

PARKS AND RECREATION COMMITTEE

DATE: May 4, 2006

CALLED TO ORDER: 5:06 p.m.

ADJOURNED: 6:04 p.m.

ATTENDANCE

Attending Members

Vernon Brown, Chair
Bob Cockrum
Susie Day
Ron Gibson
Monroe Gray
Dane Mahern
Earl Salisbury
William Oliver

Absent Members

PROPOSAL NO. 184, 2006 - amends Chapter 631, Article 1 of the Revised Code to add a new section limiting access of persons required to and or listed on the Indiana State Sex Offender Registry, as a result of a conviction of a child related offense, to public park facilities and playground areas
"Do Pass as Amended" Vote: 6-1

PROPOSAL NO. 242, 2006 - approves an appropriation of \$115,000 in the 2006 Budget of the Department of Parks and Recreation (Park General Fund) to pay for a portion of the construction costs associated with the Earth Discovery Center, a state of the art interactive environmental learning center available to audiences young and old throughout the County, funded by interest earned on Lilly Grants
"Do Pass" Vote: 7-0

PARKS AND RECREATION COMMITTEE

The Parks and Recreation Committee of the City-County Council met on Thursday, May 4, 2006. Chair Vernon Brown called the meeting to order at 5:06 p.m. with the following members present: Bob Cockrum, Susie Day, Ron Gibson, Monroe Gray, Jr., Dane Mahern, William Oliver, and Earl Salisbury. Also in attendance were Councillors Lincoln Plowman and Mary Moriarty Adams and Aaron Haith, General Counsel.

PROPOSAL NO. 184, 2006 - amends Chapter 631, Article 1 of the Revised Code to add a new section limiting access of persons required to and or listed on the Indiana State Sex Offender Registry, as a result of a conviction of a child related offense, to public park facilities and playground areas

Councillor Moriarty Adams stated that Proposal No. 184, 2006 was sent back to committee by the full Council to give other members a chance to offer amendments. She stated that the proposal was explained at a prior hearing and tonight's meeting is to have the amendments brought forward and introduced and discussed and then accepted if the need be.

Chair Brown asked Mr. Haith to explain the first amendment. Mr. Haith read the first amendment and stated that two words were inadvertently left out of the amendment which should have been "parole or" inserted before the word "probation" and needed to be changed.

Chair Brown asked if there was any discussion on the first amendment. Carl Brizzi, Marion County Prosecutor, stated that the amendment, to which there is no objection, basically amends the proposal so that the fines will not apply when there is an option for criminal prosecution. Mr. Brizzi explained that he did not want to be prevented from prosecuting an individual for criminal acts in addition to any fine the City may exact. He also stated that research has shown that there could be a likelihood that double jeopardy would be attached when the fine is issued that would prevent an individual from being locked up. He stated that this amendment would resolve that issue.

Councillor Cockrum moved, seconded by Councillor Gray, to "Amend" Proposal No. 184, 2006 Section 631-106 (f) to read: "Fines under this ordinance shall not apply when the prohibited conduct is subject of a new criminal offense under any applicable state or federal statute or when the prohibited conduct is the basis for the revocation of any conditions of parole or probation" (Exhibit A, attached). The motion carried by a vote of 8-0.

Councillor Oliver submitted a additional amendment attached as Exhibit B. Councillor Cockrum noted that section (e) 1 of exhibit B should read: "A fine not exceeding six hundred dollars for a first violation."

Chair Brown asked for discussion on the second amendment. Councillor Cockrum stated that his concern for this amendment is that the paragraph in section (e) applies to all violations in the ordinance and would prefer it apply to the sex offender portion. Mr. Haith stated that the section that was amended does not provide any penalty, just prohibits the contact. He also stated that wording could be added to cover that portion.

Councillor Mahern asked if Mr. Haith could add what section of the proposal it would relate to since there are different subsections that have been changed. Mr. Haith read the changes in the amendment per exhibit B. Kobi Wright, Corporation Counsel, clarified that this is a civil violation and not a criminal violation and there can be no double jeopardy because civil and criminal are two separate violations.

Councillor Cockrum moved, seconded by Councillor Gray to "Amend" Proposal No. 184, 2006, per Exhibit B. The motion carried by a vote of 8-0.

Chair Brown asked for further discussion on the proposal. Councillor Plowman stated that he is not against the proposal, the issue he has is how the fine will keep those predators out of the parks. He stated that one of the things he has done was to look at the new state law, which will be in effect, July 1, 2006, to see how the proposal can be tweaked. He stated that the proposal should be tabled for further research.

Councillor Salisbury stated that his concern is about the lack of study that has been done. He stated that there was not enough adequate notice for public hearings. He asked that the proposal be tabled so that further study and more advanced notice of a hearing can be done. Chair Brown stated that there has been more than enough notice given on the proposal. He stated that it was heard at a previous committee meeting, on the floor of the full Council and now back to committee.

{Clerk's Note: Councillor Gray left at 5:35 p.m.}

Councillor Cockrum asked if Corporation Counsel had a chance to review the state law and if they found any conflicts or concerns. Mr. Wright stated that OCC has looked at the law and does not have any concerns.

Chair Brown called for public testimony on the proposal. A representative from the Marion County Sheriff's Department read a statement from Sheriff Anderson in support of the proposal, which is attached as Exhibit C.

Debbie Middleton, citizen, stated that once a person is labeled a sex offender every family member is negatively affected. She stated that when family members of the offenders speak out, they are putting their lives on the line. She stated that the offenders that have done their time are being punished again, and they have the right for redemption just as with any other criminal. She said that there are restrictions where the offenders may work, reside, and being near parks and schools, and that all these restrictions limit the relationships they have with their own families. She also stated that with all the regulations and the way the registry is set up, we should never be able to hear about one more child being abducted or molested. She said that once you have been labeled as a sex offender, your life is basically over and the family that you once had can not be a part of your life. Ms. Middleton stated that this regulation is not going to keep the children any safer.

Richard Eagleson, citizen, stated that this proposal does not address rehabilitation. He stated that if there was some sort of rehabilitation, it would help those offenders. He said that not all can be rehabilitated, and therefore, there has to be some kind of certification for these individuals. Mr. Eagleson stated that there should be a way for people to be rehabilitated.

Lena Snethen, ACLU, stated that the ACLU understands the need to protect our children, but the facts state that this proposal is dangerous because it creates illusions of safety. She said that most of the time kids are molested by a family member or someone they know. She stated that it is hard for the adults to come forward and report the abuse that has taken place, because they are afraid of the laws that are going to come down on their family members or friends. Ms. Snethen asked that the proposal be reconsidered and voted against.

Dawn Robertson, citizen, stated that there has not been enough time to study the issue to see who would be affected. Ms. Robertson stated that the proposal sounds like a hate crime being committed by our leaders, because they do not care for sex offenders. She asked the Council to study this issue more, because it is not clear who is a serious threat and who is not.

Councillor Gibson stated that this ordinance may not satisfy everyone but it does indicate care and concern for our children. The increase in the proposed civil fines indicates a real consequence if a person violates the ordinance. He stated that the proposal is adequate and makes sense.

Councillor Gibson moved, seconded by Councillor Oliver, to send Proposal No. 184, 2006 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 6-1. Councillor Salisbury cast the negative vote.

PROPOSAL NO. 242, 2006 - approves an appropriation of \$115,000 in the 2006 Budget of the Department of Parks and Recreation (Park General Fund) to pay for a portion of the construction costs associated with the Earth Discovery Center, a state of the art interactive environmental learning center available to audiences young and old throughout the County, funded by interest earned on Lilly Grants

Wayne Simpson, CFO, Department of Parks and Recreation (DPR), stated that a few years back there was a \$10 million grant from Lilly that was used to build and rebuild several projects throughout the last couple of years. These funds have also earned interest and those funds are what is being appropriated to be added to the construction project. He stated that this is in addition to the principal funding from the Lilly Grant fund as well as our match.

Don Colvin, Administrator, DPR, stated that the current project is under contract and construction. The steel structures and walls are going up and we are working on installing sewer and water lines within the interior of the building. He also added that

completion of the project is anticipated for December 2006. The additional dollars would be applied for change orders that will be coming for the Discovery Center which are: upgrading water lines for bio purposes, installing sprinkler systems, additional electrical lines, as well as adding security systems.

Chair Brown asked if there were any matching funds. Mr. Colvin answered in the affirmative stating that Nina Pulliam Foundation has given \$1 million and the Eagle Creek Foundation has given \$ 300,000 and will be applied to the current project.

Councillor Cockrum asked if this was the last project under the Lilly Grant. Mr. Colvin answered in the affirmative. Councillor Cockrum then asked when the project would be done so that the Parks Department could host Lilly representatives on a tour of all completed projects and if there is a time frame to submit a funding request proposal to Lilly for additional projects. Joe Wynns, Director of Parks and Recreation, stated that there is no certain time and it depends on the completed project and tour of the facilities.

Councillor Oliver moved, seconded by Councillor Gibson, to send Proposal No. 242, 2006 to the full Council with a "Do Pass" recommendation. The motion carried by a 7-0 vote.

Chair Brown thanked all in attendance and asked if there was any new or old business. Councillor Mahern stated that the Garfield Park Arts Center is having its grand opening on May 5, 2006 from 6-9 pm. Councillor Mahern urged everyone to attend and see what the Arts Center has to offer.

Councillor Cockrum stated that there was a ribbon cutting ceremony and asked Director Wynns to give an update. Mr. Wynns stated that Herman Properties donated 15 acres of land behind the Linwood Elementary School which is going to become a prime Environment Education Park that the school is excited about. He also stated that the Parks department has acquired 88 acres of land by 30th and German Church Road. He stated that the Parks department has taken in over 100 acres of land at no cost to the department.

Councillor Salisbury stated that at the end of May 2006, there will be a grand opening in Acton of the new Acton Park and all are welcome to attend.

With no further business pending, and upon motion duly made, the Parks and Recreation Committee of the City-County Council was adjourned at 6:04 p.m.

Respectfully submitted,

Vernon Brown, Chair
Parks and Recreation Committee

VB/lw

