

**Captioning Transcript of Parks and Sustainability Committee Meeting -
September 15, 2022**

"Chair Fowler"

Good afternoon. This is the regularly scheduled parks and sustainability committee and I am Council Woman Cindi Fowler I am joined, I hope. Co Chair James Peden, but I don't see him. Councilman Pat Mulvihill has excused absence have Mark Fox here Council Woman Nicole George Councilman Bill Hollander council woman, Donna Purvis and council woman, Marilyn. Parker councilman Rick BLACKWELL is also on virtually. We had 2 items, but the 1st item is being held at the request of the sponsor. So we have another item that is. Missing from that page I was on the back, um. This is an ordinance. And I don't anticipate voting this at a committee today.

"Cheryl Woods"

This meeting is being held krs 622 and council rule 5a read in full

"Chair Fowler"

Thank you. So, Adam number 2 an ordinance it's oh, Dash 263 dash 22 in ordinance amending sections 103, 1.1131.02 and 131 all 3 of the local metro code of ordinances. three one point zero two and one three one all three of the local metro code of ordinances Relating to camping on Metro property and sections, 42.342.32 and 42.99 of the relating to camping in metro parks and section 97.72 of the regarding obstruction of sidewalks and public. in metro parks and section ninety seven point seven two of the regarding obstruction of sidewalks and public Ways may have a motion.

"Committee Member Purvis"

Motion Purvis

"Committee Member Parker"

Seconded Parker

"Chair Fowler"

Okay, thank you. So properly moved in before us and the primary sponsor is Council Woman George if you would like to speak, please. We are also joined back Councilman Arthur.

"Council Member George"

Thank you chair want to start by just framing up a little bit about some of the needs that we see in the community. The 1st need that we see is really around the ability to access. And manage public use of space. We know that unmanaged public space disproportionately impacts. Neighbors carry specific health consequences.

And elevated risk, consider the single mom who's trying to push her child in a stroller to the bus stop.

The young person who is headed to the school bus, stop.

The person in a wheelchair who's trying to navigate the sidewalk.

Public space comes in many different forms and it isn't all equal.

We have parks alleys, sidewalks, bus, stops streets.

Some of us have vacant natural properties, and we know that some neighborhoods have a disproportionate.

Amount of and managed public space as a matter of dignity.

All community members have a right to know expectations.

And those expectations should be equitable across metro.

while it's true in district 21, we have the highest number of reported in.

And when you look at those enhancements, they're in qualified census tracks.

That is true and while it's true that I spend a significant amount of amount of time working with our homeless services division with saint John's with.

When we talk about access to public space.

misuse is the exception it is not the rule

So, hear me say misuse is the exception, not the rule.

However, it is a reality for many of our neighbourhoods.

Also, hear me say it's not just relegated to any 1 group, particularly at a group that gets painted with a broad brush.

I see misuse of public space look various ways in the neighborhoods that I serve.

And so, with that, what I want to do today, if it's okay with Madam chair is to step out what has been proposed.

And open the conversation to ways, we can get to solutions.

The proposal that was submitted is a starting point to have the conversation to get to the best legislative product.

Finally, I'm going to say before I get started, because I say this all the time, I'm always glad to see the interest in the passion of so many in our community.

But as we look to the left and we look to the right.

I want us to think about who's not in this room today whose voice we don't here.

Who doesn't have an advocacy group and who isn't represented.

because they're there they're in our community okay

Is that okay Madam chair. Okay. So, what I'll do in this has President James joined us.

i do not see him but we have now been joined by councilmen Peden and councilwomen Holton Stewart

Okay, so this is saying, this is my approach, I'm going to step out the 3 substantive changes and then I open it to. I see.

I thought I saw chief O'brian somewhere. Yes. Excellent. Okay. Sorry I didn't see it over there. I don't know if anyone from homeless services division, but again, I welcome questions and hopefully input from the administration.

Do you want to give us an overview? Um.

Chief over on, it might be most appropriate. If I stepped them out legislatively. Okay. Have, is that it's fine.

Okay, and again, my colleagues may feel differently about what's considered substantive, but I just want to know, like, what I think might be of most interest to start the conversation. Um.

And on page 5.

131.0 and 3.

Protections in the event finding risk and the need for relocation. What we have added is an extension of time so, prior to the amendments. What we see is that Metro has 48 hours to get out. to offer outreach and and to be able to meet people before something constitutes an enhancement

And what's been proposed in this ordinance?

Is the move that to 72 hours excluding holidays and weekends?

I should have said on the front end, there's an amendment vast substitution that was added to the system this afternoon. And that includes holidays and weekends for anyone following along.

The need for that change as I understand it and I would imagine chief of Brian will be able to speak to this is just to give metro staff more time to get out consistently.

My understanding and how we came to the 48 hours originally, was that that was kind of an arbitrary time frame and we know we're not meeting our time frames. We know that that's.

A lot to put on Metro staff, and that it's not being done consistently.

"Vice Chair Peden"

And I'm sharing my ask a question on that specific topic.

"Chair Fowler"

Certainly,

"Vice Chair Peden"

is there a legal definition of.

encampment and or a length of time. Is it 110th or is it 4 is it is it 24 hours.

Versus, you know, 72, and I'll give you the, for instance.

Short term rental, you know, 30 at 30 days it's, it's short term at 31.

A whole bunch of state laws kick yet and so I'm asking.

"Chair Fowler"

My understanding is 72 hours now, it proposed.

"Vice Chair Peden"

no no no i understand what i'm asking is there a state definition is there a supreme court definition is there a

Is there a standing definition of what a, an encampment is?

And B, what a, how long it takes to become that.

And the reason I'm at my follow up question is someone that says yes to that question.

My next question is, is do they have the benefit of having weekends and holidays not count.

Or is it from the moment the 1st, 10 arrives, the clock starts taking and in and after 72 hours.

Regardless of holidays there, there's a legal standing that.

You will then have to deal with

"Chair Fowler"

Can the county attorney, weigh in on that or do you have any idea.

"Alice Lyon"

This is Alice Lyon with the county Attorney's office and.

Can't remember, I can't speak to like, a broader definition that.

From the Supreme Court, or some of the examples that you used, but in the.

Draft amendments to the ordinance and on page 1, we've got a definition of camp.

That says it means public property, we're 1 or more persons are camping.

So, that gets the number of people down and then, you know, as council member, George said, and you commented on, we built 72 hours into this draft but.

Right federal definition, or something like that. I'd have to do a lot of research on that.

"Vice Chair Peden"

And that's, I guess that's what that's what I'm asking. I'm not asking about this ordinance. I've.

Read through it outside of some of the amendments with that I got window, but haven't seen in writing it. I just wanted to know if there's some outstanding.

Other or there's something somewhere.

Even another city ordinance that may, or may not be conflicting with.

That if we change it to 72 hours, excluding the holidays versus.

72 straight hours there we may, we, we're opening the door for some other issues and that's all. I was asking.

"Chair Fowler"

Thank you, Mr. Council man Peden, if if you could.

Look that, at for us, when you have time, and we'll have plenty of time, and we'll come back to this in 2 weeks.

Council Woman George,

"Council Member George"

thank you.

the second substantive change i would say for this piece falls under forty two dot thirty one on page eight and this is the section as i understand that that deals with parks

Um, and specifically under section D, temporary shelter.

So, it reads, it shall be unlawful for any person to use temporary shelter for more than 12 consecutive hours within the boundaries of a public park.

Without a permit issued by the director of parks.

For purposes of this subsection, temporary shelter means non permanent accommodation, intended to protect from weather elements provided however that this section shall not apply to any person participating in a search and rescue.

Or other emergency operations, or employees and Metro agencies while performing official duties.

The goal is, I understand it and why this language was added was really to again allow for more consistency.

Of administration from metro parks and our homeless services division.

the goal is to establish a community expectation around shared use of space
And I'll note that previously, the language had been a prohibition around overnight.
Campaign in parks, we know that to be able to.
Effectively outreach and administer.
It's incredibly difficult for park staff to do given that.
They don't work overnight. The 3rd.
Subset of change is on page 9 and that falls under 97 dot 0 7 2.
Storage of personal property interfering with pedestrian traffic.
On public ways, the language reads.
It shall be unlawful to store any personal property on any street.
ali's sidewalk or public way in a manner, which interferes with the flow
of pedestrian traffic.
Except at times, or in areas were expressively permitted by a public.
By the Department of public works or other appropriate governmental
authority.
For the purpose of this section store shamine to put aside.
We're accumulate for use when needed, or to put place or leave in a
location for safekeeping or feature use.
Property stored of a public way in violation. This subject or section is
subject to the removal of Louisville, Metro waste collection center. And
after 30 days, Louisville, Metro may dispose of any unclaimed items.
Now, I'm going to ask Alice Lyon to provide support to.
How this language came to be.
It's my understanding that we had, which.
Previously prohibited the blocking of sidewalks as I understand it that
language did not necessarily align with our. It was something that was
drafted prior to merger.
And so, in essence, what we're attempting to do is clean up the language
so that it aligns with.
State statute again, with the goal of being able to assure insure.
I equal access to the public right away.
Those are the threes and, uh, did you want to say anything to that piece?
Okay, those are the 3 substantive pieces and I guess from there, I would
just.
open it up the conversation from our colleagues

"Chair Fowler"

thank you Council Woman
Councilman Hollander is in the queue.

"Council Member Hollander"

Thank you Madam chair.
I and I just want to clarify for the public, because I think this is a
little confusing.
Council Georger is reading provisions, which are not currently before us
there, and in a committee amendment by substitution, which is on the
system but I have not read.
I don't think it's been distributed to council members into the public,
but you can go online if you want to and see those changes. So, and
frankly, some of the changes are good.
But I do have some questions.
What I have heard about this proposed change.

Is that we need to modify the ordinance because.
It is not workable in the current form.
What I know is that since we passed the ordinance in 2018.
And we passed the ordinance in 2018. I think people should remember.
Because metro workers bulldozed a homeless camp.
And took away all of the belongings of law civilians and sent them to the
landfill.
Without any notice without any notice at all.
And so we said that shouldn't happen again we put in the ordinance that
there could be.
Camp Clearings with notice, and there could be camp Clearings on
emergencies without any notice, or whatever notice could be provided. And
in fact, there have been dozens.
Dozens of clearing since 2018 there were 4 this week.
We all got emails about them with photographs.
So my question and I don't know if this is for Jeff O'Brien or Alice Lyon
Why do if if we've been able to do can't Clearings.
Since 2018, why do we need to change this? Ordinance? Has everything
we've been done since 2018, been suspect suspect been illegal what? Why
why is there a need to change this at this point?

"Jeff O'Brien"

Thank you Jeff O'Brien chief of Louisville forward. Thank you. So, just
a. A note here, and I'm going to start my remarks and answering your
question by making 1 statement here.
That I think is important number 1, the only way that we're really going
to address. The issue of helplessness in our community is by building
housing units.
That is the only way that's the only way that we're going to be able to
do it in this body has been a very important leader in that by providing
a significant number of funds to the tune of 100Million dollars to that.
So, I'm going to start with that. Now, let's get to the, let's get to the
specific your specific question councilman about this document and this
ordinance. So I will agree with you that the clearing of. clearing of
Has occurred and they have occurred with with notice as you've as you've
mentioned. I think some of the concerns that we are hearing from the
community.
Is have been around some of the some of the things that go along with the
Council. So, 1 of the challenges that we have is actually getting our
staff and our homeless services division from.
Out into the community and in addressing the camps before, um.
Within that 48 hour window. So that timing issue is is a challenge for us
and for the agencies that RCS is coordinating with on a routine basis.
I just want to also say that 1 of the other challenges that we are having
is the reestablishment of those camps. And so, as you all know, we post
signs when those camps occur.
And so the challenge of making sure that we're getting staff out there
and making sure that we're addressing those residents we want to have.
Clear expectations for a residents.
For business owners for our outreach workers for our metro staff, and so
that we need to make sure that we have some of those clear provisions and
some of the things that we're talking about and I know some of the things
that are probably more controversial in this.

Uh, we've had some confusion internally as to what defines a camp and Councilman Peden and just ask this question about what exactly defines a camp.

And so that's been another challenge that we have had as we've gone through and, and trying to address the individual situations.

As we go forward, so I think that there are some modifications in here. I think the number 1 thing that we're facing again is, when how long does it take for a camp to establish.

And I think that is absolutely addressed. I think that there's some provisions in here that we are absolutely supportive of working through with the metro council and with the public, both advocates from all sides. Quite frankly.

And I look forward to continue these discussions, but that that's kind of the.

just of what we were looking at

"Council Member Hollander"

let me address because i've heard this from several members that there's this issue about a campus cleared pursuant to the ordinance which passed in two thousand and eighteen sign goes up

And then there's some, there's some view that we can't clear it again. If people set up their belongings immediately, we can't clear it.

I, I was involved in that ordinance.

Other people in the audience were involved in an hour and we wrote the ordinance to say.

That the the 21 day notice, in fact, any notice provision did not apply. Where a camp had been cleared a notice had been posted.

And the area was regularly cleared and you told people, you can't be here any more.

So, at that point, a camp is illegal. That's what the ordinance said in 2018.

So, it it seems to me quite frankly.

That if the administration is saying, this ordinance prohibits us from from clearing that camp, after people set up again, I don't understand that.

And, in fact, we've been doing that for 4 years.

So, is this an issue with the administration and I guess I'd ask Susan that the homeless services division ahead if she here to talk about this?

"Jeff O'Brien"

No, they had a conflict today. So.

"Council Member Hollander"

Okay, well, maybe, you know, what, why, if the ordinance says, you can't set up again.

What's the problem and clearing that camp?

"Jeff O'Brien"

I think the problem there's been some challenges on the language on the sign and is that sign actually enforceable or not? And so that's been something that we have been working through internally and with the county Attorney's office.

"Council Member Hollaner"

Okay, I've got to say, and I'll just say this very directly.
I think this is a failure in part of execution and I think the council is being told, well, you've got to change the law because we can't do what the law says.
And it's, in fact, been happening but do you like Clarence or not? And I think we have to understand that when we clear a camp people don't disappear. They just move to the next camp.
But that's been happening since 2018. so so, let me ask a couple of questions and there has been a change here.
Did the administration support this last section? 97.072?
Uh, which says, at least until it's amended, and I can talk about the amendment in a minute.
Which is not before us yet, but it is on the system.
Um, it says essentially that if somebody sets up anything.
Uh, on a public way, which would include a sidewalk, but also an alley or a street.
To the side of the public way, even where it doesn't impede anybody's access to anything.
And there's no threat to public health, but no, sir at the public safety.
Uh, but the items can be immediately confiscated.
And the person can be fine, and if it's a 3rd offense up to 1000 dollars, did the administration support that language that was in this ordinance that was proposed?

"Jeff O'Brein"

I think, I think what the administration supports is that we have some ability to go and clarify what is and is not affected under the chapter 131 requirements.
And so that is something that we need to work on on this specific language. We are continue to work with the sponsors of this ordinance to get get the get that language. Correct.

"Committee Member Hollander"

Okay.
And I promise I'll see to Florida in a minute, but but. a minute but but
Let me also say their state law that says, you can't obstruct a public passage. It's 12,540. it makes it a class B misdemeanor.
And I assume councilman Fox would agree that if you're blocking a public passage, that's a that's a crime. Can.
Can cite somebody for that. I mean, certainly, I don't think anybody is saying, including anybody in the audience that we should be able to block sidewalks and keep people in wheelchairs for moving down the street.
I certainly don't support that, but I don't think we have to have a provision that says if anybody puts anything on a public way.
Ah, they can immediately confiscate with no notice and take it to the waste reduction center. I don't see why that's needed with existing state law.
Again, 12,540, so I'll have other questions I do want to make 1 comment and I think this is compliment the sponsor for doing this.
At least, I think what's going to be proposed as the committee amendment by substitution.
In 97.072, which is an entirely new section, it's not an amendment to the to the homeless protection ordinance.

9,707 2 there is some language added that says.

Uh, that it would be unlawful if it is, it's a personal property, isn't it is stored in a manner, which interferes with the flow of pedestrian traffic.

I'll point out though, there is an existing section 97.7. Oh. Which deals with things like.

Cracks or a newspaper rack.

And what it says is not just if it interferes with.

In any manner with a pedestrian traffic, it actually says.

If it presents, you can take that kind of item if it presents a clear and present danger to the public.

Or substantially impedes the use of the public rights of way by pedestrians.

So, quite frankly, even with this amendment, we're giving more protection, have more protection for a newspaper rack.

Then we have for something that somebody might place on the side of a sidewalk and I think we can do better than that. Thank you Madam chair.

"Chair Fowler"

Thank you.

Councilman Arthur,

"Council Member Arthur"

thank you.

So, last year November we amended this ordinance, we added changes around transparency with notifications.

We added the health risk assessment to make sure we were making decisions based on people's needs not arbitrarily a lot of other amendments that took place.

And when we passed that at the top of page for that ordinance, it read the officer resilience and community services.

Or a successor agency shall submit an annual written summary of anonymize risk assessment data to the metro Council.

In order to conduct a special committee discussion on the topic metro councils shall assign the summary to a committee for review.

22 council members voted yes. For these amendments, including 5 of the 7 people currently on this committee.

And that was Co sponsored by myself and Council Woman Nicole George We, as a council committed.

To reviewing facts from a summary so that we can make data driven decisions about.

We have not received that summary. We have not had a special discussion. And now we are debating an ordinance without following the process that majority of the council committed to.

We've heard a few reasons of concern and.

I'd like to just point out a few others with questions directed at the administration as well as the assistant county attorneys who have draft ordinance.

1st question is around some data that we do have and may we received a report.

From the homeless services division that show between November 1st.

2021, and may 15, 2022 Council district 21. can you clarify if Council district 21 has the most encampments report and the most. has the most encampments report and the most

"Jeff O'Brien"

I'll have to check the report and I don't know the distinction on that, but I'll check the report.

"Council Member Arthur"

Thank you know, you smoke and I did talk with Dr Susan. Coming into this committee, which I'm very disappointed she's not here. I have no idea why we're talking with people who don't go to camps who don't deal with camps who really have no knowledge of how encampments function but

"Chair Fowler"

excuse me.

Thank you

"Council Member Arthur"

I just like the, the record to show that district for that I proudly represent has the most encampments I was not engaged to be a part of this ordinance by the CO sponsors, or by the administration and these are not recommendations that I would put forth as the counsel person who represents the district, the most encampments.

In the proposed.

Amendments that, I guess we haven't even considered. I see that section 131.02 provision a 2.

Shall be unlawful for any person to store camping paraphernalia, recreational vehicles or temporary shelters, or any other personal property on any public property less than 3 acres in size. It has suggested language for any length of time. I see.

This has struck out. Did the administration support, or recommended.

"Jeff O'Brien"

If you wouldn't mind repeating a question, because I was getting my ordinance out

"Council Member Arthur"

the provision that said it should be unlawful for any person to store camping paraphernalia.

Recreational vehicles or temporary shelters, or any other personal property on any public property less than 3 acres in size for any length of time. Did the administration recommend or support this language?

"Jeff O'Brien"

So, let me just clarify what the administration recommended we recommended looking at time frames and looking at clearing.

Clearing up the definitions around what a camp is those are the things that were recommended because, as we had a question about execution of the ordinance. And 1 of the challenges that we're running into on execution is different. People have different definitions of what a campus.

That's 1 of the challenges that we're running into councilman and so on this as we look through all these definitions and this is something that we are still reviewing with council members to understand what we do and do not support. But that is those are the questions that we.

Have around this ordinance and again on making sure that we can execute this language because this is falling on RCS to be the executor of the ordinance but they are really coordinating amongst. Several agencies, Metro agencies and state agencies.

"Council Member Arthur"

Could you confirm that the former outreach officers used to share tents and give out tents to people who were experiencing helplessness?

"Jeff O'Brien"

I can not confirm that.

"Council Member Arthur"

Can you confirm that any of the metro employees that we currently have. Who do outreach give out tents?

"Jeff O'Brien"

I can't confirm that either.

"Council Member Arthur"

Okay. Was it fair to say that anyone who does outreach for people who are experienced in house listeners? Give out.

"Jeff O'Brien"

I'm sure that happens, but again, I don't have direct knowledge of that.

"Council Member Arthur"

understood.

Unfortunate as the chief, but I know directly. That the L MPD officers who did outreach absolutely. Gave out tents. I know that our current employees who do outreach. Absolutely.

Give out tents and a lot of people who do outreach, including the people behind, you give out tents and I just want to point out how this provision.

Would have meant that our own employees, including.

Which we'll talk about that later, but including and our own employees, and so many volunteers in the city, including myself and my kids.

Would have been helping people break the law because they give out camping paraphernalia. So I'm glad this is being struck out.

"Chair Fowler"

We've been joined by President David James as well.

"Council Member Arthur"

Maybe some questions that you might be.

We're familiar with, do we have enough shelter beds in this city to shelter? Everyone who is currently unsheltered.

"Jeff O'Brien"

No.

"Council Member Arthur"

When we, when we, when we take people and put them into hotels and that hotel stay expires where do people go.

"Jeff O'Brien"

That's outside.

"Chair Fowler"

Excuse me please.

"Jeff O'Brien"

They they go back to where they were before, whether it's outside, or in a car on the couch.

"Council Member Arthur"

Do you know how many and candidates we've cleared in the past 30 days?

"Jeff O'Brien"

I don't have that number off the top of my head enhancement.

"Council Member Arthur"

The last time that we amended the camping ordinance. Last November. We agreed to an annual summary of a risk assessment. Again, we have not received this, we have not had the special committee discussion. Do you know when? As soon as that we could receive this summary.

"Jeff O'Brien"

The summary is underway I don't have a completion date yet, but I know our team is working on that. We'll have that completed and we'll have that to council.

"Council Member Arthur"

See, a couple of questions about storage as we talk about. Storage on public property and clarification. Could you just really clear up for us if. The emergencies or confiscating people's belongings if that supersedes allowing the 72 hours prior or if it supersedes the 21 day notice, could you just talk about when we know we're going to take somebody's belongings are clear them versus when we will put that notice up.

"Jeff O'Brien"

So, that's I will have to get into that a little bit more counsel. I don't know what's going to. I think number 1, the number 1 thing is, is. If it's an emergency, we're going to, we're going to have to take their belongings. I believe this has. Some provisions for storage of those belongings and I know a Director Burns here from public works is here and they are working on how we could put a, a system into place where those belongings could be safely stored.

"Council Member Arthur"

Does the waste reduction center have capacity for any additional storage as enforcement rises?

"Jeff O'Brien"

I'd have to defer to director burns on that.

"Council Member Arthur"

Has anyone in metro ever been fired for being in violation of violating someone's rights? Who's announced.

"Jeff O'Brien"

I'm not aware of that happening, although I do know that this has created some challenges for our staff and feeling that they don't want to take action and being accused of violating the ordinance.

"Council Member Arthur"

I see there's a reference to a training as opposed to the disciplinary action. Has the training been created gets our

"Jeff O'Brien"

has created their training

"Council Member Arthur"

have you submitted that training to the metro council members at all?

"Jeff O'Brien"

I don't believe we've submitted it to, you.

"Council Member Arthur"

Okay, just a couple of questions for the assistant county attorney and then I'll jump back in the queue. Thank you so much for being patient. Page 8 of the original amendment that was added to the system letter D, talked about limiting how long people can stay in parks. I saw the word consecutive right before 12 hours just to clarify. So, that means someone could stay there for 11 hours. 59 minutes leave. The park for a couple of seconds then come back in a 12 hour starts over again. again

"Chair Fowler"

My understanding is that with a permit, not just on their own.

"Alice Lyon"

I'm looking at the language in the. And the way it reads now, is it shall be unlawful for any person to use temporary shelter. From more than 12 consecutive hours.

"Council Member Arthur"

Thank you in the last provision. I'm glad that's being proposed to be changed because originally it would've really criminalize my 5 year old son who leaves the scooter on the sidewalk at the park but just to clarify the new language means that if people are protesting, we drop something off when someone decides is interfering them on that sidewalk. Take food, we can take bottle of water. We can take things if someone deems that it is interfering with our ability to move on the sidewalk.

"Alice Lyon"

I'm I'm reading the language again, um, to store any personal property. On any street Alley, sidewalk, public way in a manner, which interferes with the flow of pedestrian traffic. So, the personal property, it's a big time.

"Council Member Arthur"

Well, last question, what happens when someone can't pay finds, I'm really curious about this intervening with their ability to get housing and get social services when they owe the city money.

"Alice Lyon"

I'd have to do some research on what happens with the funds. I don't I don't have any experience in that.

"Council Member Arthur"

A lot of folks don't have experience today. I see. Thank you. I'll jump back in the queue

"Chair Fowler"

and a follow up Councilman Arthur or when you talk about. 11 hours in 59 minutes, there's provisions within our ordinance that states that there can be no overnight camping without a permit. So. You know, it would be hard for someone to come right back, depending on where they're at in the day. Um, and just start to clock over again let's. Just might take a Council Woman Parker

"Committee Member Parker"

Yes, uh, I was curious as to who collects the application fees and where do. The campers go to pay them.

"Chair Fowler"

I believe it's Joe creasing park. 309 "Harward, Sonya" (417982976) 00:40:51.090 --> 00:40:57.300 Unless it's not a parks like Jefferson Square is not, um. Under the parks department, but the rest of the parks, I think there's 1 other. That's a waterfront.

"Committee Member Parker"

Where people could camp?

"Chair Fowler"

No, no, no. Where they would go to get their permit I thought that's what you sorry. Yes, it was

"Committee Member Parker"

but I did have a question about Jefferson Square. It size and would it fall under the, um, 3 Egor size? Limit

"Chair Fowler"

it looks to be less than 3 acres to me, but I may be wrong.

"Committee Member Parker"

Okay, and then 1 more quick question the.
Can someone clarify the difference between.
The 5 days length of time between.
21, so they get their permit for 5 days. It's only good for 5 days.
But they would not be fined, or they could be fine between 6 days and 21
days. And after 21 days, they're.
Campus removed is that my understanding? Correct?

"Alice Lyon"

Alice Lyon again with the county Attorney's office.
Council Woman Parker I think you're asking about in.131 or 2.
The piece about how to get a permit from the Department of public works
to do the camping.
And there's language there that says.
That if you got the application and you got the permit, it couldn't be
for more than 5 consecutive days in a single calendar month at the same
location. So that's the 5 permitted day. If you were a person who had
gone and done the application.
And then that sentence continues that.
You know, 5, consecutive days, and a single calendar month at the same
location or a total of 21 days in a calendar year.
So, that's that's not about the notice at.
At an encampment, that's just about.
You've gotten a permit. How long can you be there under the department?
Okay

"Committee Member Parker"

so the 21 days is just coincidental.
But that number is 21, and in this ordinance.

"Alice Lyon"

I presume so that was existing in it before so that it was.

"Committee Member Parker"

Uh, okay, so basically, when people go.
For a permit, it's good for 5 days and that's it.
And then what happens.

"Alice Lyon"

The, the language the existing language says.
Apartments limited 5.
Consecutive days in a single month.
Um, or a total of 21 days in a calendar year.
So, I suppose if the permits limited to 5 days, and after that, you might
have to reapply.
And you'd have to watch the calendar month to see where you fell in that
period of time.

"Committee Member Parker"

Ok, and then theoretically the penalties could start.

Okay, thank you.

"Chair Fowler"

Thank you a president James.

"President James"

Thank you Madam chair so I just want to say a few things. 1st I'd like to talk about 1 thing point of clarification.

I'm sure if I may camping tents are not illegal, nor are they paraphernalia in any statute.

Or law in the state of Kentucky, just for clarity.

Number 2, as we talk about this, recognizing that.

We have homeless people and houseless people in our community and finding ways to help them not be houseless.

Is our 1st goal, but we also have to recognize that we have.

Citizens that are being heavily.

Impacted by this situation we have citizens many of which are in a compromised situation already.

They cannot let their children go outside.

Because of camping on the sidewalk in front of their house, because syringes are laying there on the sidewalk in front of their house because feces is laying there on the sidewalk in front of their house.

Because parks are filled with syringes and feces and trash from camp sites, and their children cannot play in our parks because they're no longer safe. So.

While we have to try to find housing and protect those that are houseless. We also have to protect our other citizens also. And as we walk and talk about this.

Uh, process this ordinance will change.

As it should, but we have to understand that we have to do this for the entire community. We do have a problem with enforcement in this community, whether you're talking about code enforcement police enforcement.

All kinds of enforcement many of these things would not have to be done if certain actions were taken by the executive branch that now the legislative branch has to make these clarifications Councilman Hollander is exactly right about that point.

But that is the situation that we have currently.

And we have 108 days before that changes. So.

Um, I just want us all as we have this conversation to recognize that this ordinance isn't about hurting anybody.

It's trying to help people, thank you.

"Chair Fowler"

Thank you President James I can't agree more. Um.
Councilwoman George,

"Council Member George"

thank you chair on the front end of this conversation. I want to say that really appreciate how our colleague councilman Arthur always mentioned, like, reporting and be a data driven.

And that speaks to my heart as a nerd. And I also want to see the report that that is anticipated to come. I also want to just.

Verify some information as relates to how we make decisions about what's proposed, versus what we hope to expect to see in the risk assessment report.

Um, the 1st, 1, is that the piece that seeks to address the.

The extended time frame on 72 hours, and I don't know where chief Brian went, but it's it's my understanding that RCS is open about the fact that they're not meeting that timeframe.

I don't think that whatever comes back in our ability to do risk assessments is going to be shocking to say that.

We're, we're meeting our time frames.

I think that's, I think there's general consensus on that. Is that fair?

"Jeff O'Brien"

Yeah, I think it's fair.

I think that our is working on it,

and it continues working on the risk assessments that it is doing and trying to make I know there's a couple of things that we've been asked to incorporate into that and we're trying to sketch it into those into those things and I should clarify 1 thing that I

want to point that I had with Council and Arthur that you just mentioned to councilwoman George that RCS has not put together an annual report just yet. But they have a quarterly.

Report and I think the latest 1 was submitted to the clerk's office on the 31st.

"Council Member George"

I think it's fair to say we're all learning, but, I mean, I think.

That from what I hear from staff, we know we're not meeting this time frame and I also want to say is somebody who spends a healthy amount of time boots on the ground in their community.

I don't see us meeting that time frame, despite seeing a tremendous amount of outreach. So, let me be fair to say, see your, your staff. Certainly in district 21. the 2nd thing I want to mention is that this 2nd, this is probably just I need a reminder quite frankly the 2nd section that it relates to parks.

When we passed the update last year related with.

The creation of risk assessments, it was my understanding that parks was always like encampments and parks was always separate.

Is that right? Or did we intend for.

Encampments and parks to fall under that risk assessment 21 day because essentially, as I understand it.

The, the risk assessments were really around protections on encampments. And what I'm, what I'm needing help remembering is where those protections for encampments.

Was that extend it to parks or was that were parks always carved out separate.

Need to, I don't know if someone with

"Chair Fowler"

my understanding is that parks are totally separate. They come under chapter 42. um, and I.

Although they are a metro park, um.

Property, there's a separate ordinance that covers that. Is that your question?

"Council Member George"

I think so. Yes.

"Chair Fowler"

Okay.

"Council Member George"

So I think that's another important piece. And then the last thing I would say about what we hope to see in the way of data.

Versus what's currently been proposed in advance.

Um, I want to remind everyone that.

Despite despite suspicion, when we talk about storage of personal property and interfering with pedestrian traffic on public ways.

We are not just referring to those folks who are protesting, or folks who are houseless with their belongings in the neighborhoods that I serve in the community.

I see an array of folks misusing public space.

Whether we're referring to the person who changed their motorcycle to a utility pole on 4th street.

Whether we're whether we're referring to yesterday, I drove down 1st street, just south of Broadway and saw an array of folks being sold on the sidewalk. Someone who obviously is the capacity to get a lot of items.

I saw a barbecue the other day on Breckenridge, completely blocking. The public right away and when we.

When we raise this in light of a whole host of issues around how Metro administers and upholds community standards, it then becomes brought to my attention,

which I did not realize that there is this conflict between what we previously had an prior to merger. And what exists in.

And I'll let the, the attorneys kind of hash that out, but I, I think that's an important thing to say, in terms of why did we not wait to see what was in the report? Well.

I don't think that information is going to be in the report quite frankly, because I don't think it is just specific to 1 certain population and how we're serving them.

2nd thing I want to say is around the citations.

I think it's really important to know that the citations are not new.

Right those were existing prior to and in 97 point 172.

And I don't believe any of my colleagues think that citations are the, are the way to advance.

Uh, both compassion as well as the way to advance insuring community expectations and equity around access. I don't think any of us think that.

However, I do think the conversation we're going to have to have at some point.

as part of a community is what happens when we reach a threshold in which there's no compliance

When there's been multiple steps of outreach.

Because I know we have an array of outreach that occurs in our community, both from metro from the community. And when you've had an array of outreach.

And there's still no compliance in which something occurs that elevates risk in safety for all neighbors. And again, I go back to it's illuminating.

When you look to see where encampments are in our city.

And to councilman Arthur's point, I have no doubt. There are more in district for. I also think that when you look at where those encampments are in relation to.

Neighborhoods and other city services and assets that quite frankly have more vulnerable people.

What we see is that in are often.

Most often in our qualified census tracks.

So, for folks who live in quality, bad census tracks, if you don't see them here today.

I encourage and I would welcome any of any 1 to come walk with me.

To get to know those neighbors and learn their experience.

So, family I want to apologize to some of my colleagues because what I hear.

Is that and and what I know to be true is that there's a significant amount of work that has gone into both how we support our houseless community as well as how we uphold our community standards.

And in a perfect world, I would have done a better job engaging folks on the front end.

What I will also say to be part of.

My experience on counsel is that there was great intention to make sure that we got this ordinance out prior to our fall break so that we can work on this as a community.

Knowing that we have 5 remaining council meetings.

At the end of the year so I do think that's really important that we engage this conversation as quickly as possible so that we can have the best product and learn the most. Thank you.

"Chair Fowler"

Thank you council woman, George councilman Hollander,

"Chair Fowler"

Councilman Hollander is it? Okay? If I let councilman Fox speak since he hasn't had an opportunity councilman Fox.

"Council Member Fox"

Thank you Madam chair and thank you. Councilman Hollander for yielding to me. Not on the committee.

And I don't get about, but I drove down here because I believe this issue is of paramount importance to the people that I represent, which is outside the urban services district.

And I think oftentimes we frame these things as being an urban problem. Where where there's congestion. And and a lot of.

Residential business development, but out the rural areas.

It's a problem as well. I have a bus stop.

In the 1500 block of newburg road. I'm sorry you have new cut road.

That has become the home of a person.

That brings all their possessions and fills up the dark style.

My office has worked through homeless services to to get help to this person a number of times.

Leaves for a while comes by the other day I went through there as the last time we had a pretty substantial rain, so it's been a couple of weeks ago.

But there were people standing in the rain that actually wanted to ride the bus.

And this person was occupying the bus, stop.

Have another 1 that Madam chair and I are both very familiar with.

She has lived in the counsel women's district to live in my district for about 2 years off and on been offered services at 1 point.

Uh, we were able to get our housing. I'm sorry, not housing. We got her a job.

Car and an employer that was going to allow her to stay on premise.

Uh, didn't even show up for the 1st, day of work.

Popped up in district 10, living on a sidewalk there.

Then back to district 13, and then ultimately, ultimately, back to district 14, it's a public health issue. At least with her, she uses a restaurant facilities in a 5 gallon paint bucket.

Propped against the fence which neighbor to school? In councilwoman chairwoman Fowler's history.

Same thing in my district, so I don't know exactly where I come down on this ordinance.

Are this amendment I'm going to be open minded as we go through the process, but Councilman James.

Actually stole my mic drop moment.

Well, I'm very sensitive to the least among us, and I feel legally morally we owe them.

What we can give, I'm also sensitive to the other people that I represent that want to use the bus stop. They want to use the park, they want to walk on obstructed down the sidewalk.

And I've had people in my district tell me they're moving because they're just tired of this and they're leaving they're going to other areas.

If that becomes the rule, rather than the exception of right now, it's the exception.

We're not going to be able to fiscally support the least among us.

Because our population base is is fleeing.

From a lot of the things we see around our city and that strikes at my soul, because I took this job.

To defend my community and make my community a livable place for all folks.

The least among us taxpaying among us.

Be fluid among us and, uh.

I'll be listening with an open mind and closed mouth from this point forward. Thank you. Madam chair.

"Chair Fowler"

Thank you councilman Fox um.

Looks like, we've got maybe a minute or 2 councilman Hollander. If you want to.

"Council Member Hollander"

Thank you and Arthur may give us a couple of minutes here. Um.

Um, who has the next meeting? Um, let me just say we keep repeating.

That we have sidewalks that people can't move down. There is a state law that allows L MPD to cite people who are blocking a sidewalk. It can be enforced if our police department will do their jobs. Now, if they won't do their jobs, then we need to do something about the police department.

We give them over 200 Million dollars a year.

and you know Councilman Fox President James just just agreed there is a statute that says you can't block sidewalks we don't need a new ordinance to say you can't block sidewalks and no one here and the audience are certainly up here wants to

say we should let people block us sidewalk so that nobody can walk down it or use their wheelchair to get down it that's the first thing

The 2nd thing, and there are going to be lots of questions, but I guess what I would ask is.

As a council woman, George has said.

There needs to be a lot of discussion. 1 of the frustrations to the people in the audience is that they are out on the street every day.

The Coalition for the homeless is named in this ordinance, and yet had no involvement.

No involvement whatsoever in the filing or the drafting of this ordinance. Can we agree that you will involve the people who know more about this Franklin than I do or anybody else does in how this ordinance moves forward.

"Chair Fowler"

Council woman, George,

"Council Member George"

thank you. 1 thing I'm going to ask is, can we agree that there might be more involvement for neighbors who live closest.

To the challenges that exist in our community as a result of many of the things we've discussed today, because I don't see them engaged and I don't see them having an advocacy community.

And as someone who has spent weeks and weeks.

"Chair Fowler"

Excuse me please.

"Council Member George"

I spent 4 weeks this summer, knocking the doors and neighbors who live closest to how we ramps.

And the things I heard were incredibly concerning around disconnect.

We're incredibly concerning around their inability that references that President James made about their ability to function in the community.

And I don't see them here today. Why is that? These aren't the neighbors.

Didn't necessarily have the capacity to attend a council meeting at 3 o'clock in the afternoon and so to Councilman Hollanders question, I'm always open to speak with the Coalition for the homeless.

I don't think the Coalition for the homeless would disagree that backing up our 70 from 48 to 72 hours was a challenge. a challenge

Again, I think there's quite clear consensus on that issue. I don't think there's any to my knowledge. I don't think there was any concern about.

How we manage encampments in parks to my knowledge. I never it was never my understanding that we were allowing encampments in parks.

And as it relates to the sidewalk piece, I would just say.

This is not just an issue. Relegate it.

For those who are houseless, but yes, always of course, I'm, I'm willing and open to engage anyone on any issue. And when I say, I think there's lots of room for discussion that has to do with what the solutions are. But as the challenges exist in my community, I'm quite clear Thank you.

"Council Member Hollander"

I'm glad I think I can, but I think there was a commitment that we would get people involved and move forward and I hope that's going to be the case. I have 1 final question for for the assistant county attorney. There have been letters from the National homeless law center, and by the ACLU of Kentucky.

Which alleged that the proposal as originally made was unconstitutional and would impose a severe penalties potentially on the city. And on the taxpayers of this city.

Have you reviewed those are those letters and if not, will you review them?

"Alice Lyon"

I think you're aware that today you forwarded at least a couple to me, and I received them from other.

Other council members too, but that was that was today.

I haven't gone through all of those and understand that. We can

"Council Member Hollander"

you will review them now.

"Alice Lyon"

Oh, of course.

"Council member Hollander"

Okay, thank you, thank you and 1 other question that we won't get the answer today, but I do want to know, and I think other people need to be here as this discussion continues.

I hope we don't have another hearing on this ordinance and not have the homeless services division people here.

That's insane to me. Franklin I guess I'm speaking to the administration about that. We also have changed this ordinance in a massive way.

It used to be that public property did not include waterfront park.

For example, it didn't include park. Have we talked to waterfront park about this?

Has anybody had any discussion with waterfront park about the fact that we're now including them in an ordinance?

I would suggest that's probably a good idea too. Has anybody talked about park with park?

Again, I think that's probably a good idea too. Thank you very much.

"Chair Fowler"

Thank you and, you know, I understand what you're saying about enforcement, you know,

it's really strange to me that we passed an ordinance to protect sidewalk obstruction in front of a portion clinic and we had police station there to stop that from happening.

But we can't enforce.

Sidewalk ordinance that is in right now and at that, I want to invite the police department to be here on the 29th.

Would like to see again someone from RCS. from rcs

Be here as well and I wanted Director Burns

I wanted to ask you the question was asked about are there places and swims or in your department to store belongings.

Thoughts since you're here right now.

Well, I mean, if you don't have the answer today, you can come on and I'm sorry I said the 29th, but the next meeting is October. The 6.

Because we're following

"Vanessa Burns"

on this would like to just remind people as we're looking at all these issues is, in fact,

it was a storage program that was over the old meat store with the funds that were provided by a mid year adjustment.

And that 1 of the things that we need to also do and our concerns seriously about storage is that was a program. And we need to have a conversation regarding whether.

Regardless of whether it's up at, in brown storage bins, like we did for the for the, the other program that we had we, as a, as an agency have some serious issues.

So we would like to at least be a part of the conversation. So that you would know what we feel would be real issues.

If you remember when we got stuff out of the Jefferson park, and took it over to the waste reduction center.

After I think the shooting, I think what happened there was, we ended up paying a lot of money because.

There was some concern about, you know, people said that their stuff was destroyed and everything and I'm not talking about money,

but the fact is any program that we have has to be so that we can take pictures so that people don't turn around.

And so the city for stuff that, you know, they say, has a value of this, and there's, there's some real kind of that you'd have to have even though I would be less than thrilled.

About doing it,

"Chair Fowler"

so to be clear, though, that clearing you're talking about that wasn't a homeless camp, right?

"Vanessa Burns"

Well, it was a, uh, over at the park over here.

"Chair Fowler"

Okay, thank you over there. Um, and I'm sure.

"President James"

1 clarification. Yes, sir. When you said that you wanted the police department to come, can I suggest that it'd be either the chief or deputy chief and not

"Chair Fowler"

certainly Thank you. Yes councilman Arthur.

"Council Member Arthur"

Question for the county attorney cause I know we just heard that tents aren't camping.

Unless it just has not been updated. I'm looking at chapter 131 of the logo, Metro code of ordinances section 1 through 1.01. of course, this is being struck and what's being proposed?

But it says camping paraphernalia is defined as equipment or supplies that are used by a person or persons to facilitate camping, which includes, but it's not limited to grills outdoor cookers, lanterns, sleeping bags, bedrooms, knapsacks hammocks. sleeping bags bedrooms knapsacks hammocks

Tarpaulins canvases lean to temporary shelters of whatever, kind or other similar type equipment or supplies. So, as of now, without passing this, is it correct that tents are in fact, camping paraphernalia?

Because it's in our code of ordinances.

"Alice Lyon"

Yes, and if you look down at the definition of temporary shelter in that section, some of those items are repeated there.

So, between the definition of camping paraphernalia and the definition of temporary shelter.

It's in there,

"Council Member Arthur"

thank you so much and a question for any of the CO sponsors I'm curious how we decided what we would strike from this because if I don't have housing yes, I need that. Yes, I need those tarps, but can I get the cooker and the sleeping bag too?

"Chair Fowler"

Okay.

Cancel Woman, George,

"Council Member George"

so I think, and I don't want to speak for Alice lying because some of the things that you see struck through, I believe are just an attempt to create a cleaner document. I also think this gets back to what chief of Brian said.

So, my understanding is that 1 of the challenges that exists in the community is around how do you identify what is it? What is a camp and what isn't? So, if I see, for instance, um.

You know, a cooker and, you know, a tarp is that an enhancement.

And so I think this is an attempt to say these are the things that mean temporary shelter and a camp, versus if I just see, you know, a hammock. In a cooker maybe that isn't an account.

So, again, what I would say is, I don't profess to have all the answers and so if there's a better way to get to how we determine, but I think everybody in this room can agree.

That there is not clear consensus around when we look at something. Is this an enhancement or isn't it.

That's a hard determination to make. I think everybody would agree with that. I don't know. I see a lot of things in that community that make it not always so clear.

And particularly, and this is important, particularly if.

Um, if punitive measures are taken as a result of making a mistake.

Right I think our metro staff have gotten the message loud and clear.

The mistakes are taken really seriously right so what I see happening is an abundance of caution, which is a good thing, but not a lot of guidance on what we constitute.

an encampment and official encampment versus somebody just had a cooker on the side of the road with the tarp

Thank you

"Chair Fowler"

thank you. Council woman. I think that we have gone past our time and it was okay with the next chair.

560 "Harward, Sonya" (417982976)

01:11:02.725 --> 01:11:15.355

So thank you councilman Arthur and we will take this up again, October 6th, and hope that we have the chief of police, and any homeless.

homeless

Personnel there at at the.

Department to accompany her as well as some, the.

Personnel from RCS. Yes and I'm sorry.

Can we have a motion to table.

"Committee Member Purvis"

I to make a motion to table.

"Chair Fowler"

Seconded

Thank you. So all those in favor say? Yeah.

I thank you. adjourned