to be reviewed and approved by Cleveland Metroparks prior to installation to ensure that the lighting does not disturb the parklike setting of Cleveland Metroparks property and any proposed lighting shall incorporate full cutoff fixtures and prescribe to dark sky compliant standards.
6. Any proposed new construction areas (including, but not limited to, parking lot expansion, restaurant, and pools) within three hundred (300) feet from Cleveland Metroparks property shall incorporate stormwater controls and practices that utilize “green” and “sustainable” surface features. Furthermore, such design of stormwater measures shall be subject to Cleveland Metroparks review and approval, which will not be unreasonably withheld or delayed, as to the plans, specifications, and construction. The design of the stormwater management system shall exceed the minimum standards of the Fairview Municipal Code.

**ACTION ITEMS (cont.)**

7. Any proposed plantings within three hundred (300) feet from Cleveland Metroparks property shall incorporate native and non-invasive plant stock. Proposed plantings shall be subject to Cleveland Metroparks review and approval, which will not be unreasonably withheld or delayed, as to the plans, specifications, and construction.

The proposed resolution more than doubles the existing no-build area from  $\pm 0.8$  acres to  $\pm 2$  acres and ensures that lighting, signage, plantings, and stormwater controls and practices for the redevelopment of the Property will be reviewed and approved by Cleveland Metroparks to ensure the parklike setting of the surrounding Rocky River Reservation. After extensive negotiations, Cleveland Metroparks Staff recommends the proposed resolution as it stays within the spirit and intention of the original recorded deed restrictions and ultimately serves the public good.

**No. 20-05-077:** It was moved by Vice President Moore, seconded by Vice President Berry and carried, to approve the modification of restrictions contained in the deed from City of Cleveland to Cleveland Metroparks recorded on November 29, 1938 in Cuyahoga County Deed Volume 4913, Page 327 (described as applying to Parcel 7 in the deed) to allow for the redevelopment on the Property as described above (which is fully incorporated herein), and to authorize the Chief Executive Officer to execute all agreements and/or documents necessary to effectuate the same.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

- (g) ***Authorization to Modify Grant Agreement and Commit Match Funds***  
(Originating Sources: Joseph V. Roszak, Chief Operating Officer/Jennifer Grieser, Director of Natural Resources/Constance Hausman, PhD, Senior Conservation Science Manager/Kristen Trolio, Grants Manager)

The United States Forest Service Northeastern Area State and Private Forestry program unit offers funds through Emerging Pests and Pathogens Funding. Cleveland Metroparks has secured funding through this program in 2018 and 2019 to expand survey and monitoring activities of Beech Leaf Disease (BLD), made possible by the development of an iOS and Android version of the Tree Health Survey App in collaboration with Kent State University.

Collaborators include Cleveland Metroparks, Lake Erie Allegheny Partnership, Davey Tree, Bartlett Tree Company, USDA Forest Health and Protection, and the states of Ohio, Pennsylvania, Michigan, New York, and Indiana.

**ACTION ITEMS (cont.)**

Cleveland Metroparks efforts include:

- Facilitate national BLD surveys for presence/absence of beech leaf disease utilizing the Tree Health Survey App in OH, IN, PA and NY (other states as BLD progresses);
- Document beech tree mortality events and identify potential sites for BLD tolerance based on symptom severity; and,
- Document options for beech tree management through experimental treatments.

Previous project costs were as follows:

U.S. Forest Service	\$132,000	
<u>Matching Funds</u>	<u>\$136,000</u>	(\$108,000 CM share)
Subtotal Project	\$268,000	

The project costs for this grant award are as follows:

U.S. Forest Service	\$ 55,000
<u>Cleveland Metroparks</u>	<u>\$ 55,000</u>
Subtotal Project	\$110,000

**New Project Total                    \$378,000**

**No. 20-05-078:**        It was moved by Vice President Moore, seconded by Vice President Berry and carried, to approve the authorization to modify the existing grant agreement with the USDA Forest Service for ±\$55,000 as described above; to authorize and agree to obligate the funds in the amount ±\$55,000 required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the program; and further, that the Board authorize the Chief Executive Officer to enter into agreement and execute any other documents as may be required to accept the grant; form of document(s) to be approved by Chief Legal and Ethics Officer.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

**(h)        *Authorization to Accept Grant Awards and Enter into Grant Agreement***  
*(Originating Sources: Brian M. Zimmerman, Chief Executive Officer/Natalie Ronayne, Chief Development Officer/Kristen Trolio, Grants Manager)*

Cleveland Metroparks is the recipient of an additional grant award through the Northeast Ohio Public Energy Council (NOPEC), Inc.'s Energized Community Grant Program, which provides funds to NOPEC member communities with a goal to promote and implement energy savings throughout its service areas. Cleveland Metroparks will

**ACTION ITEMS (cont.)**

receive an additional \$326,466 for fiscal year 2020 through this program, which will be used to increase and improve the health of the tree canopy throughout the City of Cleveland through targeted tree planting and maintenance activities led by Park District staff. Cleveland Metroparks received \$278,185 and \$314,508 for fiscal years 2018 and 2019, respectively from NOPEC, Inc.'s Energized Community Grant Program and these funds have been used for tree planning and maintenance projects in Lakefront and Garfield Park Reservations to date.

The required resolution is on page **91511**.

**No. 20-05-079:** It was moved by Vice President Moore, seconded by Vice President Berry and carried, to authorize the submittal of grant applications to NOPEC, Inc.'s Energized Community Grant Program and to authorize the acceptance of grant funds in the amount of ±\$326,466 as described above; to authorize and agree to obligate all funds required to satisfactorily complete the proposed projects and become eligible for reimbursement under the terms and conditions of the program; and further, that the Board authorize the Chief Executive Officer to enter into agreement and execute any other documents as may be required to accept the grant upon award; form of document(s) to be approved by Chief Legal and Ethics Officer.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

- (i) ***Police: Authorization to Accept Grant Application and Commit Funds***  
(Originating Sources: Katherine Dolan, Chief of Police/Rich Svoboda, Police Captain/Matthew Shearn, Police Sergeant Marine Patrol Unit/Natalie Ronayne, Chief Development Officer/Kristen Trolio, Grants Manager)

The Ohio Department of Natural Resources Division of Parks and Watercraft offers the Marine Patrol Assistance Grant with the purpose of establishing and maintaining marine patrol units throughout the State of Ohio. Cleveland Metroparks Police Department's Marine Patrol Unit applied for and received funds through this program for necessary equipment for its existing patrol boat. Funds will be used to purchase lower units for the boat's engine and the necessary tools to install the units, as well as dry suits for officers.

This backup unit is critical to maintain constant patrol and emergency services along the lakefront in Cuyahoga County. The majority of other marine patrol agencies in the county are part-time marine patrols with limited underway time, limited manpower, and limited areas of responsibility. In 2019, Cleveland Metroparks Police Department's

**ACTION ITEMS (cont.)**

Marine Patrol Unit completed 163 vessel safety inspections, completed 122 vessel stops, participated in 32 search and rescue operations, and assisted with 35 disabled vessels and 4 watercraft accidents.

The awarded project budget for Cleveland Metroparks is below:

Marine Patrol Assistance Grant	\$15,602.24
<u>Cleveland Metroparks</u>	<u>\$ 5,200.75</u>
TOTAL:	\$20,802.99

The required resolution is on page **91512**.

- No. 20-05-080:** It was moved by Vice President Moore, seconded by Vice President Berry and carried, to approve the adoption of the resolution to accept a grant award from the Ohio Department of Natural Resources for funding assistance of ±\$15,602.24 through the Marine Patrol Assistance Grant as described above; to authorize and agree to obligate the required matching funds and all funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the program; and further, that the Board authorize the Chief Executive Officer to enter into an agreement and execute any other documents as may be required to accept the grants upon award; form of document(s) to be approved by Chief Legal and Ethics Officer.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

- (j) ***Amended Authorization to Submit an Application to the Department of Transportation's Better Utilizing Investments to Leverage Development (BUILD) Grant Program***  
*(Originating Sources: Brian M. Zimmerman, Chief Executive Officer/Sean E. McDermott, P.E., Chief Planning and Design Officer/Sara Byrnes Maier, Senior Strategic Park Planner)*

**Background**

On April 16, 2020, the Board authorized submittal of an application to the Better Utilizing Investments to Leverage Development (BUILD) grant program and execution of agreements and any documents as may be required to accept the grant award. This action seeks to amend this authorization as detailed below.

**ACTION ITEMS (cont.)**

As previously stated in the April Board action, the federal Department of Transportation has announced a highly competitive discretionary grant program for national infrastructure investments that have a significant impact on a metropolitan area or region. The BUILD grant program was previously known as the Transportation Investment Generating Economic Recovery (TIGER) grant program. Cumulatively, the BUILD/TIGER program has awarded \$7.9 billion to 609 surface transportation projects since 2009, including many with multimodal components.

Cleveland Metroparks received \$7.95 million in the TIGER VIII round in 2016 for its *Re-Connecting Cleveland: Pathways to Opportunity* application, submitted in partnership with The Trust for Public Land and L.A.N.D. studio, Inc. The TIGER award, along with additional federal and state grants as well as philanthropic support, has enabled construction of five trail projects: the Cleveland Lakefront Bikeway Connector and Canal Basin Park Connector projects that were completed in August 2019, and the Wendy Park Bridge, Whiskey Island Connector, and Red Line Greenway, which are projected to be complete in March 2021.

The 2020 BUILD application cycle makes available \$1 billion for surface transportation projects that have significant local or regional impact. Evaluation criteria include safety, state of good repair, economic competitiveness, environmental sustainability, quality of life, innovation, and partnership. Successful applicants will be announced by September 15, 2020, and projects must be under contract by the statutory deadline of September 30, 2022 and all funds must be expended by September 2027.

**Amended Project Description**

Since the prior authorization Cleveland Metroparks has been working with partners to refine the BUILD project application. The revised BUILD project entails engineering, design, and construction of the two connected trail segments, summarized below and in shown in the map on page **91513**.

- Solon to Chagrin Falls Trail – This ±2.4-mile 10' wide paved all purpose trail will be constructed in the City of Solon and the Village of Bentleyville along a former rail line to connect to the existing ±1.7-mile portion of Cleveland Metroparks trail that extends through Bainbridge Township to the Village of Chagrin Falls. This segment will include two trail bridges and one suspension bridge.
- South Chagrin Connector Trail – This ±1.9-mile trail will extend from the eastern construction terminus of the Solon to Chagrin Falls Trail to the main portion of South Chagrin Reservation to connect to the all purpose trail at Hawthorn Parkway. This segment will include environmentally sensitive design along the Aurora Branch of the Chagrin River, and will connect through the Village of Bentleyville's community park via a new suspension bridge over the Chagrin River.

**ACTION ITEMS (cont.)**

The total federal BUILD funding request is \$7,500,000. As a majority rural project, no local matching funds are required; however, \$798,208 in local funding will be provided from the City of Solon through the previously awarded funds including a \$498,208 Clean Ohio Trails Fund award and a \$300,000 State Capital Community Parks, Recreation and Conservation Project award made by the 132<sup>nd</sup> Ohio General Assembly through House Bill 529. Both funding sources are administered through the Ohio Department of Natural Resources. Total BUILD project costs are \$8,298,208. Additional funds may also be sought through other non-federal grant programs and/or private sources.

**No. 20-05-081:** It was moved by Vice President Moore, seconded by Vice President Berry and carried, to amend its April 16, 2020 authorization for submittal of a grant application to the Department of Transportation for funding assistance from the Better Utilizing Investments to Leverage Development (BUILD) grant program to \$7,500,000 for the above listed project components; with local match provided from \$798,208 in previously awarded grant funds to the City of Solon for the Solon to Chagrin Falls Trail project and any other non-federal grant programs, private sources, and/or contributions from project partners; and further that the Board authorizes the funds to be made available as needed until reimbursement is received from the BUILD program; and further that the Board authorizes the Chief Executive Officer to enter into agreements and execute any documents as may be required to accept the grant award; form of agreements to be approved by the Chief Legal & Ethics Officer.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

- (k) ***Award of RFQu #6482 – Gorilla Primate RainForest Addition – Cleveland Metroparks Zoo – Conceptual Design***  
(Originating Sources: Sean E. McDermott, P.E., Chief Planning and Design Officer/Christopher W. Kuhar, Ph.D., Zoo Executive Director)

**Background**

On January 10, 2020 Cleveland Metroparks issued a Request for Qualifications (RFQu #6482) for interested parties to submit qualifications related to the design of the Gorilla Primate RainForest Addition (Gorilla Exhibit). Currently in the early stages of planning, the Gorilla Exhibit has the potential to become the largest capital project in the history of the Cleveland Metroparks Zoo.

The proposed Gorilla Exhibit builds on the strength of The RainForest which showcases more than 10,000 plants and over 600 animals from the forests of Asia, Africa, and the

**ACTION ITEMS (cont.)**

Americas in a naturalistic high-heat and high-humidity setting, including the keystone orangutan exhibit. Once completed, the renovated RainForest concept will bring the best gorilla habitat in the world to Cleveland and provide a home to many other primate and mixed species, as well as put Cleveland Metroparks Zoo on the international forefront of animal care and conservation work.

The Gorilla Exhibit and modernized RainForest, including new orangutan habitat, have been lightly conceptualized by Cleveland Metroparks Planning and Design Department staff. The further development of concepts and advancement of formerly prepared gorilla and orangutan exhibit programs require the professional design services of a prime consultant firm and specialty sub-consultants, collectively the “Design Team”, which include a wide array of design disciplines. Cleveland Metroparks staff prepared RFQu #6482 and requested that the responding Design Team have the ability to perform each of the below disciplines:

1. Zoological Master Planning and Exhibit Planning
2. Architectural Design Services
3. Zoological Exhibitory Design
4. Interpretive Design Including Signage and Wayfinding
5. Engineering
  - a) Civil Engineering (site development)\*  
\*Hydrology focus is necessary
  - b) Structural and Geotechnical Engineering
  - c) Mechanical and Electrical Engineering
6. Life Support System Design
7. Specialized Roof System Design (specifically ETFE)
8. Aquatic System Design
9. Food Service / Kitchen Design\*\*  
\*\*During the course of the Project Cleveland Metroparks will evaluate the operations of the food service provider which could result in kitchen modifications
10. Landscape Architecture and Horticulture
11. Surveying & 3D Scanning
12. Rendering and Modeling
13. Building and Infrastructure Forensic Analysis

The RFQu requested that responding firms have recent experience with similar zoological projects within the United States. The Design Team’s “Prime” firm should have in-house architectural design capabilities. Although not required, the Cleveland Metroparks Zoo preferred the Design Team contain a local architect who has an office established within forty (40) miles of the Cleveland Metroparks Zoo. Responding firms were also asked to demonstrate a comfort level and history with the construction manager at-risk project delivery model, as it is proposed for the Gorilla Exhibit.

**ACTION ITEMS (cont.)**

The design of the Gorilla Exhibit and modernized RainForest will incorporate LEED design principles and embrace the Cleveland Metroparks’ Green Infrastructure and Sustainability guiding principles recognized in the Cleveland Metroparks 2020 Emerald Necklace Centennial Plan.

Upon the further development of plan concepts and advancement of gorilla and orangutan exhibit programs inclusive of modernization of the RainForest, it may be determined that additional auxiliary or complementary buildings, facilities, exhibits, or infrastructure will be included or necessary for cohesive and comprehensive planning and development. Such improvements or facilities could include, but not be limited, to the reconfiguration of the entrance plaza and Zoo guest ticketing sequence, hospitality and guest amenities, Cleveland Zoological Society facilities, and roadway and parking reconfiguration. Such projects, as they may be identified, may also be designed by the selected firm and brought back to the Board for approval.

**RFQu Response and Analysis**

RFQu #6482 yielded seven (7) responses from highly qualified consultant teams. Qualifications were reviewed by Cleveland Metroparks and Cleveland Zoological Society staff (Review Panel) and interviews were held with four (4) of the seven (7) consultant teams and, pursuant to O.R.C. 153.69, the top three (3) firms were ranked in order of most qualified. A summary of the interested design teams and their respective partners is listed on page **91514** and a listing of the determined rankings is provided in the adjacent table. As determined by the Review Panel, Van Auken Akins Architects, LLC (VAA) of Cleveland, Ohio has been deemed as the most qualified. VAA’s team includes WDM Architects, a zoo architecture firm based in Wichita, Kansas, among other well respected and talented sub-consultants. The VAA team has performed well on former projects for Cleveland Metroparks Zoo including Rosebrough Tiger Passage and Asian Highlands. Following closely in the ranking was the Bialosky Cleveland team and the PJA Architects and CBLH teams.

Cleveland Metroparks Zoo  
Gorilla Primate RainForest Addition (Design)  
Responses to Request for Qualifications (RFQu No. 6482)

<b>Prime / Zoo Designer</b>	<b>Ranking</b>
PJA Architects / Bostwick Design Partnership	3
Bialosky Cleveland / CLR	2
CBLH / Epstein Group	4
Peckham Guyton Albers & Viets, Inc. (PGAV Destinations) / Robert P. Madison	
Kruek Sexton / MIG	
Torre Design / HWH	
Van Auken Akins Architects / WDM	1

**Proposal Analysis**

Following a determination of ranking, a proposal was requested from the VAA team to perform the concept development of the Gorilla Exhibit. As only preliminary concept work to date has been performed by Cleveland Metroparks staff, full concept

**ACTION ITEMS (cont.)**

development is needed. The concept will build on the currently progressing RainForest Dome Replacement (set to be complete this fall) and the formerly completed RainForest Facility Assessment. This work will be informed by the ongoing Big Creek Floodplain Analysis, approved by the Board in March.

With funding established by the Cleveland Zoological Society, VAA's proposed cost of \$648,170 will cover conceptual:

- Program Development
- 3D Modeling
- Narrative Studies and Sketches
- Civil, Structural, Mechanical, Electrical, Plumbing, Horticulture, and Daylight Concepts
- Coordination with the to-be-selected Construction Manager At-Risk (CMR)
- Topographic and Utility Survey
- 3D Survey of Interior Spaces
- Soil Borings

It is anticipated that the VAA Team will need approximately seven (7) months to complete the above scope. Staff will return to the Board to advance further work scope as the project development process progresses via the contract amendment process. Furthermore, it is expected that staff will bring forward to the Board a recommended construction manager (at risk) at an upcoming meeting.

**No. 20-05-082:** It was moved by Vice President Moore, seconded by Vice President Berry and carried, to authorize the Chief Executive Officer to enter into a Professional Service Agreement for the design of the Gorilla Primate RainForest Addition at the Cleveland Metroparks Zoo with **Van Auken Akins Architects, LLC**, in the not-to-exceed amount of **\$648,170**, for conceptual design in a form acceptable to the Chief Legal and Ethics Officer, pursuant a proposal dated May 14, 2020.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

**AWARD OF BIDS/RFPS/CO-OPS/SINGLE SOURCE:**

**No. 20-05-083:** It was moved by Vice President Moore, seconded by Vice President Berry and carried, to authorize the following awards:

- (a) **Bid #6505:** **Various Zoo Grains** (see page **91484**); and,
- (b) **Bid #6507:** **2020 Asphalt Parking Lot Improvements – Big Creek, Hinckley, Lakefront, and Rocky River Reservations** (see page **91485**).

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

**AWARD OF BIDS/RFPS/CO-OPS/SINGLE SOURCE (cont.)**

**BID #6505 SUMMARY:**            **VARIOUS ZOO GRAINS** to be supplied on an “as needed” basis to Cleveland Metroparks Zoo, for a one (1) year period, beginning June 1, 2020 through May 31, 2021.

<b>---- HIGHLIGHTS AT A GLANCE ----</b>
2019/2020 Expenditures = \$112,000
2020/2021 Estimate = \$100,000

Bid invitations were provided to ±20 bidders. Responses were received from one vendor, Centerra Co-Op. Item(s) not bid by the vendor will be purchased on the open market using competitive pricing. Some of the most commonly used products are compared with the previous contract below.

<b>COMPARATIVE PRICES</b>				
<b>DESCRIPTION</b>	<b><u>NEW UNIT PRICES</u></b> <b><u>Bid #6505</u></b>	<b><u>PRIOR BID UNIT PRICES</u></b> <b><u>Bid #6421</u></b>	<b><u>UNIT PRICE DIFFERENCE</u></b>	<b><u>PERCENTAGE DIFFERENCE</u></b>
Scratch Corn	\$11.66	\$11.00	\$0.66	6%
Mazuri Exotic Canine Diet	\$37.43	\$36.70	\$0.73	2%
Ratite Diet	\$28.87	\$28.30	\$0.57	2%
Waterfowl Maintenance Diet	\$40.09	\$39.30	\$0.79	2%
Mazuri Wild Herbivore Hi-F Cube	\$29.32	\$28.75	\$0.57	2%
Mazuri Kangaroo/Wallaby Diet	\$34.71	\$34.04	\$0.67	2%

**RECOMMENDED ACTION:**

That the Board authorize the purchase of various zoo grains, from the lowest and best bidder for Bid #6505, as noted in the bid summary, to be supplied on an as needed basis, for a one (1) year period beginning June 1, 2020 through May 31, 2021, from **Centerra Co-Op, for a total cost not to exceed \$100,000**. In the event the log of consumption approaches 90 percent of the estimate, an action item will be presented to the Board requesting an increase. In the event this vendor cannot satisfy the bid, Cleveland Metroparks Zoo Staff will purchase the item(s) on the open market using competitive pricing and the difference in cost and all related costs to the difference will be assumed by the original bidder and/or surety.

**(See Approval of this Item by Resolution No. 20-05-083 on Page 91483)**

**AWARD OF BIDS/RFPS/CO-OPS/SINGLE SOURCE (cont.)****BID #6507 SUMMARY:            2020 ASPHALT PARKING LOT IMPROVEMENTS –  
BIG CREEK, HINCKLEY, LAKEFRONT, AND ROCKY  
RIVER RESERVATIONS***(Originating Sources: Joe Roszak, Chief Operating Officer/Jim Rodstrom, Director of Construction)*

Cleveland Metroparks Park Operations Department has taken inventory and condition assessments of degraded asphalt parking lots throughout the Park District. Based on those assessments, four existing parking lots were identified which warrant repairs followed by a new 1-1/2” thick asphalt surface course. This site improvement project includes the resurfacing and paving of approximately 45,351 square yards total of existing asphalt parking lots throughout Big Creek, Hinckley, Lakefront, and Rocky River Reservations.

The scope of work includes the repair and resurfacing of the following asphalt parking lots:

## Base Bid:

1. Memphis Picnic Area – Big Creek Reservation
2. Ledge Pool Parking Lot – Hinckley Reservation
3. Edgewater Beach Parking Lot Repairs – Lakefront Reservation
4. Emerald Necklace Marina Parking Lot – Rocky River Reservation

## Alternate:

5. Alternate A – Emerald Necklace Marina Additional Parking – Rocky River Reservation

Bids were received on May 5, 2020 and are tabulated below:

<b>Bidder</b>	<b>Base Bid</b>	<b>Add Alternate A</b>	<b>Total Lump Sum Bid</b>
The Shelly Company	\$388,500.00	\$72,400.00	\$460,900.00
Crossroads Asphalt Recycling	\$349,734.00	\$85,281.00	\$435,015.00
Ronyak Paving, Inc.	\$371,090.25	\$86,418.75	\$457,509.00
<b>Chagrin Valley Paving, Inc.</b>	<b>\$314,420.00</b>	<b>\$70,560.00</b>	<b>\$384,980.00</b>
Karvo Companies, Inc.	\$361,700.00	\$85,000.00	\$446,700.00
Cunningham Paving Company	\$345,196.00	\$75,904.00	\$421,100.00
Barbicas Construction Co. Inc.	\$323,208.72	\$77,236.21	\$400,444.93
Ohio Paving & Construction, Inc.	\$357,871.00	\$88,337.00	\$446,208.00
Mc. B Paving	\$359,633.00	\$83,524.00	\$443,157.00
Perrin Asphalt Company	\$384,500.00	\$81,500.00	\$466,000.00
Engineer’s Estimate			\$430,000.00

**AWARD OF BIDS/RFPS/CO-OPS/SINGLE SOURCE (cont.)**

2020 Budget Code: 4015001-572103-PA15001

Staff recommends awarding the **Lump Sum Base Bid** plus **Add Alternate A** to the lowest and best bidder, **Chagrin Valley Paving**. Chagrin Valley has successfully completed similar projects for Cleveland Metroparks in the past including the Bradley Woods Asphalt Pavement Improvements in 2009, the Oak Grove Site Improvements project in 2010, the Seneca Golf Course Asphalt Pavement Improvements in 2011, the Rivergate Parking Lot Improvements in 2014, 2015 Asphalt Parking Lot Improvements in North Chagrin Reservation, and 2018 Asphalt Parking Lot and Asphalt Pavement Improvements in Brecksville Reservation. In addition, they have successfully completed similar projects for other northeast Ohio public agencies in the past. They have been in business for 29 years and they specialize in county, municipal, and commercial paving as well as ODOT projects.

**RECOMMENDED ACTION:**

That the Board authorize the Chief Executive Officer to enter into a contract with **Chagrin Valley Paving** as the lowest and best bidder for Bid #6507, 2020 Asphalt Parking Lot Improvements, for the lump sum base bid amount of **\$314,420**, plus add Alternate A lump sum bid amount of **\$70,560**, for a **total contract amount of \$384,980**. In the event that the bidder cannot satisfy their bid, the award will be given to the next successive bidder who the Board, in its discretion, has reflected in the minutes as being the next lowest and best bidder who can satisfy the bid. The difference in cost and all related costs to the difference will be assumed by the original bidder and/or surety. Form of contract to be approved by the Chief Legal and Ethics Officer.

**(See Approval of this Item by Resolution No. 20-05-083 on Page 91483)**

**GOODS AND SERVICES (\$10,000 - \$50,000) ACQUIRED**  
**SINCE LAST BOARD MEETING (Presented 5/20/2020)**

Pursuant to Cleveland Metroparks By-Laws, Article 5 (Procurement), Section 4 (a), “The CEO is authorized to enter into contracts and contract amendments for construction, change orders, and to purchase equipment, goods and services, and real estate, without prior approval of the Board in each instance, if the cost of the contract or contract amendment, for any single project, or the amount of the purchase, does not exceed \$50,000. Any contracts where the cost exceeds \$10,000 or any purchase where the amount exceeds \$10,000, and approved by the CEO, shall be reported to the Board at its next regularly scheduled meeting following the execution of said contract or said purchase,” the following is provided:

<b><u>REF. NO. / ITEM – SERVICE</u></b>	<b><u>VENDOR</u></b>	<b><u>COST</u></b>	<b><u>PROCEDURE</u></b>
Parts and labor cost associated with maintenance and repair for Zoo Veterinarian Hospital CT Scanner; additional parts.	<b>Agiliti Health, Inc.</b>	\$6,000.00 <u>6,782.00</u> \$12,782.00	(6)
Remove existing pole banners and install new pole banners for 2020.	<b>Apex Pinnacle Services, LLC</b>	\$12,819.52	(7)
Cellular camera packages for E. 72 <sup>nd</sup> /Gordon Park and Edgewater Park.	<b>Russell Corby DBA: Security Lines US</b>	\$30,865.00	(3)
Electric Zero DSRP Motorcycle with Police Package, pre-delivery inspection.	<b>Zero Motorcycle</b>	\$25,685.00 <u>155.00</u> \$25,840.00	(3)
2020 support fee for MARCS.	<b>Ohio DAS</b>	\$22,420.00	(2)
Automotive fluids and lubricants for various locations on an “as needed” basis for a one (1) year period beginning May 1, 2020 through April 30, 2021.	<b>Four-O-Corporation DBA: Reladyne</b>	\$50,000.00	(2)
Fiberglass Reinforced Plastic (FRP) wall panels/coverings and adhesive for Huntington Beach Restroom Facility; additional materials.	<b>Interior Supply Inc.</b>	\$16,471.92 <u>950.00</u> \$17,421.92	(7)
Employee assistance program for a one (1) year period beginning March 1, 2020 through February 28, 2021, with an option to renew for one (1) additional year.	<b>Ease@Work EAP LLC</b>	\$49,900.00	(7)

**GOODS AND SERVICES (\$10,000 - \$50,000) ACQUIRED (cont.)**

<u>REF. NO. / ITEM – SERVICE</u>	<u>VENDOR</u>	<u>COST</u>	<u>PROCEDURE</u>
Arbotect 20-S fungicide and miscellaneous tree injection materials for 2020 Save the Elm program.	<b>Rainbow Treecare Scientific Advancements</b>	<b>\$12,214.66</b>	<b>(3)</b>
Reimbursement from donations and charitable contributions from Therapeutic Riding Program (TRP).	<b>Valley Riding Inc.</b>	<b>\$20,000.00</b>	<b>(3)</b>
Boulders for Rhino Yard at Zoo; additional boulders.	<b>Pete &amp; Pete Container Service</b>	<b>\$3,000.00</b> <b>4,000.00</b> <b>1,326.50</b> <b><u>2,095.10</u></b> <b>\$10,421.60</b>	<b>(3)</b>
Flagstone Blackhill Rustic 2” and Standup Blackhill Rustic 2” stone for Trails, additional material.	<b>Valley City Supply</b>	<b>\$8,890.00</b> <b><u>5,824.00</u></b> <b>\$14,714.00</b>	<b>(6)</b>
Pump station for New Huntington Beach Restroom.	<b>Pump Systems, LLC</b>	<b>\$10,488.00</b>	<b>(7)</b>
Installation of Green Roof at E. 72 <sup>nd</sup> comfort station.	<b>Preferred Roofing Services, LLC</b>	<b>\$30,000.00</b>	<b>(7)</b>

===== **KEY TO TERMS** =====

- (1) “BID” – Formal bid invitations sent and advertised in *The Plain Dealer* 15 days preceding the bid opening.
- (2) “COOPERATIVE” – Purchased through cooperative purchasing programs i.e. – State of Ohio, OMNIA, etc.
- (3) “SINGLE SOURCE” – Purchased from one source as competitive alternatives are not available.
- (4) “PROPRIETARY” – Products purchased for resale directly from the brand’s manufacturer.
- (5) “PROFESSIONAL SERVICE” – Services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor or appraiser as outlined under Article 5, Sections 1-4 of the Board By-Laws and defined by ORC 307.86.
- (6) “COMPETITIVE QUOTE (up to \$10,000)” – Originally estimated \$10,000 or less, quoted by three vendors.
- (7) “COMPETITIVE QUOTE (over \$10,000 to \$50,000)” – Chosen through the accumulation of three written quotes.

**CONSTRUCTION CHANGE ORDERS OR AMENDMENTS TO PROFESSIONAL SERVICE CONTRACTS (5/20/2020)**

Pursuant to Cleveland Metroparks By-Laws, Article 5 (Procurement), Section 4 (b) and (c), “...the CEO is not authorized to enter into any change orders to construction contracts, without prior approval of the Board in each instance, except that the CEO is authorized to enter into change orders to construction contracts, without prior approval of the Board in each instance, where the additional cost is less than THE LESSER OF: (i) \$50,000, or (ii) ten percent (10%) of the cost of the contract. Each change order by the CEO under this Article shall be reported to the Board at the next meeting of the Board following the execution of said change order.”

I. “Amendment to Professional Service Contract. For professional service contracts greater than \$50,000, the CEO is not authorized to enter into any amendment to professional services or other special services agreement, without prior approval of the Board in each instance, except that the CEO is authorized to enter into amendments to professional services and other special services agreements for additional fees, without prior approval by the Board in each instance, where the additional fees for the agreement by the CEO pursuant to this Section, aggregate less than THE LESSER OF: (i) \$50,000, or (ii) ten percent (10%) of the cost of the agreement. Each amendment by the CEO under this Section shall be reported to the Board at the next meeting of the Board following the execution of said amendment.”, the following is provided:

<b><u>Contract</u></b>	<b><u>Item/Service</u></b>	<b><u>Vendor</u></b>	<b><u>Change Order or Amendment</u></b>
<b><u>The Chalet Parking Lot Improvements</u></b>  <u>Revised Contract Amount:</u> Change Order No. 1 adds \$5,168.10 and revised total to \$239,728.10.	Additional services to remove 210 cubic yards for additional bio-swale excavation and hauling.	Karvo Companies, Inc.	Change Order #1
<b><u>Rhinoceros Habitat and Bull Barn</u></b>  <u>Revised Contract Amount:</u> Change Order No. 6 adds \$48,966.71 and revised total to \$1,642,063.82.	Additional services for electrical bulletin 10, plumbing adjustments, stucco monkey building renovation, low subgrades at walks, electrical expansions at pole lights, snow shield roofing, LS-103 bollard/chute revisions, additional sandstone and boulder placements, and grading retaining wall and demo asphalt.	Lawler Construction	Change Order #6

**AWARD OF BIDS/RFPs/CO-OPS/SINGLE SOURCE; CONSTRUCTION CHANGE ORDERS; STATUS RE: CAPITAL PROJECTS.**

The following were presented to the Board for award/acknowledgment: bid/RFP/co-op/single source tabulations, as shown on pages **91483** through **91486**; \$10,000 to \$50,000 purchased items/services report, pages **91487** through **91488**; and construction change orders, page **91489**.

**APPROVAL OF VOUCHERS AND PAYROLL.**

**No. 20-05-070:** It was moved by Vice President Moore, seconded by Vice President Berry and carried, to approve payroll and vouchers, employee withholding taxes, and ADP payroll, as identified on pages **91516** to **91610**.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

**PUBLIC COMMENTS.**

Public comments were heard by Ms. Marty Leshner of Olmsted Township. All such comments can be heard in their entirety by accessing the "About" section of Cleveland Metroparks website at <https://www.clevelandmetroparks.com/about/cleveland-metroparks-organization/boards-of-park-commissioners/board-meeting-archives>.

**INFORMATION/BRIEFING ITEMS/POLICY.****(a) *Slavic Village Downtown Connector Trail Project***

*(Originating Sources: Sean E. McDermott, P.E., Chief Planning & Design Officer/Sara Byrnes Maier, Senior Strategic Park Planner)*

The proposed Slavic Village Downtown Connector Trail is a ±3.7-mile all-purpose trail (Trail) that will connect Cleveland Metroparks Washington Reservation at Fleet Avenue in the Slavic Village neighborhood to the East 9<sup>th</sup> Street Extension near Progressive Field in Downtown Cleveland. The trail is proposed to be built in phases as illustrated on the map on page **91515**.

The Trail has been identified in Cleveland Metroparks Trails Matrix, an internal assessment tool to rank and guide trail construction projects, since the tool's inception in 2013. In 2015, Cleveland Metroparks updated its strategic plan and identified five goals for the organization, including a goal of *Connections*. Since this update, Cleveland Metroparks has been actively engaged in work to further this *Connections* strategic goal by collaborating on or leading trail development projects. The Trail was designated as a "Regional Link" in the recent Cuyahoga Greenways Plan, led by the Cuyahoga County Planning Commission in partnership with Cleveland Metroparks. Further, the master plan for Washington Reservation was updated in 2017 and identifies the Trail as a key community connection. The Trail will provide a complement on the east side of the Cuyahoga River to the Towpath Trail on the west side, enabling much needed access to residents in eastside neighborhoods to Downtown Cleveland and the Cuyahoga River Valley.

Phase 1A, from Washington Reservation/Fleet Avenue to the Chard Avenue pedestrian bridge, is the area of immediate interest to Cleveland Metroparks. Completion of Phase 1A will enable residents to connect to the Morgana Run Trail via the Chard Avenue pedestrian bridge and East 49<sup>th</sup> Street bicycle lanes as well as the Towpath Trail. Cleveland Metroparks seeks to develop traffic impact studies, preliminary engineering, detailed design, construction documents, and signalization and intersection modifications for Phase 1A of the Trail. Staff will discuss the proposed design, engineering, and construction of this ±1,500 ft section of the Trail, as well as the status of the remaining phases.

**DATE OF NEXT MEETING.**

The next Regular Meeting of the Board of Park Commissioners was scheduled by the Board for Thursday, June 18, 2020, 8:00 a.m. Details regarding meeting logistics will be posted on the Cleveland Metroparks website.

**ADJOURNMENT.**

**No. 20-05-084:** There being no further matters to come before the Board, upon motion by Vice President Berry, seconded by President Rinker and carried, President Rinker adjourned the meeting at 9:09 a.m.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

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President.

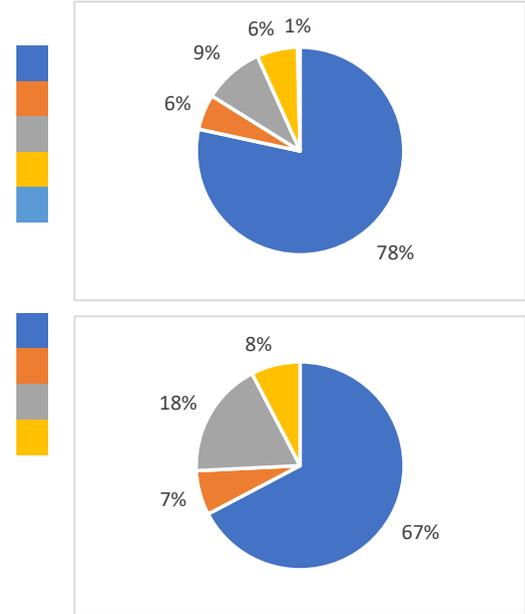
Attest:

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Secretary.

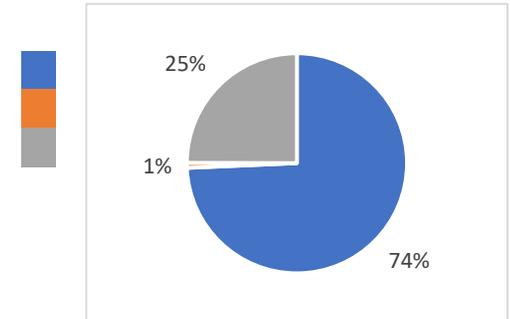
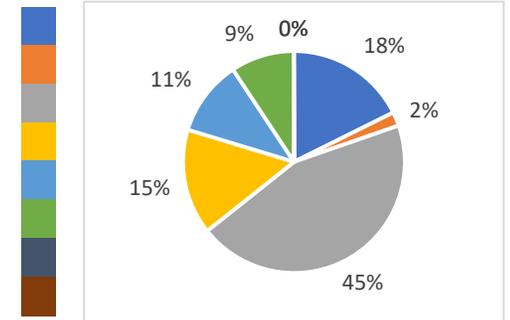
**Cleveland Metroparks  
Financial Performance  
4/30/2020  
CM Park District**

	Actual Apr '19	Actual Apr '20	Fav (Unfav)	Actual YTD Apr '19	Actual YTD Apr '20	Fav (Unfav)
<b>Revenue:</b>						
Property Tax	3,966,819	1,096,819	(2,870,000)	40,448,653	38,516,609	(1,932,044)
Local Gov/Grants/Gifts	658,708	1,188,535	529,827	2,233,599	2,705,474	471,875
Charges for Services	1,548,977	933,558	(615,419)	5,419,463	4,603,962	(815,501)
Self-Funded	767,162	782,113	14,951	3,090,338	3,110,739	20,401
Interest, Fines, Other	<u>91,280</u>	<u>47,542</u>	<u>(43,738)</u>	<u>253,626</u>	<u>202,780</u>	<u>(50,846)</u>
<b>Total Revenue</b>	<b>7,032,946</b>	<b>4,048,567</b>	<b>(2,984,379)</b>	<b>51,445,679</b>	<b>49,139,564</b>	<b>(2,306,115)</b>
<b>OpEx:</b>						
Salaries and Benefits	4,835,959	4,688,008	147,951	19,896,257	19,720,217	176,040
Contractual Services	204,377	93,594	110,783	1,941,480	2,035,071	(93,591)
Operations	1,994,392	1,550,532	443,860	6,108,416	5,307,379	801,037
Self-Funded Exp	<u>612,907</u>	<u>450,991</u>	<u>161,916</u>	<u>2,189,214</u>	<u>2,238,922</u>	<u>(49,708)</u>
<b>Total OpEx</b>	<b>7,647,635</b>	<b>6,783,125</b>	<b>864,510</b>	<b>30,135,367</b>	<b>29,301,589</b>	<b>833,778</b>
<b>Op Surplus/(Subsidy)</b>	<b>(614,689)</b>	<b>(2,734,558)</b>	<b>(2,119,869)</b>	<b>21,310,312</b>	<b>19,837,975</b>	<b>(1,472,337)</b>
<b>CapEx:</b>						
Capital Labor	114,309	80,379	33,930	292,871	304,630	(11,759)
Construction Expenses	495,664	941,143	(445,479)	2,267,528	3,780,616	(1,513,088)
Capital Equipment	570,228	72,414	497,814	1,594,220	517,378	1,076,842
Land Acquisition	155,782	201,592	(45,810)	636,595	1,046,132	(409,537)
Capital Animal Costs	<u>605</u>	<u>655</u>	<u>(50)</u>	<u>2,196</u>	<u>3,716</u>	<u>(1,520)</u>
<b>Total CapEx</b>	<b>1,336,588</b>	<b>1,296,183</b>	<b>40,405</b>	<b>4,793,410</b>	<b>5,652,472</b>	<b>(859,062)</b>
<b>Net Surplus/(Subsidy)</b>	<b>(1,951,277)</b>	<b>(4,030,741)</b>	<b>(2,079,464)</b>	<b>16,516,902</b>	<b>14,185,503</b>	<b>(2,331,399)</b>



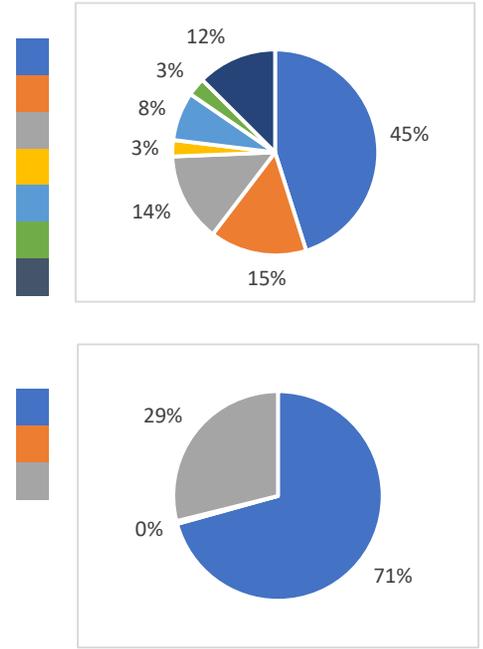
**Cleveland Metroparks  
Financial Performance  
4/30/2020  
Zoo**

	<b>Actual Apr '19</b>	<b>Actual Apr '20</b>	<b>Fav (Unfav)</b>	<b>Actual YTD Apr '19</b>	<b>Actual YTD Apr '20</b>	<b>Fav (Unfav)</b>
<b>Revenue:</b>						
General/SE Admissions	294,194	(84)	(294,278)	506,391	238,501	(267,890)
Guest Experience	87,102	10,639	(76,463)	108,466	27,403	(81,063)
Zoo Society	0	252,240	252,240	844,842	602,855	(241,987)
Souvenirs/Refreshments	39,386	20,260	(19,126)	129,809	207,923	78,114
Education	56,464	3,915	(52,549)	242,952	148,546	(94,406)
Rentals & Events	33,883	13,708	(20,175)	155,010	125,372	(29,638)
Consignment	663	0	(663)	1,147	0	(1,147)
Other	<u>(917)</u>	<u>5</u>	<u>922</u>	<u>(526)</u>	<u>(232)</u>	<u>294</u>
<b>Total Revenue</b>	<b>510,775</b>	<b>300,683</b>	<b>(210,092)</b>	<b>1,988,091</b>	<b>1,350,368</b>	<b>(637,723)</b>
<b>OpEx:</b>						
Salaries and Benefits	1,141,963	1,059,909	82,054	4,559,636	4,546,783	12,853
Contractual Services	19,792	5,645	14,147	41,204	42,973	(1,769)
Operations	<u>386,820</u>	<u>283,748</u>	<u>103,072</u>	<u>1,693,104</u>	<u>1,526,000</u>	<u>167,104</u>
<b>Total OpEx</b>	<b>1,548,575</b>	<b>1,349,302</b>	<b>199,273</b>	<b>6,293,944</b>	<b>6,115,756</b>	<b>178,188</b>
<b>Op Surplus/(Subsidy)</b>	<b>(1,037,800)</b>	<b>(1,048,619)</b>	<b>(10,819)</b>	<b>(4,305,853)</b>	<b>(4,765,388)</b>	<b>(459,535)</b>
<b>CapEx:</b>						
Capital Labor	14,631	0	14,631	22,086	0	22,086
Construction Expenses	33,146	79,376	(46,230)	694,321	411,974	282,347
Capital Equipment	0	0	0	120,374	111,355	9,019
Capital Animal Costs	<u>605</u>	<u>655</u>	<u>(50)</u>	<u>2,196</u>	<u>3,716</u>	<u>(1,520)</u>
<b>Total CapEx</b>	<b>48,382</b>	<b>80,031</b>	<b>(31,649)</b>	<b>838,977</b>	<b>527,045</b>	<b>311,932</b>
<b>Net Surplus/(Subsidy)</b>	<b>(1,086,182)</b>	<b>(1,128,650)</b>	<b>(42,468)</b>	<b>(5,144,830)</b>	<b>(5,292,433)</b>	<b>(147,603)</b>
Restricted Revenue	93,654	492,310	398,656	288,462	810,541	522,079
Restricted Expenses	<u>29,628</u>	<u>369,493</u>	<u>(339,865)</u>	<u>342,277</u>	<u>1,179,146</u>	<u>(836,869)</u>
<b>Restricted Surplus/(Subsidy)</b>	<b>64,026</b>	<b>122,817</b>	<b>58,791</b>	<b>(53,815)</b>	<b>(368,605)</b>	<b>(314,790)</b>



**Cleveland Metroparks  
Financial Performance  
4/30/2020  
Golf Summary**

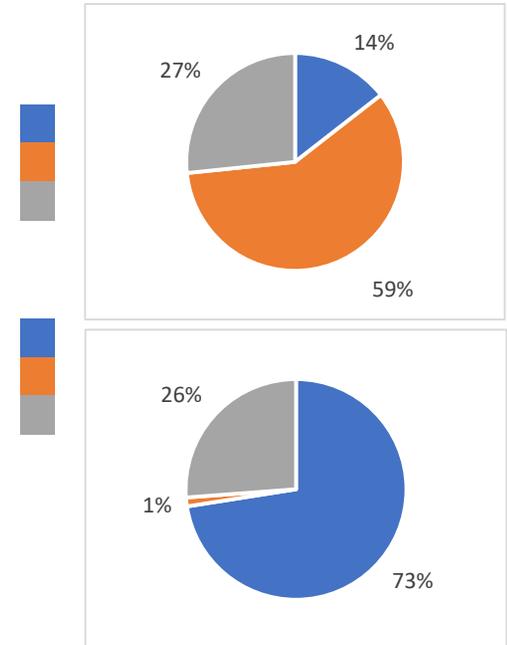
	Actual Apr '19	Actual Apr '20	Fav (Unfav)	Actual YTD Apr '19	Actual YTD Apr '20	Fav (Unfav)
<b>Revenue:</b>						
Greens Fees	169,535	203,649	34,114	223,881	303,574	79,693
Equipment Rentals	76,629	65,113	(11,516)	99,566	102,700	3,134
Food Service	47,647	27,329	(20,318)	91,279	93,997	2,718
Merchandise Sales	26,699	8,349	(18,350)	35,682	17,294	(18,388)
Pro Services	44,632	8,932	(35,700)	89,642	51,422	(38,220)
Driving Range	42,547	204	(42,343)	54,103	19,286	(34,817)
Other	<u>87,143</u>	<u>19,124</u>	<u>(68,019)</u>	<u>135,662</u>	<u>84,334</u>	<u>(51,328)</u>
<b>Total Revenue</b>	<b>494,832</b>	<b>332,700</b>	<b>(162,132)</b>	<b>729,815</b>	<b>672,607</b>	<b>(57,208)</b>
<b>OpEx:</b>						
Salaries and Benefits	266,598	242,856	23,742	1,019,442	955,797	63,645
Contractual Services	1,441	2,907	(1,466)	5,041	5,639	(598)
Operations	<u>157,227</u>	<u>147,401</u>	<u>9,826</u>	<u>404,150</u>	<u>390,436</u>	<u>13,714</u>
<b>Total OpEx</b>	<b>425,266</b>	<b>393,164</b>	<b>32,102</b>	<b>1,428,633</b>	<b>1,351,872</b>	<b>76,761</b>
<b>Op Surplus/(Subsidy)</b>	<b>69,566</b>	<b>(60,464)</b>	<b>(130,030)</b>	<b>(698,818)</b>	<b>(679,265)</b>	<b>19,553</b>
<b>CapEx:</b>						
Capital Labor	35,755	12,443	23,312	85,733	55,831	29,902
Construction Expenses	38,935	0	38,935	210,504	67,686	142,818
Capital Equipment	<u>341,250</u>	<u>0</u>	<u>341,250</u>	<u>818,141</u>	<u>40,752</u>	<u>777,389</u>
<b>Total CapEx</b>	<b>415,940</b>	<b>12,443</b>	<b>403,497</b>	<b>1,114,378</b>	<b>164,269</b>	<b>950,109</b>
<b>Net Surplus/(Subsidy)</b>	<b>(346,374)</b>	<b>(72,907)</b>	<b>273,467</b>	<b>(1,813,196)</b>	<b>(843,534)</b>	<b>969,662</b>





**Cleveland Metroparks  
Financial Performance  
4/30/2020  
Enterprise Summary**

	Actual Apr '19	Actual Apr '20	Fav (Unfav)	Actual YTD Apr '19	Actual YTD Apr '20	Fav (Unfav)
<b>Revenue:</b>						
Concessions	111,182	116	(111,066)	307,196	149,621	(157,575)
Dock Rentals	150,841	19,724	(131,117)	715,421	607,810	(107,611)
Other	<u>53,493</u>	<u>2,625</u>	<u>(50,868)</u>	<u>273,720</u>	<u>274,815</u>	<u>1,095</u>
<b>Total Revenue</b>	<b>315,516</b>	<b>22,465</b>	<b>(293,051)</b>	<b>1,296,337</b>	<b>1,032,246</b>	<b>(264,091)</b>
<b>OpEx:</b>						
Salaries and Benefits	163,688	136,191	27,497	702,212	694,108	8,104
Contractual Services	2,062	1,381	681	10,760	12,409	(1,649)
Operations	<u>111,213</u>	<u>28,028</u>	<u>83,185</u>	<u>344,431</u>	<u>250,297</u>	<u>94,134</u>
<b>Total OpEx</b>	<b>276,963</b>	<b>165,600</b>	<b>111,363</b>	<b>1,057,403</b>	<b>956,814</b>	<b>100,589</b>
<b>Op Surplus/(Subsidy)</b>	<b>38,553</b>	<b>(143,135)</b>	<b>(181,688)</b>	<b>238,934</b>	<b>75,432</b>	<b>(163,502)</b>
<b>CapEx:</b>						
Capital Labor	0	641	(641)	0	641	(641)
Construction Expenses	20,433	29,899	(9,466)	53,204	39,241	13,963
Capital Equipment	<u>1,375</u>	<u>5</u>	<u>1,370</u>	<u>2,964</u>	<u>10,069</u>	<u>(7,105)</u>
<b>Total CapEx</b>	<b>21,808</b>	<b>30,545</b>	<b>(8,737)</b>	<b>56,168</b>	<b>49,951</b>	<b>6,217</b>
<b>Net Surplus/(Subsidy)</b>	<b>16,745</b>	<b>(173,680)</b>	<b>(190,425)</b>	<b>182,766</b>	<b>25,481</b>	<b>(157,285)</b>



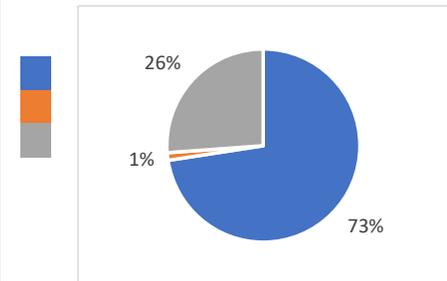
\*Other includes Chalet, Hayrides, Aquatics and Misc.

Financial Performance  
4/30/2020  
Enterprise Detail

	Merwin's Wharf		EW Beach House		E55th Marina		E55th Restaurant			
	YTD Apr '19	YTD Apr '20	YTD Apr '19	YTD Apr '20	YTD Apr '19	YTD Apr '20	YTD Apr '19	YTD Apr '20		
Operating Revenue	285,126	117,490	0	0	544,506	490,579	303	0		
Operating Expenses	<u>414,194</u>	<u>318,926</u>	<u>11,477</u>	<u>16,489</u>	<u>45,558</u>	<u>29,493</u>	<u>15,236</u>	<u>14,189</u>		
<b>Operating Surplus/(Subsidy)</b>	<b>(129,068)</b>	<b>(201,436)</b>	<b>(11,477)</b>	<b>(16,489)</b>	<b>498,948</b>	<b>461,086</b>	<b>(14,933)</b>	<b>(14,189)</b>		
Capital Labor	0	641	0	0	0	0	0	0		
Construction Expenses	1,754	8,555	0	0	11,518	2,850	0	0		
Capital Equipment	<u>0</u>	<u>10,042</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>		
<b>Total Capital Expenditures</b>	<b>1,754</b>	<b>19,238</b>	<b>0</b>	<b>0</b>	<b>11,518</b>	<b>2,850</b>	<b>0</b>	<b>0</b>		
<b>Net Surplus/(Subsidy)</b>	<b>(130,822)</b>	<b>(220,674)</b>	<b>(11,477)</b>	<b>(16,489)</b>	<b>487,430</b>	<b>458,236</b>	<b>(14,933)</b>	<b>(14,189)</b>		
	<b>Wildwood</b>		<b>Euclid Beach</b>		<b>EmerNeck Marina</b>		<b>EmerNeck Restaurant</b>			
	YTD Apr '19	YTD Apr '20	YTD Apr '19	YTD Apr '20	YTD Apr '19	YTD Apr '20	YTD Apr '19	YTD Apr '20		
Operating Revenue	20,160	12,780	0	0	152,011	170,110	32,886	13,178		
Operating Expenses	<u>9,257</u>	<u>4,652</u>	<u>781</u>	<u>755</u>	<u>14,461</u>	<u>16,123</u>	<u>52,463</u>	<u>42,352</u>		
<b>Operating Surplus/(Subsidy)</b>	<b>10,903</b>	<b>8,128</b>	<b>(781)</b>	<b>(755)</b>	<b>137,550</b>	<b>153,987</b>	<b>(19,577)</b>	<b>(29,174)</b>		
Capital Labor	0	0	0	0	0	0	0	0		
Construction Expenses	20,467	2,787	0	0	371	49	7,359	0		
Capital Equipment	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,375</u>	<u>0</u>		
<b>Total Capital Expenditures</b>	<b>20,467</b>	<b>2,787</b>	<b>0</b>	<b>0</b>	<b>371</b>	<b>49</b>	<b>8,734</b>	<b>0</b>		
<b>Net Surplus/(Subsidy)</b>	<b>(9,564)</b>	<b>5,341</b>	<b>(781)</b>	<b>(755)</b>	<b>137,179</b>	<b>153,938</b>	<b>(28,311)</b>	<b>(29,174)</b>		
	<b>Edgewater Pier</b>		<b>Wallace Lake</b>		<b>Hinckley Lake</b>		<b>Huntington</b>			
	YTD Apr '19	YTD Apr '20	YTD Apr '19	YTD Apr '20	YTD Apr '19	YTD Apr '20	YTD Apr '19	YTD Apr '20		
Operating Revenue	0	10	0	0	0	0	0	0		
Operating Expenses	<u>2,246</u>	<u>688</u>	<u>3,320</u>	<u>386</u>	<u>505</u>	<u>486</u>	<u>1,626</u>	<u>1,296</u>		
<b>Operating Surplus/(Subsidy)</b>	<b>(2,246)</b>	<b>(678)</b>	<b>(3,320)</b>	<b>(386)</b>	<b>(505)</b>	<b>(486)</b>	<b>(1,626)</b>	<b>(1,296)</b>		
Capital Labor	0	0	0	0	0	0	0	0		
Construction Expenses	0	0	0	0	0	0	0	0		
Capital Equipment	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>		
<b>Total Capital Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Net Surplus/(Subsidy)</b>	<b>(2,246)</b>	<b>(678)</b>	<b>(3,320)</b>	<b>(386)</b>	<b>(505)</b>	<b>(486)</b>	<b>(1,626)</b>	<b>(1,296)</b>		
	<b>Chalet</b>		<b>Ledge Lake</b>		<b>Parking</b>		<b>Enterprise Admin</b>		<b>Total</b>	
	YTD Apr '19	YTD Apr '20	YTD Apr '19	YTD Apr '20	YTD Apr '19	YTD Apr '20	YTD Apr '19	YTD Apr '20	YTD Apr '19	YTD Apr '20
Operating Revenue	196,232	214,622	23,185	2,565	41,928	10,912	0	0	1,296,337	1,032,246
Operating Expenses	<u>161,410</u>	<u>167,339</u>	<u>5,747</u>	<u>4,050</u>	<u>6,747</u>	<u>8,032</u>	<u>312,375</u>	<u>331,558</u>	<u>1,057,403</u>	<u>956,814</u>
<b>Operating Surplus/(Subsidy)</b>	<b>34,822</b>	<b>47,283</b>	<b>17,438</b>	<b>(1,485)</b>	<b>35,181</b>	<b>2,880</b>	<b>(312,375)</b>	<b>(331,558)</b>	<b>238,934</b>	<b>75,432</b>
Capital Labor	0	0	0	0	0	0	0	0	0	641
Construction Expenses	7,373	0	4,362	0	0	0	0	25,000	53,204	39,241
Capital Equipment	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,589</u>	<u>27</u>	<u>2,964</u>	<u>10,069</u>
<b>Total Capital Expenditures</b>	<b>7,373</b>	<b>0</b>	<b>4,362</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,589</b>	<b>25,027</b>	<b>56,168</b>	<b>49,951</b>
<b>Net Surplus/(Subsidy)</b>	<b>27,449</b>	<b>47,283</b>	<b>13,076</b>	<b>(1,485)</b>	<b>35,181</b>	<b>2,880</b>	<b>(313,964)</b>	<b>(356,585)</b>	<b>182,766</b>	<b>25,481</b>

**Cleveland Metroparks  
Financial Performance  
4/30/2020  
Nature Shops and Kiosks**

	Actual Apr '19	Actual Apr '20	Fav (Unfav)	Actual YTD Apr '19	Actual YTD Apr '20	Fav (Unfav)
<b>Retail Revenue</b>	<b>26,329</b>	<b>4,546</b>	<b>(21,783)</b>	<b>72,879</b>	<b>39,323</b>	<b>(33,556)</b>
<b>OpEx:</b>						
Salaries and Benefits	16,427	14,122	2,305	65,916	64,944	972
Contractual Services	0	1,492	(1,492)	0	1,492	(1,492)
Operations	<u>16,703</u>	<u>20,182</u>	<u>(3,479)</u>	<u>61,946</u>	<u>45,293</u>	<u>16,653</u>
<b>Total OpEx</b>	<b>33,130</b>	<b>35,796</b>	<b>(2,666)</b>	<b>127,862</b>	<b>111,729</b>	<b>16,133</b>
<b>Op Surplus/(Subsidy)</b>	<b>(6,801)</b>	<b>(31,250)</b>	<b>(24,449)</b>	<b>(54,983)</b>	<b>(72,406)</b>	<b>(17,423)</b>
<b>CapEx:</b>						
Capital Labor	0	0	0	0	0	0
Construction Expenses	0	0	0	0	0	0
Capital Equipment	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Total CapEx</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net Surplus/(Subsidy)</b>	<b>(6,801)</b>	<b>(31,250)</b>	<b>(24,449)</b>	<b>(54,983)</b>	<b>(72,406)</b>	<b>(17,423)</b>



**CLEVELAND METROPARKS  
ACCOUNTS RECEIVABLE AND INVESTMENTS SCHEDULES  
FOR THE MONTH ENDED APRIL 30, 2020**

ACCOUNTS RECEIVABLE

Current	Past Due			Total
	30 Days	60 Days	90 Days	
\$1,681,356	\$53,514	\$18,109	\$19,349	\$1,772,328

RANGER/COURT FINES RECEIVABLE

<b>Total</b>
\$50,580

INVESTMENTS

Date Placed	Bank	Description	Days of Duration	Rate	Date of Maturity	Interest Earned	EOM Balance
04/01/20	PNC Bank	Money Market (A)	29	0.05%	04/30/20	\$2	\$58,522
04/01/20	PNC Bank	Sweep Account (B)	29	0.76%	04/30/20	\$15,907	\$0
04/01/20	Fifth Third Securities	Money Market (C)	29	1.00%	04/30/20	\$2	\$3,292
04/01/20	STAR Ohio	State pool (D)	29	0.90%	04/30/20	\$27,234	\$37,268,006
04/01/20	STAR Plus	State pool (E)	29	0.51%	04/30/20	\$285	\$693,705

(A) Government Performance Money Market Account.

Investment balance ranged from \$58,520 to \$58,522 in April.

(B) Government Money Market Sweep Account. Transistioned to Interest Bearing Checking account on 4/9

Investment average monthly balance (AMB) for March was \$26,001,989. (Sweep interest is based on prior month's AMB).

(C) Federated Government Money Market Account.

Investment balance ranged from \$3,290 to \$3,292 in April.

(D) State Treasurer's Asset Reserve (STAR Ohio).

Investment balance ranged from \$27,240,772 to \$37,268,006 in April.

(E) State Treasurer's Asset Reserve Plus Account (STAR Plus)

Investment balance ranged from \$693,421 to \$693,705 in April.

Source: William Chorba, CFO

05/14/20

**CLEVELAND METROPARKS**  
**Appropriation Summary - 2020**

Object Code	Object Description	Original Budget			Total Prior Budget Amendments	Proposed Amendment #4 5/20/2020	Total
		Baseline Budget	Carry Over Encumbrances	Total			
<b>OPERATING</b>							
51	Salaries	\$ 56,164,224	\$ -	\$ 56,164,224	\$ 57,525	\$ 10,808 A	\$ 56,232,557
52	Employee Fringe Benefits	18,489,702	43,861	18,533,563	34,031	2,213 B	18,569,807
53	Contractual Services	14,615,911	1,163,297	15,779,208	747,767	(251,000) C	16,275,975
54	Office Operations	24,071,314	2,192,891	26,264,205	3,007,018	5,581 D	29,276,804
	Operating Subtotal	113,341,151	3,400,049	116,741,200	3,846,341	(232,398)	120,355,143
<b>CAPITAL</b>							
571	Capital Labor	900,000	-	900,000	-	-	900,000
572	Capital Construction Expenses	26,205,084	10,954,935	37,160,019	3,791,592	1,051,000 E	42,002,611
574	Capital Equipment	2,766,476	681,816	3,448,292	458,908	-	3,907,200
575	Zoo Animals	75,000	5,265	80,265	-	-	80,265
576	Land	2,032,525	12,406	2,044,931	107,690	-	2,152,621
	Capital Subtotal	31,979,085	11,654,422	43,633,507	4,358,190	1,051,000	49,042,697
<b>TOTALS</b>							
Grand totals		\$ 145,320,236	\$ 15,054,471	\$ 160,374,707	\$ 8,204,531	\$ 818,602	\$ 169,397,840

**CLEVELAND METROPARKS****Appropriations 2020 - Legend - Amendment #4****OPERATING****51 SALARIES**

\$ 10,808 Transfer of appropriations from Conferences & Memberships to Salaries & Fringe Benefits  
Net budget effect is zero

**A** \$ 10,808 Total increase (decrease) to Salaries

**52 FRINGE BENEFITS**

\$ 2,213 Transfer of appropriations from Conferences & Memberships to Salaries & Fringe Benefits  
Net budget effect is zero

**B** \$ 2,213 Total increase (decrease) to Fringe Benefits

**53 CONTRACTUAL SERVICES**

\$ (251,000) Transfer of appropriations from Misc. Contractual Services to Capital Construction Expenses  
Correction of coding on March restricted fund budget adjustment

**C** \$ (251,000) Total increase (decrease) to Contractual Services

**54 OFFICE OPERATIONS**

\$3,000 Increase in restricted fund appropriations for Plant Material  
Appropriation increase will be covered by new grant revenue from the Foley Grant

\$ (13,021) Transfer of appropriations from Conferences & Memberships to Salaries & Fringe Benefits  
Net budget effect is zero

\$ 15,602 Increase in restricted fund appropriations for Vehicle Repairs  
Appropriation increase will be covered by a new federal marine patrol grant

**D** \$ 5,581 Total increase (decrease) to Office Operations

**\$ (232,398) TOTAL INCREASE (DECREASE) TO OPERATIONS**

**CAPITAL****572 CAPITAL CONSTRUCTION EXPENSES**

\$ 251,000 Transfer of appropriations from Misc. Contractual Services to Capital Construction Expenses  
Correction of coding on March restricted fund budget adjustment

\$ 800,000 Increase in restricted fund appropriations for Capital Contracts for Primate Exhibit Design  
Appropriation increase will be covered by new restricted funds from CZS

**E** \$ 1,051,000 Total increase (decrease) to Capital Materials

**\$ 1,051,000 TOTAL INCREASE (DECREASE) TO CAPITAL**

**\$ 818,602 GRAND TOTAL - INCREASE (DECREASE) FOR AMENDMENT**

***The Walter H. Drane Company***  
**Summary of Model Changes**  
**Cleveland Metropolitan Park District Regulations**

Cleveland Metropolitan Park District  
Summary of Changes to Traffic and General Offenses Codes 2020

**Traffic Code**

- 301.25 Predicate Motor Vehicle Offense. (Adds new subsection (d).)
- 301.51 Waste Collection Vehicle. (Adds definition of waste collection vehicle.)
- 303.991 Committing an Offense While Distracted Penalty. (Adds new section providing for an enhanced penalty for committing offenses while distracted.)
- 313.01 Obedience to Traffic Control Devices. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)
- 313.07 Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)
- 331.01 Driving Upon Right Side of Roadway; Exceptions. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)
- 331.02 Passing to Right When Proceeding in Opposite Directions. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)
- 331.03 Overtaking, Passing to Left; Driver's Duties. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)
- 331.031 Overtaking and Passing Upon Right. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)
- 331.04 Overtaking, Passing to Left of Center. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)
- 331.05 Additional Restrictions on Driving upon Left Side of Roadway. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)
- 331.06 Hazardous or No Passing Zones. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.061 Driving in Marked Lanes or Continuous Lines of Traffic. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.07 Following Too Closely. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.08 Turning at Intersections. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.09 “U” Turns Restricted. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.10 Starting and Backing Vehicles. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.11 Signals Before Changing Course, Turning or Stopping. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.12 Hand and Arm Signals. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.13 Right of Way At Intersections. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.14 Right of Way When Turning Left. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.15 Operation of Vehicle at Yield Signs. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.16 Operation of Vehicle at Stop Signs. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.17 Emergency or Public Safety Vehicles at Stop Signals or Signs. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.19 Driving Onto Roadway From Place Other Than Roadway: Duty to Yield. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.20 Right of Way of Funeral Procession. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.22 Driving Upon Street Posted as Closed for Repair. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.23 Following and Parking Near Emergency or Safety Vehicles. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.24 Driving Over Fire Hose. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.241 Driving Through Safety Zone. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.25 One-Way Streets and Rotary Traffic Islands. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.26 Driving Upon Divided Roadways. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

333.02 Maximum Speed Limits. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

333.021 Approaching a Public Safety Vehicle. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

333.03 Stopping Vehicle. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

337.16 Number of Lights. (Adds “stationary waste collection vehicles” to subsection (c)(1).)

337.27 Drivers and Passengers Required to Wear Seat Belts. (Revised subsection (c) pertaining to persons exempt from the seat belt requirements.)

341.03 Prerequisites to Operation of a Commercial Motor Vehicle. (Amends subsection (b)(2) to add “Ohio Fire Marshal” to exceptions.)

371.01 Right of Way in Crosswalk. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

371.02 Right of Way of Blind Person. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

371.07 Right of Way on Sidewalk. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

373.03 Attaching Bicycle or Sled to Vehicle. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

373.04 Riding Bicycles and Motorcycles Abreast. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

373.07 Riding Bicycle on Right Side. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

### **General Offenses Code**

509.03 Disorderly Conduct. (Adds new subsection (e)(4).)

513.01 Drug Abuse Control Definitions. (Adds references to fentanyl-related compounds to subsection (b)(1) and (6) and (n)(1).)

513.03 Drug Abuse; Control Substance Possession or Use. (Revises subsection (b)(1)(D).)

513.05 Permitting Drug Abuse. (Adds Ohio Revised Code references in subsection (c).)

533.04 Sexual Imposition. (Revises language in subsection (c) pertaining to multiple violations.)

533.06 Public Indecency. (Adds new subsection (d).)

533.12 Dissemination of Private Sexual Images. (Adds new section on dissemination of private sexual images.)

541.12 Ticket Resale Restrictions. (Adds new section on prohibition of ticket resale.)

545.10 Misuse of Credit Cards. (Adds subsection (a)(3).)

549.01 Weapons Definitions. (Revises definition of sawed-off firearm in subsection (f) and adds new subsection (l)(7).)

A Resolution to Approve, Adopt and Enact Revised Rules and Regulations of the Cleveland Metropolitan Park District; and Authorizing the Required Publication.

WHEREAS, there is a need to update and modify the Codified Rules and Regulations of the Cleveland Metropolitan Park District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Park Commissioners of the Cleveland Metropolitan Park District:

Section 1. The rules and regulations of the Cleveland Metropolitan Park District which will be published are hereby revised and approved. One copy of the Codified Rules and Regulations shall be certified as correct by the President of this Board and the Chief Executive Officer of the Cleveland Metropolitan Park District, attached to this resolution as a part hereof, and filed with the permanent resolutions of this Board. All provisions of the Codified Rules and Regulations continue in full force and effect, including such revisions, commencing on and after 12:01 a.m. Eastern Standard Time on June 18, 2020.

Section 2. The Chief Executive Officer of this Board is hereby authorized and directed, in the manner and as provided in Section 731.23, Ohio Revised Code, to cause to be published in the manner required by that Section the revised provisions contained in the Codified Rules and Regulations and to give notice of the approval, adoption and enactment of the changes to the Codified Rules and Regulations except that such publication shall be made in The Cleveland *Plain Dealer* and the *Medina Gazette*.

Section 3. This Board finds and determines that all formal actions of the Board concerning and relating to the adoption of the changes to regulations were taken in an open meeting of this Board and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. This resolution shall be effective immediately upon its adoption by this Board, provided that the Codified Rules and Regulations revised by this resolution shall become and be effective from and after 12:01 a.m. Eastern Standard Time on June 18, 2020.

I hereby certify the forgoing to be a true and correct copy of the Resolution which was duly adopted by the Board of Park Commissioners of the Cleveland Metropolitan Park District of Cleveland, Cuyahoga County, Ohio, on the 20th day of May, 2020.

\_\_\_\_\_  
Chief Executive Officer Date

\_\_\_\_\_  
President Date

**BOARD OF PARK COMMISSIONERS OF THE  
CLEVELAND METROPOLITAN PARK DISTRICT  
POLICY STATEMENT**

**SUBJECT:** Designated Areas for No Swimming or Body Contact with Water

**EFFECTIVE DATE:** May 20, 2020~~June 18, 2015~~

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**I. PURPOSE:** To specify the designated areas where swimming or body contact with water is not permitted within the boundaries of the Cleveland Metropolitan Park District.

**II. POLICY**

- A. **Regulation:** Cleveland Metropolitan Park District Regulation Section 543.02(a) states, “[s]wimming is hereby permitted except at areas that are otherwise designated. Users assume all risk of any body contact or other use of the water.”
- B. **No Swimming Areas:** Based upon factors and elements that pose unsafe hazards and conditions, including but not limited to boat traffic, excessive change in slope, dangerous submerged material/debris, the Board of Park Commissioners of the Cleveland Metropolitan Park District designates the following areas where swimming or body contact with water is **not permitted**:

Reservation	Location
<u>Acacia</u>	<u>All three ponds on the grounds.</u>
Bedford	Viaduct
Brecksville	Chippewa Creek Gorge <u>Falls</u>
Euclid Creek	Euclid Creek
Euclid Creek	Wildwood Boat Ramps
Euclid Creek	Wildwood Marina
Euclid Creek	Wildwood Fishing Pier
Euclid Creek	Euclid Beach <u>including the area west of the Pier/Villa Angela</u>
<u>Garfield</u>	<u>Mill Creek Falls</u>
Hinckley	Boathouse Boat Docks
Hinckley	Hinckley Lake Dam
Hinckley	Ledge Lake
Lakefront	East 55th Marina
Lakefront	Edgewater Boat Ramps
Lakefront	Edgewater Fishing Pier
Lakefront	Edgewater Marina
Lakefront	Perkins Beach
Lakefront	Gordon Boat Ramps
Lakefront	Whiskey Island Marina & <u>Designated area on eastern part of Wendy Park</u>
Rocky River	Emerald Necklace Boat Ramps
Rocky River	Morley's Ford to 1000ft SE
Rocky River	Emerald Necklace Marina

**BOARD OF PARK COMMISSIONERS OF THE  
CLEVELAND METROPOLITAN PARK DISTRICT  
POLICY STATEMENT**

**SUBJECT:** Designated Areas for No Swimming or Body Contact with Water

**EFFECTIVE DATE:** May 20, 2020~~June 18, 2015~~

South Chagrin	Shadow Lake
---------------	-------------

C. Safety: In an effort to increase safety in those areas where there is significant public demand for swimming and body contact with water, the Chief Executive Officer is directed to evaluate and, if appropriate, deploy lifeguards in certain locations and utilize a standardized process to monitor water quality. In addition to those locations identified in Paragraph B, ~~f~~From time to time, based upon weather, hazardous conditions, dangerous objects or water quality standards, the Chief Executive Officer is authorized to prohibit swimming or other body contact with water throughout Cleveland Metroparks property.

References: Cleveland Metroparks Park District Regulation 543.02

Replaces and Supersedes: ~~n/a~~ “Designated Areas for No Swimming or Body Contact with Water” Effective June 18, 2015.

Approved:

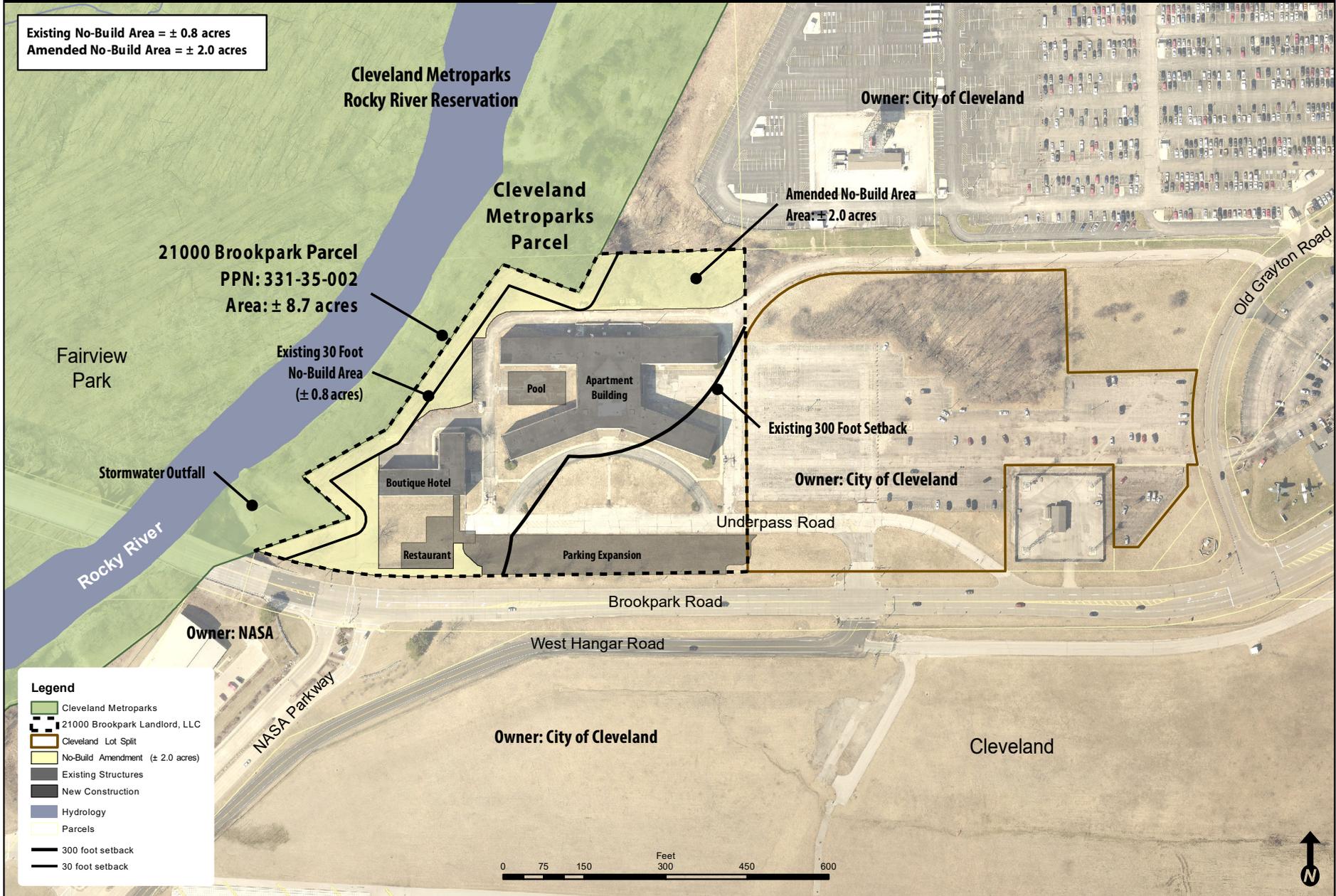
\_\_\_\_\_  
Chief Executive Officer-Secretary

\_\_\_\_\_  
Board President

\_\_\_\_\_  
Approval Date

\_\_\_\_\_  
Review Date

# 21000 Brookpark Landlord LLC - Amendment of Restrictions



**Northeast Ohio Public Energy Council (NOPEC)  
Energized Community Grant Program (2020 NEC Grants)**

**May 20, 2020**

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT THE 2020 NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT FUNDS IN THE AMOUNT OF \$326,466 FOR THE TREE PLANTING AND MAINTENANCE PROGRAM IN THE CITY OF CLEVELAND FOR THE BENEFIT OF NOPEC CITY OF CLEVELAND CUSTOMERS

WHEREAS, the Board of Park Commissioners of the Cleveland Metropolitan Park District (the "GRANTEE") is eligible for a Northeast Ohio Public Energy Council ("NOPEC") Energized Community Grant ("NEC Grant(s)") as provided for in the NEC Grant Program guidelines, for the purpose of planting and maintaining new trees in the City of Cleveland for the benefit of NOPEC City of Cleveland customers; and

WHEREAS, the GRANTEE wishes to enter into a Grant Agreement with NOPEC, Inc. on \_\_\_\_\_, 2020 to receive a NEC Grant ("Grant Agreement").

NOW, THEREFORE, be it resolved by the Board of Park Commissioners of the Cleveland Metropolitan Park District, that:

SECTION 1. The Board of the GRANTEE (the "Board") finds and determines that it is in the best interest of the GRANTEE to accept the NEC Grants from NOPEC in the amount of \$326,466 for 2020 for the purpose of planting and maintaining trees in the City of Cleveland, for the benefit of NOPEC City of Cleveland customers, and authorizes the Chief Executive Officer to accept the NEC Grants funds and to execute the Grant Agreement.

SECTION 2. This Board finds and determines that all formal actions of the 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 committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. This Resolution shall be in full force and effect immediately upon its adoption and approval by the Board of the GRANTEE.

\_\_\_\_\_  
Bruce G. Rinker, President  
Board of Park Commissioners

**CERTIFICATE OF RECORDING OFFICER**

I the undersigned, hereby certify that the foregoing is a true and correct copy of the resolution adopted by Cleveland Metroparks on the 20<sup>th</sup> day of May 2020, and that I am duly authorized to execute this certificate.

\_\_\_\_\_  
Brian M. Zimmerman  
Chief Executive Officer

**Resolution of Authorization  
Marine Patrol Assistance Grant  
Cleveland Metroparks Police Department**

**May 20, 2020**

WHEREAS, the State of Ohio through the Ohio Department of Natural Resources, administers financial assistance for establishing and maintaining marine patrol units through the Marine Patrol Assistance Grant, and

WHEREAS, Cleveland Metroparks Police Department operates a full-time marine patrol unit for security and emergency response throughout Cuyahoga County, and

WHEREAS, Cleveland Metroparks has received an award of funds from the Marine Patrol Assistance Grant for equipment for its marine patrol unit,

NOW, THEREFORE, be it resolved by the Board of Park Commissioners of the Cleveland Metropolitan Park District:

That the Board of Park Commissioners of the Cleveland Metropolitan Park District approves accepting this application for financial assistance.

That Brian M. Zimmerman is hereby authorized and directed to execute a contract with the Ohio Department of Natural Resources and to provide all information and documentation required.

That the Board of Park Commissioners of the Cleveland Metropolitan Park District does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the grant program.

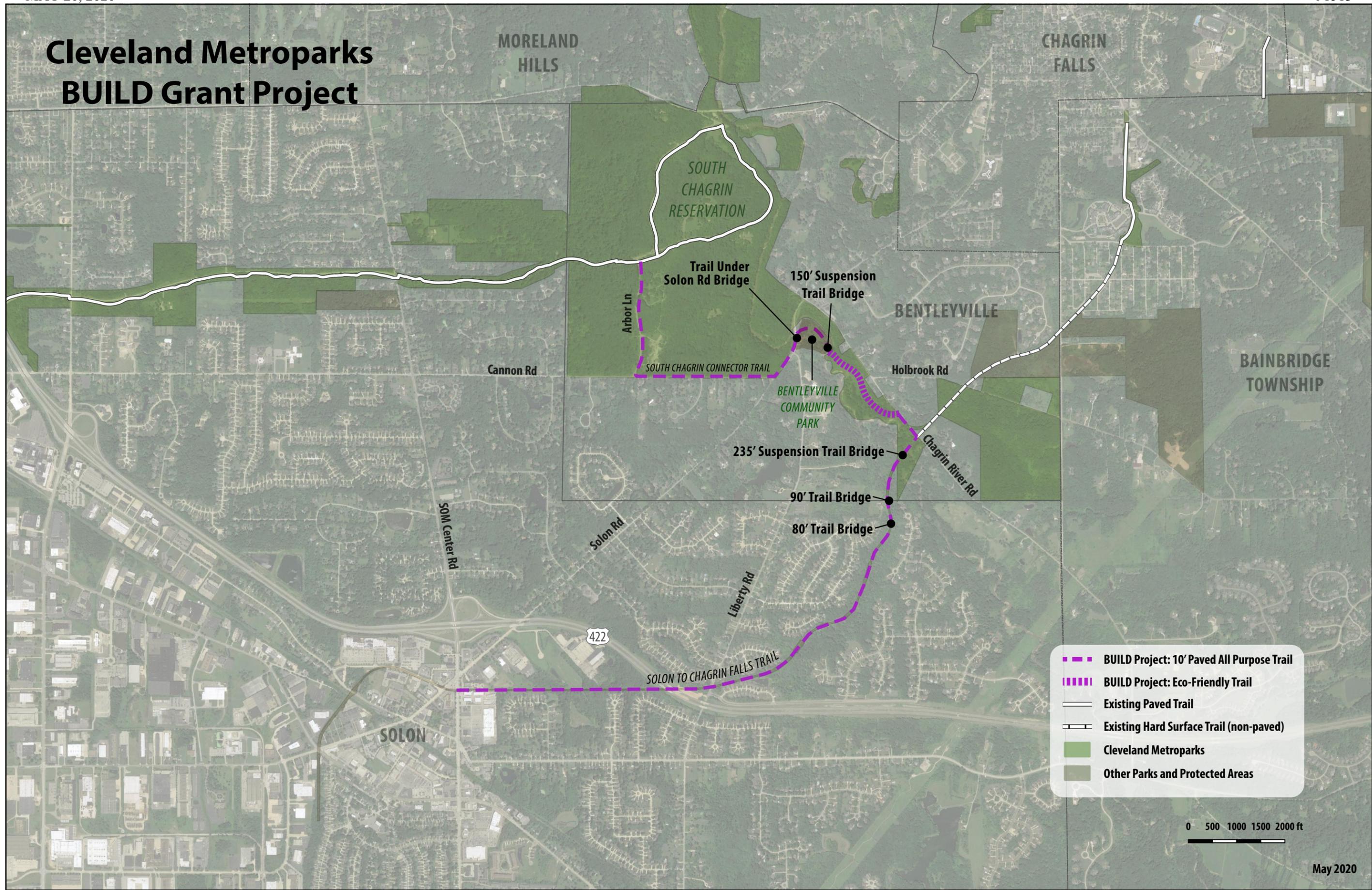
\_\_\_\_\_  
Bruce G. Rinker, President  
Board of Park Commissioners

**CERTIFICATE OF RECORDING OFFICER**

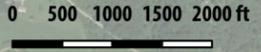
I the undersigned, hereby certify that the foregoing is a true and correct copy of the resolution adopted by Cleveland Metroparks on the 20<sup>th</sup> day of May 2020, and that I am duly authorized to execute this certificate.

\_\_\_\_\_  
Brian M. Zimmerman  
Chief Executive Officer

# Cleveland Metroparks BUILD Grant Project



- BUILD Project: 10' Paved All Purpose Trail
- BUILD Project: Eco-Friendly Trail
- Existing Paved Trail
- Existing Hard Surface Trail (non-paved)
- Cleveland Metroparks
- Other Parks and Protected Areas

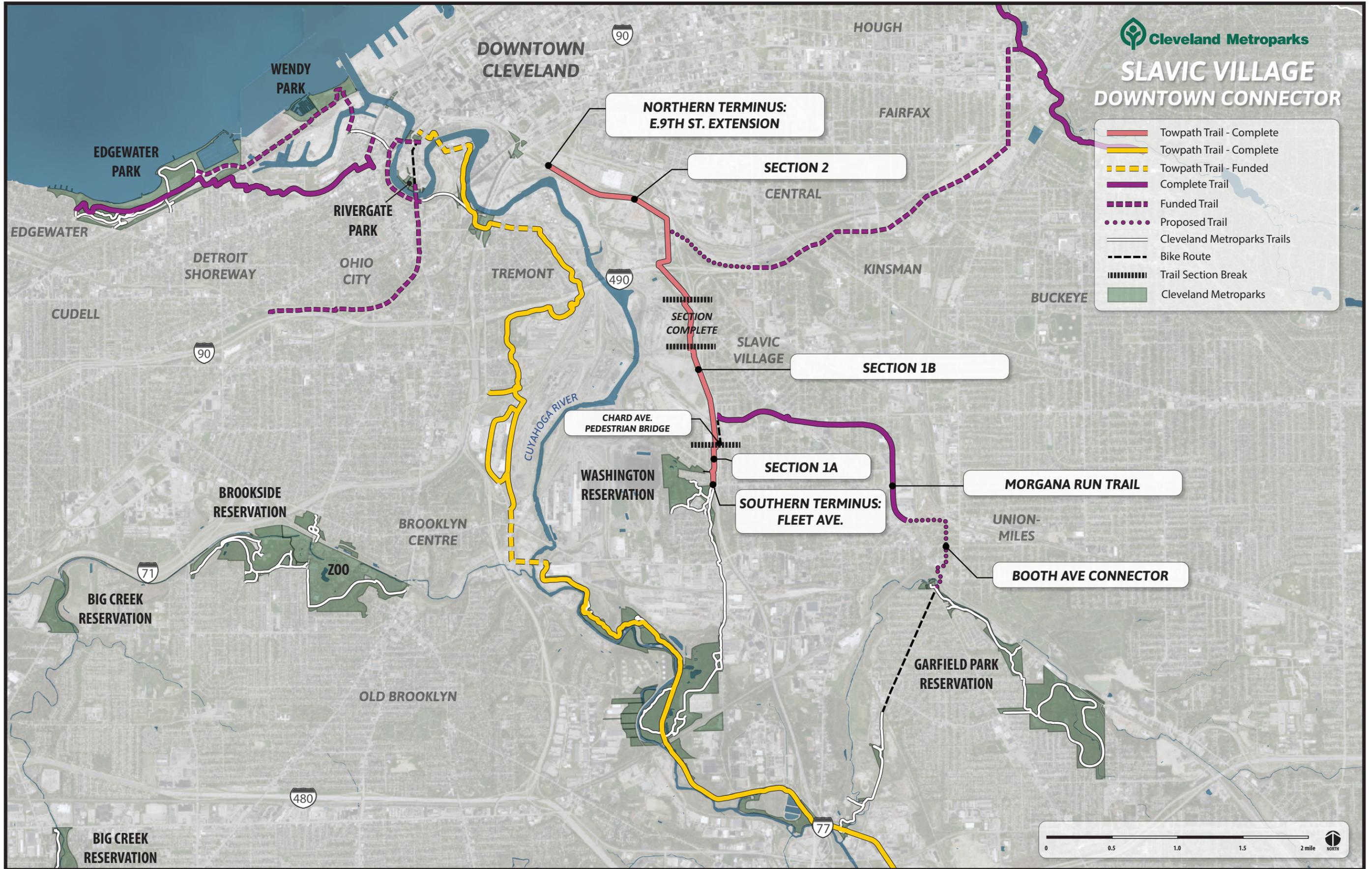




Cleveland Metroparks Zoo  
 Gorilla Primate RainForest Addition (Design)  
 Responses to Request for Qualifications (RFQu No. 6482)  
 February 7, 2020



Prime / Architect	Contact (Name/Location/Phone /Email)	Local Architect / Location	Exhibitory Design / Location	Landscape Architecture	Civil Engineer / Location	Geotech	Survey	Mechanical	Structural	Gunite Evaluation	Interpretive Design	Kitchen / Food Service	Other / Life Support Systems	Other/Specialized Roofing
PJA Architects / Bostwick Design Partnership	Dave Miano 2729 Prospect Avenue Cleveland, OH 44115 216.621.7900 mianod@bostwickdesign.com	Bostwick Design Partnership (Cleveland)	PJA (Seattle, Wash)	PJA, Behnke(Cleveland)	CT Consultants (Cleveland)	Terracon (Cleveland)	Straub Surveying (Cleveland)	Karpinski Engineering (Cleveland)	Barber and Hoffman (Cleveland)	Terracon (Cleveland)	Roto Group (Columbus, OH)	Cini-Little International(Des Plaines, IL)	TJP - Life Support, (Bend Oregon)	Vector Foiltec, Germany
Bialosky, Cleveland, Ohio	Bruce Horton 6555 Carnegie Ave. Cleveland, Ohio 44103 216-767-2017 bhorton@bialosky.com	Bialosky Cleveland	CLR Design, Philadelphia, PA,	CLR Design, Philadelphia, PA	Osborn Engineering (Cleveland)		KS Associates (Cleveland)	Osborn Engineering (Cleveland)	David A Lewin, Cleveland		ECOS Communications, (Boulder, CO)	Bialosky Cleveland	TJP - Life Support, (Bend Oregon)	Vector Foiltec(Germany)
CBLH	Marc Bittinger, AIA 7850 Freeway Circle Cleveland, Ohio 440-243-2000	CBLH (Cleveland)	Epsten Group (Atlanta, Georgia), Ursa International (Atlanta, GA) - Exhibitory	Zoo Horticulture Consulting and Design (Ossining, New York)	Sthephen Hovancsek & Associates (Richmond Heights, Ohio)			Scheeser Buckley Mayfield / Akron, OH	Barber and Hoffman (Cleveland)		Roto Group (Columbus, OH)		TJP - Life Support, (Bend Oregon)	
Peckham Guyton Albers & Viets, Inc. (PGAV Destinations)	Emily Howard 200 North Broadway, Suite 1000 St. Louis, Missouri 63102 314-651-1119 emily.howard@pgav.com	Robert P. Madison International, Inc. (Cleveland)	PGAV Destinations (Saint Louis, MO)	PGAV Destinations (Saint Louis, MO) & Environmental Design Group (Cleveland)	Environmental Design Group (Cleveland)	TBD	TBD	Scheeser Buckley (Cleveland)	Michael Leonard & Associates (Seattle, WA)	PGAV Destinations (Saint Louis, MO)	PGAV Destinations (Saint Louis, MO)		TJP - Life Support, (Bend Oregon)	Michael Lenonard & Associates (Seattle, WA)
Kruerk Sexton	Mark Sexton, FAIA 221 West Erie Street Chicago, Il, 60654 312-787-0056-109 msexton@ksarch.com	MIG (Seattle)	MIG (Seattle)	Terra (Pittsburgh)	Lagan(Cleveland)		Langan	Buro Happold (Chicago)	Buro Happold	RR+J (Chicago)			TJP - Life Support, (Bend Oregon)	Thorton Tomasetti, (Chicago)
Torre Design	L. Azeio Torre 5005 Magazine Street, New Orleans, LA, 70125 504-899-2932	HWH (Cleveland), Smith (Cleveland)	TDCL	TDCL	HWH (Cleveland), SOMAT (Cleveland)	HWH(Cleveland)	RII (Cleveland)	HWH	HWH	HWH	TDCL	FUTCHIBatron Rouge, LA)/HWH	TJP - Life Support, (Bend Oregon)	TDCL
Van Auken Akins Architects, LLC	Jill Akins 1422 Euclid Avenue, Suite 1010 Cleveland, OH 44115 216-241-2220 jakins@vaakins.com	Van Auken Akins Architects (Cleveland)	WDM Architects (Wichita, KS)	Zoo Horticulture Consulting and Design (Ossining, New York)	Jacobs (Cleveland)	SME (Cleveland)	Dempsey Surveying Company & Straub Surveying (Lakewood, Ohio)	ME Engineers (NY, NY)	Osborn Engineering (Cleveland)	Wiss, Janney, Elstner(Cleveland)	Main Street Design (Cambridge MA)		Satchell Engineering (Carlsbad, CA)	Vector Foiltec(Germany)



**RESOLUTION NO. 20-05-070**

The following vouchers have been reviewed as to legality of expenditure and conformity with the Ohio Revised Code.

Attest: \_\_\_\_\_

Chief Financial Officer

BE IT RESOLVED, that the payment of the following items, which may include Then and Now Certificates, are ratified by the Board of Park Commissioners. All expenditures have been reviewed and approved for payment by the Chief Financial Officer and Chief Executive Officer in accordance with the by-laws of the Board of Park Commissioners.

**Printed Checks** dated April 9, 2020 in the amount of \$14,719.00

**Printed Checks** dated April 17, 2020 in the amount of \$1,358,681.90

**Wire Transfer** dated April 17, 2020 in the amount of \$74,776.15

**Direct Disbursements** dated April 17, 2020 in the amount of \$5,756.49

**Printed Checks** dated April 21, 2020 in the amount of \$200,000.00

**Printed Checks** dated May 1, 2020 in the amount of \$1,913,769.38

**Wire Transfer** dated May 1, 2020 in the amount of \$74,771.15

**Net Payroll** dated March 15, 2020 to March 28, 2020 in the amount of \$1,141,262.73

**Withholding Taxes** in the amount of \$272,772.57

**Net Payroll** dated March 29, 2020 to April 11, 2020 in the amount of \$1,176,162.01

**Withholding Taxes** in the amount of \$284,087.74

**Bank Fees/ADP Fees** in the amount of \$17,371.44

**Cigna Payments** in the amount of \$438,765.98

**ACH Debits (First Energy; Sales Tax)** in the amount of \$48,698.55

**Visa/Travel Purchasing Card** dated April 5, 2020 to May 9, 2020 in the amount of \$155,848.96

**Total amount:** \$7,177,444.05

PASSED: May 20, 2020

Attest: \_\_\_\_\_

President of The Board of Park Commissioners

\_\_\_\_\_

Chief Executive Officer

**RECOMMENDED ACTION:**

That the Board of Park Commissioners approves **Resolution No. 20-05-070** listed above.