

AGENDA

CANTON BOARD OF PARK COMMISSIONERS

WEDNESDAY, APRIL 4, 2007

GARDEN CENTER BUILDING

4:00 P.M.

Reading of the minutes of the March 7, 2007 regular meeting.

OLD BUSINESS:

1. O'Jay's Weekend Request
2. Possible Benefit Changes for Park Commission Management Staff
3. Rules and Regulations Proposal

NEW BUSINESS:

1. Stark County District Library requesting to operate a bookmobile stop at Harmont Park
2. 2007 Capital Requests Review

OTHER BUSINESS

ADJOURNMENT

CANTON PARK COMMISSION

BOARD MINUTES

APRIL, 2007

The Canton Board of Park Commissioners met in regular session on Wednesday, April 18, 2007, at the Garden Center Building. This meeting was postponed from April 4, 2007.

Present were: Mr. Andy Black, President; Ms. Marilyn Thomas Jones, Vice President; Mr. Lon Winberry, Member; and Mr. Douglas V. Perry, Director/Secretary.

Also present were Joe Martuccio, Canton Law Director; Mr. Joe Carbenia, City Councilmember; Mr. Don Casar, Councilmember; and Mr. Dan Moeglin, City Engineer.

The meeting was called to order at 3:36 p.m.

At this time a motion was made by A. Black to approve the minutes of the March 7, 2007, regular meeting as written. A second was provided by M. Thomas Jones, and the motion then passed by unanimous vote.

President Black offered the floor to the guests that were present. Mr. Martuccio stated that he did indeed wish to address the Board. Mr. Martuccio gave the Board copies of an informal City Council Resolution dated December 18, 2006, suggesting that the idea of a tree commission be studied and a committee formed to do so. Mr. Casar and Mr. Carbenia also joined in the discussion stating that they too thought the idea should be studied.

It was noted that a letter had already gone to Council with regard to this issue; however, Mr. Black made a motion to endorse the December Resolution of City Council and name Mr. Winberry as the representative of the Park Commission for such a committee. Mr. Winberry agreed to do so. A second was then made by M. Thomas Jones, and the motion passed by unanimous vote.

Mr. Dan Moeglin then asked for some time to introduce a plan to add a downtown trail loop that would be connected to the planned County-wide Trail.

Mr. Carbenia also took some time to update the Board on what has been going on with the Mallonn Park development. Mr. Carbenia had arranged for donated time and equipment to spread topsoil and was working on getting additional labor donated for other improvements in the park. The current plan calls for a ball field, parking, shelter, bathrooms and play area.

OLD BUSINESS:

1. O'Jay's Weekend Request - The Director informed the Board that he had as yet not received any additional information with regard to this request. The item remained tabled.
2. Possible benefit changes for Park Commission Management Staff - The Director informed the Board that the City had made recent changes with regard to employment provisions for management personnel. Since the Board generally follows what the City does in these matters, the Director suggested that the Board should consider applying the same provisions contained in Ordinance 64/2007 to Park Commission management personnel as well.

A motion was made by M. Thomas Jones to approve the management personnel provisions contained in City Ordinance 64/2007 and apply them to Park Commission Management personnel effective immediately. A second was made by A. Black, and the motion then passed by unanimous vote.

3. Rules and Regulations Proposal - The Director reviewed a couple of proposed changes to the draft rules and regulations proposal. One issue was a statement involving who would be considered to be allowed to use a park for a public event or fund raiser activity. The other issue was a definition of a public event.

At this time the Board members had no additional provisions. The issue remained tabled for further development.

NEW BUSINESS:

1. Stark County District Library requesting to operate a bookmobile stop at Harmont Park - A motion to approve this request was made by M. Thomas Jones. A second was made by A. Black, and the motion passed by unanimous vote.
2. 2007 Capital Requests Review - The Director reviewed for the Board these items that had received funding for FY 2007. It was also discussed that Council added almost \$75,000 in additional funding.

OTHER BUSINESS:

1. Request from the McKinley Presidential Library and Museum for the use of picnic tables from June 27th through July 1st, 2007, as a part of their 100th anniversary.

This request was reviewed with the Board's picnic table use policy. The request did not fall into line with the policy so the Director was instructed to find out if the event was City sponsored or if the Board could be listed as a sponsor. The issue was tabled.

2. Use Requests:
 - A. American Cancer Society requesting to use Stadium and Monument Parks on Sunday, October 14, 2007, to hold their annual "Making Strides Against Breast Cancer" walk.
 - B. Boy Scouts requesting to shoot non-fuel type bottle rockets at their activity in Waterworks Park on Memorial Day.
 - C. Canton Negro Oldtimers Ladies Auxiliary requesting to use Nimisilla Park on either July 21 or 22, 2007, to hold a "Walk-a-thon for Education" event.

The Board considered the above requests, and a motion was then made by A. Black to approve them with an insurance requirement. A second was provided by L. Winberry, and the motion passed by unanimous vote.

3. Faith Bible Church requesting to use Waterworks Park on July 24 thru July 27th, 2007, to hold their Vacation Bible School program - A motion was made by A. Black to approve this request with an insurance requirement. A second was made by L. Winberry, and the motion passed by unanimous vote.
4. The Director informed the Board that a situation had developed with a part of Bauhof Park and a business on the border of the property. The business would like to purchase 0.216 acres of the park property. The area is in a fairly unused portion of the park area.

A motion was made by A. Black that the Board would release control and management of the 0.216 acres of Bauhof Park to the City for the purpose of disposal to the company in question with the recommendation that fair market value be paid for the property and that the purchaser pay to have the property lot lines redone. The Board would retain control and management of the property should this specific transfer of ownership not take place. A second was made by L. Winberry, and the motion passed by unanimous vote.

5. The Director informed the Board that there was over 500 acres of land owned by the City through the Water Pollution control Center that the Service Director has suggested be turned into park areas. The land was located in Pike Township.

Some early conversations had taken place, and the Director would keep the Board informed as these continued.

6. Mr. Dan Moeglin, City Engineer, addressed the Board regarding the proposed new bridges to be put in Stadium and Ink Parks as a part of the County-wide Trail project.

Mr. Moeglin stated he recommended that the bridges be galvanized for durability and low maintenance.

Ms. Thomas Jones had to leave the meeting at this point.

Discussion revolved around the cost of painting the bridges and how they would look in the park.

Mr. Black expressed that while he understood the use of galvanizing he thought the bridge should be painted as it would look too industrial in Stadium Park and would not be well accepted.

The Director agreed with President Black. He had no problem with galvanizing, but the bridge should be painted.

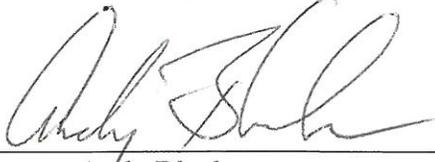
Mr. Winberry stated he could go either way on the bridge.

The Board had previously approved painted bridges.

As Ms. Thomas Jones had left the meeting, no further action was taken at this time.

Mr. Moeglin stated he would discuss the meeting with the Service Director.

Being no further business before the Board, the meeting was adjourned at 5:20 p.m.



Andy Black
President



Douglas Perry
Director/Secretary

Douglas V. Perry
Director/Secretary

Marilyn Thomas Jones
Vice President

Andy Black
President



CANTON PARK COMMISSION

Lon Winberry
Member

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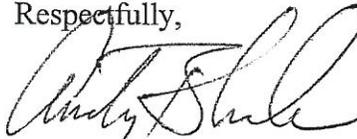
April 18, 2007

Mr. R.A. Mallonn II
Canton City Auditor
City of Canton

Dear Mr. Mallonn:

The Board of Park Commissioners have approved the provisions contained in City Ordinance 64/2007 for their management employees effective immediately.

Respectfully,



Andy Black
President

AB/bv

cc: Canton City Treasurer
Canton Civil Service Commission
Human Resources
Minutes
File

Douglas V. Perry
Director/Secretary

Marilyn Thomas Jones
Vice President

Andy Black
President

Lon Winberry
Member



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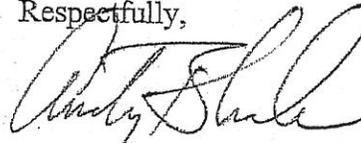
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cc: Canton City Treasurer
Canton Civil Service Commission
Human Resources
Minutes
File

COM. #35

FOR
FILE

Mayor Auditor Human Resources
Drone Purchasing Civil Service
Law (2) Stacy Treasurer

JM/jc
3/19/07
1263c

By: Janet W. Creighton, Mayor

1st Reading 2-5-07

Referred to PEPS

2-12-07 - Postponed

20 2-26-07 - Postponed

16 3-5-07 - Postponed

2nd Reading 15 3-12-07 - Postponed

18 3rd Reading 3-19-07 - Postponed

PASSED: 3-26-07

Recorded in Volume _____ Page _____

ORDINANCE NO. 64/2007

AN ORDINANCE AMENDING SECTIONS 151.07, 151.08, 151.09, 151.12, 151.13, 151.14 AND REPEALING SECTIONS 151.091 AND 151.092 OF CHAPTER 151, EMPLOYMENT PROVISIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANTON, STATE OF OHIO, THAT:

Section 1. Section 151.07, Vacations, of the Codified Ordinances of the City of Canton is amended to read as follows:

(a) All full-time employees and salaried personnel in the Law Department shall be entitled to vacation according to the following schedule based on completed years of service:

<u>Years of Service</u>	<u>Period of Vacation (Days)</u>
1	5
2 through 5	10
6 through 10	15
11 through 15	20
16 through 20	25
21 and over	30

(b) Notwithstanding anything contained in subsection (a), all City employees with twenty-six years of service or greater who are entitled to more than thirty days vacation per year according to ordinances effective as of the adoption of this chapter shall be entitled to continue to receive such current amount of vacation per year.

(c) Completed years of service shall be computed from the anniversary date of each employee; subject to the provision, however, that newly hired employees shall have a waiting period of twelve months from date of hire before earning any entitlement to vacation. Earned vacation shall be used during the twelve-month period immediately following the anniversary date on which the vacation entitlement is accrued or shall be forfeited; provided, however, that fifteen (15) vacation days (120 hours) may be carried over into the next twelve-month period without forfeiture.

(d) Vacations shall be scheduled with the approval of the department head and may be taken in increments of not less than one hour.

(e) The vacation paycheck due an employee during his scheduled vacation period shall be paid in advance immediately preceding an employee's vacation time-off period, if requested at least two weeks prior to such period.

(f) In the case of the death of an employee entitled to vacation, the unused vacation leave shall be paid pursuant to state law and/or his estate.

(g) Employees promoted into a management, non-bargaining unit position shall not be entitled to carry over banked vacation hours. Said employees shall cash out all banked vacation time at the rate of pay they were earning immediately prior to being promoted into a management, non-bargaining unit position.

(h) An employee may request to receive cash payment for unused vacation of not more than 10 days per year in minimum increments of five days calculated at 90% of the current rate of pay. Employees in their 28th or later year of service (including purchased military time) may request to receive cash payment for unused vacation of not more than 20 days per year in minimum increments of five days calculated at 90% of the current rate of pay. Employees must declare their desire to receive cash payment not later than October 1st of each year. Payment shall be made on the first regular pay day in November of each year. Approval of the cash payment option is within the sole discretion of the Appointing Authority. Employees requesting credit for purchased military time pursuant to this section shall submit sufficient documentation from the applicable pension board.

Section 2. Subsection (b) to Section 151.08, Overtime and Compensatory Time for Nonexempt and Exempt Employees, of the Codified Ordinances of the City of Canton shall be amended to read as follows:

(b) Exempt and Non-Covered Employees.

- (1) Professional, administrative, executive and other employees who are exempt from the Fair Labor Standards Act of 1938, as amended, shall be entitled to compensatory time in increments of 15 minutes for time actually worked in excess of forty hours in one week. Employees may

not accrue more than 120 hours of unused compensatory time for overtime hours worked. Compensatory time is earned at straight time.

- (2) The positions of General Foreman, Assistant Supervisor of Distribution, Supervisor of Pumping and Supply, Supervisor of Distribution, and Supervisor of Filtration and Lab shall receive compensation for overtime hours worked at their straight time rate.
- (3) Compensatory time entitlements shall be approved by the Appointing Authority and shall be properly recorded as to when it was earned and when it was used on a biweekly basis when the payroll is submitted. The records on file in the Auditor's office shall be final.
- (4) Exempt employees may use accrued compensatory time with the approval of the Appointing Authority taking into account the scheduling needs of the department.
- (5) Upon termination of employment, employees with unused compensatory time shall be paid at their final regular rate for any balance of accrued hours, not to exceed 120 hours.

Section 3. Section 151.09, Terminal Pay, of the Codified Ordinances of the City of Canton is amended to read as follows:

(a) Employees will receive payment of 100 percent (100%), limited to 1200 hours (150 days) maximum, of their accrued sick leave upon retirement at the employee's current rate of pay at the time of retirement. Such amount shall be included in the employee's gross earnings for the year. All accrued sick hours in excess of 1200 shall be forfeited.

(b) The estate of a deceased employee who dies while employed by the City is entitled to receive 100 percent (100%), limited to 1200 hours maximum, of the deceased employee's unused sick leave accrued while in the employ of the City at the employee's current rate of pay at the time of death. Such amount shall be taxable for purposes of City Income Tax. All sick hours accrued in excess of 1200 shall be forfeited.

(c) Employees who retire on or before December 31 of the year of the completion of their 30th year of credited service, as determined by the Public Employees Retirement System of Ohio (PERS), shall receive payment for 100% of their accrued unused sick leave up to 1400 hours (175 days) in lieu of the 100% of the 1200 hours maximum set forth in subsection (a).

(d) Employees who become eligible for the enhanced retirement benefit provided for in subsection (c) and do not retire according to the terms of said section shall thereafter be eligible solely for the retirement benefit set forth in subsection (a) upon retirement.

Section 4. Section 151.091, Terminal Pay for Employees Hired After December 31, 1983, and Section 151.092, Terminal Pay for Employees Hired Between January 1, 1973 and December 31, 1983, of the Codified Ordinances of the City of Canton are repealed.

Section 5. Subsections (a)(4) and (d) to Section 151.12, Continuing Disability Benefits, of the Codified Ordinances of the City of Canton are amended to read as follows:

(a) (4) The City may deny continuing disability benefits to employees who have been disciplined within the last twelve months prior to their application for continuing disability for absenteeism or abuse of sick leave.

(d) Employees on continuing disability shall receive hospitalization, life insurance and other employee-provided health care benefits during the period of his continuing disability. An employee on continuing disability shall not accrue sick leave, vacation or longevity. Any employee on continuing disability shall submit a medical certificate indicating his fitness to return to employment.

Section 6. Section 151.13, Workers' Compensation, of the Codified Ordinances of the City of Canton is amended to read as follows:

Employees who are receiving Workers' Compensation and unable to perform their employment duties as a result of such injuries shall receive hospitalization, life insurance and other employee-provided health care benefits during the period of his disability for a period up to one year. Thereafter, the employee may obtain hospitalization, life insurance and health and welfare benefits by timely paying to the City the established monthly continuation coverage rate for individual and/or family coverages. Life insurance may be converted to an individual policy. Employees on Workers' Compensation disability shall not accrue sick leave or vacation.

Section 7. Section 151.14, Credited Benefits, of the Codified Ordinances of the City of Canton is amended to read as follows:

(a) Full-time employees hiring into the City on or after January 1, 2007, from another political subdivision within the State of Ohio may transfer accumulated sick leave earned and/or accrued in an amount not to exceed 80 hours (10 days) from their former full-time employment with the other political subdivision, which has not been paid off by the other subdivision. Upon the request of an appointing authority to transfer more than 80 hours of sick leave where unique and exceptional qualifications are required of a proposed employee, Council may grant a waiver or modification by a majority vote of the elected members of Council.

(b) Full-time employees hiring into the City from another political subdivision within the State of Ohio may not transfer any unused or unpaid vacation time earned and/or accrued in the former full-time employ of the political subdivision. Such full-time

employees hiring into the City on or after January 1, 1995 may not utilize their years of service with other political subdivisions for computing current vacation leave with the City except in accordance with subsection (d) hereof.

(c) Full-time employees hiring into the City who have retired from other political subdivisions or from the City may not transfer any accumulated sick leave or vacation and may not obtain credit for their years of service prior to retirement for purposes of computing vacation, longevity or seniority for any purpose.

(d) Full-time employees transferring from one department of the City into another department of the City, with the exception of retirees who are provided for in subsection (c) hereof, may transfer all accumulated sick leave and vacation earned or accrued and not paid off, as well as years of employment for purposes of computing current vacation time and longevity. Prior employment in any seasonal or part-time capacity shall not qualify.

(e) Full-time employees, with the exception of retirees, who were previously employed by the City in any full-time capacity and subsequently become re-employed by the City on or after January 1, 2007, may be credited with up to 80 hours of previously earned but not paid sick leave. No vacation leave or longevity shall be credited under this section.

(f) In no event shall any employee to whom these provisions are applicable be entitled to credit or payment for any retroactive computation of or entitlement to benefits.

Section 8. The Auditor is authorized and directed to draw his warrants upon receipt of vouchers duly approved by the proper departmental authority.

Section 9. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 10. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Canton; the emergency being the necessity to avoid unnecessary delay in adopting the foregoing amendments which will reinstate certain benefits for management and non-bargaining unit employees that were modified or discontinued during the City's recent financial difficulties. And provided it receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take effect and be

in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: *March 26, 2007*

ATTEST: *March 26, 2007*

Cynthia Kimberlate
Clerk of Council

President of Council

APPROVED:

Mayor