

AGENDA

CANTON BOARD OF PARK COMMISSIONERS

WEDNESDAY, SEPTEMBER 1, 2004

GARDEN CENTER BUILDING

4:00 P.M.

Reading of the minutes of the August 4, 2004 regular meeting.

OLD BUSINESS:

1. Letter from Mayor Creighton in response to the Board's request for waiver from her Executive Order regarding the carrying of weapons by City employees while on duty
2. Letter from Darla Hinderer regarding the West Park Project

NEW BUSINESS:

1. Use requests:
 - A. Crisis Intervention Center requesting to have an "inflatable" at their annual picnic in Westbrook Park on September 22, 2004
 - B. Trinity Gospel requesting to use Nimisilla Park on Saturday, August 13, 2005, to hold their 10th annual Drug Free Rally and Gospel Jazz Concert
 - C. A.B.L.E. requesting to use Nimisilla Park August 4 thru 8, 2005, to hold Joy Fest 2005
 - D. Canton Joint Recreation District requesting to use the Garden Center Building on Friday, February 11, 2005, to hold a parent/child dance

Also, requesting to use Stadium shelters 3 & 4, Nimisilla Park shelters, Waterworks Park shelter and Weis Park to hold day camps from June 13 thru August 19, 2005
2. Plain Township Trustees requesting to have built in Oak Park a half court basketball facility to serve Plain Township residents in a neighborhood next to the park
3. Service Director Tad Ellsworth requesting the Park Commission to cut and maintain the grass areas at the new train station during the growing season

OTHER BUSINESS

ADJOURNMENT

CANTON PARK COMMISSION

BOARD MINUTES

SEPTEMBER, 2004

The Canton Board of Park Commissioners met in regular session on Wednesday, September 1, 2004, at the Garden Center Building.

Present were: Mr. Andy Black, President; Mr. Steve Lamiell, Member; and Mr. Douglas V. Perry, Director/Secretary.

The meeting was called to order at 4:02 p.m.

A motion was then made by A. Black to approve the minutes of the August 4, 2004, regular meeting as written. A second was made by S. Lamiell, and the motion passed by unanimous vote.

OLD BUSINESS:

1. Letter from Mayor Creighton in response to the Board's request for waiver from her Executive Order regarding the carrying of weapons by City employees while on duty - The Board reviewed the letter from Mayor Creighton in which she declined to grant a waiver to Park System employees.

Mr. Black stated he had asked Mr. Martuccio to come to the meeting to discuss this development. Mr. Martuccio, City Law Director, and Mr John Coury of the Law Department were in attendance.

Mr. Black and Mr. Lamiell asked the two guests if Park Commission employees were obligated to follow an Executive Order of the Mayor such as the one being discussed. Mr. Martuccio responded saying that as the Chief Officer of the City, she had the right to issue such orders and in his opinion all City employees did have to follow them. Mr. Coury agreed saying that even though he works for an elected official, in the Law Director, he feels that he also has to follow the order.

Mr. Lamiell asked Mr. Coury what he had found out about the possibility of insurance for armed Park Police. Mr. Coury stated the people he talked to had told him that it should be police type insurance and would be very expensive. Mr. Lamiell asked if they had given him a ball park cost, if we could get the insurance. Mr. Coury stated that he thought in the \$100,000 area.

Mr. Black asked where all this left the Board on this issue. Mr. Coury stated that since the Park Police were not peace officers, the legal opinion of the County was that they were not law enforcement officers, and with the Mayor's Executive Order regarding City employees carrying weapons while on the job, this all left the City and possibility the Board members themselves in a bad position should something happen that resulted in a lawsuit.

It was also discussed with the Board that the lawsuit that involved the City and the current Park Police Sergeant had dealt with the weapon issue as far as the City was concerned in that he would not be carrying a weapon.

The idea of how to obtain a commission for Park Police from another commissioning source was discussed. The Director stated that one possibility may be through the County Sheriff since there were parks outside the City as well as in the City. After some discussion, the idea was dropped as not being practical.

A change in State law was discussed that could give the Board commissioning authority, but it was recognized that even if this effort were made, it would most likely be years before it could be in effect.

The Board discussed that given all these things, they may have to make many changes with regard to the Park Police operations, things like the name, job description and job requirements.

Mr. Martuccio and Mr. Coury were asked that if the Park Police are not peace officers or law enforcement officers, could they issue a citation for violation of a park rule established by the Park Commission? Could they still use Police radios?

Mr. Martuccio said that he felt the Board had some very good questions, and they should submit them to him, and he would have someone look into them.

The Board instructed the Director to prepare a letter of questions to the Law Director.

At this point Mr. Black stated that given the fact the Mayor's order regarding weapons applies to Park Commission employees and that she would not grant a waiver, and since Park Police are not peace officers and a County legal opinion stated they were not law enforcement officers and therefore not exempt from the order, on that basis he felt the Board had no other options and made a motion to disarm the Park Police effective the start of the next shift, and accept as Park Commission policy the Mayor's order regarding weapons. A second to the motion was made by S. Lamiell, and the motion passed by unanimous vote.

The Director was instructed to retrieve all issued firearms and since the Mayor's order applied to all employees, he was also instructed to make arrangements with the Chief of Police to return any weapons that belong to the CPD and ask that the CPD store firearms on the Park System's inventory for the Board.

2. Letter from Darla Hinderer regarding the West Park Project - The Board reviewed the letter from Ms. Hinderer. The Director informed the Board that he had contracted an engineering firm and asked them to look all the information over and advise us what needed to be done and how much it would cost. There had not been a response yet.

The issue remained tabled.

NEW BUSINESS:

1. Use requests:
 - A. Crisis Intervention Center requesting to have an "inflatable" at their annual picnic in Westbrook Park on September 22, 2004
 - B. Trinity Gospel requesting to use Nimisilla Park on Saturday, August 13, 2005, to hold their 10th annual Drug Free Rally and Gospel Jazz Concert
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Also, requesting to use Stadium shelters 3 & 4, Nimisilla Park shelters, Waterworks Park shelter and Weis Park to hold day camps from June 13 thru August 19, 2005

The Board considered the above requests, and a motion was then made to approve them with insurance requirements by A. Black. A second was made by S. Lamiell, and the motion passed by unanimous vote.

2. Plain Township Trustees requesting to have built in Oak Park a half court basketball facility to serve Plain Township residents in a neighborhood next to the park - The Board reviewed the above request and because they had several questions instructed the Director to invite Mr. Cozy to the next meeting. The issue tabled.
3. Service Director Tad Ellsworth requesting the Park Commission to cut and maintain the grass areas at the new train station during the growing season - The Board discussed the request of the Service Director. They asked the Director how this would effect park mowing. The Director told the Board that the area would require the trim crew to do it and to be done right, would require special effort.

He also pointed out that Park crews were doing several non-park areas now. He also told the Board he had agreed to do this work until the Board reviewed the request.

The Board instructed the Director to send a letter to the Service Director asking if there was any other way he could have this property mowed. They were concerned with current staffing and with the possibility of even further cuts to staffing, our crews would not be able to maintain this area in a way that might be expected. In fact, if there were to be future cuts, the Park crews would be hard pressed to get the properties under their control and management mowed and trimmed.

The issue was then tabled.

OTHER BUSINESS:

1. Plain Local Baseball and Softball requesting to be the Covered Bridge park area for fall ball during August and September.

A motion was made by S. Lamiell to approve the request. A second was made by A. Black, and the motion passed by unanimous vote.

2. The Director requested the Board to authorize him to allow the trapping of muskrat and raccoon in the parks for the 2004-2005 trapping season.

A motion to approve this request was made by A. Black. A second was made by S. Lamiell, and the motion passed by unanimous vote.

3. The Director requested the Board to raise the rental fee for the Garaux Park shelter from \$75 to \$80 beginning January 1, 2005.

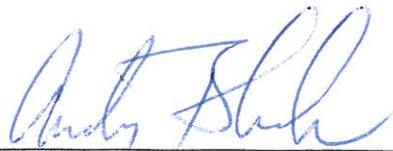
A motion to approve this request was made by A. Black. A second was made by S. Lamiell, and the motion passed by unanimous vote.

4. The Director informed the Board that the new Children's Garden project at the Garden Center would begin on September 2, 2004.

He also informed the Board that progress was being made with the Canton Rotary project to make improvements at King Park.

He also provided Mr. Lamiell an answer to his previous question regarding costs to move picnic tables for the HOF Ribs Burnoff event. The cost was approximately \$2500. This figure included a cost for trucks and trailers if they would have to be rented.

Being no further business before the Board, the meeting was adjourned at 5:30 p.m.



Andy Black
President



Douglas Perry
Director/Secretary