

METROPARKS OF BUTLER COUNTY  
BOARD OF PARK COMMISSIONERS  
Special MEETING MINUTES  
Wednesday, June 2, 2021

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The MetroParks of Butler County Board of Park Commissioners met in special session on Wednesday, June 2, 2021 in the Conference Room at the Welcome Center, Forest Run MetroPark, 1976 Timberman Road, Hamilton, Ohio 45013 and partly through a Zoom Virtual Meeting. Pursuant to temporary amendments to Chapter 121 of the Ohio Revised Code, remote participation at a public meeting of the Board by its Members is permitted.

**I. - Call to Order**

The meeting was called to order at **4:31 p.m.**, by **President Daryl Nelson**.

**II. - Roll Call and Agenda**

Members present for purposes for roll call were **Mr. Daryl Nelson and Ms. Cynamon Trokhan. Mr. Gregory Amend was absent for this meeting.** Both Park Commissioners participated from remote locations via Zoom. However, staff were present at the physical announced location of the meeting and all present were able to see and hear both Board Members as they interacted with each other and those physically present during the meeting.

The Board worked from the following agenda:

**AGENDA**

- I. Call to Order –4:30 p.m.**
- II. Roll Call**
- III. Public Comment Regarding Agenda Items\* -None**
- IV. Approval of Minutes -None**
- V. Consent Agenda\*\* -None**
- VI. Old Business**
  - a. Award Contract for GMRT Extension Construction Project
  - b. Separation Agreement with Former Chief of the Division of Public Safety
- VII. New Business -None**
- VIII. Executive Session**
  - a. Pending Litigation
- IX. Miscellaneous Relative to Executive Session**
- X. Adjournment**

**III. - Public Comment Regarding Agenda Items**

None. No members of the Public were present.

#### **IV. - Approval of Minutes**

None.

#### **V.- Consent Agenda**

None.

#### **VI. - Old Business**

##### **VI.a. Award Contract for GMRT Extension Construction Project**

**MOTION:** Having determined that the bid is responsive, lowest and best to award the construction contract for the Great Miami River Trail Extension (Project # 2021-002) at Timberhill to Ford Development Corporation at the projected total cost of \$1,033,033.64. Further, to instruct the Executive Director to take such action(s) as he deems necessary to implement the intent of the Board in this matter.

Discussion During the Meeting: Park Planner/Project Manager Matt Latham stated that three bids for the GMRT Extension Construction Project were received. However, the apparent lowest bid by Rack and Ballauer Excavation Co, Inc. that was submitted by the bid deadline was later determined not to be responsive since it was submitted without a valid bid bond. Mr. Granville stated that he contacted the Butler County Prosecutor's Office regarding the issue of a missing bid bond, and that the Prosecutor's Office provided an opinion that Rack and Ballauer's bid had to be rejected because it did not contain a valid bid bond as required by state public bidding law (ORC 153.54). Mr. Latham said that under normal circumstances, the project would go back out to bid. However, if the project were to be rebid, MetroParks would lose \$461,049 of ODOT grant funding that had been secured for this project due to the looming deadline in the grant contract. Mr. Latham stated that in order to keep the \$461,049 of ODOT grant funding, ODOT must be notified of the contract award by no later than June 11, 2021, which would not leave enough time to re-bid the project. Knowing the time constraints regarding the grant driven project, Mr. Latham recommended that the contract be awarded to Ford Development Corp., which was the apparent lowest and best bid.

A Board Member asked if the GMRT Extension Construction Project would be completed all in one phase. Mr. Latham replied that yes, it would be, but that the single construction contract would be paid for over two budget years due to the amount of work to be completed and covered by it. Another Board Member inquired where MetroParks would acquire the additional funds to account for the \$93,000 difference between Ford Development Corp.'s bid and the engineer's estimate of \$940,059.07 cost to complete the project. Mr. Latham stated that since the project would be completed over two budget cycles the additional amount would need to be covered in the budget for 2022.

**Ms. Trokhan moved, seconded by Mr. Nelson.**

**Motion No. 42.21**

Vote:

Mr. Nelson - Aye  
Ms. Trokhan - Aye  
Mr. Amend - Absent

**The presiding officer declared the motion carried unanimously.**

*In written information about this agenda item that had been prepared and provided to the Board in the current pre-meeting packet, Mr. Granville wrote that in order to provide ODOT with enough time to get the [construction contract] award documented and entered into their system, they [ODOT] must receive notification of award from MetroParks no later than Friday, June 11, 2021. Park Planner/Project Manager Matt Latham will be present at the Board Meeting and will provide more details upon request.*

## **VI.b. Separation Agreement with Former Chief of the Division of Public Safety**

**MOTION:** To approve a Separation and General Release Agreement as presented by Counsel. Further, to instruct the Executive Director and the President of the Board to take such action(s) as he/they deems necessary to implement the intent of the Board in this matter.

**Discussion During the Meeting:** A Board Member stated that after reviewing the proposed Separation Agreement, that she thought MetroParks should approve the Separation and General Release Agreement with the former Chief of the Division of Public Safety in the interests of the park system and its constituents.

**Ms. Trokhan moved, seconded by Mr. Nelson.**

**Motion No. 43.21**

Vote:

Mr. Nelson - Aye  
Ms. Trokhan - Aye  
Mr. Amend - Absent

**The presiding officer declared the motion carried unanimously.**

*In written information about this agenda item that had been prepared and provided to the Board in the current pre-meeting packet, Mr. Granville wrote that Counsel recommends approval by the parties and execution of the Agreement on behalf of the parties if the terms and conditions of the contract as presented to the Board are agreeable to it. Multiple scenarios have been explored during negotiations. The document placed before the Board contains the terms and conditions which have been deemed by the representatives of the parties as being acceptable.*

## **VII. – New Business**

None.

### VIII.- Executive Session

**MOTION:** No motion was made to enter Executive Session, and therefore no Executive Session was held.

### IX. - Actions Relative to Executive Session

None-Not Applicable.

### X. - Adjournment

**MOTION:** To adjourn the meeting at 4:51 p.m.

**Ms. Trokhan moved, seconded by Mr. Nelson.**

*Motion No. 44.21*

Vote:

Mr. Nelson - Aye

Ms. Trokhan - Aye

Mr. Amend - Absent

**The presiding officer declared the motion carried unanimously.**

Adoption: The above minutes are a true and accurate record of the meeting as adopted by the Board of Park Commissioners, MetroParks of Butler County.

Approved:

Attest:

\_\_\_\_\_  
Presiding Officer of the Board

\_\_\_\_\_  
Executive Director/Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

Unless rescheduled or relocated, the next regular business meeting of the Board of Park Commissioners is scheduled for June 17, 2021, at 8:30 a.m.