

Captioning Transcript of Special Parks and Sustainability Committee Meeting - October 31, 2022

"Chair Fowler"

Folks on virtual, if you're a member of the committee to please turn on your cameras, please thanks.

Good afternoon everyone this is a Special Meeting of the Parks and Sustainability Committee. I'm Councilwoman Fowler and the chair of the committee, and we are joined today by, um.

Council Woman Amy Holton Stewart Council Woman Parker, Councilman Pat Mulvihill Councilman Rick Blackwell Council Woman Donna Purvis

Has an excused absence were also joined in chambers by President James Council Woman Cassie Chambers Armstrong, Council Woman Nicole George and Councilman Bill Hollander

Um, I think that's.

Yeah, and we, we just we called this because we have, um.

Been having a lot of different things in my committee and we just need more time to.

Bring this forth and in the discussion so.

We have, this has been tabled and this is 263 days to an ordinance amending sections 1,310,131,023,103 at the local metro code of ordinances, relating to camping on Metro properties and sections 42.3142.32 and 42.99 of the relating to camping in metro parks and section 97.072 of the.

ordinances relating to camping on metro properties and sections forty two point thirty one hundred and forty two point thirty two and forty two point nine nine of the relating to camping in metro parks and section ninety

seven point zero seven two of the

Ceo regarding obstruction of sandbox in public ways.

Do I have a motion to please.

[Motion by Committee Member Holton Stewart, seconded by Committee Member Parker that this Ordinance be untabled]

Okay, okay Thank you so much. So it is unstable and Councilwoman George. You like to speak to of this?

"Council Member George"

Please, thank you. Chair Fowler and thank you to my colleagues and for those in attendance to

"Chair Fowler"

I'm sorry, we have to do the disclosure.

"Olivia Bennett"

Thanks meeting is being held pursuant to care at 61.806 in council rule 5, a read and full.

"Chair Fowler"

Thank you. I'm sorry Councilwoman George.

"Council Member George"

No problem I just wanted to thank everyone for being here today for a special committee meeting. I realized there was a lot of discussion at the last meeting and I want to make sure on the front end of those that each agency that has.

Identified a solution to ongoing challenges in the community has an opportunity to come forth and speak. And I would just ask on the front end of this conversation that we stay incredibly focused.

On what's proposed in the existing ordinance, and it's easy to want to solve all problems and I'm certainly willing to dig into other problems and try and find solutions but for purposes of today,

I want to remind everyone of what the existing ordinance seeks to do.

As a reminder it seeks to allow more time in response for what constitutes an encampment. So essentially taking it from 48 hours.

To 72 the 2nd piece that the ordinance seeks to do is to ensure equal access to parks about prohibiting camping. And that includes camping during the day as well as overnight.

And in doing, so, again, allow for more consistency and response.

And the 3rd piece that that the ordinance seeks to do is to address equal access to our public rights away.

So essentially, 3 major sensitive changes or components in the ordinance.

And again, Madam sure I would defer to you, but I would say if we could I know last time we heard from RCS, if maybe we could hear from parks.

To start to better understand, like, what drove the need to identify some improvements and where this is coming from I think, as it relates to the park section, because everyone will remember this is really multiple codes. Right?

And we, we sometimes think about this is what it's framed in as around encampment ordinance, but understanding that really? And truly this involves 3 separate sections 1 of which is the parks.

"Chair Fowler"

Thank you Council Woman so.

I see Margaret Brosko, if you don't mind to come to the podium to answer any questions, or give us an overall, um.

Overview of.

What you see as pertinent to this.

"Margret Broso"

Well, thanks Margaret Brosko, interim director of global parks and recreation. Thanks councilwoman George for all of your work and for all of you for being here as well today.

So the main point, I think you you mentioned was the parks specific legislation and then the concerns that we have, and 1 of the main ones is, is the word overnight.

Um, there's no camping allowed in parks period, except at the Jefferson Memorial forest by permit only.

So, currently, that is the case. There's no camping allowed in parks. So someone wants to have a birthday party and bring 5 of their friends and camp in Cherokee. We would not we would not allow that.

The challenge that we have with the way that the ordinance is currently written is the word overnight. So if there is somebody that's staying in the park, then between the hours of 11. 0. P. M. and 6 am is when we would have to go in and say.

You have to leave, which is not an opportune time for for anyone. So that's the specific area that we wanted to.
To make sure that you all looked at.

"Chair Fowler"

Are there any questions is there other information that you would like her to cover or.

Bill, I'll Councilman Hollander I'm sorry,

"Council Member Hollander"

thank you. Madam chair. I just have 1 question about. So there are 2 sections of the parks ordinance that are being amended here. 1 is 4,231. Which has a whole new section on temporary shelter.

And then 4,230 to 4,231 talks about it's unlawful for any person to use temporary shelter from more than 12 consecutive ours within the boundaries of a public park.

A temporary shelter means non permanent accommodation, intended to protect from weather elements.

Does that include vehicles?

"Margaret Brosko"

I'm not, I'm not sure is the county attorney here to interpret.

"Council Member Hollander"

I don't see any definition of temporary shelter in this section of the statute. There is in another section.

In 13,101, but I don't see any definition of temporary shelter in this section would include vehicles.

I guess that's a question for

"Chair Fowler"

it's something that I wanted to include. I had that on my notes to include, because it's been it's become a problem in the parks in my district.

So, Alice Lyons

Do you know if we can add that to.

To the, um, definitions is

"Council Member Hollander"

extra question is is does it include it currently.

"Chair Fowler"

Yeah, does it include it currently I think is the question for includes my calendar.

We've been joined by Councilman Peden

"Alice Lyon"

Alice Lyon with the county Attorney's office.

As council member, Hollander read into the record.

That section currently just says non permanent accommodation.

Intended to protect from weather elements.

"Chair Fowler"

So the interpretation of that would again be up to a judge, which I certainly am not 1.

Okay, so but that is something that I would like to.

Add to this, so I don't know if we can move that as an amendment at this point or if we want to do that later.

Yeah, Council Woman, George,

"Council Member George"

thank you. Sure I would ask that. We, I mean, several of us have been providing input and we've, we've had discussions with multiple agency partners over the last couple weeks. So I would ask if we can.

Hold any potential amendments to the actual committee meeting.

I think we'll be in a much better place, and I do want to recognize as relates to parks requests and some of their pieces they make it very clear that there is a problem to be solved around shared use of space. And so, whether that is in pavilions, whether that is in bathrooms, dug out all those pieces, there is a challenge to be solved around shared use of space. I don't know that they're married to the 12, consistent hours. And I think.

It's something that, as we evolve in conversation, we will see opportunities to refine.

But I think if we just for purposes of today's conversation, if what we hear is that the challenge is to be solved is around equal access to parks.

The ability to consistently enforce, for instance, if there is an encampment, what I heard Dr Brosko say is no 1 wants to move someone at, you know.

12 0, a. M, no 1 thinks that's good. Policy much less is can consistently be accomplished. And so just really that ability to again ensure equal access of lots of park spaces whether or not.

They're listed in a temporary shelter definition that you referenced from 131, or whether they're a broader scope within the park.

Thank you thank you.

"Council Member Hollander"

So, if I could just ask a clarification about the process here, because I, I haven't heard what the process is. Did I understand that you do not intend to call us for vote today?

Well, nobody's telling me that, I don't think anybody's told the people in the audience that either. So it's it,

"Chair Fowler"

this is the hearing for information gathering purposes, not to call this from discussion. Yeah, because we are so limited on within the parks.

Yeah.

"Council Member Hollander"

I just didn't know that. No, 1 has nobody has really told me the purpose of the hearing. So I appreciate that thing.

"Chair Fowler"

It's just to give us extra time because we just haven't been short on time. Sorry, thank you. For that.
Council Woman George. Do you have anything else to add? Okay.
And we're good,

"Council Member George"

thank you.
Okay, now, Council Woman, George, thank you.
So, again, the 2nd piece or I'm sorry, the 3rd piece that we had previously discussed and really didn't get to hear from our metro partners on was this piece around obstruction of the public right away. And I know chief Shields was at the last meeting, but I do know that time got away from us and so wanted to revisit that discussion with our partners, particularly around what some of the.
Were with enforcement of 97.0070, which currently is referencing sidewalks.

"Chair Fowler"

Who who is oh, thank you.
Thank you for being here today.

"Caleb Stewart"

I am Caleb Stewart lieutenant for the downtown area patrol, local metro police.

"Council Member George"

So, if you will, I guess 1 of the pieces that has come up is that it becomes incredibly difficult to ensure access to the public rights away, particularly with enforcement and I know had had vocalized. Some of those challenges had shared those with RCS.
And if you will please speak to what some of those challenges are. And I know.
Specifically, 1 of the questions that will come out, because it came up during our last committee is why some of our existing.
sufficient about.
Existing 97.072 around blocking sidewalks.

"Caleb Stewart"

So, 9,772, when I read that, I don't see anything that mentions tents or anything that really applies to typically what we see with homeless and climate related issues. It looks like to me it's written more related to businesses.
It talks about you can't have wares for sale. You can't be given speeches that causes there to be a crowd that blocks the sidewalk. So, the interpretation that we have is that that 1 really just doesn't apply and pretty much any situation. and pretty much any situation

"Council Member George"

Okay, and so I guess I would just ask.
And again, this came up during our last committee. Why some of our existing.

Laws, particularly around blocking the streets and sidewalks or obstructing a highway or public passage.
Trespassing loitering. Why are these? Some of the.
Um, statutes that can't be applied in these circumstances.

"Caleb Stewart"

So trespassing and loitering, um, especially when it comes to trespassing, it's going to be very difficult for us to charge. Somebody with trespassing when they're in a public space, especially something. So, public is a public sidewalk. You know, obviously, the argument can be made clear. This building is public in nature, but I don't think anybody expects the ability to go back and President James his office.

I'm assuming his office here and just sit down at the desk and kick up their feet. So it's public space, but it has restrictions but when we're talking about something like a sidewalk that is open and access to the public pretty much all the time. So, I don't think that there's gonna be. Hardly any instances where we can charge somebody with trespassing on a public sidewalk.

Um, the other 1, I believe you mentioned, um, obstructing a highway or a public passage 5 to 5 dot 100. that's 1 where I personally and I think a lot of this maybe had a misinterpretation that public passageway didn't include a sidewalk.

Um, we've had a meeting within the last couple of weeks with the county Attorney's office and our legal advisor and they advised that, in fact, that does include a sidewalk.

The caveat there is that we would have to be, um, it says that it renders. that it renders

The highway or public passage impossible without unreasonable or inconvenient with I'm sorry without unreasonable inconvenience or hazard. So the, the direction we've pretty much been given is that it has to pretty much be blocked where someone can't pass through it.

They would have to go into the street and even though we can't enforce ADA violations, a good rule of thumb would be if a wheelchair could fit through then then it's probably good to go.

"Council Member George"

Okay, thank you. I'm, I'm open to questions.

"Chair Fowler"

Thank you, sir.

Are there any questions?

"Council Member Hollander"

Thank you, Madam chair. So.

So what you've said, after the, if you've looked at this with the county attorney, and you think there is a state law, which allows you to cite someone for blocking a sidewalk, if it is completely blocked yes, right. Or if a wheelchair couldn't get through it right?

"Caleb Stewart"

Correct? Yes.

"Council Member Hollander"

Okay.

So, if it's substantially impeded, basically, the same thing that we're putting in this new ordinance, there's already a state law that covers that.

"Caleb Stewart"

Yes,

"Council Member Hollander"

okay. I guess I'd also point to the city ordinance that I think covers it and you said it at 9,772 there's 9,707 6.

Section M, notwithstanding any other provision of this section global metro may cause to be removed from the public rights of way without prior notice, notice to the operator owner or a permit holder an object, which presents a clear and present danger to the public are substantially impedes. The use of the public's right away by pedestrians. Councilman Fox

I know when he was here, he would tell us I think, I think he said it at the last meeting.

The LMPD enforces principally and 1st.

Statutes not ordinances, but why wouldn't the existing ordinance allow you to to remove cause to be removed from the public rights of way?

An object which presents a clear and present danger to the public are substantially impedes the use of the public's right away by pedestrian.

"Caleb Stewart"

I think there's potentially a couple of issues with that. 2nd of all. I mean, just as a general rule, I mean, we don't remove.

Debris or trash or anything like sure. I understand somebody else's purview. 2nd of all I would have to look at. And I'm not overly familiar with that. 1.

I'd have to look at the what the penalty is listed and I know some of the barriers we've had was, especially if it goes to code enforcement, all we could potentially do is issue some citation and we can't make, we couldn't make them move or move anything. Okay, thank you. Councilman just 1.

Final question Councilman Mulvihill may want to weigh in here. And I've asked this while you're here.

I think at the last meeting, Councilman Mulvihill a comment that you really needed to have the ability to charge people with criminal trespassing in order to get things moved. Are you familiar with that notion?

And is there anything in the proposal that allows charging with criminal trespassing in a way that's not currently allowed.

"Caleb Stewart"

I'm not aware that the same thing in the amendments that changes that. And I believe what he's referencing is just the fact that, you know, for to move someone against their will from a location. We essentially in almost all cases, have to have a reason probable cause to take them to jail.

Trespassing is 1 of those things and so I think that's probably where he's going with that,

"Council Member Hollander"

but you don't know of any change in this with the proposal. I would change that.

"Caleb Stewart"

Not that I'm aware of.

"Council Member Hollander"

Okay. Thank you. Thank you officer. Appreciate your being here.

"Chair Fowler"

Um, we have been joined by Councilman Arthur and Councilman Triplett and we have Councilman Peden
In the queue,

"Vice Chair Peden"

thank you, Madam chair. Um.
The conversation between Councilman Hollander and.
Police officer kind of brought forth, though, the problem with the current ordinance and potential problems with the new ordinance. And that is.
Every agency has a role in this.
But none of them are ever, ever, ever there.
At the exact same time, they don't remove debris.
Solid waste doesn't cite people for trespassing. Yeah, unless you create a, you know, get us 10 passenger van and haul everybody around at the same time from site to site.
You're never going to have all of the required people at the exact same time. And that's a huge hurdle. We have to overcome.
Councilwoman George, and President James have there is a problem that we have to solve.
Councilman Hollander and everyone on this side of the argument.
We need to solve that problem as well again with the signs that say, you know.
Homes not fines. I mean, it's a legit concern.
But the fact is, is that if you can't use a sidewalk, if you can't use a part gazebo, if you can't use a park restroom, we have to fix that. But at the same time, we never, ever, ever have all of the right people in the right place at the sametime to get it done.
And until the ordinance fixes that or jurisdictional, we give 1 agency. The authority to do it all I don't think we're getting anywhere.
Thank you

"Chair Fowler"

I think I agree with that because it it is problematic and it's hard to. Get everybody there at the same time and so, 1 agency doesn't seem to be able to take care of.
Things that should be taken care of. So I'm hoping that this is something that we can address within this ordinance. I don't know.
But, yeah, Council Woman George.

"Council Member George"

Thank you Madam Chair, I would just remind folks that as part of our last updates to this ordinance, we implemented risk assessments, and as part of that risk assessments were to be done, collaboratively and understand limited resources. And that it's not always feasible to have everyone go out together. And I see John and the audience today with RCS and I want to give him significant credit because I feel like he's everywhere across our city. But I do just want to mention that. I think, and I don't want to speak for.

Those who supported the last updates to the ordinance. There really was that intention to, to provide that collaboration across.

Uh, multiple agencies as it relates to both the way we identify service provision, meaning the intensity of service provision, but also to drive decision, making that decision, making around access to public space really should be done collaboratively.

"Chair Fowler"

Ok great, Council Woman Armstrong.

"Council Member Chambers Armstrong"

Thank you, Madam chair and thank you for being here. I'm not sure if you're the right person to answer this question.

And my apologies, if it's already been asked, I wasn't able to make the prior committee hearings, but I'm really interested in learning more about penalties and fines. And what we know about how those translate into civil contempt and people being incarcerated.

Because I think we all understand that if somebody is charged with the fund, and they don't have the ability to pay it, that that can result in people going back to court. And then that can result in a civil contempt order. And.

That can result in somebody being incarcerated, and that can result in a whole host of spiraling and snowballing issues. And so I'm curious.

And maybe the right person to ask is someone from the judiciary.

But what data do we have about how often when people are cited for civil offenses and particularly these types of civil offenses that perhaps most likely disproportionately impact our low income residents in our community how

often do those citations get paid? How often do those citations? Not get paid how often if the citations are unpaid, do they translate do they get turned into a civil contempt?

And how often is part of that is somebody order to be held incarcerated?

Do we have any data about that?

"Caleb Stewart"

I don't have any in front of me on that now and that probably would be something better for the courts in general.

I mean, I can say with the I mean, if you're talking about the 13,131, I mean, there's nobody's gonna get arrested for that. Um, it's a civil penalty only that goes before the code enforcement board.

Um, I guess it's possible if they received multiple citations and they never show up it could go over to district court and get there to my knowledge. That's that's never happened.

"Council Member Chambers Armstrong"

I'm looking at 4,299 cause I didn't see the other 1 was enforceable through a code through the code enforcement board, but this 1, it seems to just be a regular civil fund. this one it seems to just be a regular civil fund

What's the best way to get that data? Because I think that's relevant to this whole conversation is, you know, if we're going to be adding these types of financial penalties.

Do we see them resulting in people being incarcerated as a result? Is that something that you think we should ask that the district court to provide.

"Caleb Stewart"

Right or the code enforcement board, I would think

"Chair Fowler"

okay Councilwoman George. Do you have something to add to that?

"Council Member George"

I do, and I think this is a good time for us to discuss the fines. So, as a reminder these were finds that were already attributed to any violation as related to.

You know, chapter, 97 and regulation of the public right away. But I think there is a good question to be asked around. You know, what is the potential negative consequence understanding that.

We're really doing multiple things, right? We devote a lot of attention, obviously, to our houseless population, but understanding that violations and obstructions of the right. Way are not just relegated to someone based, on housing status. Right.

We see all kinds of obstructions that sometimes quite frankly.

We know people are making money from and so all this to say Alice Lyons I know recently had done some research into the piece with the fines. And what potentially.

Quote, enforcement board could do, or cannot do and I know we also had a discussion around. What does it mean for double finds I've heard that from folks that are concerned about.

Well, what if, you know, or a code enforcement officer were to site multiple times, what would that look like? I don't know, Alice. If this is a good time for you to speak to that.

But I think it's really important in our understanding of what's possible and understanding that we're all on the same page, right for someone who is most vulnerable in our community finds are not going to make that. Impact.

I do think we still have a problem to be solved and that is to say for folks who are not inspired to do the right thing and.

Many many people are, but in those small instances, where someone will not leave a right away when they've been asked and offered services, what happens but as it relates to what we have currently before us, I do think Alice has some,

some input in regards to what could be done with the citations.

"Alice Lyon"

Alice Lyon With the county Attorney's office again, and I have some small input on the code enforcement board. I haven't practiced before that board, but I asked some of my colleagues.

The county Attorney's office, you had some experience there, and they said that there are times when the code enforcement board, conditionally discharges fines

I don't know how, you know, W, W, what they based those decisions on, and I don't have any factors to spell out for you guys, but.

But that is a possibility and I discussed that with Councilwoman George recently.

And then they just in general, the, the sections that are in.

The ordinance as it's drafted now, are each civil penalties.

So those are things that would go in front of the county enforcement board.

As for what happens with multiple violations, or or.

How those stack up I would need to do some more research on on how those work.

You know, in the context that the Council Member Chambers Armstrong had mentioned that, you know, I don't have any input on that.

Again, that would be I'd like to hear from the courts on that, or the code enforcement board themselves. I don't have any experience with that.

"Chair Fowler"

Any research you can do would be very much appreciated. Alice. Thank you. Councilman Mulvihill.

"Committee Member Mulvihill"

Thank you Madam chair. Thank you Caleb for being here. I just have a.

Sort of a quick question, and I think it goes back to what Councilman Hollander. I don't know that we had a discussion more on the record, but we did have discussion sort of, off the record about.

The idea because I know when Hollander was part of the original, uh.

Worked tirelessly to get us the original ordinance and.

The idea that we would be able to have no camping signs. If we determine area was.

Of high risk, and folks shouldn't be there.

Determined and the clamp was clear and then you put in a no camping sign.

Caleb, what's your experience now? In order to enforce if you see a, because, uh, no trust and sign on profit property.

Is very different, and I know if you have a trespass waiver, it's even

different for but what can you do currently if you see a no camping sign that's meant that you can't camp there any longer, but.

Folks do return there. What are your remedies currently?

"Caleb Stewart"

There's nothing that we can do to the only thing that the camping sign, and my understanding, the no camping sign accomplishes is negates the need for the 21 day process.

Okay, so if you see, you repeat that,

"Chair Fowler"

I'm sorry, councilman Mulvihill can you repeat that? Please, from my understanding, we can't take any additional enforcement action based on those signs.

"Caleb Stewart"

From my understanding.

The only thing it does is would negate the need to restart a 21 day.

Notice process, if someone set up there, then they would be, you know, the whole 48 hours and they're good to stay thing. Doesn't apply. doesn't apply

And it's 21 day notice wouldn't be needed to clear it.

"Chair Fowler"

Okay. Thank you.

"Committee Member Mulvihill"

So, can you even cite for that under 131 currently as a, as a civil citation at this point?

"Caleb Stewart"

Yes, we could issue a citation for that.

"Committee Member Mulvihill"

Okay, so but in order to affect your wait, let's say that and there's no notice.

Who then is in charge of.

If we determined that it's not a safe place to be.

We've actually said, hey, you can't be here. Somebody still stays there.

You write a civil citation at what point in what agency does come in and say, okay, you can't be here. And then how are they removed.

Or how are they said you can't be here and if they refuse to then.

What process is followed to make sure that it's cleared again.

"Caleb Stewart"

That might be a better question for RCS, but essentially minor things.

Our RCS will go out. And if they request MPD to come with them, then we will.

"Committee Member Mulvihill"

Okay, but then at that point, if.

And I'm now asking you from an enforcement standpoint.

You've written a civil citation, you've been there multiple times, but they somebody says, well, I'm staying here anyway.

What enforcement action if any do you have?

"Caleb Stewart"

Nothing.

"Committee Member Mulvihill"

Nothing so, in this new ordinance, it does talk about it being unlawful to be in a place where it's been determined.

It's not does that term unlawful then take you into into a criminal trust pass situation. Unlawful is unlawful so it does make it unlawful. The penalty's always been civil does that turn it into a criminal. Uh, action that you can take, if you need to.

"Caleb Stewart"

I have my opinion on that, but I would probably defer to Ms Lyons if she doesn't mind addressing that.

"Committee Member Mulvihill"

Okay, thank you.

"Alice Lyon"

Councilman Hollaner that I'm I'm sorry I Councilman Mulvihill The word unlawful was in our ordinance already. We, we restructured that section that had said Shelby, unlawful for any person to camp. It goes on from there. Mm. Hmm. And we just reworded it as camping on public property. During these periods is unlawful. But the word unlawful, does it create a criminal penalty? It's. We use the unlawful in the code for various civil violations, including this 1.

"Committee Member Mulvihill"

So, at this juncture there there is no. Criminal penalty that can be or criminal action or, uh, criminal enforcement that could take place with this ordinance. That's for you Alice

"Alice Lyon"

the section 131 those 3 sections they all have sibbald. That's a civil panel.

"Committee member Mulvihill"

Okay. Okay. So then the Caleb, my final question for you. What, if any at any point, do you feel like. You could take criminal enforcement activity. Given the nature of this ordinance, it would have to be it sounds like something totally unrelated. But the question I always have, and I still have it is just failure to disperse come in. Does disorderly conduct? What are the things where you have to do if there is noncompliance with the ordinance?

"Caleb Stewart"

Yeah, we don't have any other avenues if there were unrelated charges then but but, you know, we could enforce unrelated charges on anybody anywhere, but no, we don't have any other other avenue to enforce it.

"Committee Member Mulvihill"

Okay.

And do you all have an opinion 1 way or another? Whether or is this really for us to decide if we put these signs? I know it does. It, it changes maybe the count down and and dose. But it doesn't really allow the change in the use of the property, unless somebody really what I'm hearing voluntarily says, okay, I will go or I won't go. But it doesn't change it. Right?

"Caleb Stewart"

That's my understanding. Yes.

"Committee Member Mulvihill"

Okay, I appreciate it.

"Chair Fowler"

Thank you. Council Woman Holton Stewart

"Committee Member Holton Stewart"

Yes, thank you. Thank you. Madam chair. I guess this question goes out to the sponsors of the ordinance. I'm just reading under section. Um, 4. 131.04 which addresses personal property storage. It says if a person is relocated from a camp with fewer than 21 days, notice under the emergency provision and 181.

Oh, 3 little metro must maintain any of the person's personal items found at the camp that have apparent utility. And are. personal items found at the camp that have apparent utility and are

Not unsanitary, I guess my question is and it may be addressed later in the ordinance but is this going to be the responsibility of public works? And does public works have the capacity to store? These items is, is that the plan.

So, I guess that would go out maybe 2 Councilwoman George?

"Chair Fowler"

Yes. Councilman George.

"Council Member George"

Thank you, as you've heard me mentioned before and as RCS has also raised there is the need to better understand and identify personal property.

As it relates to any items removed from the public right away there is a responsibility for solid waste to collect and to hold for a certain period of time the items that are deemed to not be

unsanitary and to have utility of purpose. We recognize in the existing proposal, there really is a need to be able to also identify and tease out items that quite frankly have just been abandoned where it's very. Be clear that again, there's no apparent utility and, you know, there there are sanitary issues. So, the answer to the question is yes.

Solid waste does have a role in this in the way of being able to secure items and There'll be due process and Alice Lyon can speak to that for items. That are removed from from the right away.

But, again, we need to tease out and that's part of why we're having this process and special discussion to really be able to clearly delineates.

Uh, personal property that is abandoned versus that with, with utility.

Thank you,

"Committee Member Holton Stewart"

but the section that I just read from, you is not necessarily the same section as in the personal right away or a sidewalk area. This is talking about relocating a camp.

So, maybe that needs to be clarified within section 131, 4, where we would add solid waste as well.

As in, you know, the, the last part there where it talks about storage of personal property, so it's just a little bit confusing. And, um.

And, yes, abandoned property, you know, how do we determine whether or not it's truly abandoned? Um, I know that RCS has talked about, um, you know, that they check, maybe 3 different times in a, in a week's time.

Um, but that that likes a little bit of clarity, you know, just for me reading the ordinance itself as well.

"Council Member George"

Just for purposes of this discussion, and you're raising a good question Council Member Holton Stewart to that section related with personal property.

So, that would have been what was in the existing ordinance.

And I think we could ask RCS how that current process is working again.

We do know, we generally speaking have, um.

Challenged us all challenges to solve as it relates to how we identify a personal property and what happens with that. But if it's an encampment, that's not what we're seeking to change at this time. And as I understand it, there is there's currently a process.

"Chair Fowler"

Does that answer your question?

"Committee Member Holton Stewart"

It does, I just see that the 1 section that has been added that adds that have a parent utility and are not unsanitary. So, um, you know, that could be, um.

Anything from, you know, a shopping cart or a chair, um, anything, um, you know, larger items included and and I guess that was my question is whether or not, um,

solid waste or public works has the ability to be able to store these items and, um, you know, maybe that needs to be explored, um, a little bit more in depth.

"Chair Fowler"

Alice Lyons did you have something to add?

"Alice Lyon"

Um, in this section, that Council Member Holton Stewart just read from that. We did add that phrase, uh, apparent utility and are not in sanitary.

950

But we took that language from the existing definitions.

That were in 131 on 1, like, in your draft, it would be on page 2.

The definition of personal items in that definition, we called that also apparent utility and does not include items that are unsanitary. So we, we took that language from personal items and moved it in there.

But it had it that definition had applied all along to that piece.

Okay, that's helpful. Okay. Um.
Council Woman George did you have something to add?

"Council Member George"

I do. I just want to mention that. Initially RCS had requested that there be a little more prescription to how we list out personal property and those items.

And so this.

Addition does not necessarily reflect that fully in the way of, like, scoped out list of items. I'm not sure that is the place of the legislative branch.

Um, but I do recognize that there, there's still some work to be done as it relates to how we are defining personal property how we specifically, what the processes for abandoned property versus and how we're identifying that versus the due process that is required when you remove items from the public right away.

And I I'm sorry, is there anyone here from solid waste management?

You know Yep Yep.

Thank you for being here Director Burns

"Vanessa Burns"

Antonio Baldon is here as well.

All right, well, public works department and it's always management services.

The is the department and division that's responsible for, in the case under the current situation that we do, the clean up of the homeless encampments in the past.

When we've done that. There's been a 21 day notice. notice

On the homeless advocates have come before the last day and reminded people that we're getting ready to have a clean up tomorrow and anything that's there.

Once they begin the process of getting. If you, if you have not removed it, then it is considered abandoned.

That's essentially how it's been done.

I, for example, just roll down Jefferson street.

And they are now 6 tenths that weren't there a week or so ago. And there is trash that there's stuff on the side of a little ways away from the 10th. That clearly is.

It has it's paper or pizza boxes or anything like that and that. So, in that case, when we would go in there and clean up, we would clean up because it does look like trash.

But if y'all remember back during the protests, when they were the situation where cleaned out Jefferson, and then took the stuff that was in Jefferson,

and then took it to weight reduction center.

We ended up the sitting ended up spending a lot of money on on property, alleged property, because there was no process.

Um, and the thing my concern as a person, if you put it in the ordinance is that you're 1, making us be responsible for what is trashed and what is trash.

Then you're also made and then opening up the city potentially for some liability.

Now you also remember during a mid year adjustment about 2 or 32 and a half years ago you put money into homeless services. services

1 of those homeless services was working with St Johns.
And St, John's had over where there's a meat used to be a meat store
across from housing authority.
We actually had we bought, um, Tony, and his people bought, um, I don't
know, 60 or 70 carts.
It looked like a robert's cards, but they're their base and that was
where people we were able to put people of things.
And then St, John's now say Johns now has those and so 1 of the things
that we might want to do, because what you really want is potentially,
for people that could lose their few family pictures or papers that's how
they lose things because they're going from 1 thing to the other,
but I just want be known that we need to make sure that there's a process
so that the city is.
Not on the hook.
For things, and the other thing that is also happening, um, we got a boat
that was abandoned on the city street about a month ago.
And so, so what I'm saying is that that who, who knows what is or is not,
but as as an agency director, I, I think.
1 of the things that you might want to look into, because you're not
going to get everybody to go into the homeless thing and you're trying
with the hope city.
And so the, whether that's if that's a good thing, then, maybe you do
more, but, like, they've done in places like Seattle.
But what I do think is if people are going to stay on the streets or move
from 1 place to the other, then we need to have some.
Um, more strict issues, so that people can walk down the street and I
know that when there was a protest by the federal building,
the Wall Street kind of was named Jeff Brown and my Deputy Director. He
went down there and measured off 36 inches and then said you can be on
the other side of the 36 inches, but there has to be 36 inches so that
people can walk by.
So, I think, as you guys are looking. guys are looking
The potential things to do that we need to.
Because this is not a problem that any of us can solve very easily. I
mean, I'm a member of something called the big city form, which is all
the public works departments that are over half a 1Million in population.
We're all having the same problems. So, you guys are looking at how the
city is looking, and we're looking at how the city is looking.
But I think that we need to make sure that there's a, an effort, not just
to the long term effort, which is.
Try to improve the housing in the city, low income housing, but I also
think just like, what happened last week, um,
with the mentally ill people on force feed my guys were right there
during 1 of the incidents. So it's a, it's an ongoing issue that.
Um, we're just asking that you consider.
What our issues are in terms of whether we have space, we don't have a
lot of space. If you're talking about the waste reduction center, that's
where we do our electronics.
Um, and then I also think you need to think about the amount of time.
But, you know, we're, we're, we're, we are a department that helps as
much as we can.
Our people, even though the city pays 8,000 dollars a month for bathrooms
for portable bathrooms, are people still have to sometimes we're.
Uh, uh, uh, cover walls.

Because there's concerned, because some of the people maybe are not mentally as strong as they should be and are doing all kinds of stuff in the area that you're asking us to clean. So, I mean, I would, I would just look at it that will help as much as we can, but it's as difficult for us as it is for anybody else. Antonio. Do you have anything to say director burns?

"Chair Fowler"

Can I ask you a question about the carts? That were purchased again, they were.

And in color, and they look like the garbage cans that are used on the streets. Okay. And so how many of those were purchased.

"Antonio Baldon"

Antonio Baldon about it there was 60 purchased at that time 60, 60. okay. And they were 65 gallons so it's not the 95 gallon containers that you see many of the residential households. This is the 1. that is right under that. So 1 of that is because of the capacity. the capacity

That we wanted to try to have individuals have that, but, as Director Burns already has spoken on.

It it is a thing about space when you're placing that into the jurisdiction of salaries to handle.

That you're looking at basically salaries now, becoming a property room and not to say that it couldn't be done,

but it would have to be additional resources much that I would say to this council that you all would have to basically back us up on that.

Because you're looking at having to increase personnel of at least 3 to 4 personnel for that. There's also a container costs for those containers.

We, we already know from my team being in her several weeks ago, and spoke about the garbage cart crisis that we're having. Now, this would be another.

Um, piece of that infrastructure that would have to be accounted for.

You would also need to have, like, the shipping containers 1 of those would have to be placed somewhere and be made. So you have to have a software system in place as well.

Because we just don't want to be freelancing with people's personal belongings.

"Chair Fowler"

So, can you tell me and I should know this, but I don't remember when we purchased.

Those containers how are they utilized.

"Antonio Baldon"

Brown yes, they were you utilized for personal property of the individual's things so if it was pictures, or if it was some.

Articles of clothing, whatever would fit into that, because you want to have it to where this also has some structure to it. So, I think someone said like a shopping card. We're not considering the shopping cart. Somebody's personal belongings. Right? That actually is now unfair.

Because now they have taken that from a business that now has to uncharged somebody else because they had to replace that. So it would be anything that would fit inside of those type of containers.

"Chair Fowler"

And where did those containers get stored?

At swims no,

"Antonio Baldon"

ow no, we're not same. John center. Yeah, they're not stored with us at all. But then you also have the salvation of army.

Uh, that has those same style containers and they're storing personal belonging.

"Chair Fowler"

Okay. And I saw recently that, you know, we've got thousands of homeless houseless individuals.

60 cards doesn't even dropping the bucket that what is needed, but we have to have an agency that would oversee. That is my understanding.

"Antonio Baldon"

We'd have to have an agency, they always see that and I can just tell you right now that.

That was just a small piece, because several years ago, it was just really a trial thing. Okay. And and we have to understand that, even though it was just 60, that was the small frame because this problem has now become a serious pandemic for our city.

And if we're looking at doing, uh, motions such as this, and we're looking at that, you're looking at having to have in stock at all times, anywhere between 1000 to 2000 cards that's going to run you up upwards 2 about 250 to 300,000 dollars. and fifty to three hundred thousand dollars So, how, how much are the containers?

"Chair Fowler"

Just right now if you went to buy 1.

"Antonio Baldon"

60 65 dollars per container. Okay. It doesn't include shipping calls, which is a huge okay. Now.

"Chair Fowler"

So, can you tell me you mentioned shipping containers and what is your idea on that?

And how those could be utilized. Utilized

"Antonio Baldon"

It would have to be something in regard to a 42 or 52 yard shipping container that would have accessible accessibility for a lock in a door. But then also a software system that would allow for the items that would be going into said cart. said cart

Being stored at the said container and then what would be the back process of that individual collecting those items meaning the individuals that would have these personal belongings we would need to make sure that they have some type of identification or another

agency would have to be a part of that to ensure that there's a case worker there that is coming alongside of them. So we're talking about a heavy lift.

Really because it has to be multiple cross functional agency coming together to make this happen. And I don't know if that would be center stone. I thought it would be 7 counties.

What is now?

7 counties sandstone, but whatever it is, you're going to have to look at some type of outside agency to basically help with that as well because we just won't give it away back to someone just because they say they are Joe blow right?

"Chair Fowler"

Okay, thank you very much councilman Arthur.

"Council Member Arthur"

Thank you gentlemen, I'm at school, so if you hear it to me and trombones, I'll just jump back in the queue or rushed down to city hall. I have a question for lieutenant and it's about record maintenance. I'm wondering if you can come back up real quick.

So, what is this.

To what detail does categorized citations.

"Chair Fowler"

Do you identify yourself again please

"Caleb Stewart"

with a local metro police? Um, could you.

I guess clarify that question.

"Council Member Arthur"

So if you got a big stack of citations, how are those categorized? Or do you categorize? I'm just asking to what detail do you categorize the citations that you issue?

"Caleb Stewart"

I mean, all of our citations, you know, that go to district court, that's where they end up. I don't know. I mean, we don't categorize citations.

"Council Member Arthur"

I asked because I asked the office of management and budget.

How much revenue that Louisville metro government gets from fires related to homelessness and camping. I was told the office does not track revenues from fines to that detail.

And I'm wondering if you know of any agencies that do keep track of that. And it sounds like, does not but do you know of any agencies that do keep track of that detail?

"Caleb Stewart"

I wouldn't have knowledge of that.

In a follow up email, I was informed that codes and regulations does not originate these types of finds and that police citations are most likely. And it would be like, looking for a needle in a haystack.

It goes on to say that police would likely not initiate unless parks requested assistance with a difficult individual.

Did you confirm this or clear any misconceptions about the process for enforcement?

"Caleb Stewart"

Yes, I mean, we're probably not going to respond to an area without being called.

To, especially when we're talking about dealing with encampments and our policy even really spells out that we're, if we're responding to an uncommon for an emergency, we would respond there. Like, we would any other location. But if it's just because there's a complaint of an encampment.

Then we would only go with RCS.

"Council Member Arthur"

And can you speak to any standard operating procedures?

Then tell you when you should issue a citation versus when you should do something else.

"Caleb Stewart"

In relation specifically to what we're talking about today.

"Council Member Arthur"

Yes, encampments when would you issue a citation versus taking some other action?

"Caleb Stewart"

I don't think we have to my knowledge anything in policy that dictates when you issue a citation or when you don't.

"Council Member Arthur"

Understood Chairwoman want the record or show that between codes and regs parks, office and management budget. It appears no, 1 and Louisville metro government knows the financial impact of fines.

And I would also like to hear from the homeless services division about how those funds impact the people who they're actually issued to, I believe Dr, Susan Buchino is in chambers.

"Chair Fowler"

So can I ask before you come up? Dr but she know.

To your knowledge, um, how, how many.

Citations do you know of that have been issued to homelessness individuals in the last month?

"Caleb Stewart"

Um, 0, 0

"Chair Fowler"

0. okay.

That might be, why Councilman Arthur that I just don't think there's a lot of that going on to my knowledge. And, of course, I'm not out on the streets like you are but so.

Say within the last 6 months, do you know of very many that have been issued?

"Caleb Stewart"

I've been in the downtown area patrol for almost 2 years, and I'm not aware of any.
Times we've issued a citation for 131.

"Chair Fowler"

okay. All right. That's very helpful. Thank you. Dr. Buchino

"Susan Buchino"

I Susan Buchino, homeless services division.
So, if someone receives a fine.
Then they have to pay that before they can move into housing with.
A router so if there are any arrears, they would have to have those paid off.
That's the same with utility arrears, or any other finds that are out.
So, that they get that federal assistance, so more often than not, it's not the individual paying it.
It is 1 of our partners in the community, and that's had to build into their budget with housing navigation is to have that direct client assistance. And so sometimes that's part of what.
Is in the budget they present to us and part of the homeless initiative so we're paying ourselves.
And sometimes it's that they're using their.
Non discretionary funds to make sure that someone can move into housing and that that doesn't present a barrier.

"Chair Fowler"

Have you found any homeless individuals that were prevented from accepting housing because of a fund that local had given them?

"Susan Buchino"

I have not personally, but I'm not the 1 that's doing the work so it's not something that we've tracked.

"Chair Fowler"

So, who, who would be that person.

"Susan Buchino"

The different agencies that are helping with navigation, so.
All of our community partners.

"Chair Fowler"

Okay. But the citation would be given through LMPD
More than likely, right?
Unless there was some code enforcement or property maintenance issue, then maybe there may have been a citation through that department but I don't think that.
That this is a big issue, but anyway, thank you.
Very much Councilman Hollander

"Council Member Hollander"

Um, I'm sure I, I, I've spoken. I know Council Woman George has spoken. I think Council Woman Chambers Armstrong has something to say, and it has to leave at as shortly. Okay.

All right, well, let me let me ask a couple of questions about what we've just talked about.

And I'll stop whenever you want to speak, it is Halloween and you have small children. So it's.

A couple of things I want to say about all this storage question we've had the storage provision in the law is only for emergency cases. These are cases where we give no notice at all and just go and take people's things.

And we don't do that very often. Thank God. We certainly have. That's 1 of the reasons we pass this ordinance, but that it's only for emergency situations.

In terms of what director Burns said about, we must keep sidewalks open. I couldn't agree more. And I think everyone in the audience agrees with that. We've all agreed. And what we heard today.

I think the most important thing we learned today is there's a state statute, which allows us to keep sidewalks open.

We didn't think there was, but P. D has now confirmed that there is a state statute that can be applied to keep sidewalks open.

So, we shouldn't enforce it and we don't need a new ordinance to do that.

Let me comment about Jefferson square briefly, because there was a question about when there were people in Jefferson square and belongings were taken that had nothing to do with the homeless protection ordinance. The fact that we paid anything had nothing to do with that the fact that we took things had nothing to do with that. Nothing to do with this ordinance whatsoever.

But I do have a question that relates to that because the way this ordinance was originally passed, not with the protection of 21 days. But the original.

Passage of the ordinance was because of Jefferson Square.

And it actually wasn't a homeless and cam right? It was a protest site.

Now, occupy was not a homeless in Cameron.

If you would, like again, you would want to kind of talk to him.

I am talking not at Jefferson Square.

During the protest, I'm talking at Jefferson square many years ago.

And and this was that's how the ordinance was passed.

Now, what we said in the in the ordinance that we passed in 2018, and we took this from Indianapolis.

That there were protections for people who were homeless.

We've now taken, and I guess maybe this is a question for the sponsors, or for for this line. All of the language about homeless has been completely removed from the ordinance.

And instead were just talking about everybody's got these protections.

Whether you're homeless or not, but you don't have in Indianapolis at the current time. So anybody who sets up a camp why was that done? I guess I'd direct that to Council Woman George.

"Chair Fowler"

Council Woman George,

"Council Member George"

thank you. I think we would have to.

We would have to look at each individual section. So, for instance, whether we're talking about 131, whether we're talking about. talking about

I don't believe that was edited out from the park section.
I guess for me, we focus again a lot on homelessness, and we are as see concerns in our community as relates to access to the public right away. Is not always an issue relegated to someone based on their housing status and quite frankly, the housing status itself is not is not the risk. Right 1 of the things you hear me say and that I'm sure everyone in the audience would agree is that we know lots of people who are houseless. Who do not present with risk and do not obstruct the right away and do not cause risk for others.
And because of that, it's important to know that we want to use person 1st language.
We want to make sure that when we, when we draft legislation that we're not focused on specific pieces as again, as it relates to someone's housing status.
Access to the right away and those who restrict the right way is not specific to any 1 classification based on their housing. And while I hear you say that this was drafted in the spirit of this is what we have to work with.
I understand all the pieces that you've set around, how this came into being the pieces on occupy the need for homeless protections and you'll remember I did quite a bit of work as it related to the risk assessments. But I think to be able to use person 1st, language that is not led by someone's housing status is really important.
Well, I'm go ahead.

"Council Member Hollander"

No, I, I just think it's important that we recognize now, you know, and I've talked to some lawyers about this.
I think there is some concern that what this is doing is trying to say. That we don't fall, we're no longer talking about homeless people, so we're not falling into.
The prohibitions that there are across the country about dealing with homeless people.
Um, but I think it's also should be made clear that when you move a homeless person.
Under this ordinance, whether the ordinance directs it to homeless people or not, you are going to run into those legal risks that the ACLU, the National Coalition. A variety of people have told us.
We are going to run into significant legal risk with assortment. Thank you.

"Chair Fowler"

Council Woman George, you are in the queue.

"Council Member George"

Thank you I think this is a good reason why, we're having a special discussion. I think it's important that we hear from our partners and that we are measuring. Now, we hear a lot about costs, right?
We've heard challenges from we've heard cost as it relates to solid ways and we've spent a lot of time and heard about the cost to again our most vulnerable community members specifically the houseless population and what Dr. Buchino shared.
We've heard this described as a heavy lift.

And obviously all these pieces are worth, considering I want to just take a moment and talk about what we're not considering. In the way of of risk and cost and what's not being measured. I know my colleagues appreciate data. I appreciate data and so I'm going to share some things that we're not measuring in any specific way and we're not doing that because the neighbors that I'm going to reference aren't a protected class. And yet, when I reference these neighbors, I want to mention that there's a real equity component. So, what we're not measuring the cost of is our inability to effectively establish an expectation within our community related with how we regulate and uphold a standard around public rights away. So that means the neighbor that can access the bus stop. The neighbor that can't let their children play in their front yard or garden in their backyard. The person who can't walk their dog, these, all come with an impact that we're not measuring either in a cost. Because again, for the neighbors who experience these challenges. They often don't live in the broader community. They live in qualified census tracks. They live in the neighborhoods that are serve. And to say that, we don't need an ordinance to address the piece that we heard from lieutenants tour today around what is permitted under I think minimises that there is a problem. And I say that because this ordinance does 3 substantive things. It seems to address the park's component. It seems to allow more time for our to get out before something constitutes an encampment, which quite frankly has a real impact again in our areas with less disposable capacity to report in the 1st place. And the 3rd thing it does as a, as I was told, and I'll defer to the county Attorney's office. Was the our existing ordinance on blocking sidewalks was unconstitutional. And couldn't be enforced as it was. And I would defer to Alice Lyon on that, but I, I guess I just want to say to say that. We don't need a new ordinance it undermines or minimizes. The fact that there are real problems to be solved and while we're having a special discussion is, how do we get there? Thank you

"Chair Fowler"

thank you. And just have a question about littering in general, you know, we, we have litter ordinances on our books and. I think it would be very prudent to be able to. Help houseless individuals. Uphold our ordinances and not litter our streets somehow or or the other. Give them the tools that they need to take care of the, some of that trash along this generated just. That being present on the sidewalks and. And then I, I heard Director Burns saying. That Jeff Brown went out and painted, or he didn't, but someone did. Painted the.

36 inch stripes on the sidewalk. Do we need to do that throughout her? Downtown area where we have these problems I mean, is that is that a possibility? Is that something that we. You know, would would solve. Some of the problem, I don't, I don't know that just thinking out loud Council Woman Armstrong.

"Council Member Chambers Armstrong"

Thank you, Madam chair, and my question is for Alice Lyon because all of the conversation about due process got my law professor hat on. And so, I imagine, I just want to move beyond sort of the practical concerns around throwing people stuff away to talk a little bit about what we know around litigation risk and constitutional protections around that. So, I imagine we're in 14th amendment land of the state no state child to private. Of life, liberty or property without due process of law am I right? That's kind of the realm we're in.

"Alice Lyon"

If if you're talking about the, the sidewalk blocking piece.

"Council Member Chambers Armstrong"

I'm talking about storing peoples things at what. Okay, I was talking more around I guess I'll just my question is. What do we know about, um. In jurisdictions cause we've seen a lot of jurisdictions around the country that have tried to pass ordinances. To deal with what we have seen as a rise, and people who are unhoused because of all of the. Factor social economic pressures coming out of covid and what not. Um. And I'm curious what we know around litigation risk from those ordinances. For example, I imagine that when we're doing that due process analysis, and weighing those Matthews versus elbridge factors, and the individual interest, that, when we're talking about people that we might be talking about throwing away their only identification or their own papers that are really important to them. Under the Constitution, we have to lay out pretty elaborate procedures before we deprive them of those or else we are looking at a very significant constitutional challenge. That would be very expensive and very time consuming and so I'm wondering what we have seen by way of litigation and other jurisdictions and what that has taught us about the constitutional protections that we would need to provide. And I appreciate Council Woman George point about using person's central language. We do know that a lot of people that lack housing are going to be facing unique pressures and unique concerns and unique challenges. And that, that, from a constitutional sense impacts the process that. We, as a government entity have to provide to those vulnerable residents. So I'm wondering what research you've done around that and what insights you could share.

"Alice Lyon"

Want to start by saying my role as a build drafter for Metro Council and an attorney doing that is.

To capture a legislators intent with and alert them if there's a definite conflict with an existing statute, or an existing case that applies in this jurisdiction.

And in my review, I didn't find anything that was a direct conflict.

As for thinking about what a court may say.

I am, I'm not a judge. I'm in my role. I'm looking for direct conflicts.

And I I have looked at, um.

There's been 6 circuit case law that a lot of those ended in settlements, but I've looked at the, the facts on those.

There this section 9,717 now that's about what happens with property that's blocking the sidewalk.

I've been working with Council Member George on.

Potential changes to the language is here, but don't have anything that has been made public yet.

Um, so I'm, you know, I'm, I'm in the position of trying to capture legislators and talent and, and not wearing a black robe, as I had said earlier today.

Um, and also not, I.

You know, understand I know there are 14th amendment questions and 5th amendment questions and.

Um, others, I mean, I could think of some other things that might apply here, but I.

Until those challenges come and create a conflict in this jurisdiction.

I, I don't want to speculate on what those might be.

"Council Member Chambers Armstrong"

Sure but fair to say that a person, whenever we have a government entity. Depriving someone of their property there are constitutional concerns.

And the more vulnerable, the person, the greater their interest.

In having those procedural protections, and the more likely the failure to provide those procedural protections is going to render the law unconstitutional. Is that an accurate statement of where the Supreme Court's at.

"Alice Lyon"

Yes, and as you mentioned those factors you're going to the balance is going to change based on the facts on the ground.

And, you know, as you mentioned in this situation, it would be someone who was houseless and their property.

So, they of course, they're going to change with the factories and

"Council Member Chambers Armstrong"

so housing status would be very much.

A part of the way a court would look at, this is if we are depriving someone who is who lacks housing of their property, that is going to be weighted differently in a court than if we're depriving somebody else at the property.

"Alice Lyon"

I would presume so based on those factors, but how can I state that definitively? I can't.

Thank you thank you Madam chair.

"Chair Fowler"

Thank you, um, Councilman Mulvihill.

Thank you for some clarification about the park next to the 444 building. Yeah that give that some information please.

"Committee Member Mulvihill"

No, that was just that was for your information Madam chair, you could have said that it wasn't Jefferson Square. It was the park next to the 444 building that was occupied that started the ordinance back in 2014. no, but I did have a question and I guess it may be.

This is for Caleb. So, this may help me even more. You know, we, we've had this ordinance on the books going back to 2014 in some variation. But then with this, the latest changes and how we've tried to.

the latest changes and how we've tried to

You know, address where folks can be and can't be and having no camping signs.

But when I heard that he's been in the downtown division, and this ordinance has not been used for 2 years. So we are now in the process of. All talking about making changes to it.

If if this ordinance is just going to be made changes, and we're not going to use it for another 2 years and I know.

Ellen of all the discretion in the world where it is to cite misdemeanors or site under this but I guess I would ask.

We're going through this exercise, but if this exercise is not being used.

And it's not, we're not using this if somebody's doing something wrong on under the ordinance.

Do we need the ordinance because we can have any kind of policy can have a policy on 21 days.

Or you can say that's the policy, but if there's, I'd just be curious if. This is an exercise that he thinks is worthwhile because.

Unfortunately, or fortunately, we have it, but none of it's being used. I mean, so that's a little bit concerning to me. So I would like him to comment if he can.

"Chair Fowler"

Thank you, sir. Sir can you identify yourself again? Please.

"Caleb Stewart"

Caleb Stewart with a Louisville metro police department. I believe when Chief Shields was here a few weeks ago. 1 of her kind of sticking points was that we need clarity and that it needs to be clear what we're legally allowed to do and what we're not allowed to do.

And I think as written, there's a lot of, uh.

It's not extremely clear where we have legal authority and where we don't.

And so I would say that that's probably the biggest hang up that we have with with the way it is currently.

"Chair Fowler"

And I ask her point blank, you know, if, if there is like gray area or if they're, you know, what's the biggest problem that she saw?

With our current ordinance, and it was, she spent so many hours in the room with lawyers, trying to figure out. Exactly. So, I don't know that this is going to be addressed in this ordinance, but I think it's something we definitely need to visit just to make it crystal clear.

And, you know, have have.

No, gray area and in our ordinance so that there's no questions and I think that I've talked with Alice Lyons about this, and I just think that that's going to take a whole lot longer than what we've got between now in January when we're hoping to pass this, but I understand what you're saying. It's, it's.

It's not crystal clear and so there's a lot of room for interpretation 1 way or the other. So I think it's something we do need to address, but. Anyway, um,

"Committee Member Mulvihill"

Madam chair, then I'd like to follow up with your statements. I guess if there's things that, if they're tools that folks need to make the ordinance effectuated.

If it's words on paper, because what I've heard today is and I think I even talked to the sponsor well, you can enforce the no camping if it's if we believe it's a dangerous place, you can enforce it, but it's not being enforced. And so why haven't written in there if we're not going to enforce it?

Why have it written? Why even talk about it? Why haven't have them post to sign.

I mean, I did deal with and talk to Antonio bald and when you go to the same places, 5 and 6 and 8 and 10 times and spending taxpayer resources to clean those places where nobody's supposed to be to begin with.

And yet it doesn't change, and it's like, um, you know, it's like Groundhog day. Uh, I know it's Halloween today, but it feels like Groundhog day. When you talk about this. I do think it's important.

Either we want to have an ordinance and it'd be clear, and it can be enforceable and it'd be fair to everybody. I want to make that clear. It has to be fair to everybody because I've heard we've had the.

You know, the 14th amendment arguments and those things and understand that.

I'm a lawyer too, and I know you have to be fair unconstitutional and I know the 9th circuit is not the 6th circuit, but the reality of it is it matters little or nothing if we have this and we all think we can do things because I know,

the sponsors of the previous 1 that's thought we could instead it can be enforced yet. It's not being enforced because they don't think they can enforce it. So, Caleb, I would say, I know the has attorneys and all the county attorney represents us.

I would like us to get on the same page in terms of clarity and what we think we can and can't do and then figure out if that's something we even want to do because it's no use sending us writing something.

And spending the time and spending all this energy no offense to everybody in this room today.

But not to have anything, just have paper written and nobody using it. So that would be my 2 cents. Thank you Madam chair.

"Chair Fowler"

Thank you do you have a response to that?

"Caleb Stewart"

Well, I think the implication maybe was that, you know, is intentionally not enforcing something, but if you look at it, from a practical standpoint, you pretty much have people in 2 camps when you approach them they're either going to comply or not comply those the comply and leave. You know, we're not going to issue that person's citation as they left those that don't comply and stay, you know, we can't force them to leave under any circumstances. And so.

Right that's kind of where we're stuck. And because of an interpretation is that because of an interpretation within our local.

Or is that just I think oftentimes it is not in every case, but I think oftentimes it does come down to interpretation more times than not and

"Committee Member Mulvihill"

Madam chair just for the record. My intention wasn't to say it wasn't enforced either.

We want to have something that can be, or we don't and if it's if we're not going to enforce it, because it's too unclear or we don't want to then when it says, maybe we're maybe we're this is a useless exercise in trying to change it.

"Chair Fowler"

Well, I think that we really do need to clarify and make sure that.

On all of our ordinances that they're clear and concise and no room for interpretation.

I mean, I think there's always room for interpretation, but I think is as clear as we can possibly make it is what we should do, you know, it's just like the pan handling ordinance. We'd love for that to be enforced. It's it's not because there's really not a whole lot.

That can be done from your point of view you can warn them that they're not supposed to be here. But what I'm hearing is that there's, um.

Say, they're homeless, there's no place to send their citation, send a warning and because that's the 1st step would be a warning.

So, you know, there's lots of our ordinances that are problematic and enforcement. Councilman Hollander

"Council Member Hollander"

Thank you Madam chair and I would say I agree with Councilman Mulvihill . I've said from the beginning.

That I don't think the ordinance has drafted really gets the issues that people are concerned about.

I mean, I've heard all kinds of things from council members about problems in dealing with.

With our houses population, I mean, I've had council members say, you know, we, we shouldn't have to have.

Trespass waivers to get people off private property that has nothing to do with this ordinance. Nothing.

Uh, the fact that we have people who are blocking sidewalks, this ordinance doesn't say that you can't enforce a law.

When someone is blocking a sidewalk and what we've learned today is there's a state statute that can be enforced to keep people from blocking

sidewalks. I was told we needed this ordinance because there was no state statute.

So, let me just say if we are going to pass this, I have.

Suggested in an email to the sponsors and to the committee members some ways to, I think, make it better if we're going to pass something.

If we are going to 48 hours.

From 48 hours to 72 hours plus weekends and holidays.

I have a grave concern that we are going to have camps that we call not established yet.

72 hours, plus weekends, plus holidays and we're going to go and take all those belongings without any notice at all.

And discard all of them and I think that would be tragic.

I think that's what the community rebelled against in 2018 when we passed this ordinance. I think that's what this community and many many council members.

We're quite upset which happened on East Market street a few years ago.

So, I've looked at what happens in other cities in Indianapolis.

It says you need to give 48 hours notice, even if it's not an established camp, just tell somebody we're going to take your stuff.

And so I suggested that we had that I also think if we're going to to pass an ordinance about blocking a sidewalk.

And I don't think we need to because we've heard today, there's a state statute that we'll deal with that but if we do.

Then let's say it substantially impedes the sidewalk.

That's language that is currently in our ordinances for newspaper boxes.

So, if we instead say that it impairs access or whatever, the languages and the proposed amendment.

Were giving more status to a newspaper box and we're giving to somebody's belongings on the street. So why don't we say it substantially impedes the sidewalk? And why don't we use the language from the Indianapolis ordinance, which is.

How you define? Substantial MPD sidewalk again this is straight out of Indianapolis.

And why don't we say again, straight out of Indianapolis.

You can also tell the person if you'll move your belongings so that it does not impede the sidewalk then then it's it's not a violation.

Before you take the items and destroy them. So, you know, I don't think we need that section.

I think that's been made very clear today based on what state law will allow, but I would hope, as we move forward that these proposed amendments would at least get some consideration from the sponsors. And I, thank you.

"Chair Fowler"

So, um, Council, um, I'm sorry, I was lions um.

The state existing state law that, um.

Has been talked about today by Caleb and counseling calendar. Are you familiar with that? And can you give us a little.

View on that and how that.

Relates to this current language.

"Alice Lyon"

I have a copy of the state statute in front of me. It's 525 dot 140.

The language, the elements that are in this offense.

Person is guilty of obstructing a highway or other public passage.
When having no legal privilege to do, so he alone or with other persons
intentionally or wantonly renders any highway or public passage
impassable.

Without unreasonable inconvenience or hazard.

And there isn't any relevant case law on this that would help.

Law enforcement or prosecutors.

Interpret it, uh, the only case lies about whether.

Railroad crossings are involved in this, so that that doesn't help us
with sidewalks at all. Um, right.

The, with all crimes, there's the, the context of this, the person's.

Intent meet the elements this 1 is intentionally or 1 lane.

Um, so officers would have to decide what that person intended when
they did those things. Um.

There's, there's another section in 52540 that makes certain that it
doesn't apply when you're gathering to exercise your 1st Amendment free
speech rights.

Um, there's a 3rd subsection of that that involves in order to disperse,
um.

If it's another free speech protection that, um, if.

If what they're gathered therefore is lawful, then the ordered sparse.

Isn't effective under this statute, but all of those are judgment calls
that law enforcement and prosecutors have to make when they decide to
enforce the statute.

"Chair Fowler"

So, all that being said, you see the value of clarifying in this language
sidewalks, as opposed to passages that, you know,
because I didn't hear anything about a sidewalk although I know a passage
could be interpreted as a sidewalk.

"Alice Lyon"

There's when when this crumb was 1st inactive by the general assembly, in
the mid 1970 s, when they redid the penal code, there was a, a commentary
section written. So that's, you know, 974 it's not case law. Is it
binding?

seventy four it's not case law is it binding

But the commentary section describing this state statute, applied it to
sidewalks and other public ways. So they viewed it as having in 974. they
viewed it as including some. Okay. But but that wasn't and.

"Chair Fowler"

but that wasn't and

Not necessarily though written in the.

Um, law itself, right?

"Alice Lyon"

The words the word side is okay.

"Chair Fowler"

Okay so.

Council President James

"Council President James"

Madam chair, thank you for being here. I just wanted to follow up on this conversation that we're having. Oftentimes.

Um, my experience and other Councilmembers experiences have been that.

When a council member, or a citizen calls over a houseless issue.

Such as blocking the sidewalk that Ellen PD will often say well, it's for RCS to handle this.

And the problem remains, so I was listening to you saying that there's a new posture that will have as it relates to 52,540.

Do all the officers on know that their posture is changed?

I would say probably not. Is there a plan to be able to do that by a certain time or date?

Not that I'm aware of, but I can make sure that it does happen. Okay.

Thank you.

Thank you Madam chair.

"Chair Fowler"

Thank you. President James, Councilwoman George

"Council Member George"

thanks I'll be quick. Let me say this on the front end that.

I can't imagine any one's intention is to destroy someone's belongings.

I'll take that real seriously.

I think the I know the intention of my colleagues and certainly, no, my intention is to uphold a certain level of community expectation related with safety and quality of life.

For all neighbours, my intention is also.

With the idea that we, as a community.

Should be consistent in our messaging to all neighbors.

People should know what to expect. I did receive Councilman Hollanders suggestions and I know there are opportunities to improve what we currently have.

This is a, um.

This is a piece of legislation with several sponsors.

That's part of why we're having these discussions.

And obviously, as it relates to given warnings, I think there are opportunities to advance and to ensure that we're doing all we can, as it relates to giving folks notice.

And again, setting that clear expectation, but we need to recognize that has not been happening at least, not equally across our community.

I also want to be clear to say that the risk associated with newspaper boxes is not the same risk associated with encampments and neighbors in crisis.

And neighbors who live in such close proximity to those.

Can certainly attest to that. So, with that, I greatly appreciate the opportunity to have a special discussion to hear from folks who do the work, who have been part of trying to say we, we have some challenges we're trying to solve.

I look forward to Alison alluded to we're working on amendments. I look forward to hopefully, being able to present those at the next parks committee, if that's possible, Madam chair and look forward to continuing the conversation. Okay.

"Chair Fowler"

And I would like to ask Councilman Hollander a question.

You referenced Indianapolis many, many times.

I guess I'm, I'm questioning.

On my questioning, but wondering why it's Indianapolis is that aligned with our.

Goals or, I mean, because I'm sure all across the country, you could find ordinances in different cities that re, totally differently.

"Council Member Hollander"

We, we modeled the homeless protection of ordinance after Indianapolis.

So, after all of the belongings of people had been thrown away without any warning in Portland.

And a community was outraged, we passed an ordinance modeled on Indianapolis, which gave the 21 day notice.

And provided that items would be stored it also provided that you didn't have to give 21 days notice in emergencies and set out what kind of emergencies there would be and said that in that rare case items would be stored.

So, that's why I modeled Indianapolis because that's the ordinance that I've looked at since.

Since 2017 begin that incident happened. Okay. And, you know, it's I think there are things that are good in that ordinance. Now. I've said it the other meeting.

We were not able to do what Indianapolis did.

Which is to say, you can't move a camp at all, unless you've got housing for the people who are being moved.

We knew at the time we wrote the homeless protection ordinance that we couldn't do that as a community, because we don't have enough housing.

So, we wrote the best art nets we could based on Indianapolis, and that's why I'm more familiar with that ordinance and have been for a long time.

"Chair Fowler"

Okay, thank you. For that clarification. I.

Sitting here listening today, I'm thinking, how do we, how can we help the houseless? Identify their belongings that are sacred?

You know, can we have some type of.

Container backpack I don't know why.

That would be recognizable.

By all of, you know, whether it's PD or swims or whoever, that that's off limits, it's painted orange or purple or whatever in a certain color and. Paperwork important documents are in those.

Containers and would, you know, those are off limits you don't thumb away no matter what.

Um, I mean, I don't know, I'm just like I said, brainstorming trying to think of ways to.

Protect those belongings and I don't know, I mean, some people have a whole lot more belongings then.

You know, what would fit into that I'm talking about documents pictures things that could easily be stored in a smaller.

But then I also think, you know, do we get a 5 gallon bucket that are uniformly colored?

Those are also off limits and they're waterproof, you know, to where it's, I don't know, just.

Thinking out loud, but anyway, is there anyone else that has any questions or anything further to say today?

Okay.

Well, normally we would.

You know, do that at the council level correct me if I'm wrong but, you know, there's like 10 slots at each council meeting, but.

You know, I I don't know if it would be okay.

Yeah, I mean, you know.

Okay.

Yeah, I mean, you're welcome to make a short statement here today if you would like to.

Is that what you're asking? Okay. If there is there any objection from anyone on the committee?

For that. Okay, please come forward.

State your name,

"Amariah Bryant"

my name is a mirror, Brian. I don't have anything fancy or anything to say again.

Like, I said, just speaking as a regular smuggler person and somebody who has done focus groups and worked with homeless folks or houses folks, I just a couple of things. Of course, that came up today.

It just seems so important which our sidewalks and what to do with houses houses, folks, belongings and I just hope.

Move more towards talking about how these fines are going to affect, um.

I know that the obstruction of sidewalks isn't just.

Geared towards folks or unhoused folks, but they are a big part of this conversation.

So I just hope that we get more towards talking about these fines that I learned about today and how they affect these folks moving forward and more.

So, how to a houses folks in getting out of that situation, as opposed to aiding them to stay houseless? Like, how do we help you?

Continue to be houseless, or how do we help you be more comfortable in this space right now?

I hope as a city, we move more for or more towards what resources and money can go to those, like, public works who are doing the boots to groundwork and cleaning up such litter or whatever it is that's left behind.

Um, these folks know what is important to them, so I don't feel it's up to us to determine. I guess that's for storage.

And space purposes, I just hope the conversation moves more towards that and I know the conversation's still continuing, but just as I was sitting out here, um.

I don't know if we're dancing around whatever this problem is. I know we're focusing on this ordinance, so I'll just bring this back to you. I hope we, you speak more on how these spines are going to empower these folks.

Especially anyone who wants to move on with their who is working to move out of house business and get into things such as housing. I think someone mentioned earlier those fines and things follow them and keep them from being able to apply for housing.

They came and pay rent. So why are they getting these types of.

To find some things that nature.

So, and I'm confused about this whole thing with citations and how there's no data or whatever behind money made from that or or or how housing doesn't seem to be a huge issue. And it is again, speaking in these focus groups, people are. I won't go on, like I said, hope we get back to also focusing on how these fines are going to affect some of these folks.

"Chair Fowler"

So so, right now we have funds in place that, you know, but. According to lieutenant Caleb Stewart. He, he has no knowledge that anytime has been issued to any houseless person. So, I guess from which

"Amariah Bryant"

or Cory, like, who has his knowledge.

"Chair Fowler"

Well, the L.M> P. D. has that knowledge because of the ones that are giving

"Amariah Bryant"

Caleb stated earlier that they did and that that was more of a well to his knowledge.

"Chair Fowler"

He does not know of any funds that have been issued to homeless individuals over the last year. Right. Is that my understanding?

"Amariah Bryant"

So that doesn't mean there's not a chance.

"Chair Fowler"

So, that's why I think and you're right there is a chance, but the reason that the house lawlessness and homeless language was taken out of the ordinance was because those are issues with other folks, not following the law. Whether it be a hot dog vendor or anyone else that would. Take advantage of blocking this app long. I understand. Yeah.

"Amariah Bryant"

I'm worried about those folks in who might be subject to these fines in the future. Thank you.

"Chair Fowler"

Well, yeah, I just, uh. Councilman Blackwell

"Committee Member Blackwell"

I was going to make the point that you just said we, I think we heard the testimony today. That those funds actually are not occurring and, uh, uh, I do want to hear though, this, this, um,

we started a couple of times that this keeps folks from being able to get housing because they've got these funds that then become greater fans. And so, and then a, a, an agency ends up having to pay part of their. Their funds, or rather than spending on services, they're spending on paying for these fans.

That is certainly, I think, no, 1 here would be in favor of that occurring, but I also don't want to.

Continue to, um, kind of speak that if that's not actually occurring.

So, if we can hear from not today, but if we can hear from someone who is 1 of those agencies, who has, who can speak to that, at some point, or send us some information telling us that this is, this is what they have that they have 2 clients who've been fined, and the plans got to be whatever it was, and we used funds in order to, um, to be able to pay.

Fine, so that they can move on to further housing that I would I think that is that's an important piece because if it's actually occurring, that's 1 thing if it's a hypothetical that this could possibly happen. That's that's right. That's something totally very different.

"Chair Fowler"

So, um, Ms Laird, if Director Laird, if there's any way that you can find out any information from any of the agencies that, um, that this has been an issue that has.

Prevented a homeless individual from taking able to get housing, but I also know that if they have LG&E or water bill or anything like that, that, that would also preclude them.

Prevent them from taking advantage of housing.

But that doesn't occur from.

Oh, it's.

"Tameka Laird"

Yeah, oh, okay. Sorry it wasn't close enough to make a lab director for the office of resilience and community services.

A lot of what we're seeing is actual, our houses population, dealing with the bridges that are on their actual record and so a lot of agencies has helped them to actually be able to pay those outrageous.

So, it could be utilities because we are number 1 in that, the office of resilience and community services, because we have the program and we have other benefits.

Assistance programs to help with this overall as far as the overall barrier.

Um, as far as dealing with citations, that is not has not come up in conversation with our partners.

Um, it's not has not been considered as a number 1, actual overall barrier, but the other actual overall averages have been. I know that for. Sure.

1st hand now, as far as actually finding out about that information, the great thing about is we have Natalie Harris here with the Coalition for the homeless.

And so now we can you stop up here for a 2nd.

Thank you so, I'll turn it over to her to talk about any citations that they know it because the coalition is our partnering agency, but they also handle all our memberships for our homeless providers, which they would probably have more information on that.

"Chair Fowler"

That would be helpful.

"Natalie Harris"

So, at this point, and you identify your yes, Natalie Harris, I'm the executive director at the Coalition for the homeless. And at this point, because the only law that's in place is the state law that there's been a lot of discussion about today.

There have been situations. We know, especially on Jefferson street where people have been cited using the state law, not.

What is proposed here, but in most of those cases, we've been able to work with the local police and.

In that, so, I don't know that there have been a lot of cases where in the particular situation we're talking about, where people would be cited for, um.

Sidewalk right brochure there,

"Chair Fowler"

we do have ordinances in place that have funds associated. So Council Woman George, I think is able to explain that.

"Council Member George"

I just wanted to clarify and I understand we haven't been citing from it, but we do have an ordinance.

97.072 blocking sidewalks. That was an effect that had these fines already established. They were attached to it just as these funds are attached to. You know, I'm speaking off my head, but I believe all of 90 s.

97 sections right? So.

And I see Councilman Hollander in the queue so feel free to correct me.

But my understanding is, is that.

This ordinance was in place. Granted, again, I had heard from the county Attorney's office that it wasn't constitutional.

Nothing to do with with this piece and more to do with freedom of speech but.

Just to clarify that was existing as well as the citations. Exactly.

Right.

"Natalie Harris"

And there have been some cases where we have seen people being cited not recently, it was mostly on Jefferson street, and we did go and work with the police to try to.

Get, you know, saying this is not really helpful. All you're doing is adding more fines to people. You're not actually keeping people from staying here on Jefferson street by creating these fines. Um, and at that point,

"Chair Fowler"

but how long ago was that?

"Natalie Harris"

When was the last time we had the large number of people.

On Jefferson street, so a couple of years ago Councilman Hollander

"Council Member Hollander"

just 1 comment Council Woman George is correct 9,772 existed but it had nothing to do with people who might be camping are are people who are houses on the street.

Let's read it to you. It shall be unlawful for any person in, or any sidewalk or any premises in are abutting their on to make any speech or harangue to demonstrate sell or offer for sale goods. Where's our merchandise?

for sale goods where's our merchandise

Are to display any science device information or exhibition in consequence of which there is caused or created such a gathering of persons on the sidewalk as to interfere with pedestrian traffic.

I mean, it was a, it was an ordinance that was and I don't blame Alice for saying it may well have been unconstitutional.

But it really had nothing to do with blocking access. It had to do with you couldn't be demonstrating on a sidewalk or setting up a store on a sidewalk. So it was a.

Unusual ordinance, it wasn't in effect, but I don't I'm not surprised that it hasn't been used for someone who is houseless, because it just wasn't written that way.

"Chair Fowler"

Councilman. George.

"Council Member George"

Thank you. That's a good point. Councilman holiday.

I would say the intention of what we have currently drafted is not specific to the houseless community. Right? Obviously, there is a significant component, which is why we need our partners, like the Coalition for the homeless.

But when we talk about people who are selling their wares, I've mentioned several instances.

Recently that I've seen 1st, and Broadway is a good example Breckenridge where folks are selling barbecue on the sidewalk. That is something that's a component to this. That is still a problem to be solved. Thank you.

"Council Member Hollander"

And I think it can be solved by the state session.

I think that's what we learned today and enforcement.

Yeah, and I, I think I made that point when I was here last week. Yeah.

Thank you,

"Natalie Harris"

I would also just like to add that there's been a lot of conversation about storage and that 1 of the initial purposes of the way the ordinance was written before was to avoid storage.

Um, I'd really think that if we can give people time and notice which the original ordinance had, whether that's 48 hours in an emergency or 21 days,

notice that you can avoid all of the what do we keep? What do. what do

We not keep so I would really stress if you can do that at all. It would be much better for the city and the homeless people involved.

"Chair Fowler"

So.

On that note, or on a side note, I had mentioned.

Empowering the homeless to keep their areas clean. I mean, is that something that you see as a value? I mean, would that not

"Natalie Harris"

I mean, I know the city has really worked at that. They have brought trash cans to sites.

It is really hard if you live outside to keep up with your trash.

And to keep and put it all into 1, small garbage can, especially when you have multiple multiple people living there, a much better situation would be if we had enough shelter and our housing for everybody to go in. So, we, we did not have that problem. Um.

And so, and and I understand there are situations that are not just about trash, but about people needing to move from locations but I also don't think that a notice.

Is that hard a thing to do before we remove people from those locations?

"Tameka Laird"

Just to piggyback on that, we already provide that notice we do it already. So, anytime we go out to an encampment, especially 1, that has actually not been established, I've been working on being established within the 48 hours.

We give them notification to let them know because we're working with other partners, like public works, and they are at capacity, our capacity issues. So we work at their schedule.

So we do inform them beforehand and alert them that we are coming back to clear that location. location

It has a no camping side.

"Chair Fowler"

Thank you, thank you all for being here today.

And with that, we are adjourned. Yes I'm sorry we need a motion to table.

[Motion by Committee Member Mulvihill, seconded by Committee Member Blackwell, that this Ordinance be tabled]

Okay, sounds good. I'll pay you later. Thanks. Sorry.

Thank you.