

PUBLIC AFFAIRS COMMITTEE MINUTES

SEPTEMBER 24, 2009

The meeting was called to order by Chairperson Sellers at 4:00 p.m.

MEMBERS PRESENT: Leah Sellers, Mike Aquillo, Deborah Groat

OTHERS PRESENT: Police Chief Golden, Tony Bowersmith, Henk Berbee, Ryan Horns (Journal Tribune)

AGENDA:

1) In-Street Charitable Solicitation

There's been an issue with solicitors from out of state. They stand in the middle of the street and approach the car while the vehicle is stopped at a light.

Chief Golden explained that prior to 2005, the City didn't have an ordinance specific to in-street solicitation. Organizations such as Shriners, Goldwing Riders for Pediatric Cancer, the Firefighters and a group from Louisville, KY, called the New Life Church, have held fundraisers in Marysville. All of these groups will stand in the street at an intersection. Groups will collect money in a bucket or a boot, as the Firemen do for "Fill the Boot" fundraiser. The group from Kentucky has big white buckets. They comply with the rules that have been set up, such as reflective clothing. Chief Golden's main concern is safety. It's unsafe to be standing in the street in the middle of traffic. It also distracts drivers when the collectors are holding up their buckets or waving their hands. The current procedure is for the group to fill out an application. They can only collect twice a year. They can only be at two intersections at one time. The City has the authority to select the intersections.

Mr. Gore relayed a situation to Chief Golden with the group from Kentucky. This group was collecting money for the homeless. A local resident approached one of them in an intersection, said that he was homeless and asked for money for food. He was told to get out. There have been some questions as to whether it's a good charity or not. From the Police standpoint, it's public safety. Some other concerns have been people from out of town collecting money in town.

Chief Golden noted that many of these charities are very worthwhile charities. If there is any other way to collect without standing in the streets, that would be his preference. He has not talked to any of the organizations; however, if he or an officer happens to drive by and sees something unsafe, they will stop and talk with the individual(s).

Ms. Sellers asked to check with the Fireman to see if there is any other way to handle this issue.

Ms. Groat asked if there have been any injuries/accidents caused from in-street solicitations. Chief Golden said not that he was aware of.

Ms. Groat asked if it's legally possible to prohibit certain groups and not others. Ms. Sellers said there is Equal Protection, the Fourteenth Amendment. It would be hard to prohibit certain groups unless you could prove there was a safety issue with that group.

Mr. Aquillo asked if Chief Golden had received any complaints about people standing in the streets. Chief Golden said no, but he had received complaints about people from out of state collecting in the City.

Ms. Groat feels the current legislation is strong and good. It seems to be a good application process. Question is do we want to prohibit in-street solicitation completely. Ms. Sellers feels we need to do all or nothing unless there is a specific safety issue.

Ms. Groat suggested having others come to talk to this group. There may be some very strong arguments in favor of it. Her initial thought is to revoke Section 311.05 completely, but would like to listen to other peoples' opinions.

Chief Golden would like to hear opinions of others as well.

Mr. Aquillo said it's hard to argue from the safety perspective, but the groups are not present to comment on how this affects their money on what they take in every year. He agreed, it gets very congested and rather scary for people to be out in the streets. He would be in favor of revoking the in-street solicitation.

Ms. Sellers would like more data as far as the impact on the local charities.

Mr. Aquillo said he was curious as to what the threshold would be if one group comes in and says they raise \$250 versus \$1,000. He feels the Chief's safety concerns would be outweighed because it's \$1,000 instead of \$250. He struggles with that.

Ms. Sellers suggested inviting the charity organizations to the next Public Affairs Committee meeting to get their input, and then a decision will be made whether or not to eliminate in-street charitable solicitation. Proposal will be to eliminate in-street charitable solicitations, Section 311.05. The Public Affairs Committee will sponsor the legislation.

2) Ordinance 20-08 – Background checks on carnival workers

Ms. Sellers gave a brief history with existing legislation. In 2008, an ordinance was put in place thanks to Chief Golden, Sheriff Nelson and Prosecutor David Phillips. This legislation gives our City the authority to do background checks on people who come to our County fair and work and have access to children. There are two kinds of background checks; a check on outstanding felony warrants and registered sex offenders. The first year the ordinance was in place, it netted a sex offender and kept him off the fairgrounds. It's a good piece of legislation. The question now is should we expand this legislation. It currently covers people who operate the rides, the novelty stands and games, those who have access to children. It doesn't apply to food stands or anyone else who works on the fairgrounds. It was put in place primarily due to people being transient workers and not being here in town regularly. One of the concerns was that under sex offender registration that if you are in an area over three days and you are a registered sex offender, you need to register with the local authority. A concern was that a registered sex offender could be living on the fairgrounds for a week or so. When Mr. Phillips first introduced this, he said the nature of sex offenders is to entice children and build a relationship with them. If it's a two-day event, it may not be a big issue, but may be if it goes over a period of time.

Ms. Sellers said, on the table now is the question whether to expand this legislation. It's hard to draw a line, because there are so many who work at the fair, such as food workers, restroom cleaners, 4-H folks, volunteers, people who set up the fair, vendors, people who set up the displays. Mr. Tony Bowersmith of the Union County Fair Board added that many others from out of town have displays at the fair all week and have interactions with children.

Ms. Sellers previously suggested extending this to people within our City/County as far as knowing if they are a registered sex offender or have an outstanding felony warrant. Ms. Sellers suggested delineate for the people who operate at the fair, that if it's somebody that lives outside the County, we need to know their name and address so we can do a background check on them if they have access to children and are a transient worker. If they live in the County and most who come to the fair for 4-H purposes as volunteers are most likely County residents, City would have a better grasp of whether they are registered sex offenders or have an outstanding felony warrant. Chief Golden said we may know if they are a registered sex offender. He added that we're looking for people who interact with children as part of their job. When the legislation was done, it talks about the application process and that if the information is not supplied within a certain period of time, the rides cannot open. He expressed concern that depending on how far you expand this, there are no teeth in the legislation. Do you not allow them to set up their displays, such as a 4-H booth? He doesn't want it to be so broad that you can't deal with it. Chief Golden added that some organizations may already have a policy in place for background checks on their employees.

Concerns have been with Kissell. They bring in a group of people who run the concessions, rides and some of the games. Those people are covered now. Food vendors are not covered under this ordinance. Mr. Bowersmith said concession stands are outside of Kissell. Most of the food vendors are from out of town.

Mr. Aquillo noted that URE and Mental Health and Recovery Board always have a booth. Are the booth areas typically local? Mr. Bowersmith said a lot of them come from out of town, such as Bath Fitters. Mr. Aquillo couldn't believe they would have as equal opportunity at kids as anyone else on the fairgrounds. How would you exclude them? Mr. Bowersmith said one lady comes and sells novelties and she sets up in the same area as commercial displays.

Ms. Groat asked Mr. Bowersmith about his feelings about the safety of kids. He said, the broader the better because it makes it that much safer, but said you probably have more of a threat from the general public that comes in than you do from the workers there. He stated he wants it to be fair, but it's hard to draw the line.

It was decided to include food workers since a lot of them are transients.

Ms. Groat asked who does the cleaning. Mr. Bowersmith said a church group cleans the restrooms. As far as cleaning the fairgrounds, various people clean it.

It's usually people who are serving community service. If the people do a good job and after their community service is completed, they are given an opportunity to come back to clean the fairgrounds each year.

Chief Golden noted that when a background check is done and a person is found to be a registered sex offender, that doesn't mean that individual can't be on the fairgrounds. It means the Police Department knows he's a registered sex offender and at that point, their employer is notified of that. If that individual were to live on the fairgrounds, then he would be in violation.

Ms. Sellers proposed amending the legislation to include food concessions and restroom workers. Also add language "lasting more than two days". Mr. Bowersmith said he didn't have a problem with adding these people. Chief Golden said his department would not have a problem handling background checks on those additional people.

Mr. Aquillo expressed concern about where you draw the line. Mr. Aquillo asked if a fee was involved in the background check. Response was no.

Ms. Groat suggested charging a fee to a company that would submit a substantial number of names to be checked when they know only a small percentage of those individuals would actually be working on the fairgrounds, in other words a penalty for abuse. It was agreed not to pursue this fee at this time.

All agreed on moving forward with the proposed amendments. The proposed amendments will be put on the next City Council agenda.

3) Council Rules of Procedure

Rule 1.2 says "The President of Council shall serve a one-year term as President. The President may be re-elected to only one consecutive term with a majority vote of the Council members present." Ms. Sellers was approached about eliminating the term limits for City Council President. There is no legislative history as to why the change was made to add term limits. Ms. Sellers said she personally believes Mr. Gore runs an excellent, fast and efficient meeting. Because Mr. Gore is retired, he's been able to be involved in dealing with City issues with the Mayor and Administrator. He's done an outstanding job. Mayor Schmenk has suggested she would support the proposed amendment to do away with term limits. Ms. Sellers added that although she believes we shouldn't legislate according to one

person, we should legislate to policy, not people, that there is a good argument for Mr. Gore being able to be president next year if the elected body so desires.

Mr. Aquillo asked how the vote is taken. Ms. Sellers said it is a secret ballot vote. Mr. Aquillo noted that when you eliminate something like that, your recourse is to vote them out.

All committee members agreed to the proposed amendment of eliminating term limits.

Ms. Sellers brought up one other issue and that is, do we need to encourage the development of new leaders in Council. She wants to make sure we're encouraging fresh leadership and fresh ideas, and if we eliminate term limits, are we doing that? As Mr. Aquillo said, with the power of the vote, good leaders will emerge during that process. Ms. Groat said the committee structure with three people on a committee, and those three people determining among themselves by vote who the president of that committee is, is going to foster 4 new leaders every single turnover. To her, that is fostering leadership. You then look at how the committee works as to where's the next president coming from. Ms. Groat has no problem saying the system as it is now recognizes leadership. It's not fast leadership; you have to serve the committee; you have to move through the process. It doesn't bother her to say there might be a multiple year president. Leadership is going to come through committees, 4 committees each of which have a president. Ms. Sellers and Mr. Aquillo agreed.

The proposal to remove the term limit provision in Rule 1.2 of Council Rules of Procedure will be put on the next City Council agenda.

4) Ward Redistricting

Ms. Sellers put this item on the agenda, but suggested this item be discussed at a future meeting.

Meeting adjourned at 5:03 p.m.