

PUBLIC AFFAIRS COMMITTEE MINUTES

OCTOBER 8, 2009

The meeting was called to order by Chairman Sellers.

MEMBERS PRESENT: Mike Aquillo, Leah Sellers, Deborah Groat

OTHERS PRESENT: Ryan Horns (Journal Tribune), Bill Bumgarner, Ken Denman, Bill Franke, Ralph Elliott, Police Chief Golden

AGENDA:

- In-Street Charitable Solicitations

Ms. Sellers stated an issue with the existing In-Street Charitable Solicitations ordinance is that there are some people who make use of that statute who aren't residents of Marysville, which isn't necessarily a bad thing. There was one incident that happened when someone from out of town was raising money for homeless people and was approached by a local resident. He said he was homeless and asked for money. The charity organization told him no. That is the reason for further review of the ordinance; that, and the safety concern.

There is a question whether the City should allow people to stand in the street and raise money for charity when the money doesn't come back to our local residents. There is also a potential concern about driver distraction, same as for talking on a cell phone, texting, putting on make-up, etc. People standing in the middle of the street will distract drivers and potentially cause accidents.

City wants to make sure that by limiting the ability for people to stand in the street, we don't hurt any of our local charities. Thus the reason for this meeting. Committee wants outside input. City wants to make sure they're doing the right thing in balancing the public interest of all the good work people do with all the charities in town with public safety interest of driver distractions being minimized.

Mr. Bill Bumgarner addressed the Committee. He spoke on behalf of Aladdin Shrine. The Shrine has about \$9 billion and they come up \$5M short every year in the care of kids in 22 Shrine hospitals. That money is made through paper drives or tabloid sales. In Ohio, all six Shrines participate in tabloid sales. They have

done this for years. He noted as he stands here talking, we're spending \$27.00 a second for the care of Shrine children in 22 hospitals. Union County, since 2001, has been the biggest contributor to Aladdin Shrine, which is the 2nd largest Shrine in the United States. Bill Franke has been tabloid chairman of the Union County Shrine Club. Mr. Bumgarner is past tabloid chairman for Aladdin Shrine, which encompasses 51 units and clubs. We gave \$900,000 in the three years that he was tabloid chairman to Erie, Lexington and Cincinnati burn units through paper drives. If you don't allow this charity drive in Marysville, it will really hurt Aladdin. Mr. Bumgarner recommended doing what they do in Columbus for their paper drive. Columbus requires proof of insurance, and they want the name every street corner that you will be working. Once the map is turned in and Aladdin sends proof of insurance, Columbus issues the permit. If it is found that they are collecting at any street corner that was not approved, it could cost Aladdin their privilege of collecting money in Columbus. They would expect the same thing out of Marysville. If the charity can't give you proof of insurance for in case something happens, they can't get a permit to go on the streets.

Mr. Bumgarner also noted a couple of other good charities that work in Marysville, the Pediatric Brain Tumor Foundation and the Firefighters, who collect for Jerry's Kids.

He said the Shriners are taking care of more than 15 kids in Union County. Mr. Bumgarner is a driver; he drives the kids to the hospital. It's very important that we maintain this core group and take care of our own kids. "We do a pretty good job and we're pretty proud of what we do."

Mr. Aquillo asked if tabloid sales are only done with in-street charitable solicitations or are there other ways of collecting? Mr. Bumgarner said they stand in front of Wal-mart or any other store like Kroger that will allow them at their store. He noted Wal-mart is the number one store they like to do because they give contributing funds back to Aladdin. At the corner of Main and 5th, they collect close to \$1,500 in one day, which is good. Mr. Bumgarner noted they also do "Cans for Kids" as another way of fundraising.

Shrine gave \$107,000 the year before last out of this County. That set a record at Aladdin. Honda and Scotts were a part of it, as well as Westreco and Richwood Banking Company. Mr. Bumgarner said when we start losing our base of where we started from, you lose that and then another one, and then a couple more, it's going to affect the kids. The Shrine works very hard for the kids, and it's very important that they maintain that.

Mr. Aquillo asked what would be a typical day at Wal-mart or Kroger. Mr. Franke said when they do Wal-mart, they do it for three days. They have hit as much as \$3,000 in three days, or \$1,000 a day.

Mr. Franke said Shriners get permits for streets in Marysville, 4th and Main and 5th and Main. The guys work one day only, Saturday, 9:00 a.m. to 3:00 p.m. His guys do not stop the traffic. If the traffic is stopped, the guys will canvass the cars. The way the lights are on 4th & Main and 5th & Main, the traffic moves slow. People are very benevolent.

Aladdin is proud to say they have never had any one end up in the hospital when canvassing streets from Mansfield to the Ohio River.

Mr. Franke said it definitely is an asset to Aladdin to be able to go to the streets. Mr. Franke said all members in good standing are allowed to participate and are insured by Aladdin Temple. Mr. Bumgarner said it's same with the Tin Lizzies, you must be insured in order to be in a parade. They are under the same blanket policy.

Ms. Sellers noted Shriners do such good work for the children.

Ms. Sellers said the City of Marysville has about the same statute on its books as the City of Columbus. Chief Golden said you must apply for the permit, show proof of insurance, show proof that you're a non-profit organization, and can request a location to set up. The Police Department will then either approve or disapprove it. They have always approved 4th & Main and 5th & Main. They will not approve Coleman's Crossing and other places that are real hazardous. Each organization can do no more than two days each calendar year. Timing is one hour after sunrise until one hour before sunset. No more than one permit shall be issued for the use of any intersection during any calendar day. Reflective clothing should be worn for the solicitor's protection. He noted they have had no problems with the Shriners or the Pediatric Brain Tumor folks, as well as the Fire Department. All have always provided the appropriate information.

Mr. Aquillo asked about the incident with the group from Kentucky denying to give the person who approached them, money from their bucket. He asked if the Shriners would give money to a person who approached them and asked for money. Mr. Bumgarner said they would not give money from their bucket, but would give them an application and tell them if they qualify, they will get the

money. All the money goes to Aladdin, then Aladdin disburses the money to those who qualify.

Ms. Sellers noted that by giving money from the collection pot to someone who approaches you on the street, may be putting the charity organization's 501C3 status in jeopardy. Mr. Bumgarner said it would.

Mr. Ken Denman addressed the Committee. He is President of the local Goldwing Chapter. He will also be the Task Force Leader for the Ride for Kids next year, since Honda is no longer doing it. He's been raising money for Ride for Kids since 1992, the first time for the ride at Honda. The Goldwing Club has been working in the streets for half of that time. They go through the permit process; they're allowed to work at three intersections. They put 10-12 people on each site. Mr. Denman makes up tripods with signs on them telling people who the organization is and what they're doing. He sets them half way down the block, which gives drivers a heads-up that something is coming up. They've never had any close calls that he is aware of. They have a good time doing it. People in Marysville know who they are when they come out, and they help the group out a lot. They do it on two Saturday mornings before the ride, usually from 9:00 a.m. to 1:00 p.m. They will collect anywhere between \$3,000 and \$4,000 on those three corners on those two weekends. Intersections are 4th & Main, 5th & Main and 5th and Maple.

Chief Golden felt it was a good idea to have the advanced warning signs to give people a heads up.

Mr. Ralph Elliott said he has stopped along the highway to help someone and it's no comparison to what they're doing downtown at 15 MPH. Stopping along the highway is far more dangerous with the traffic going so fast. Mr. Elliott says he's totally amazed that somebody from out of state fraternizes and takes our local money out of state.

Ms. Groat asked if the Shrine and Pediatric Brain Tumor Foundation have multiple residents who live in the city. Response was yes. Mr. Bumgarner said they have 115 members in the Union County Shrine Club and out of those 115 members, approximately 40% live in the City. Ms. Groat said that might be a consideration.

Mr. Aquillo asked if all the Shrine's money collected here in Marysville, stays in Marysville, in Union County. Mr. Bumgarner said the money taken in, in the County, does not cover the 15 kids that the Shrine takes care of in the three hospitals. Does it stay in the County? Yes, they get all the money collected in

Marysville, plus. There is no way to say that this dollar was spent for this child. Out of the \$900,000 in the three years given to the hospital, Union County gave 21% of that money that went to Aladdin in that three-year period. There are 51 clubs and units that do this and with 21% coming from Union County, “you know we’re the biggest bang right here.”

Mr. Aquillo noted from previous discussions, it wasn’t so much the application process or how much money was raised or how the money was spent, it was more a safety concern.

Mr. Bumgarner said he has no problem with posting signs like the Goldwing Club does.

Chief Golden said he received complaints about an organization that the solicitors actually tried to flag traffic and distract drivers and hold buckets up and wave. The last time they were in town, they were told to quit doing that or their permit would be pulled. He noted he’s had no complaints about the Shriners.

Mr. Bumgarner invited anyone to call Gail Hinshaw at 800-475-3850, Ext. 13, and she can give you all the information on any concern you may have.

Mr. Franke asked how many applicants there are in a year’s time. Chief Golden said he gets three or four different organizations, the Shrine, the Pediatric Group, the Fire Department and the New Life Church. Those are the ones we’ve had repeatedly over the last three or four years. New Life Church is the only one we’ve had from outside.

The ordinance was changed in 2005 in order to be able to restrict where solicitors could be. It also gave the Police the authority to require a permit, non-profit information and approve or disapprove intersections and restrict the number of times groups could come back.

It was noted the New Life Church was the group that is subject to controversy. They were involved with the individual asking for money, but also Chief Golden warned one of their people about flagging down traffic. That is distracting and dangerous.

In summary, there may be an interest in adding more teeth in flagging traffic, although the Police already have the ability to require the people to stop when

they're seen flagging traffic. The advance notice signs by the Pediatric Group are a good idea. Shriner Club said they could post advance notice signs.

Chief Golden agreed signs would be acceptable for everyone's safety.

Regarding the concern for making a requirement for all groups to be local, Ms. Sellers said the only concern is of a legal nature. Are we discriminating unfairly against people from out of town and are we setting up the City for a potential lawsuit. Would like to somehow keep our local dollars working for the greater good of our local residents.

The Committee thanked everyone for coming and giving information about their organizations.

Ms. Sellers proposed an item for the consent calendar. She noted an amendment on tonight's Council agenda proposes eliminating the term limits for Council President.

The item for the consent calendar pertains to the Open Meetings Law. She noted an article in the Dispatch that a lot of municipalities are modifying the Sunshine Law to allow for Executive Sessions for economic development discussions. Affirmative voice vote was unanimous to add this item to the consent calendar.

- 2010 Ward Redistricting

Ms. Sellers said there is a rule in our country that says, one person, one vote. Districts must be pretty much equal in number of people in it. She wants to be very careful about the reformatory in Ms. Groat's ward. The felons can not vote under the Ohio Constitution, so they should be subtracted from that ward. Ms. Groat said it is her understanding that those people were subtracted in the 2000 ward redistricting. There is no change in procedure. Ms. Sellers just wanted to make everyone aware of the situation when the next redistricting is done.

Ms. Groat asked about the residents at Milcrest, are they residents to the point where they vote. Ms. Sellers said if they are not a convicted felon doing time in prison, they can vote. Ms. Groat asked if they maintain a residency out in the county, and now they are living in Milcrest, where is the residency. Ms. Sellers said if they change their address for voting with the Board of Elections, they may vote where they reside.

- Adjournment to Executive Session to Discuss Economic Development

Ms. Sellers wondered if this is something that this Committee would like to pursue. Under City Home Rule power, cities can pretty much decide that they can adjourn to Executive Session to talk about anything. Topics permitted to be discussed in Executive Session are as follows: Personnel Matters, Purchase of Property, Pending or Imminent Litigation, Collective Bargaining Matters, Matters to be kept confidential by federal law, federal rules or state statute, Security Matters, Hospital trade secrets for County or Municipal Hospitals and Veterans Service Applications.

A motion is made to adjourn to Executive Session based on one of the above reasons. In last Sunday's Dispatch, there was an article about certain municipalities under Home Rule powers saying they wanted to expand the reasons why, under state law, they can go into private session, and one reason is for economic development. Ms. Sellers feels there are advantages and disadvantages to that. If there are sensitive matters about bringing and keeping jobs in your city, you may want to talk privately among the group without having to be concerned about the news getting out before the deal is finalized. One disadvantage is, are we on a slippery slope here if we start allowing discussion about economic development? Pretty soon will it be everything in private meetings. We want to have open meetings.

Ms. Sellers proposed packaging this proposed change with the proposed amendment eliminating term limits for the Council President. Each would be a separate amendment. Ms. Groat asked if it would be possible to go forward with the amendment to eliminate term limits for Council President, then consider the Open Meetings law separately. She doesn't want it to appear that we're rushing anything because we want to consider things together.

Do we want to add Economic Development to the list of allowable topics for an Executive Session. We want jobs in Marysville. If somehow allowing Council to talk in private as a group will help that process; will help bring jobs to Marysville or help create new jobs or keep jobs here, it could be a potentially good thing for Marysville. Ms. Sellers also sees the down side. The whole purpose of the Open Meetings Act is so that we conduct our business in public. We are not like a private corporation in the sense that we do our business in public, because people vote us in.

Ms. Groat suggested asking Mr. Phillips, Ms. Friend and Ms. Clark to a meeting to get their opinions on this issue.

Ms. Groat asked Ms. Sellers, as President of Public Affairs Committee, if she would make a list of continuing issues to be discussed once she is no longer on Council. Ms. Sellers said she would.

Meeting adjourned.