

**Captioning Transcript of Parks and Sustainability Committee Meeting -
December 8, 2022**

"Chair Fowler"

Okay, this is the regularly scheduled Parks and Sustainability Committee Meeting. I'm Council Woman Fowler, and I'm joined today in chambers.

By my Vice Chair James Peden and President James, and.

Council Member Jecorey Arthur

And Council woman Nicole George on.

Virtually, we have Council Woman Holton Stewart

Council Woman Parker

I think that's all I think we probably be joined back a couple of others shortly. So we've got 2 things on the agenda today. 1 is a discussion Adam that needs.

To adopt a discussion also a resolution about parks for all and then we have the camping ordinance that we've been discussing since this September.

And so we need to enable that if you could read the.

Disclaimer, please, Cheryl

"Cheryl Woods"

this meeting's is being held for KRS 64,806 and Council Rule 5A read in full.

"Chair Fowler"

Thank you. So.

We have 263 dash organism in these sections 1311131.0231.3 of the local metro code of ordinances, relating to campaign on Metro property in sections,

42.3142.32 and 42.99 of the related camping and Metro parks in section

97.072 of the regarding obstruction of sandbox and the public ways.

one hundred and forty two point three two and forty two point nine nine of the related camping and metro parks in section ninety seven point zero seven two of the regarding obstruction of sandbox and the public ways

Do I have a motion to adjourn table? Oh, shoot to un table.

Properly moved by Council Woman Holton Stewart, 2nd by Vice Chair Peden, it's unstable so I want to say that we've had so much discussion on things and in the essence of time today,

I really need only new things that I have not been said prior.

So, we, we can also see this other atoms so just please keep your comments to things that are new. And not things that have already been said, please.

So, councilwoman, George, can you give us an overview.

"Council Member George"

Thank you chair I want to just start by reminding folks of the goal of what what the CO sponsors and I are attempting to do the goal is to adapt to community need by ensuring that we're upholding some level of expectation related with use of public space. And our community today, we need to vote on the committee amendments by substitution. Those were discussed at the last committee meeting and those amendments are really focused on 3 things. And if.

It's okay chair, I'll go through and recap those quickly.
On page 2, we reverted back to the original definition of public property to include our quasi governmental agencies.
On page 6 under this section for protections.
What you will see is that in the event, and this is the section that talks about in the event of finding a risk, and the need for relocation again,
we're giving more time for outreach to get out to locations to meet the definition of an encampment about taking the time frame from 48 hours to 72 hours, we've just added language that makes it clear that 48 hours is not required.
If the area was previously posted as no campaign in accordance with 131 dot. with hundred and thirty one dot
Then the 3rd, 1 is on page 8 under.
Parts so 42 dot 31, we added paragraphs on camping and facilities. We added essentially definitions which was discussed and we replaced the term recreational vehicle with motor vehicle.
motor vehicle
The definition of camping it means temporary living accommodation for purposes of occupation or.
Hesitation of the park, um.
And our facilities, no person shall prevent a shared use of park's facilities that was added. And we're going to have a a quick floor amendment after this.
Have the term assets, um, we also specified that penalties here are civil not less than a dollar no, no more than 5 dollars.
And then finally, we looked at the section for 97.72, this was originally the blocking sidewalks and is now titled personal property, obstructing pedestrian traffic on public ways.
This cleans up Pre merger code that was reportedly unconstitutional. that was reportedly unconstitutional
With the updated language, we're making the storage of personal property that substantially impedes the flow of pedestrian traffic, a civil violation that allows due process for possessions.
Essentially, this gives another tool be on the which we've heard now that they can enforce that enforcement comes with a misdemeanor.
So those are the 3 or 4, I guess.
Amendments committee members by substitution that we need to vote on and I'm looking at the county Attorney's office to make sure I have that covered.

"Alice Lyon"

Yes, the amendment by substitution that's the 1st in the in the.
Line up in the in grandkids needs to be.
Adopted by the committee. Okay Councilman Hollander is your comments about the amendment and something new.

"Council Member Hollander"

Yes, ma'am. Thank you.
Uh, I, I still have concerns about adding this language about motor vehicles.
So, what we're saying here, I want to be clear about this because the county attorney, and misstated this in an email earlier.
This is not just overnight. This is at any time of the day.

So, we are saying that any time of the day someone who is living in their car.

Cannot be in a park. This is a real world problem. We have a lot of people who live in cars throughout the community. I know 1 a constituent of mine. At least she's a constituent. Sometimes her name is Pam.

She is in a part fairly frequently.

And let me turn this off. Sorry?

You said a parked pretty frequently.

She will stop at the park. She will go to the restroom in the park.

Which I think we probably want to encourage we've heard a whole lot of people talking about people going to the restroom in more public places.

I have never seen Pam, cause anybody any problem.

But I know that that car is her home.

Because I've asked her, because I'm working with her to try to get her into more stable housing.

And I don't think this is an isolated case and what we are saying here is.

Pam is not welcome in that park anymore.

During the daytime to stop and go to the restroom because this is this is Pam's home.

And I just don't understand the purpose of it. I think it's counterproductive to what we're trying to do here.

I understand recreational vehicles, but I simply don't understand any motor vehicle during the day.

To be excluded from all of our parks if that's the home of someone.

Thank you

"Chair Fowler"

Thank you Councilman Hollander so I have a question as with the county attorney as to whether that.

This language actually says that, so.

If, um.

"Alice Lyon"

It would be a matter of interpreting the language that's here currently. Which reads for the purposes of this subsection camping, showing the use of a park location.

For temporary living accommodation purposes by the occupation habitation of the park location through the use of temporary shelters and or motor vehicles. So the question of interpretation would be.

Does the situation describe? Does that describe.

Temporary living accommodation purposes.

"Chair Fowler"

So, um, so should we.

Specify that, um.

So, to make sure it's clarified and there's, you know, it's not against our ordinance to be in a park in a car.

Unless it's after hours.

Would that be something that we could do? What do you think

"Alice Lyon"

the park hours are?

You can see those in the next section of the proposed ordinance, because there's a slight amendment there. It's section 4232 that closes parked from 11 PM until 6 am. And people aren't allowed in the park with, with an exception for nonstop through traffic only so. through traffic only so Parking your vehicle during those hours would be a violation of the part closing hours.

"Chair Fowler"

So, do you have any suggestions on how to because this is an issue in my, in my parks.

I think that President James said that it was an issue in his pocket earlier.

Conversations discussions.

"Alice Lyon"

I can only point to the language that's here now about temporary living accommodation purposes. Okay. The interpretation of that would be up to whomever implements the ordinance. If it's inactive.

"Chair Fowler"

Okay, and Councilman Peden.

"Vice Chair Peden"

Well, okay, you started to touch on it. I thought we might get to where I didn't have to ask the question, but.

Again, park hours are posted, which you just brought up and you're saying there in statute, 60 a M, to 11. I've got 1 where the sign basically says it's closed after dark.

It's dawn to dusk. dusk

And I have no idea consistent.

I know that yeah, it's not exactly right and then I've got 1 where the tennis court lights stay on beyond the hours that you mentioned, if they're automated.

So after whatever the time is, you can no longer hit the button and make them then come on. But going back to the point of.

Broader thing, and that's Councilman Hollander is opposition to this.

Why do if we already have rules where other people can't be there? I'm not sure why we are going to allow homeless to live there.

In the middle of the night, but it's not because I necessarily have a lack of sympathy for that, because I agree. They want to use the restroom at Highview Park. I think they're open 24 hours a day. The ones that McNeely, we do lock and clothes.

Um, but nonetheless.

I, I guess it, it's going to attract other people, I guess, is the other thing. I mean, it'll people all just assume the park is open.

I suppose is what I'm concerned about.

And that's what I'm asking is, does that pretty much just if we allow folks to pull in and sleep at night, is it going to pretty much do away with any hours?

That we got them share.

"Council Member Hollander"

I think that's a question for me.

And I think that mistakes what I just said, so.
We currently do not allow anybody to be in a park in a car between 11 and 6. that's existing law.
I am not saying that we change that. I'm not saying we let a homeless person or anybody else be in a car overnight.
That is not my point at all what the change that is being proposed here.
Is that during the day, I mean, it specifically says at any time of the day, you could not be in a motor vehicle. If that's your temporary living accommodation. I'm talking about daytime nighttime.
Thank you, uh, President James

"Council President James"

Thank you madam chair, and actually doesn't say that you can't be in a motor vehicle there in the daytime. If that's your temporary. Living location, it doesn't say.
That you can take that vehicle that you live in and drive into the park and use a restaurant. It doesn't say that those are made up statements that are false narratives.
And so what it does say is that the use of the park location for temporary living.
Accommodations for the purposes by the occupant.
Our habitation of the park location through the use of temporary shelters and our motor vehicles it's saying that in the daytime.
You cannot pull the vehicle into the park and live in it.
While you're in the park, can you pull in there and go the restaurant?
Sure.
Can you pull in there and do drugs all day and pee and urinate all over the parking lot? No.
Because you're living in it that's what it says.

"Chair Fowler"

Thank you. Um,

"Council Member Hollander"

I don't believe that's what the, the county attorney thought it said.

"Alice Lyon"

Council Member Hollander, are you referring to.
The language that I just read similar to what President James read about temporary living accommodation purposes.

"Council Member Hollander"

Yes, I am, and I'd like to know why do I tell Pam if she goes to sleep in that car?
During the day, and this is during the day, this is someone who's living accommodation is now a car.
She stops and this happens all over the community.
She stops at the park, she goes to the restroom and then she falls asleep in the car.
Is she violating the the ordinance then?
During the day

"Alice Lyon"

Councilman Hollander, was that a question for this is Alice Lyon the county Attorney's office.

I'm not the person who will be enforcing this. We know the executive branch does the enforcement. I'm not up to interpreting where the line is for temporary leaving accommodation purposes.

That's I'm reading statutory or ordinal language to you. I'm not able to describe how enforcement action will happen.

"Council Member Hollander"

I understand it. I guess what I'm saying is, I don't know what I'm going to tell him.

I think the safest thing is to tell him, you're really not want it in this park

And I think that's a shame

"Chair Fowler"

Councilman Mulvihill

"Committee Member Mulvihill"

Thank you Madam chair. Um, I do have and I, as a sponsor, my only concern was.

And if we're talking about the amendment, uh, the entire amendment was.

With respect to the change to 9,772 in looking at it, I think.

We haven't currently, but I think there's, I think this can lead to some confusion once we did learn that the police will enforce that provision doing it.

Uh, there's already provision in in state statute that basically says you can't impede or hinder.

Once you create that statute, and once there's ability to enforce it under there.

Ah, there's a couple things that I think, uh, make that problematic to include this language here.

And we can talk to I did talk to the county attorney about it, but.

They weren't super clear whether it would apply or not, but 65

8803whenyou create a civil.

Penalty you can't create a civil penalty for something that's already criminal conduct, criminal conduct, spin already stated by the state.

If you block or interfere with the sidewalk you can't then say, oh, in this locality, we're gonna ignore that and make it a civil penalty. They don't allow that and then, secondly, my concern would be simplification of enforcement.

You have a state statute as a former prosecutor I'll just frankly be.

Quite honest, our police officers are more familiar with our penal code than they are the number of ordinances that we have. We have.

The penal codes in chapter 500 it's 1. we have 156 potentially, so they don't are not as familiar. So they're trained mainly to right citations not that they can't be trained, but they're trained mainly to write citations out of a state statute.

So, for me, I would rather not have that 9,707 2 because I think it causes confusion. and seven two because i think it causes confusion For the folks that are supposed to enforce this, and those folks are going to be police. So my recommendation will be to amend that out.

"Chair Fowler"

So, are you making that in form of a friendly amendment?

"Committee Member Mulvihill"

I don't know if it'll be friendly, but section 8 is what I would recommend be stricken.

"Chair Fowler"

Council Woman George,

"Council Member George"

thank you chair. I, I.

Guess I would say on the front end of this, we currently have language in 9,772 around blocking sidewalks that.

We fundamentally heard through the committee discussions, had problems constitutionally and.

Wasn't valid wasn't being enforced for a lot of reasons. Um, I hear Councilman Mulvihill on.

Concerns with complexity and the last thing I want to do is give our workforce.

More challenges at the same time I am supportive of.

Giving our workforce and specifically more tools, giving, you know, anyone who has the ability to enforce, which may not be at some point, the ability to enforce.

And so that enforcement in this, in this section looks a little different than the misdemeanor that comes with the cara's counseling mobile is referring to. So.

I'd like to be said, support the current language that's proposed and the.

Amendment by substitution and when encourage my colleagues to do so as well Thank you.

"Chair Fowler"

Okay, so, um.

Councilman Arthur is your something new.

Is this an amendment that you're wanting to make or is because we need to vote on this substitution before we have any new amendments? Is that correct?

Yeah, it'd be the cleanest way to do it. So Councilman Mulvihill, you might need to come back after we vote on. I'm happy to withdraw my amendment and vote on the amendment bus. Okay, thank you. Thank you.

"Council Member Arthur"

Thank you so much.

I guess the confusion from me and sharing the concerns that Councilman Hollander has.

Would be the difference between living accommodations and sleeping accommodations if there is 1 and or how we define those because when we look at.

Ordinances chapter 115 section.

115.001.

And we define homeless or homeless individual or a person.

There are 3 numbers underneath this definition.

The 1st 1 says, and it continues from the section above this as an individual who has a primary nighttime residents that is number 1. A supervised publicly or privately operated homeless shelter, designed to provide temporary living accommodations, including welfare, hotels, congregate, shelters and transitional housing for the mentally ill or number 2 an institution that provides a temporary residence for individuals intended to be institutionalized or number 3. A public or private place not design. For, or ordinarily used as regular sleeping accommodation for human beings.

I bring this up because as we have the discussion of what temporary living accommodations means.

The definition of homeless or homeless person, or individual, and our current code of ordinances.

Kind of uses those interchangeably, and it has sleeping accommodations, but it also references temporary living accommodations. So, while we don't look at the current ordinance or the amendments in front of us. And it doesn't clearly say sleeping when we look at the definition that's in our code of ordinances. It does reference sleeping.

And I guess that's where the confusion comes from me. If we're talking about interpretation.

There doesn't need to be to interpretation. There's no gray areas clear as day right here that if you're using a place that's not designed for sleeping accommodation. That falls under temporary living accommodation. So that's where my concern falls.

I have plenty of constituents that I know who are sleeping in cars and wherever they can go in a public park in some cases is a safe space. It is a public space, but it is a safe space.

So, I'm curious if there's an opinion on it and that concerned and how those definitions are used interchangeably.

"Chair Fowler"

Can I just say that, you know, when.

You're referencing 1, 115.

It's a totally different animal in the public parks.

It's not allowed to.

Have overnight accommodations in our parks period.

So.Alice

"Alice Lyon"

Council Member Arthur the definitions in chapter 115 wouldn't apply to. The the sections in chapter 42 that.

Where we're making the camping and facilities change.

The definitions applied either chapter by chapter section by section, depending on how it's worded, but the other, the other chapter 115 wouldn't.

Apply here, it may influence some wins.

Thinking about what it meant, but it wouldn't legally define it in this other chapter.

"Council Member Arthur"

So, just to get a straightforward answer, and this is for the CO sponsors since it sounds like the county Attorney's office is saying it's up for interpretation.

Temporary living accommodations in your opinion does that include sleeping?

"Chair Fowler"

Council Woman George

"Council Member George"

thank you chair I'm going to get to that. I'm going to maybe get to that in a round about way.

And speak about the concerns with the motor vehicles the concern is about access to public space and what that means and most of us.

Most of us would agree that it isn't appropriate for someone to occupy space in a public park for purposes of habitation where, for instance, and your park.

You will have someone sometimes sit for days in a parking spot next to the playground.

It is not best practice to move some 1.

And to help someone work on a plan to get to a safe space in the middle of the night.

So this idea that we create overnight hours around temporary.

Living situations is concerning for many levels, which results in a breakdown. And so, let me just pose this.

We don't have park staff out at night to help our neighbor who is sitting for days in the parking lot and encourage them to develop a plan. And so what we end up with is a call to LMPD.

I don't think that's what my colleagues want.

Because that's what the alternative is if we look at this by restricting this by overnight, what we are saying, and the tool, the only tool that we then have.

Is for neighbors to call the police and report that someone is there outside of park hours.

I don't think that's best practice and I'm looking at our friends from the Coalition for the homeless. I don't think anyone thinks that's best practice.

And so, when we ask, what do we tell our neighbor, Pam, we tell her that we're concerned about her.

We tell her that she's welcome at the park as in everyone is welcome in the park, but that we need to uphold a community expectation around access to public space. And she can't create a temporary living situation that excludes access for everyone.

We tell her that we have services and that those services are available. Unfortunately, mostly during the day.

And going out at night by call of, to knock on someone's window is probably not the appropriate way to make a plan for that rather to have an expectation on the front end.

That well, no, no one's trying to restrict someone from taking a nap.

We're talking about habitation as in restriction of access to public space.

Thank you,

"Chair Fowler"

thank you and, you know, I just have to say that this whole discussion has been had.

We have talked about it previously the last meeting we talked about at the meeting before, and we talked about it during this special meeting. So Councilman Hollander with that in mind if you have a. Follow up statement, otherwise we're going to vote.

"Council Member Hollander"

Madam chair, if you want to cut me off, that's fine. But I didn't say I was going to cut you off. That's fine.

"Chair Fowler"

Welcome to speak.

"Council Member Hollander"

Then I'd like to speak. Thank you.
Just to respond to Councilwoman George.
I know Pam. I know we're Pam park. She parks at a regular parking space. In this park, she doesn't obstruct to anybody's access to anything. She uses a restroom sometimes she'll sleep in that car. And I don't know what to tell her. I guess what I was supposed to tell her is we have services.
So try to get the services. That's what I have been telling her. But I have to tell her that you're really not welcome in this part during the day. And I'm sorry for that.
And again, I want to make make this very clear, because I think we're mixing things again. I think Council Woman George just did. This has nothing to do with being in the park overnight. That is already not allowed. We are now expanding that to a temporary living accommodation in a car during the day.

"Chair Fowler"

Thank you Council Woman George
Okay.
Councilman Arthur do you have something new.

"Council Member Arthur"

With the CO sponsors be open to a definition of temporary living accommodation so that we're crystal clear what that means. So it isn't necessarily open up for interpretation when it's being enforced. I'm looking at something you might not like it, but I'm looking at the dot com and it just kind of breaks down the differences between sleeping accommodation and living accommodation since it sounds like. We're not talking about people taking naps and sleeping.
Maybe we focus on the living accommodation, which reads.
That it means a room within a house, which is used for everyday living activities, such as living rooms, dining rooms, studies, games, rooms and sports rooms.
That's kind of vague, but it's very clear that it's speaking about an indoors facilities.

"Chair Fowler"

This woman, George,

"Council Member George"

again, I just want to be really clear about what the problem to be solved is and I recognize this isn't a problem for all of us equally just because.

It is not a problem for some of us does not mean there's not a problem to be solved and I want to.

Back up to say that what we here described from neighbor Pam, is not what we're referring to, in the way of habitation, in the way of I've pulled into a parking spot,

and I'm there for days and I'm acutely aware that while there is a provision around overnight, the problem to be solved is that overnight is insufficient.

Quite frankly, it doesn't align with best practice around when you would seek to provide services or relocate someone who is taking up.

Uh, an inequitable amount of public space.

What we're really talking about is access to a public space.

And so to answer Councilman Arthur's question about a definition of temporary living situation.

Of course, I would be open to any definition. I'm not supportive of something that relegate that to a house.

I think that if I'm looking over at Alice Lyon, if you have a definition of.

Temporary living situation I think again, I don't want to speak for the CO sponsors.

Fundamentally, what I observe to be the problem to be solved is not around someone, regardless of their housing status, who pulls up at a park and takes a nap during the day.

That's not what we're talkin about. Thank you.

"Chair Fowler"

Um, Council Woman Purvis and then Councilman Peden

"Donna Purvis"

Thank you Madam chair. I just had a few questions and going back and forth with trying to distinguish um, if someone is validating the ordinance for, uh, been in the park.

Uh, either during or after close hours, whether it's a Pam, it's in a vehicle or whether, you know, it's, it's a John this sleep on the ground. Um.

The repercussions are fine I think, I don't know if it's been revised. I just really wanted to know how do you expect these people to pay a fine when they don't even have a place to live.

"Chair Fowler"

I think we had here to explain that there has not been 1 fund to their knowledge given out.

In the last 2 years so I don't think that that's something that is. Happening regularly, even though it's on in our ordinances right now, there are funds.

That can be loving, it's not happening Council Woman George do do you have a response to that?

"Council Member George"

I was just going to say I support as voting and if between now and council meeting, we can get to a better, you know, a definition of. Temporary living situation I am certainly. Willing to continue to refine.

"Chair Fowler"

Okay.

"Committee Member Purvis"

And and my next question is if. Pam per se is in the park and says she's on the bench, but you all consider that a violation if she's not laid across the walkway in the park, what have you just say she's sitting on the bench sleep with that? What? You all consider that evaluation.

"Chair Fowler"

I don't think that would be a violation. She's just. A citizen sitting on the park bench at that point. She is not in a shelter, temporary living shelter. I would think she's just a park user at that point.

"Committee Member Purvis"

What is she sitting on the bench at 3 in the morning? She is she is in violation because that our ordinance.

"Chair Fowler"

Current ordinances say that that is a violation that has nothing to do with what's before us today. That's already in the law.

"Committee Member Purvis"

Okay so it it sounds like. Uh, and and I, you're right, I know that this is already in the law. So it sounds like these laws just really have never really been enforced the past years. Correct?

"Chair Fowler"

Well, I have had them enforced in my parks about the parks department. They, they have removed homeless. Encampments from my parks, they have moved remove them found out today from Councilman Mulvihill's parks. And I'm sure that that has happened all across the city. Because it is enforced. There's no camping in our parks. It's just blankets has been that way as long as I've been on the council. Well, as long as the homeless ordinance, I think it's been in the parks as long as I can remember. And that correct me if I'm wrong. If someone else that knows better. I don't remember it being any different.

"Committee Member Purvis"

Yeah, I think it has been I just, I don't see a lot of that enforcement in some of the parts, you know, close to where I live. Um, I sit on a regular basis so.

Okay, we're, we're running out of time Councilman Mulvihill

"Committee Member Mulvihill"

Yes, thank you. Madam chair uh, to.

Maybe this is a way to to, uh, uh.

Simplify the language and address both concerns that were raised by Councilman Hollander and raised.

And Councilman Arthur, because there is a difference between occupation and habitation occupation means you're there.

Habitation means it's more than there, so maybe.

As a friendly amendment, I would talk to my Co sponsors.

And we'd strike the words occupation or and just have the word habitation by the habitation of the park. Cause. There really is a distinction. Then it wouldn't. It's it would be somebody. That could be taken an app could be doing.

But when you talk about habitation, that's where you're talking about somebody who's living there longer and doing more than just.

You know, being in a parking space so I think if we struck that word, I think that would get the intent of what everybody seems to think is, uh, appropriate conduct. So, I.

I would ask that as a friendly amendment to the, to the committee substitute.

Okay, so I think that we're in agree. You want to wait on that 1, too?

Well, no, I just, I think, just to keep it clean out, right? Go ahead and vote on this and let's vote on the original. Okay. Thank you.

"Chair Fowler"

Okay, we have an amendment by substitution before us, and we need, let's just do a roll call. Yeah.

A motion move the amendment by substitution. Motion by Councilman Peden 2nd by Mulvihill, I'm sorry, I have left Councilman Peden. Now, he was going to speak if

"Vice Chair Peden"

I was going to call the question. Oh, thank you, sir. Okay.

Okay, so is it been properly moved.

I didn't hear okay. Okay. Thank you. So, all those in favor or are we going to do a row?

Yeah, yeah, let's do a roll call open the vote please.

[Vote Taken]

"Cheryl Woods"

Chair Fowler there are 6 yes votes and 1 present.

"Chair Fowler"

Okay. So the past and so now we can look at the other amendments. I would like to do this quickly. So, because we've got people and so Councilman Mulvihill let's do yours.

1st and then if you still have 1.

"Committee Member Mulvihill"

Okay, all right on on page 9, which I just read, we would strike, uh, in may look sorry at the section.

Section 542.31. it's D. D1.

And it's at the top of page 9, I would strike the word.

Occupation or it's in the 2nd line occupation or.

Up at the top, and I'd 1st move that amendment.

Okay, we need a 2nd by Councilman Blackwell. Please. Okay, well.

Thank you. Okay, so, um.

"Chair Fowler"

Council Woman George. Thank you.

"Council Member George"

I was going to say, I support this. I think that it does speak to again. What?

We can all agree on is that we, it's the issue of habitation the being in the same spot day after day the restriction of access. When it's appropriate.

To then approach and help someone come up with a plan. And so I think this is a good.

A good solution to the challenge of this is not Pam, who pulls up to take a nap and go to the bathroom. This is someone who's there for multiple days. So I, I don't have a vote, but I do support it. Thank you.

"Chair Fowler"

Okay. All those in favor.

Um.

Okay, so that has passed and now we are.

Um, I think we have Councilman Arthur's.

"Committee Member Mulvihill"

No, no, no, I'm sorry. What.

I have another 1. Oh, you'd have another 1.

Yes, uh, huh. Oh, I'm sorry. Yeah section I've recommended deleting section 8.

As, for the reason stated earlier, which there are 3, you have a state statute that's largely deals with that conduct.

I'm not sure legally we can do it because I think it's a usurpation of power given. You're now taking a criminal penalty and making it civil and then the last thing and I think probably the most important if I'm a police officer.

I want to be able to look at 1 thing and not have to figure out which 1 to use or not use. So I would just.

If conduct exists that says, you can't block a sidewalk, then I would just stick with the state statute and not try to create a different standard or penalty at and make it simple.

So, my, my recommendation would be to strike all of.

Sections, 8 and 9 and what section what what page is.

Pages 9 and 10, and they creep on 11, but the section okay. Are sections 8 and sections. None of the proposed ordinance. And I move that amendment Madam chair.

"Chair Fowler"

Okay, do I have a 2nd by Councilman Blackwell
All right perfectly moved does anyone with any discussion on that.

"Vice Chair Peden"

My only discussion is, I'm probably going to vote. No, that's a substantial, substantial change. And I would like that.
Vetted a little more I mean, that's.
Attorney Mulvihill coming in conflict with attorney lions and.
I'd like to look at that. I mean, and I'm not saying that on Thursday night, next week, I wouldn't vote. Yes, I'm just saying for purposes of today, I don't I'm not ready to make that change.

"Chair Fowler"

Councilman Arthur

"Council Member Arthur"

question for the county Attorney's office. So.
I assume we're allowed to give you the option of going the civil route versus the criminal route.
Is that right?

"Alice Lyon"

LMPD PD would only be involved in a criminal offense.

"Council Member Arthur"

So, when we're looking at this section.
Actually, I should ask you to clarify some more what.
Are you asking about sections 8 and 9 in the sidewalks and Councilman Mulvihill?

Yeah. So essentially I get what he's saying about them not having too many options. They should focus on 1 thing, but if 1 of those options is civil and a lot less.
Harmful to them, versus 1 is criminal. I would rather than take the civil route. If that's an option that's at their discretion, as opposed to only having the criminal route.

"Alice Lyon"

It would depend on the behavior you were seeing and and a lot of factors that.
I, I can't give you a clear yes. Or no on that. This section 8 doesn't have a penalty.
It it doesn't have a civil fine. It doesn't have a criminal penalty.
Um, it just sets out procedures for what happens with personal property.

"Council Member Arthur"

Okay, thank you.

"Chair Fowler"

Councilman George are you in the queue?

"Council Member George"

I would just say again, I think what we're attempting to do is provide another tool that other tool comes in.

Other options, not just involving LMPD as it relates to possibilities of what it looks like to enforce.
That enforcement would be, um.
Would have a civil approach and would not carry a penalty, but removal of possessions to ensure access to public right away.
Thank you.

"Chair Fowler"

Okay so where does that leave us?
I guess up or down vote. Oh, President James. I'm sorry,

"Council President James"

thank you, man. I'm sure just very brief.
I would agree with counsel and George. I would like for.
There to be more options available for our metro employees to deal with these situations, I believe having an administrative option would be a much.
Needed tool for a task force of people that may be in the future at some point, after the next 23 days, or so to to deal with that.
And so I would encourage my colleagues not to vote for this particular amendment because we need to have options available to help all of us across the county. county

"Chair Fowler"

In light of that council Mulvihill is there anything you would like to maybe amend out of your amendment?

"Committee Member Mulvihill"

No, Madam chair, I think, and when we talk about administrative options, I think it, it does sound good, but ultimately, when you're dealing with situations,
we even talk about when we're talking about camp removals and we're talking about removing people's things.
I would never ever at least back from my olden days, uh, send them the county attorney. I would always want somebody.
With authority there, um, who who can deal with.
Potentially situations that could get out of hand very quickly.
When you're trying to take people's stuff or remove them. So I always the only person, the only agency I think that's equipped to do with it because I don't think code enforcement or public works would.
Uh, would be, and if not, they need to be present, or they need to be present.
For these situations, so then it goes back to the confusion of, you can't block a sidewalk.
Here's here's the law that already says it and now we're trying to say.
Now, we're gonna make that a civil remedy when, in fact, the state's already said what it is. I mean, I understand the penalties are different the conduct not different and I think that's what it's being regulated but that's a legal argument.
Uh, from a administrative standpoint, I think you're always gonna have involved and because of that.
I think simplification of enforcement makes sense to me in a perfect world. I would love to see other options.

But, I don't know that the feasibility, uh, and the manpower makes sense given the dynamics. So I, I'm okay with this change and if it's voted down, that's okay. Thank you.

"Chair Fowler"

Okay, thank you.

So, um, this amendments before us, and all those in favor, say, aye.

Hi, uh, all those, um.

Not in favor, say name. Oh, no.

Thank you that amendment fails. Now we have Councilman Arthur, and I hope, you know, I'm going to be going over into your committee next hour.

"Council Member Arthur"

Think that's all right so I appreciate section 97.072 about personal property on public ways, because it gives that verbal warning option. That's really important, but when we look at section 42.31 about prohibitive activities in parks.

The temporary living accommodations piece is essential, because people are performing life sustaining actions, which, in my opinion, and I hope in your opinion are going to be more important. In most cases.

Then things, so I'd like to apply the same standard. We give 2 things to life with a verbal warning 1st, before we get into the penalties. And language would be very similar to what we see on page 10.

And bear with me, because it's a long run on sentence, but it would read when 42.31 D is violated. And the violation is observed by local Metro.

If the person camping at the facilities is present when the violation is observed metro shall issue a verbal warning to the person camping that if the person continues camping or preventing the shared use of park facilities and assets,

which are otherwise open to the public from being used for the facilities intended purpose. the facilities intended purpose

The person camping may be severely fine, not less than 1 dollars, nor more than 5 dollars for each offense. And this would replace, I guess, section 4 2.

Point 99 C, where the penalties are are kind of laid out, but it would follow the same format that we see on page 10 with the verbal warning. 1st.

Is there a 2nd.

Yeah, we have a 1st, uh.

Was that emotion? Oh, okay. Is there anyone willing to present the, um.

Support the motion, or make the motion please, Council woman Purvis I'd like to make the motion for Councilman Arthur amendment. Please. Is there a 2nd.

Okay, so it sounds like that that failed for lack of a 2nd.

Now, there was 1 more from Council Woman George

"Council Member George"

thank you under 4,231.

D, campaign and facilities amendments.

Under paragraph to facilities what we heard last time during during the committee was parks, had requested the word assets, be added.

So it would read except when part facilities had have been expressly reserved through the parks department. No person shall prevent the shared

use of parks facilities or assets, which are otherwise open to the public. Um, we discussed this last time. It just did not make its way into the version in front of us. Is there a committee member that.

To move that as a motion by Committee Member Peden and 2nd by Committee Member Mulvihill that amendment Thank you before us all those in favor say, Ah.

Hi, um, although is not in favor.

Know anyone. Okay so that passed and now we are, I guess, to the.

"Vice Chair Peden"

I call the question on the whole amendment.

"Chair Fowler"

Oh, okay. The question has been called all those my fault, the whole ordinance all those in favor got a vote ordinance. Okay.

Don't have to vote on yours.

"Vice Chair Peden"

There's no amendment.

"Chair Fowler"

Okay. You're just that's it. Okay. So how ordinance is before us? So all those in favor of the amended ordinance. Please let's do a roll call. Please.

[Vote Taken]

"Cheryl Woods"

Chair Fowler you have 7 yes votes

"Chair Fowler"

Thank you. The ordinance passes and this will go to old business at the council.

On Thursday, thank you all for this. Okay, so now we have before us.

A resolution, our dash 109 dash 2 resolution, urging the implementation of the parks for all action plan recommendations to equitably invest and advanced the local metro parks system, public park system, and the local parks and recreation department. and recreation department motion by Peden and 2nd by Councilman Blackwell Good. Well, thank you. Um, so it's probably before us, and there is an amendment by substitution, and I would like to go ahead and.

Do that that is changes to the plan and.

12082 is the 1st thing on the agenda you'll see it on your system as well? Basically, we have taken out the referendum, the tax referendum.

And made some other changes, but it's all on your system.

And because our time constraints, if anyone has any questions about any of those changes.

Move the amendment by substitution by Peden and 2nd by Fowler

Thank you have a 2nd.

A, 2nd, so it's probably before us all those in favor, say, aye.

Right and those that like son for a no.

Okay, so it has it has been.

The amendment says institution has passed and now we have Jay Miller and Brooke Pardue here to give us an overview quickly of the, the recommendations.

Thank you for being here if you could identify yourself.

For the record,

"Brooke Pardue"

Brooke Pardue CEO of the parks science

"Jayne Miller"

Jayne Miller was Daniel or consulting.

And I need to be given permission to share my screen. Please.

"Chair Fowler"

Yes, ma'am. Thank you.

"Jayne Miller"

Great can you see my screen.

Yep there it is great. Thank you. So, I'm going to do I know we were short on time, so I will give a quick update on the project perks for all that we started about a year and a half ago.

Looking at how to address equity issues within the local park system. So just to share get some updates on where mobile stands relative to comparable cities.

We looked at 18 cities in the United States that are comparable to low relative to population size and their park systems. So, on the right, you'll see the 17 other cities in addition to Louisville that have a population.

Between 1,599,000, we're a little they'll really stand smack dab in the middle of those other 17 cities. From a spending perspective you can see that level spends on average, 40 dollars per resident on their perk system.

And the average for these other 17 cities is 107 dollars per resident. So considerably underspend in the public sector. We're also lower on private.

so considerably underspend in the public sector we're also lower on private

Pending, and as you can see total between public and private spending level is considerably lower almost a 3rd of what other cities of comparable sites depend on their park systems.

The next slide will represent that impact of over time of understanding, from a condition perspective of the park system, the chart on the left takes all of the parks in the system over the last 20 years to show, what has been spent from an investment perspective capital investment and rehab dollars over all of the parks, and 30 of the parks have received less than have received 0 dollars over the.

Past 20 years in capital, and 67 of all the parks have received less than 500,000 dollars in that same 20 year period. And if you calculate the 500,000 dollars over 20 years, that's about 25,000 dollars a year. about twenty five thousand dollars a year

In investments of those parks would have received, which is very small to care for parks in an urban setting the chart on the right.

Represents the impact of the lack of investments in the parks over time relative to what the current condition of each site is. You'll see that 11% of the parks are in poor condition.

44% are in fair condition and 84% are worse than good condition. So, overall the parks. condition so overall the parks

Are not good condition because of the lack of resources that have been invested in those parts.

1 of the things we did is we have that we conducted a statistically valid survey. Um.

In logo in over the spring,

and we made sure that the survey statistically represented the demographics of logo by geography by age by income by race and ethnicity and by households with, and without children. So I want to give you that basis.

From the survey results, you can see that parks trails and recreation were rated.

As the 3rd, most important element in law, though, to create rules as a great place to live so significant importance of how the residents of Louisville, the value that.

The parks trails and recreation in little in terms of making it a great place to live. We also asked them if they had visited recreation or park facilities, indoor or outdoors over the last 12 years.

And as you can see, 95% of respondents said they had visited a Louisville park or recreation facility. They're household in the last 12 months again, the significance of. significance of

How many people visited and the percent of local residents that visited local parking rec facility, compared to other amenities it's significant.

And then finally, we asked the residents how they would like to see.

We'll natural government per capita spending on their parks and recreation department.

They were aware in the survey that little spending 40 dollars per resident is compared to comparable cities of similar size that are spending 107 dollars as you can see by this 10 and a half percent want to see

an increase above the national average above that 107 dollars per resident, almost 42% want at least at the match of the national, average and 16, almost 16 and a half percent want a significant increase.

and a half percent want a significant increase

But less than the national average, so almost 75 want a significant increase in funding.

For their park system through mobile, Metro government.

So, what we did is we also asked them how they would like to see their dollars spent relative to fixing. What is there.

Or rehab of the existing assets better day to day maintenance, expanded recreation programming or totally new designs and amenities or capital improvements as you can see overwhelmingly, they wanted.

The assets that are there fixed and maintenance taken so overwhelmingly.

Fixing what's there and taking care of from a day to day maintenance

perspective we're overwhelmingly the 2 priority. We transition that those priorities over to the donut over on the right?

Adding 10 of money for strategic administrative support.

While service delivery is about most important to also, I think, all know there needs to be backdoor, support, such as technology, administrative support to track things to provide the support that.

Those are delivering for services out in the front can do that. So the distribution of funds is slightly changed relative to this 10% in administrative support that was also added.

So, now what I want to share with you, which is reflected in much greater detail in the action plan that you have, as part of your packet today.

I'm going to give you an overview of this action plan before I do that.

You also should have received a 1 pager that lists some of the. the The updates, because we updated the action plan over the last week. We made some place order changes in that action plan.

There we cleaned up grammar, spelling, punctuation errors, added credit for images,

but the substantive and material changes are related to specifically 1 is removing the tax levy that was in the original action plan that you received.

And then secondarily, there was a calculation error that was done in the distribution of money between rehab, capital, programming and maintenance. We.

Corrected that calculation area, so that is reflected in the distribution resources for all 4 of those categories.

And then, because we got some final park condition data information in the last week in our work with parks and recreation staff.

There are also updates to match the current park condition as well as the priorities for investments in those parks.

So, I just wanted to clarify that very quickly. So overarching what you will see in the action plan is.

The recommendations for investments in rehab are directly correlated to the what the public said.

We're the most important or highest priorities for investments in the assets.

In the parks today, what this represents is the priorities based on what the public said, their unmet needs were for those assets and how important those assets are to them.

So it's a combination of the unmet need and the importance of those assets. So, you'll see that in the recommendations for rehabilitation of the existing assets to extend their life.

To extend their functionality and improve their safety.

The 2nd, priority of investment was around maintenance and again, the priority ranking that you will see, and the recommendation specific maintenance are directly correlated.

To these priorities that the public told us, they told us.

Of all the maintenance activities in the system how important they were to them.

And how satisfied they were in terms of the care, and that.

Uh, maintenance activity, so the combination of the importance, and the public satisfaction with those maintenance activities is how they are ranked in terms of very high priority, high priority and medium priority.

Thirdly, you will see again, uh, recreation recommendations are directly correlated to what the public told us where their highest priorities again.

How important to each of these recreation activities award to them and how satisfied they were that their needs were being met.

Through the parks and recreation department for these recreation activities and then the other piece of the puzzle in terms of recreation is that you will see in the recommendations and the action plan that we're recommending a 2 stage approach for the community centers and removal.

1st, the current recreation centers, we're recommending that the distribution of annual operating budget's between all those centers is done from an equity matrix and the detail of that equity.

Matrix is in the action plan, we're also recommending that each center develop a business plan so that they ensure that they're serving the needs of the residents who go to that center.

Our 2nd, stage of the recreation center is that operations strategy is that we're recommending that all the centers in Louisville get transition to a National Recreation center model that is used across the US, particularly in urban communities and that, even with that transition to this new model.

That again, the operating budgets for each of those centers are done equitably within the 3 categories of centers and that with the new transition new business plans also get developed for these centers to give you a perspective.

Here is the distribution of those 3.

Categories of recreation centers, using the National model.

Neighborhood centers, community centers and regional centers. The neighborhood centers are the centers that are articulated in the map in green the community centers are in blue, and the regional centers are in the orange.

I'm next is going to show you what?

The difference between all those centers, look like the, the differences between all 3 categories of centers are based on square footage size of the senders whether the centers have gym the number.

Of meeting rooms they have in those centers, and it also depicts kind of the hours and staffing that will be required to transform these centers into these 3 categories as well as the kinds of programs that are offered.

In each of these kinds of centers, and then finally the other recommendation from an investment perspective is around capital investment.

This piece of the capital investment piece is looking at existing parks. Amenities in those parks, and in terms of developing our priorities for capital investment.

You'll see the buckets on the left look at the park need what is the current condition of those parks?

What has also been the historic investment in each of those parks over the past 20 years and so each park receives a park needs score based on those 2 sets of data. The 2nd, set of David look is looked at.

And this is the equity piece is looking at the community context. What is the neighborhood makeup for each park? Within a 10 minute walk shed of every.

What is the population density? What are historic investments environmental justice issues that need to be addressed as well as well as health and wellness.

And based on that, all of the parks had been rank ordered for capital investments and they've been placed into.

10 buckets what we're showing you here are the 3 highest priority buckets again.

The, uh, the action plan report provides more detail will also be doing a full project report, which will give you all 10 priority buckets.

But these are the 3 priority buckets and the highest priority need parks across schools. Our system.

And as you can see, we also did the same thing for the community centers. We rank order them on priorities for investment again, based on the community need score for each neighborhood around every rec center as well as the condition of every rec center.

The other thing that we looked at is, as you all know, there are parts of Louisville where people do not live within a 10 minute walk of a park. So we did an assessment of those areas as well.

Looking in the community context scores as well.

As well, as those neighborhoods that don't have access to a park within a 10 minute walk of a park,

and we developed this recommendation of locations where our priority areas where parks need to be incorporated into these neighborhoods.

1 of the other pieces of the puzzle, we also looked at the site and as you can see, there are 170 sites within these high priority areas for parks.

And 1 of the things that you'll see in a recommendation is developing an overarching agreement between the city of local and the Metro and the so that people,

the public access to these sites out. these sites out

School hours.

So, in order to do this, the other thing we developed was a 15 year strategy for getting Louisville up to the national average if you remember early on, in my presentation,

I shared with the public wanted the majority of the public wants to see that Louisville parks investment match the national average we decided to give you a 15 year strategy to get there.

So that there's incremental increases over that 15 year, period of time, to get to the national average, both through the municipal budget. But also through increasing philanthropic.

Contributions to the park system that's what this represents. This next slide takes that same 15 year strategy and shows the distribution between maintenance.

Rehab recreation program and capital and administrative support again reflective of what the public said how they wanted that money distributed between those 5 areas of investment areas.

1 of the other pieces of the puzzle is that we believe in order to effectively manage and operate the part system that a new organizational structure for the system needs to be put in place.

This is our overarching proposed organizational structure, which looks at.

The 4 operating divisions of environmental stewardship, forest and natural areas, planning, development and recreation that really drives best practices and that the strategic support division within that department.

Support the operating side and provides the tools and resources so that the operating divisions can deliver best practices in the most efficient way.

We also looked at a series of policies practices and operations, and have are recommending a series of policy practices and operation improvement in these 7 areas.

That many of them are interfaced with each other and interconnected with each other.

We will be again making a very specific implementation strategy of timelines and priority orders for implementing all of these recommended changes.

And then, finally, 1 of the other pieces of the puzzle, as you all know, there are 3 nonprofits that support the park system in an overarching way. The Olmstead parks Conservancy, the parks alliance of Louisville and wilderness.

Although we are recommending that there is a true partnership that get established between these nonprofits and the parks and recreation department that builds a collaborative and coordinated environment of them working together to really serve.

The residents in a coordinated.

Uh, and effective way, um, rather than a competitive environment that exists today.

And in some, what I want to say is we found that there are 4 really critical pieces of needs of the park system.

1, fundamentally, is that more money is needed to restore the system and have a functioning in a much more efficient and better way for the residents of global that those resources must be spent equitably.

That restructuring needs to be done to support best practices.

And that partnerships are critical, um, particularly given the short resources that are available for the park system.

And have them for a number of period, long period of time. So, with that, I will stop sharing and, uh, turn it back over to, um.

Chair Fowler

"Chair Fowler"

thank you for that. Jane. We appreciate it. And all the work. You've done you and Brooke and your whole team. I think councilman. Sorry? Councilman Hollander is in the queue.

"Council Member Hollander"

Thanks very much chair and thank you. Ms Miller. I very much like this work. I'm glad we funded it this year and part of the budget process.

I do have 1 question about the where we are right now, because the, the presentation that I saw earlier at the parks committee.

Talked about, in November, there was going to be a phase 2 of community engagement, sharing recommendations and building support.

And it talked about January 25th, a community wide event, presenting recommendations.

And we seem to have jumped to a situation where we're asked to for the full council to approve it.

This plan support this plan before we've had that kind of public engagement on the recommendations.

Ordinarily, would you would your policy be that you would after a 2025 minute presentation to 1 committee ask a council to.

To approve a plan that goes out for.

10 years, or would you have more public engagement and transparency before you did that?

"Jayne Miller"

So, Council Member Hollander, I will answer the question and Brooke Pardue may want to also add to that. So, 1st of all there has been extensive community engagement throughout this entire process. If you remember, we had a we've created a local project team. That rep was a very cross representative group of, uh, community members from different organizations neighborhoods, uh. Intentionally a very diverse group of people to be the eyes and ears of logo for us through this process. In addition to that we also conducted a city wide, statistically valid survey to get the public's priorities for investments. And then, thirdly, the parks alliance of Louisville also held a series of public events, went to public events, got the public's input as well. And so through that process. Our recommendations are driven by 3 critical pieces of data. 1st, the park data that is the condition of the data where money has been invested in those parks. The 2nd, piece of data is the community context, what are the race and ethnic pieces of every neighborhood? What are the income levels of those neighborhoods? What are the, what's the immigrant community in that neighborhood or the health conditions and historic disparities in every neighborhood again? Data data data, and then the 3rd piece of data that is driven our recommendations. Is the public survey? Everything is driven by what the public said they wanted in terms of how they wanted the money invested what their priorities for investment more and the distribution of that. So it was taking the public's priorities. Through the public engagement process, through the statistically valid survey, that was the driver of the recommendations built off of that built with them what the park conditions were and what the neighborhood conditions were. And we, throughout this process, we had a series of 9 meetings with a local project team where throughout this entire process, we engage them. We asked for their feedback, provided a variety of recommendations. And their direction is, what guided us. Throughout this entire process, we also met with a number of council members to keep them in pride throughout this process as well as well as other community leaders before we develop final recommendations. And so. The, we have done really extensive community engagement. I know. Uh, this is the part where I'm going to turn it over to Brooke, because I know there's another piece of the community engagement that she is gonna be recommending happen. Um, post, uh, review by council members.

"Brooke Pardue"

Well, I would say that Jane had all the highlights of the community engagement that we've done, um, in addition to the more than 900 surveys that were collected by ATC Institute,

our national pollster that that did the statistically valid surveys. We, as an organization collected more than 500 surveys, as we did our community engagement over the course. the course Of the summer, and there was virtually no difference between our 1 on 1 interaction with residents and what was collected by the National pollster and, you know, we honestly, yes, we did say, at 1 point that we were gonna try to do some community engagement in November.

Um, that was really going to be very low level, and it was not going to be extensive and.

The fact that we had, we felt so confident in the extensive community engagement that we had done and the number of partners that we had brought in, then we, uh.

We decided that that was not necessary in the month of November, or it was going to be, you know, a cursory kind of.

Um, uh, outreach, and we met with a bunch of individuals that our stakeholders in this and got their feedback on the, the plan and did not consider that necessary at the time.

"Council Member Hollander"

Sure, if I could just follow up and I, I certainly don't have any objections to do all of the, uh.

Work that's gone into to develop the plan. We publicize that a lot. I think you got a lot of, uh, uh, comments from people in my district and I, I very much appreciate that.

My only question is the action plan itself, this recommendation for 10 years of how we're going to fund and.

Maintain and invest in our parks it hasn't been seen by the public at all. I don't think.

The actual plan I'm not talking about how you develop the plan, the actual plan.

I don't believe it's been seen by the public at all until it was attached to this agenda and then change today. I, I believe that's correct.

Thank you Madam chair.

"Chair Fowler"

Thank you.

So, if there is there any other questions anyone else with any comments.

Nope, so it's before us now, I, I Chair Fowler would like to move, um.

To adopt this resolution do I hear a 2nd by Council Woman Holton Stewart..

Thank you so, it's before us and we can do a voice vote on this since it's a resolution, all those in favor say, aye.

Ah, bye bye. Um.

And and he knows about like, son so it has passed and it will go to the old business at the Council on Thursday Thank you for being here.

And the explanation, and we look forward to seeing you at the committee of the whole on the 15th.

Thank you very much. Thank you. And to Jecorey for letting us go over.

Thanks, thank you. Really appreciate the support of this committee. Thank you. Appreciate the work. We are adjourned Thank you.

Thank you.