

Source: Parks and Recreation Commission

FISCAL and VISION NOTES:

Agenda Item No. REP 146-10

TO: City Council
FROM: City Manager and Staff
DATE: December 10, 2010
RE: Police Proposal on Alcohol in Downtown Parks – Park and Recreation Commission Review

City Fiscal Impact Enter all that apply:	
0	City's current net FY cost.
0	Amount of Funds Already appropriated
0	Amount of budget amendment needed
Estimated 2 yr net costs:	
0	One-time
0	Operating / On-going
Program Impact:	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
Resources Required:	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
Mandates:	
N	Federal or state mandated? (Y/N)
Vision Implementation Impact Enter Below All That Applies: Refer to Website:	
Y	Vision Impact? (Y/N or if N, go no further)
3.3	Primary Vision, Strategy and/or Goal Item#
12	Secondary Vision, Strategy and/or Goal Item#
	FY10/FY11 Implementation Task#

SUMMARY:

The Columbia Police Department submitted a proposal for an ordinance that would ban alcohol in three downtown parks: Flat Branch, Village Square and Paquin. The Commission was asked to provide their input and discussed the topic at a December 9 meeting.

DISCUSSION:

Mike Hood introduced Police Capt. Dianne Bernhard who spoke to the Commission about the background of the proposed ordinance. Police have continually had difficulty with intoxicated individuals at the three downtown parks, mostly homeless individuals. Bernhard said police have made efforts such as increased patrols and trespass warnings. However, these tactics have not worked in eliminating the problem. An ordinance, with posted signs at the three parks, would enable police to treat violations in a similar fashion as the open container law, Bernhard said. Violators would be given a summons and asked to leave the park.

Pauls asked how the Park Ranger would be affected by enforcing the ordinance?

Bernhard said she would likely receive the call first, but downtown police may actually be able to respond more quickly.

Pauls then expressed concern that such an ordinance would only cause the homeless to relocate to other parks and trails.

Bernhard said police would monitor that situation. She said police have no interest in expanding the alcohol ban beyond those three parks.

Blevins asked staff how they felt about the policy?

Hood said staff recognizes the problem in those three parks and feels comfortable that the parks are unique enough that this action is needed.

Phil Steinhaus of the Columbia Housing Authority attended the meeting and shared a letter of support written on behalf of the CHA's

Board of Commissioners and the Paquin Tower Resident Association. Speaking of Paquin Park specifically, Steinhaus said the residents of Paquin think of the park as their backyard and don't feel comfortable with the activities there, especially the residents who are in recovery. Steinhaus also mentioned the messes left in the park and the fact that there are often school children playing nearby at the adjacent Lee School playground.

Hood commented to the Commission that although the staff is supportive, he would like to ensure the wording exists that alcohol in those three parks is limited to permitted uses only,

approved by a Parks and Recreation special use permit. This would enable an exception to be made for some special community events

Blevins said he would suggest that an ordinance should be open to allow other parks to be added in the future, if that need should ever arise.

Pauls made a motion, seconded by Kloeppe, that the Commission support an ordinance limiting the use of alcohol in Paquin, Village Square and Flat Branch parks to permitted activities only with those activities approved through the Parks and Recreation Department's special use permit process.

Voting in favor of the motion: Blevins, Davis, Kloeppe, Pauls, Hutton

Absent: Devine, Donaldson

Motion passed 5-0.

A copy of the draft minutes from the Parks and Recreation Commission meeting are attached to this report.

FISCAL IMPACT:

No fiscal impact is anticipated as a result of this report.

VISION IMPACT:

This report addresses Vision Goal 3.3 of providing a safe and secure environment for the public while reducing crime and substance abuse. In addition, the ordinance would support a network of attractive and safe parks and recreation amenities.

SUGGESTED COUNCIL ACTIONS:

Consider the input of the Parks and Recreation Commission.

DRAFT

PARKS AND RECREATION COMMISSION

Thursday, December 9, 2010, 7 p.m.

ARC, 1701 W. Ash

MINUTES

Commission Present: Marin Blevins, Sue Davis, Terry Kloeppel, Bill Pauls, Linda Hutton

Commission Absent: Dan Devine, Meredith Donaldson

Staff Present: Mike Hood, Mike Griggs, Erika Coffman, Tammy Miller

Blevins called the meeting to order at 6:58 pm.

Agenda: The agenda was approved on a motion by Pauls, seconded by Kloeppel.

Minutes: The November minutes were approved on a motion by Kloeppel, seconded by Hutton.

Monthly Report: Since the December meeting is a week earlier than normal, the monthly report from November was not completed in time for review. It will be presented at the January meeting.

Police Department Proposal to Limit Alcohol Use in Downtown Parks

Hood told commissioners the Parks and Recreation staff has been working with the Police Department and the Columbia Housing Authority on the issues of intoxicated persons in the downtown parks, namely Paquin, Flat Branch and Village Square. In many cases, these individuals are transients. Hood introduced Capt. Dianne Bernhard of the Police Department.

Bernhard said she was speaking on behalf of the downtown officers who witness mostly transients drinking in the parks as early as 8 am and disrupting the family-friendly environment of the parks. The police chief asked his staff to come up with a permanent solution for the problem, rather than just a "band-aid" fix. Officers have stepped up patrols, issued trespass warnings and other methods but nothing has worked. The police are proposing an ordinance be drafted that would prohibit alcohol in the three downtown parks, with signs posted indicating as such.

Kloeppel asked for the location of Village Square Park?

Bernhard said it was right next to the Christian Church which has a daycare. Police receive numerous complaints about the drinking in the park.

Hood added that Village Square is the smallest park in the system.

Kloeppel then asked about the consequences of violating such as ordinance?

Bernhard said it would likely be similar to the open container law. The individual would receive a summons and have to appear in court. They would also be told to leave the park.

Blevins asked about recent reductions in calls?

Bernhard commented that Officer Anderson has been proactive in trying to do that.

Hood said such problems usually are cyclical; a problem will occur for a while, then it fade away when enforcement is stepped up, then the problem will resume.

Pauls asked how Park Ranger Arens' workload would be affected?

Bernhard said if Arens was on duty, a call would likely go to her first, but downtown police would likely be the first responders.

Davis asked if there were many repeat offenders and if treatment was ever offered?

Bernhard answered that yes there were, but in many cases, the individuals are not interested in getting treatment.

Pauls asked if this would just move the homeless to other parks or some areas on the trails? Bernhard said police had discussed that and that is a concern; it's difficult to predict whether the homeless would just move to different parks. But the downtown area is attractive to transients, so she didn't feel they would move too far away. Police would monitor that.

Blevins commented that the department has typically held a consistent policy regarding alcohol throughout the park system. He asked staff's thoughts?

Hood admitted that such a new ordinance would change that consistency. Staff has discussed the proposed ordinance and feels comfortable with naming specific parks in the downtown to help address the problems the police are facing.

Bernhard added that the police have no interest in expanding the alcohol ban beyond the three named parks.

Phil Steinhaus of the Columbia Housing Authority shared a letter of support he had prepared for the Commission, which addressed the ban in Paquin Park specifically. The letter was written on behalf of the Housing Authority Board of Commissioners and the Paquin Tower Resident Association. Steinhaus said that Paquin is a unique park in that it also serves as a backyard of sorts for the residents of Paquin Tower. Residents at Paquin have complained about the non-residents and homeless who drink and use drugs in the park. He commented that some residents at Paquin are recovering alcoholics and don't feel comfortable or safe using the park with the problems that exist there. He added that Lee Elementary is directly next door to Paquin and often there are children on the playground exposed to inappropriate behavior at the park. Steinhaus felt the proposed ordinance was a reasonable approach to the problem. He said it would enable the police to enact consistent enforcement, which would be important as the homeless generally do not want to be hassled by police.

Blevins asked for next steps?

Hood said the police report would go to the Council along with the Commission's input. If Council believes the proposal has merit, they would direct staff to draft an ordinance that would come back to Council for review. Hood said that staff did support the police report but would prefer some different verbiage to read: limiting alcohol to permitted uses only as approved by a Parks and Recreation special use permit. He pointed out that there is some alcohol use in parks that is responsible. But this ordinance would address the problems that exist in these three parks.

Kloepfel commented that he felt comfortable as well, since these are three unique parks as far as their location and general use.

Blevins added that Council would be wise to allow the ordinance to remain open to allow other parks as need be in the future, so that separate ordinances did not have to be drafted for separate parks.

Pauls made a motion, seconded by Kloepfel, that the Commission support an ordinance limiting the use of alcohol in Paquin, Village Square and Flat Branch parks to permitted activities only with those activities approved through the Parks and Recreation Department's special use permit process.

All approved, motion passed 5-0.

Park Sales Tax Implementation Plan

Hood shared the proposed implementation of the Park Sales Tax funds, as referred to the Commission by City Council. The plan is a basically a schedule of projects over the next five years, following the passage of the November 2 ballot.

He showed a presentation and told Commissioners staff had considered cash flow, work force availability and priorities when compiling the plan. He shared information in all the subcategories and listed the years in which the ballot issue projects would begin.

Blevins asked about other current trail projects?

Hood said some would come from standard trail maintenance funds.

Blevins then asked why the contingency is not equal over the five years?

Hood said staff was trying to get more projects funded upfront. Plus it may be beneficial save the contingency for later in the five-year process.

Hood said if Commission endorses the plan, staff would draft a resolution for consideration at the December 20 Council meeting. He added the Council may introduce an ordinance at the January 3 meeting appropriating FY'11 funds, which would mean a public hearing and Council action at the January 18 meeting.

Hutton asked after seeing the Trails projects, if there is a plan to ever connect Stephens Lake Park to the northeast portion of the City?

Hood said there was, that the Trail Plan shows that. But it is not covered by the ballot issue funds. Staff showed a Trails Plan on the Powerpoint presentation. Hood said the described route north to the Fairgrounds may cost between \$5 and \$6 million. It would have to be completed in smaller phases. Some land and easements are being acquired for future construction as they become available.

Kloppel made a motion, seconded by Pauls, that the Commission recommend approval of the Park Sales Tax Implementation Plan by City Council, as presented by staff.

All approved, motion passed 5-0.

Before proceeding, Blevins asked for any comments by Coffman and Griggs regarding the recreation and parks divisions. Coffman mentioned the ongoing Holiday Toy Drive, the upcoming Holiday Lights and Sights Tour, day camps over the holiday break at the ARC, and the fact that the ARC has been very busy.

Griggs thanked Pauls for his earlier comment regarding Park Ranger Arens.

Commission Comments

Pauls commented he had heard in the news about the CYBA building a facility on the Atkins property?

Hood said they have entered an agreement with the County on a facility at the Fairgrounds, next to Atkins. The CYBA is trying to raise \$1.5 million and have been working on it for almost a year. If their efforts are successful, Parks and Recreation staff would likely have some involvement with it.

Coffman added that the CYBA had applied for a grant from Pepsi, which is likely the reason they were in the news.

Blevins asked Commissioners to review the Natural Resources Inventory for the January meeting. He added that he had asked Commissioner Donaldson to particularly offer her insight as this was her area of expertise.

Staff Comments

Hood thanked Commissioners for holding the December meeting (which is traditionally cancelled) and wished them a happy holiday.

Public Comments

None.

Meeting adjourned at 8:05 pm.