

**Captioning Transcript of Parks and Sustainability Committee Meeting -
October 6, 2022**

"Chair Fowler"

Good afternoon. This is the regularly scheduled meeting of the Parks and Sustainability committee. I'm Council Woman Cindi Fowler chair and we I'm joined by my Vice Chair Councilman Peden

We are also joined by Committee Member Donna Purvis. Um.

Councilman Blackwell

Councilwoman Holton Stewart, Council Woman Marilyn Parker

I don't know that I've had anyone ask for an excused absence. So we are also joined by Councilman Hollander and Council Woman George Councilman Arthur.

We have 2 items on the agenda day.

I feel like the 1st, 1, we're going to take number 3rd, doing to deal with wait a minute. That's not right.

Now, we're going to take them an order. I'm sorry so, this is 103 dash 2 an ordinance amending chapter 42 of the local metro code of ordinances regarding use of metro own parks. Do we need to read the disclaimer? to read the disclaimer Yeah,

"Cheryl Woods"

this meeting has been here for 61806accountsrow 5, a read in full.

"Chair Fowler"

Thank you and before I get started on this, and I just want to say to those in the audience, the last meeting, it was very disruptive so we're not going to tolerate that. So hopefully we won't have any of it today. Thank you.

A Councilman Pat Mulvihill is here. I didn't see him.

But oh, I see now. Yeah, I see you.

Thank you so I'm not, I can't remember if this had been tabled or not.

I think it had so so have a motion to untable.

"Cheryl Woods"

It was held

"Chair Fowler"

Okay so, um.

I don't know, I expected Council President James to be here to speak on this.

And he might be running late.

I know that we have some amendments.

I think there is an amendment best substitution actually.

And that would answer some of the concerns.

I don't know, maybe we should start talking about the other ordinance. I don't know, because I'm very.

Wait, a minute now I'm getting a text saying is.

Okay, excuse me just a moment.

Mm, hmm.

Okay, it looks like he's Council President James has asked for this to be held. So that gives us more time.

Okay.

Um, so I think that we are, I don't know how to take that out of the record that okay. Okay.

"Cheryl Woods"

No motion was taken.

"Chair Fowler"

Okay. So the next item is.

An ordinance amending sections, 131.131.02 and 131.03 of the local metro code of ordinances, relating to camping on Metro property and sections 42.3142.32 and 42.99 of the related to camping in metro parks and section 97.72 of the regarding obstruction of sidewalks and public waves. three one hundred and forty two point three two and forty two point nine nine of the related to camping in metro parks and section ninety seven point seven two of the regarding obstruction of sidewalks and public waves

And this was tabled on table.

Thank you Diane. A 2nd. Okay. Council Woman Holton Stewart. Thank you. So, this is before us Council Woman George

"Council Member George"

Thank you chair last meeting we had we saw proposed changes to the ordinance and we started what I considered to be a pretty productive discussion.

If it's okay chair, I will recap the 3 sensitive changes that have been proposed.

The 1st change as a reminder to folks.

Moves homeless services divisions response from 48 hours to 72 as it relates to identifying whether, or not something isn't encampment.

So, it goes from 48 hours to 72 hours to allow for more consistent response. Since we know we've struggled to meet those time frames. And that will allow for more consistent response related with what constitutes an enhancement to start. to start

The 2nd, sensitive change, looks at restricting temporary sheltering in parks to no more than 12 consecutive hours.

The idea is that this allows for again more consistent response from park staff.

Considering park staff not traditionally in in the parks overnight.

I think it's important to know that there's no new finds associated with. What's been proposed here and he finds you see in this are finds that we're existing as it relates to.

The existing parks code, and we can talk about fines. I'm happy to do that, but just want to say that on the front end.

The 3rd sensitive change involves prohibition of storing personal property on a street alley sidewalk essentially the public right away. And it looks at this prohibition in a manner that interferes with the flow of pedestrian traffic.

What we heard last time is that while there's new language.

The concept itself is not new there was a previous code that spoke to this and that needed to be updated to both.

Leave a line with the Constitution as well as and I'm looking over at Alice to provide greater clarity on that.

While we're looking at these pieces together, I think it's important to know that that there's really a theme around.

Community expectations as it relates to shared public space.
Community expectations as it relates to shared public space of several of our metro partners, and I'm wondering if it makes sense to hear from these partners maybe 1 at a time on these issues.
So, I don't know if if you think it makes sense to start with the, the change from 48 to 72 hours and to hear from. hear from
Our folks on that 1st, just to have is focused a conversation as possible about the proposed changes. Okay. Is here to speak from our CS today?

"Chair Fowler"

Yes, thank you. If if 1 of you could come to the podium. Is that what would you okay Thank you.
Yes, how long will that take.
Okay, sure.
Could you please introduce yourself for the record?

"Susan Buchino"

Absolutely. I'm Susan and I'm the director of the homeless services division in the office of resilience and community services.
I'll do that. Okay. How are you.
Yep. All right. I wanted to take a couple minutes to talk about the process that RCS uses when the campus identified and reported through metro 3. 1 1.
The primary role of the homeless services division in this process is to coordinate among multiple partners.
When a 311 report comes in.
The ordinance is required to complete a risk assessment in 10 business days and as of right now we are averaging less than 2 days response to do that.
We also coordinate with outreach partners, both the saint John center and up and their outreach team,
and then block by block as well as many other partners who provide outreach routinely but those 2 specifically on contract and we do have 2 homeless resource.
Outreach specialists who provide outreach as well.
Our goal in outreach is not to encourage camping, but in fact, to discourage camping and to link people with the resources.
And services, they need to move forward with stability plans and housing.
And shelter in the moment, as they are willing to accept that.
We also partner very closely with.
Public Works and solid waste management and the good will another way program.
To work on cleaning camps and keeping them as.
Clean as possible while people are living outdoors.
And so that is part of our process as well. Mm. Hmm. Question.

"Chair Fowler"

So.
What responsibility do the inhabitants of those camps have of cleaning up their own.
Trash

"Susan Buchino"

yeah, so we have asked public works and they have kindly placed garbage cans when we can do that in those locations. We have provided outreach partners with trash bags and.

And swims has offered those as well, and we have them and distribute them as well. So we.

Offer that we encourage that our outreach partners are asking camp residents to put trash.

In trash bags and leave it in places that are very easily identifiable for public works to pick them up at specific locations.

The goodwill another way program is also a way that oftentimes camp residents then are helping to keep camps clean because.

That program picks people up, offers them a day's work opportunity and stipend for that.

And connects them with resources, but many times their work is going to.

Other camp locations and areas that have already been cleaned and cleared for them to participate in helping clean up the debris. Right.

"Chair Fowler"

Okay. Thank you.

"Susan Buchino"

You're welcome.

Um, when the risk assessment is completed, it does.

Indicate remediation plans and so we sometimes do have to clear encampments.

We are trying to be very cognizant of how a camp impacts the neighborhood.

And so when we do this, we coordinate very closely.

With public works and with, and with our outreach partners at this time, we have capacity to do that in an organized way once monthly.

We offer the residents of that camp an opportunity to stay indoors at a hotel where we provide wraparound services intensely throughout the next week.

And then we also try to prevent the reestablishment of camps and our outreach partners, and our are on the street as well as our encampment.

Administrator and asking people to connect with services, move to shelter can we call the deadline for you? How do we.

Get you the help that you need to not stay on the street.

And we try to provide a very consistent presence in the community to do that.

1 of the things that Councilman Hollander asked last meeting was what changed.

Since this ordinance was originally enacted and.

A couple of things have changed and 1st is the global pandemic.

And the economic impact of that has had.

And especially how that's impacted hopelessness.

And the ability to afford the housing that we have in this community.

Another thing that has happened is the awareness and response.

The increased awareness and increased response to social justice.

And that has followed with a DoD investigation.

And then finally, we have a lot of community development that has happened and while that is very positive for what that is done is displaced. Some of the camps.

That people have had places to hide, and it has also meant that we've had gentrification happening in neighborhoods that have out priced people. Living there and so those things have changed.

This is a little bit more just about our protocol. We do coordinate activity among partners.

We do not clear camps during white flag conditions, which is when it's extremely cold. And so that means during the winter, then.

Camps are cleared, I mean, are cleaned often, but not cleared.

And then finally, we don't condone camping and we have excluded.

Reimbursement for camping equipment from the expenses of our partners when we do that.

Hsd has sent to and campaign reports to council in the last year.

On May 24th to Tameka Director Liard emailed metro council members. Our spring.

Report and on August 31st Director Liard emailed the Metro Council Clerk

The summer report to distribute that to.

Council members.

Also, 1 of the things that is available.

At all times is that the homeless services division has or homelessness reporting dashboard this is reflective of the 301 reports that come in to us and that.

I want to be clear though. This is the number of reports.

And not the number of candidates so it does include all reports on private property that we hear.

All reports that are duplicates and so if a campus reported multiple times, that's also included in this count.

And then camps and parks and public property.

So, in that way, not all these reports indicate.

A new encampment or 1 that we will assess, because we don't respond to those on public property.

I mean, I'm sorry, I'm private property. Um.

Councilman Arthur, you mentioned that the ordinance calls for an annual report, and it hasn't been a full year since that.

Was made last November and so we haven't provided an annual report of data.

To include since that time, we're happy to do that by November. If that's the preference. Our next report is anticipated on a quarterly basis in January so that we're aligning with.

Uh, Metro quarters and not random timelines that we've done.

"Chair Fowler"

We would like to have that in November if at all possible while we're on this subject.

Yep, yeah, thanks.

"Susan Buchino"

Let me go back to this, and I need to make it full screen.

So, as far as.

The 48 hours, the way that this is written.

Is that a campus not established in less than 48 hours? And so while I.

Said that we are easily meeting the requirement of 10 business days for a risk assessment in less than 2 days.

The 48 hours is here is a clock time and so there are 2 issues. We.

Are not clear as to when that clock starts, we're considering it as a 301 report, and when we learn of it, but there are often times that people are well established in that camp before we. Learn that it is there, but then also, while we're building the capacity to respond on weekends, that's not currently our situation. And so. Having a longer timeline allows us than to coordinate with the other agencies and for their support in assisting. To notify people that it, it's time to move along. Council and follow a trends in color is

"Tameka Laird"

okay for us to stop and answer questions concerning?

"Chair Fowler"

Yes, I have several people in the queue. So that would be good. I think I have a question about this 72 hour change. change Would it be more beneficial to make it a 4 day? Time limit on that. I mean. On the establishment of a camp

"Tameka Laird"

yes what we're looking for is for us to be able to coordinate with the other agencies and have time to do that. A lot of the agencies are dealing with capacity issues, just like, across the board and so we do have to work at their discretion and coordinate that effort. What we do need to know. To make sure that it's in the language is excluding the actual weekends and holidays because of course, we're not operating during that time.

"Chair Fowler"

And I think that is in the ordinance is not okay

"Tameka Laird"

it is, but I just wanted to make sure.

"Chair Fowler"

Okay. And we have been joined by Council President and James and Councilwoman Barbara Shanklin. So the next person in the queue is Council Woman Purvis.

"Committee Member Purvis"

Thank you Madam chair. Um, I just wanted to discuss the finds more. I know Councilwoman George um, said that if possible we could talk about the fans more and that's my concern. Um. It's the finance, how will this work? What would be expected of these people that are homeless, uh, work with their expectations be of pain fines if, if they're living living on the streets. Thank you anyone can join in and answer that question for me, thank you.

"Chair Fowler"

Councilwoman George if you would.

"Council Member George"

Thank you chair and I'm going to invite Alice to also join me in this to make sure that I'm saying this correctly. Um.

Any fine that would be imposed for, say something that happens in the park.

That would be an existing fine that exists within 42.

"Chair Fowler"

and that's already in the ordinance

"Council Member George"

and that's already in the ordinance and bear in mind. It's already a prohibition.

To have a temporary shelter overnight.

I think there's a couple of things, and we can talk about funds and it might be better to have a more focused conversation around funds outside of us trying to understand what's initially proposed.

I think there's 2 things with this 1. I think they understand that these are civil fines as I understand it. Meaning they would go before the code enforcement board and I know there was a question about last time it came up. Like, what happens if you don't pay a fine.

My understanding is, is if, like, that's how code enforcement that's how you end up with liens on properties. If somebody doesn't pay their fines. If you don't have any.

If you don't have any property, I don't know what the recourse would be. Think the other thing to say, and we can ask, I think C director back in the back, I would say it's incredibly rare that we ever see a citation levied on someone for use in a park.

And so I think there was a request made from someone to gather that data and we can certainly do that. So, I guess I would just say, as it relates to the park section 1 very rare too. There's always discretion whether that's.

That would be the discretion of the sworn officer, I guess, who would then make the citation and then 3 understanding that that's not a new component.

We didn't create that, but I certainly think it's worth revisiting while we're while we're in here. The piece around 97.072 around the storage of personal property and interfering with pedestrian traffic.

That is also the same that define that is attached. that define that is attached

To that section, and I'm looking over at house I believe that is for.

All things that regulate public rights away is that correct?

"Alice Lyon"

In 97.999, there's sort of a catch all section for any part of that chapter 97. that doesn't have a specific fund.

Already associated with it, and that's the piece in subsection a, that.

We talked a little about at the last meeting.

"Council Member George"

Yes. And so, and Council Member Purvis the reason why I believe this deserves special focus.

Maybe, not for the time, when we have all of our partners here is because the understanding that this section is not relegated to just someone

based on housing status when folks block the right away. There's a broad array of reasons.

Why people might do that, which would require a response and so I think there needs to be a separate conversation around again. You know, what is the threshold.

Which.

We're able to hold community members accountable. And what does that look like based on use of the space? So.

I guess, I don't know if that answers your question council member again. It's the exact same. These are this is not these funds. We didn't go to district court. This is not a criminal action as I understand it. These are finds that are again, they go through the code enforcement board.

"Committee Member Purvis"

So this is, this is nothing new. It's just that it has never really been enforced.

"Council Member George"

I wouldn't speak to the level in which it's enforced. That's probably a conversation more for our metro partners and through open records. What I would say is that as part of this amendment, we didn't tweak the citations.

And again, I'm happy to have that conversation around. What that should look like.

And you heard me say last time, I don't think any of my colleagues think citations for those most vulnerable in our community is the path to compassion or increasing safety in our community.

With that being said, I do you think as part of this? And it probably needs to be a more focused conversation. At some point we are going to have to decide what happens when you don't have compliance. And so I believe those instances to be very rare.

Again, I think we'll hear from parks about.

However, that is and I know we have here to speak about the public right away and I also,

"Committee Member Purvis"

I'm sorry, just follow up with the comment. Um.

And and I think the public needs to understand that this is something that was already included in the ordinance prior to this.

This enhanced legislation I'm getting the fill in from some of the communication of correspondence that I'm getting that this is something new.

In regards to this fine. So, um, I think maybe we should go on record and say that this is not new that the fine component was already there. It just so happens that it.

It hasn't been enforced or there was no need to. So, I just think that this is something that needs to be known by the public. Thank you so much.

"Chair Fowler"

I think you've made a note now Thank you. Council Woman Purvis Council Woman Shanklin. Can you turn on your camera? Please?

I'm not sure she's there.

And Councilwoman, George.

Do you want to just go ahead further with RCS?
Anyone has while Councilman Hollander.
That's a question I can Madam chair.

"Council Member Hollander"

I have, I have a number of questions, but I'll, I'll find myself now to what we talked about already, which is.
The potential change from 48 hours to 72 hours, and it's really more than 72 hours potentially, because it excludes weekends and holidays, which is currently doesn't. So we could be talking about as many as 6 days.
Perhaps 7.
Uh, I think as we expand.
That out, uh, I have concerns about that we could end up being back where we were.
Prior to the, to the ordinance being adopted, and I remind everybody the reason we adopted it.
Is because metro public works came and took all of the belongings everything that almost people owned.
And throw it in a dumpster without any notice at all. And I think the community was outraged.
And I think they should have been.
As we go, we adopted the ordinance based on what the Indianapolis.
In large part, we couldn't go as far as Indianapolis, because Indianapolis said you couldn't move people at all, unless you offered them housing and we didn't have enough housing to do that. But.
I have looked at Indianapolis and they say there is a period of time before a camp is established, which is essentially what we're saying here. This would be 72 hours plus weekends and holidays.
It seems to me that that having some kind of notice.
During that period is important, and as written the ordinance does not have any kind of notice.
So, Indianapolis has a 48 hour notice it says, even if the camp is not established, hasn't been established.
Doesn't meet that criteria that we're talking about. Here. You still have to provide 48 hours notice.
And I, I hope that when we get to the point of offering amendments, I hope that's something that could be considered. Because otherwise I, I have great fear that we'll be right back to where we were when we were just throwing away belongings without any kind of notice at all.

"Chair Fowler"

So, maybe I don't understand.
But I would think that that would be more beneficial.
For our agencies to respond, if we gave them even more than 72 hours.
Am I wrong?

"Council Member Hollander"

Well, what we're saying is, you do not have it may be more beneficial. I think that's the point of this slide.
It also eliminates the 21 day notice so it's more beneficial for them to respond at the outset. It's less beneficial for them to provide the kind of services that get people into permanent housing, which is what our goal is during that 21 day period. So.
period so

So that works both ways. It may be more beneficial for the initial response. It's certainly less beneficial to the to what we really hope will happen, which is, during that 21 day, period, people will get off the streets and into permanent housing.

"Chair Fowler"

Does the 21 day start.
day start

At the at 48 hours, the current 48 hours is that where it starts or?

"Council Member Hollander"

It's when a notice is posted.

So, I noticed this posted after the assessments of notices posted that says you have to be gone in 21 days, it sets the date that the notices actually say this is the date when this camp was going to be cleared. And and that gives everyone 21 days.

one days

I think it's sometimes viewed as just this is just giving it somebody 21 days to live there without any other benefit to the community or to them. And that's not the idea. It's never been the idea.

The idea has been during that 21 day, period, you are working with people trying to get them into a better situation. better situation

And if if we take away, and I'm not, I'm not objecting to 48 hours to 72. I mean, that's not that's not the point. I'm making.

But as we get that period longer, when the 21 day notice doesn't apply.

Then then the benefit of the 21 day notice is taken away the point I'm making here though and I hope that we could consider an amendment.

Certainly Indianapolis has.

You know, we've posted notices.

For the largest homeless came from the city last week, and we can get to that to talk about that.

And I think Councilman Arthur's district, so there are 40 people. There were 40 people there. This is the Mercer camp.

They're going to go somewhere. Ah, and I think that the idea is that they're during that 21 day, period, we're going to try to figure out where they can go.

Instead of to somebody else's district or somebody in front of somebody else's house, because they don't disappear.

Uh, and so to me.

During that period as people are moving around, I mean.

people are going to be, you know, moving all over the community. They can get established pretty quickly.

And we're now saying, well, in 72 hours, or if it's a weekend or a holiday, it could be 6 or 7 days. They're not that's not an established campus. Natively. So, basically, none of this ordinance applies to them. And we can come in without any notes whatsoever and take the all their belongings.

And that bar, because they put in a 48 hour, notice.

"Chair Fowler"

I mean, is, is that the intent of of the 48 hours is that they can just go in there and clear it in those 48 hours? Is that is that what you normally do it?

"Council Member Hollander"

Yes.

There is no as currently written. There is no, no notice requirement if the camp is not established that's not.

Again, as I said, our partners up in Indianapolis that we modeled this ordinance on, say.

Even if the campus and established, you can't just take people's blinds in less than 48 hours.

And I'll also say, I mean, there are cases in Kentucky where lawsuits have been filed, and things have been removed and the cases have been settled by other cities saying we're going to give 48 hours notice before we do anything like this.

I think we should think about that. That's right.

"Chair Fowler"

And and that's why I don't understand where 72 I guess you said, you don't oppose that Council Woman George has a response.

"Council Member George"

Thank you actually have a couple questions for RCS about that very thing and I want to say on the front end, that is the request.

To move from 48 to 72 hours, came from the agency doing the work. So this wasn't something that the sponsors.

Arbitrarily landed on, this was the request that was explained to me would be a way to provide more consistent response.

I have a couple of questions though. Are there instances currently where.

We go out in less than 48 hours, and we physically remove someone's and we, we take their possessions.

And I fully recognize the historical wrongdoing, but I'm asking RCS if there is.

If we're seeing that in the community where someone has been there or less than 48 hours.

And we're actually coming in and removing their possessions.

"Susan Buchino"

Our team HSD does not coordinate.

Anything being removed without notice.

"Council Member George"

Okay, so I think that's an important piece that if that is happening, that's not what you're.

Advocating to do

"Susan Buchino"

correct that is in our protocol.

And not clearly in the ordinance, so.

"Council Member George"

Okay, the 2nd question I would have is really just about, like again, whether it's 48 hours or 72 hours.

I'm assuming that the shorter period that you're the shorter time period that someone.

Means the less or the fewer possessions they'll have.

Is that often the case.

I mean, the more time you're somewhere the more possessions you're going to have the more difficult it makes to relocation.

"Susan Buchino"

that is correct. Okay.
Okay, thank you.

"Chair Fowler"

Thank you Councilman Hollander where you finished.

"Council Member Hollander"

Ah, yes.

"Chair Fowler"

Okay. Thank you.

"Council Member Hollander"

Other questions I'll wait until we get to those subjects.

"Chair Fowler"

Okay and Council President James.

"Council President James"

Thank you Madam chair. Thank you. All for being here. I was listening to when you were talking about I think you were asked what it changed. And the 1 thing I think you left out was the PD officers that were dedicated to helping. Our homeless populations were removed from service. And have not been replaced, and I would also think that that should be something that we should say was changed. Thank you.

"Chair Fowler"

And Councilman Arthur,

"Council Member Arthur"

thank you. Dr. Buchino
Could you explain in more detail the risk assessment and how it triggers a clearing versus a cleaning?

"Susan Buchino"

Absolutely. So the risk assessment.
Is based on a number of items that look at the health and safety risks that a camp poses to the residents of the camp and the surrounding neighborhood.
And within that there is an algorithm.
That then drives the response.
That algorithm takes into consideration all of those health and safety issues that are listed as well as.
Whether the property is owned by the Kentucky transportation cabinet.
Or Metro, because we do have an with.
That dictates a little bit different response.

"Council Member Arthur"

Thank you. And does your division or do any of the partners that you do outreach with?

Do you explain the risk assessment to people who live in camps so that they are aware of, which is a clearing.

Versus the cleaning.

"Susan Buchino"

Yes, I'm referring to Jon, who is our encampment administrator, and he is the 1 that is out.

In the camps doing these risk assessments and so he does.

Explain that to the residents of the camp.

"Council Member Arthur"

And could you just go into any detail about the standards of how that's explained is it verbal is other materials that are shared? Is there something that you shared with outreach teams? How exactly are you sharing that with people who live in camps?

"Susan Buchino"

It does a verbal explanation.

"Council Member Arthur"

Is there anything posted at camps, whether it's on signage this there once Clearings happen, or in advance that has these verbal explanations laid out for people? Or is there a place where people can find that information? If they're looking for it?

"Susan Buchino"

Not currently,

"Council Member Arthur"

OK, and the reason I ask is we talk about coming up on a year of being able to assess the ordinance and make changes that make sense. I'm just curious.

And really thinking about tenants rights. And how in Kentucky.

You need to be given a notice, given a grace period to pay rent. You're given a grace period to remedy any issues with the landlord. And we know that people are outside because of a shortage of housing, the shortage of beds.

But I'm wondering as we essentially become landlords as city government who owns some of the property that people are camping on.

And I'm wondering if we're giving them the same types of grace periods in the same rights as tenants actually have that includes, uh.

Time period to address issues before the 21 day notice is given or are we just saying verbally and really informally.

Without actually educating people and walking them through the steps of what they need to take care of camps.

And then turn it around and just kicking them out and saying you have 21 days to get out. I'm just curious if we're following those same guidelines and giving them that same grace.

"Susan Buchino"

We are not, but.

What I will say about our protocol, as I said earlier, we are.
Currently in capacity to.
Post notice 21 day notice only monthly.
And so when you asked if I don't remember, I'm sorry, who asked.
Then, at 48 hours, as it posted, that is not how that works. We have, um.
Once the cap campus established without us, being able to encourage
someone to move along, then it.
Is on the list as far as scores are.
Of the risk assessment goes and then we have to coordinate with.
The capacity of public works, and our team, and the outreach providers
who are helping to connect people with services and.
L MPD and all of those organizations.
To post notice.
Have that 21 day time period where we're.
More intensely focused on a single camp than we are the entire city.
And then moving people, so.
There is not a 21 day notice situation.
It wasn't, hey, you're here and now we're giving you notice.
There's lots of work that happens in between, with those individuals.

"Chair Fowler"

So, are you saying that you only go out and post.
Once a month is it 2009 day? Notice

"Susan Buchino"

correct?

"Council Member Arthur"

Okay, and I'll jump back in the queue cause I have a more general
question, but just to check with your office before I ask that.
Are you all, are you all aware of any constitutional concerns?
As far as definitions go or do you have any opinions on definitions?
Being redacted or removed from the current ordinance as it stands.
Specifically, camping paraphernalia and public property.

"Tameka Laird"

Uh, constitutional.
So, are you referring to the actual language that's been striking from
the original ordinance? Does your division or your office have any
opinion about what's being taken out?
From those definitions, as far as the definitions yes, we do have some
actual responses to the definitions. We've in prior conversations with
some of the council members.
We talked about how we needed to redefine the actual overall definitions,
like, belongings possessions because we get into a problem of actually
identifying them during an actual risk assessment,
or during the process of a cleaning like.
Dr, Pacino said some of the things that we are have a risk assessment to
do is to actually look at the environmental hazards to the actual
residents in the camp,
and then surrounding surrounding it but 1 of our problems is in which
causes us to do more 21 day notices is because of the abundance of the
accumulation of the debris and trash and possessed and the possessions.
So, what we're seeing is, is that how do we. we

Fire distinguish between possessions, belongings, and trash and debris, and it takes for the residents to tell us that. Well, in some cases, sometimes those residents are not.

There at the camp at the time in, which we do the risk assessment. So we cannot be able to determine if this camp can just go ahead and be cleaned up timely. Or if we just need to wait and do a 21 day notice.

So, a lot of times we veer on the side of consciousness and do the 21 day notice. day notice

"Chair Fowler"

Miss it failed to identify yourself I am. So sorry I thought we did that.

"Tameka Laird"

My name Tameka Laird. I'm the director for the office of resilience in community services.

"Chair Fowler"

Thank you.

Councilman Mulvihill

"Committee Member Mulvihill"

You Madam chair and thank you all for being here. This is.

Back to something that you mentioned, Susan with, uh, I guess.

Demo you and TC, property um, I'd like to know maybe.

You said there's different standards in terms of looking at.

Maybe how you do the risk assessment I'd ask you, maybe what the differences are, but more importantly, I'd like to understand the partnership you have with them.

When camping is done on property.

That's not, it's owned. And what support you're getting.

We're not getting us maybe the case.

"Susan Buchino"

Sure. So.

The opposite of resilience and community services and executed in last year.

And that is, um.

The difference is in the risk assessment itself, it's in the algorithm that drives the results and recommendations by the risk assessment because.

Has a tiered response where people can be given 24 hours notice.

Immediate notice in the case of a environmental emergency.

24 hours notice, if it's if it's a little bit more urgent or the 21 day, notice the intent originally of the was for.

Us recognizing as local metro that so many of our encampments are on property and.

To extend the respect and dignity to those camp residents that we will give notice.

Instead of just KYTC, operating.

On their standards without that notice so extending how we're operating with the 21 day, notice.

2 people staying on property public works is.

Largely responsible for the clearing and cleaning within that space.

Um, we do not get direct supports in our division from.

We have requested some revisions to.
That, and that's still in process.
Um, but we don't really actually hear from unless they would like something.
Moved quickly for structural reasons and in that case, then it does become more urgent.
And that's when we can move a little faster because of the risk assessment. And that urgent situation.

"Chair Fowler"

So, what is the benefit really of having an, with the state of Kentucky? Because it seems like it's, we're just we're taking it off their plate and there's things that they need to be doing and they're not.

"Tameka Laird"

Council Woman Fowler that is exactly it. We are taking it off of their plate. We are providing all the services and resources, and the capacity of work to get to get the job done.
Basically, we follow our protocol and they have been more than egregious to to comply with that protocol.
But all of the complaints and everything else from that receives are redirected to our office to actually mitigate.

"Chair Fowler"

So, again, what would be really the benefit for Metro, global of renewing that.

"Tameka Laird"

The benefit is only for us to be able to provide the same type of services that we will provide on public property government, owned property, meaning the outreach support, which we still would do that anyway but it gives us the overall consistency.

"Chair Fowler"

Okay, I just it's just 1 of the things that I see is problematic.

"Committee Member Mulvihill"

I have a follow up Madam chair.

"Chair Fowler"

Yes. Yes.

"Committee Member Mulvihill"

So do I understand then that they're you're not getting receiving any resources.
In any capacity, financial, or, um.
In human capital to assist in any sort of clean up, uh, outreach anything from the state in this endeavor.

"Tameka Laird"

Councilman Mulvihill, I do want to answer that question in a 2 part the 1st side as far as for we do not receive any financial support or any support at all from.

But I do know public works has a contract, so I just want to make sure that they can speak to the part about the cleaning. So, the Director Burns is here to answer that question.

"Vanessa Burns"

Hi, thanks to the city council, providing funds and the administration providing funds for killing collaborative

"Chair Fowler"

and you identify yourself.

"Vanessa Burns"

Oh, I'm sorry. Thank you. Vanessa burns public works director.

We have received funding for our clink, collaborative and a portion of those funds that come from clean collaborative. We've increased the number of cleanings that we've done on the highways.

There's some disconnect on the issue of the ramps, and we're still working trying to resolve that.

A lot of the Councilwoman George and other members have complained about the ramps, which are our problem we respond, but.

There are, no hasn't been any additional resources other than the ones that we take from our clean collaborative and we're basically complaint driven 1 of the things that I worry the most about, is that near ramps, we have a lot of people that are panhandling and I'm concerned about the number of people that we have that are can be hurt or killed on those ramps.

And so that's 1 of the things that we, as a group need to really work. Because it is a problem, and I am concerned about people potentially getting killed

"Chair Fowler"

and I think that's a perfect segue into taking the podium here in just a minute but finish your thought.

Yeah,

"Vanessa Burns"

I just want to remind people that we do clean a lot around the, some of the camps, the Jefferson part.

I mean, Jefferson and Broadway, and every day.

We don't clean the whole thing we're just basically cleaning around and where we can, we are putting garbage cans up, but it's 1 of the things that we just need to talk about. I don't know if any of you remember.

The protests remember when they were, you know, the Wall Street protests, and they were at the, the federal buildings and everything like that.

And, and Jeff Brown had to go out there and put a line so that people could walk.

And ultimately, that is something that we need to look at.

Especially in light of the timing period, because people are not able to walk by some of these, the streets and underpasses and that's something that we need to really work on,

regardless of how much time people have. Right and when you guys talk about the other thing, the stores, we more than happy. Okay. But it's not an issue of.

And the other thing we're worried about are the bus stations. I mean, the bus shelter.

Yeah.

And some people have taken over the bus shelters and so we are looking to see what we can do about that. So that people that need to use in addition to the people that are.

Without homes that they have a right to be in the bus station bus shelters as well.

"Chair Fowler"

Okay, thank you very much Councilman Mulvihill

"Committee Member Mulvihill"

So, I didn't quite understand is the answer to the question no additional resources were provided or is the answer. There were additional resources provided

"Chair Fowler"

the clean collaborative funding that comes from.

Is helps to offset the cost of cleaning up along the roadways from camps. As a.

Does give us money from oh, okay. Then no a big fat 0.

"Committee Member Mulvihill"

That's what I would assume. So, the answer to that question is there's no additional resources to clean up property that actually is not owned by the by Metro, but is owned by the state.

Right, and it's also and it's also our job to through the police if if there's activity that they don't want on it, whether it be 24 I think she said 48 hours for 21 day. Notice.

"Chair Fowler"

Yeah.

"Committee Member Mulvihill"

And so, I guess my final question, and is this, for another time would be we're 1 county. we're one county

What are we doing? 119 other ones? I don't see. And I'll be honest with you and I've gone to Lexington, Frankfurt and others.

On at least property near the interstates I don't see a lot of the same activities that we have here.

Thank you Madam chair.

"Chair Fowler"

I think we really need to look closely at this. And I don't know who is in charge of that is that you Dr or you to.

"Tameka Laird"

Actually, general counsel in the office is handled. Okay.

All right, I think that we need to.

Councilman Hollander that 1 down so, council calendar I wanted to go in with the police department, but if you have a.

"Council Member Hollander"

That's fine.

"Chair Fowler"

Okay. Thank you. All for being here and answering their questions.
Good afternoon. Good afternoon.
If you can identify yourself

"Chief Erica Shields"

Shields, chief of police, Metro police department.

"Chair Fowler"

Thank you so, I think we've got some questions.
I had some questions about panhandling and since that was brought up by
director Burns, I think maybe that would be a good segue into your time
here.

"Chief Erica Shields"

Certainly. So.

The way the public safety ordinance is written now, what we are able to
do if the individual is not actually up on the interstate, but at the off
ramp is that we can cite the individual.
And they'll be bailed a court date.
So, from a press,

"Chair Fowler"

sorry could you repeat that? They could be what? Mailed a court date
enforcement?

"Chief Erica Shields"

Yeah. So.
You're essentially asking someone to stop what they're doing, which.
Isn't the most effective mechanism obviously.

"Chair Fowler"

Okay, but.
Because it's in our ordinance, and it's a law. Can they be arrested at
any point if for repeat defenses?

"Chief Erica Shields"

Yes, but they would have to receive several citations have an appearance
before the, the code board, the board.
And so it's just, it's not.
That's not occurred.

"Chair Fowler"

Okay, so I think we need to work on something to clarify things in our
language that would allow.
More enforcement

"Chief Erica Shields"

believe so if that's if that's what we're seeking.

"Chair Fowler"

Well, obviously, because it seems like.
It goes hand in hand with the pain, handling the corners and.
You know, it's like a 1 1 shot.
Deal that I think we really need to make sure that we can I plan to work with.
Allison, and whoever on.
Rewarding some of these things to where there's enforcement on y'all's part.

"Chief Erica Shields"

Yes, man.

"Chair Fowler"

So, I've got something I wanted to show you if you could put up the PowerPoint. This is at Florence at a call to sack close to homes.
And I why I just need to know why that's a loud.

"Chief Erica Shields"

Is that private property? It's, it's our roadway. It's a roadway. It's a call to.
It's actually on a, on a street street. Yep.
Um, no, that should not be allowed to happen.
I mean, it just should not be, um.

"Chair Fowler"

Well, it's it's 200 West Florence if you could make note of that and see if they can.
Take care of removing that then.
And there would not be a 21 day dullness on that. Right? I mean, because they're on a public street.

"Chief Erica Shields"

Correct. Or obstructing? Yes a highway or or another public passage correct. Okay.
Thank you, let's say Councilman Hollander

"Council Member Hollander"

Yes, thank you. Madam chair. And thank you for being here, chief. I think I'm 1 of the people who asked the here. So I appreciate you coming.
You know, I think 1 of the concerns that I have with the amendments to the ordinance is that I think we can do.
A lot of things that some council members want to do under the existing ordinances, and just aren't doing them.
And are saying, we can't do them because of the existing ornaments.
So, I'll, I'll talk about 1 of them here.
Um, you know, I, when we clear a campus, I said people don't disappear, they move to another location and there's somebody else's problems.
But I've said, and I set it in a meeting with, you.
That when we clear a camp to me to allow people to immediately set up in the same location.
Uh, it just doesn't make sense because we now have people who are who are donating additional tents and we take them throw them away.

And that's not the way the ordinance is written. The ordinance is clearly written so that if a camp has been cleared.

A notice has been posted and it is regularly told, you can't be here and you got to move your belongings on. Then the ordinance doesn't apply to those people. That's how we wrote the ordinance.

But when I talked to you about this.

And when I talk to about this, my question was well, who does that.

Who tells people, you can't be there again and my understanding was sort of said, well, we're not in that business.

And RCS said, well, we don't have people to do that either. So, the answer is sort of well.

Nobody does that right? I mean, we've got an ordinance and nobody does it.

And I guess I'd just like your response to that.

"Chief Erica Shields"

Sure. So I think that 1st, off what I'll say is.

On those few occasions that has been proactive in the space.

We have gotten pummeled in the media and by multiple city council as well.

And understand this, we are working to bridge the gap with our community.

And if this is what the community wants, then when these incidents come forward, and we're portrayed in the media, as we did, when we were last year, we did make an effort to target.

The, as you referenced the pan handling.

And we got pummeled, and people were not saying.

Hey, this is what we as a community wants so I'm going to say here are the council.

Okay, but we've been burned women snake, bitten by this and I've seen it 1st hand.

is not best practice here or nationally that police beyond the front lines of homeless outreach. And that is ultimately what you're saying.

"Council Member Hollander"

Hello, no, I'm not saying that

"Chief Erica Shields"

police have to get out of the business of being the face of dealing with homeless. That is not our role.

And that is what's gotten so many police departments in trouble and it's going to get this department looked at closely by the DJ as well.

We will absolutely go out and I know lieutenant Caleb Stewart was out 3 or 4 times a week with RCS. We will absolutely do that. We don't expect anybody to go out and be vulnerable to be on their own and not have a police presence.

If they feel, they need it, but when you start talking about what is truly an outreach effort, that is not law enforcement, and we need to be candid on this,

that pain is not necessarily homelessness pain handling this.

"Chair Fowler"

Not necessarily I'm sorry, but panhandling, it's a totally different subject.

"Chief Erica Shields"

So he was asking specifically about a clean.
A clean and close,

"Chair Fowler"

I thought leading the area panhandling.

"Chief Erica Shields"

No, no sorry and on the pan handling the only reason we had success there.

Was because 50% of the individuals.

That we asked to move, had existing arrest warrants if they had not had existing.

Preexisting restaurants, they would not have left, but either way we still felt the wrath of the, the negative publicity.

His question was about the clean and closed areas. Yes, ma'am.

"Council Member Hollander"

Yeah, so I appreciate that and I totally agree that this should not be the principal role of place. I totally agree.

On the other hand, who do you think should do this? I mean, I'll just ask you if you have an ordinance that says.

You can't clean a camp with it now 21 days notice, but when you put up a sign that says, you can't be there anymore and you regularly tell people that they have to move their belongings.

Who should who in city government if you were, were the mayor, who would you say? Should should walk that area and say I'm sorry, but that sign says, you can't be here so you're going to have to move along.

"Chief Erica Shields"

I came from Atlanta, which had far more homeless people, because the climate is so nice. And I will tell you our homeless outreach.

Our homeless outreach unit of city hall they were point on that they were in the street they were engaged, but they also, if they, if they knew, they were going to an area that they might have difficulty they'd call schedule.

We'd go out with them at 7 the next morning, so I never want anyone to feel that we won't go with them, but you cannot.

You can not address the issue of homelessness from a desk.

"Chair Fowler"

Right, well, so can I say that to your question, in my opinion, it would be code enforcement.

Because they are enforcing our codes and I don't know if I saw Director Kirchdorfer here

I know you weren't here for this meeting, but anyway, I just wonder if that might not be the answer cancel woman. George.

"Council Member Hollander"

Well, let me just finish. I think it has been a frustration for some people. And frankly, I think.

And I think the sponsors will say this 1 of the reasons that the ordinance amendment has been proposed is, they're saying, well, we can't just can't get the law enforced.

Right and I've even heard from members, you know, the way it's written right now.

You could just come back in and set up right where we put up a sign and that is simply not true. It has never been true. And so I think.

To some extent, we're trying to deal with an enforcement issue by writing a new ordinance and it doesn't make the whole lot of sense to me.

"Chair Fowler"

Thank you Councilwoman George,

"Council Member George"

thank you. Chair and.

I don't know that. I fully agree with that, but I want to go back and say that.

We have tremendous outreach in this community, and I can only speak to my neighborhoods, but there's no shortage of outreach, both formal and informal that meets my neighbors in crisis.

As he John out on the streets. I'll drive down Jefferson and.

I feel like he's everywhere and so and I know he's not alone in that.

And I know Dr Buchino is doing her best to hire more outreach liaisons cause I believe there is a need for that. My point is.

I don't, I'm not hearing from the community that there's the need for to be the face of homeless response.

I think what I see in our community is really 2 things 1, when we amended last year to include the risk assessments those were to be done collaboratively.

Because when you really measure risk, it should be done in partnership with not just 1 entity right? Because there's measures of risk that, as a social worker, quite frankly don't have access to.

And so all that to say.

In the existing ordinance, there's a requirement around collaboration, and I think that's what many of us wanted to see as part of this work.

The other thing I'm going to say is that and again, hear me say out in the community misuse of public space is the exception not the rule.

I can tell you there are many instances where I engage neighbors and mostly neighbors don't want problems. Right? They're understanding they're willing to accommodate and they adjust as the community requires. There are also those instances.

Where there's no amount of outreach or social services as, you know, that is going to address that and.

What I feel like, is the pendulum has swung and in part I'm responsible for that as a council member, because I hear what you're saying about the concerns with feeling like,

they've been snake bitten and haven't been supported when it comes to the request being made and so, I would ask you to, um.

1, consider ways to strengthen that partnership with RCS and to let us know, or let the community know what we can do.

So that when we do make that request, what's needed, when we do see folks who are in the public right away who, again, it's no shortage of outreach. Jon has been out 30 times. Our outreach folks from St.

Johns have been out the council member has been out and yet we're still not seeing compliance. What can we do and what assurance can be given. So that in those.

And says.

There is progressive.

Action that uploads that community standard, and also is consistent within the community. So this last time our neighbors deserve, all neighbors have a right to know what to expect.

And we don't do any 1 service when we say we're going to allow this activity here in this community, which, when we look on a map, we're talking about qualified census tracts. I can't say that enough.

I can't say that enough. This isn't an issue that's equally felt across our community. It's felt in our communities where.

Quite frankly, BC, neighbors who have less disposable capacity to manage all the challenges that come with, having unsupported homeless shelters and that's essentially what we have on our, a lot of our space.

And so I just want to leave it with saying, like, please, let us know what we can do. And I take responsibility for that. Like.

The last thing I want to do is put someone in a situation where they feel like they don't have the support for something that.

Is being asked based on risk and safety issues

"Chief Erica Shields"

and I appreciate that council and understand that if someone is breaking the law.

There is the full expectation that our officers will enforce the law and if that's not occurring, then that needs to get up.

To the major to me where we are in a space that we're not that we have balked is we're finding that.

The laws in some of these areas, they don't have teeth. It doesn't have teeth if you're citing someone who is already homeless, your mailing them citation. That's just ridiculous.

And so the reality of it is, is there an issue there that we're that we really want to enforce? Or do we want this to be completely social service driven? But when, when you talk about someone who's.

Partially obstructing a sidewalk or who's.

Asking for money, when people are getting off the interstate.

We don't we don't have enforcement power and so that's where 1 of those things we can go and ask them to move and they may for a minute.

Maybe walk around the block, but we also realize we're not going to have an impact. So I think I want to be clear that the expectation is if people are breaking a law yes we should be front and center. And if you are not getting that response.

I need to know that we need to know that as commanders as supervisors.

But I think the issues where I usually that I'm usually hearing, and when I drill down on them, it's the areas that are in the gray area, where we know we just don't have the authority.

To do anything, and we're not going to go out and risk getting more negative.

Publicity around our presence in these areas. I mean, it's just I, I can't back that I'm not going to be able to defend that.

I can't defend that.

"Chair Fowler"

So can I ask if, um.

Okay, say there's a pain handler at Dixie and the gene Snyder and, you know, you have an officer that drives spa. I mean.

Are they not allowed to stop and say you're not supposed to be here? Because it is our law that they're not? I mean, can that be from your office? Can you.

"Chief Erica Shields"

They can do that, but understand this. You may ask them to do it. Well, they but they will to understand this the person can say, okay, and stand there and they can step right back out and ask for money.
We can issue them,

"Chair Fowler"

but I think if they're talk about pummeled, but I think if they are consistently told.
You know, I just think that it's worth an effort it's a public safety issue for sure. And that was the reason that we inactive the law. So, you know, I just I really I would like to look at that with, you.
Coordinate itself and see if we can't.

"Chief Erica Shields"

Yes, ma'am.

"Chair Fowler"

Tweak it. Yes here where it is more effective and enforceable if you would.
and we have just a very few minutes left. I'm going to skip ahead and let counsel when Parker speak because she has not had an opportunity and then we'll come back to the queue.
Councilwoman Parker.

"Committee Member Parker"

Okay. Thank you. Can you guys hear me?
Yes oh, good. Because I had a problem with my microphone yesterday. Um.
Okay, as far as I understood panhandling was deemed by the Kentucky Supreme Court that it was legal because of.
1st Amendment rights of speech and then our public safety ordinance determine that.
There could be a citation if the pan handler actually stepped out into the street, they have to be in the street.
For their it to be an offense. So I just, I think I wanted to.
Clarify that I think I'm correct on that, but.
Also, as a compassionate city, I just wanted to make the comment that we as a compassionate city.
Sometimes that can go to the extreme and compassion turns into enabling and I think we have enabled our panhandlers.
We have enabled our homeless and where I'm going with this is that cities that have been effective with their panhandlers.
They have actually it's a 2 part system and I think we've done a great job.
Um, on trying to have outreach to the panhandlers,
I am trying to get them connected with social services and goodwill and giving them gift cards to pick up trash for a 50 dollar gift card. But we haven't educated the public and cities that have been very successful.
They have done a big education campaign with their city governments with their police.

And they put up signs.

They put up signs that tried to educate the public everywhere and that that said stop paying handling a better way to give because you give money.

And the, the folks they go by alcohol and drugs with it.

And that's not good that's enabling. And as far as our homelessness concern, our concern, the same thing happens. You have church groups, and very nice people that are well meaning, but they're actually enabling these camps because they're taking food.

They're taking tents. They're taking clothes.

And those are the people that need to stop doing that, I think, and then just go try to get.

The folks connected to the shelters, connected to services and get.

Connected to places where they can maybe get a part time job and, you know, in the long run, everyone is going to be so much better off.

That's all I want to say about that.

"Chair Fowler"

Thank you. Councilwoman, Parker councilman Arthur.

"Council Member Arthur"

I'd like to clarify something real quick. Chief. Most people in the room agree should not be on the front lines of addressing house.

But characterizing the Clearings on Hancock and market street last winter as proactive that you were snake bitten over.

Is off considering admitted to a miscommunication and also apologize for those Clearings that our office didn't find out about until they want Facebook. So I just wanted to make that clear.

"Chief Erica Shields"

I actually was referring not to that. I was referring to when we dealt with the pan, handling the street safety last summer.

That's what I was referring to last winter was a direct result of having 2 employees who dealt with homelessness, but did not communicate with supervisory staff, which is why we centralized everything. So, I apologize.

If you believe, I was criticizing you wrongly, but I found this. I think that it's fair to say that.

When L. M. P. D. is on the receiving end of criticism we don't often hear Council stepping forward supporting them, which is fine. It's your prerogative.

But it also means I am going to weigh heavily the liability to our agency both.

Actual, but also, in perception

"Council Member Arthur"

understood back to the ordinate. So, section 131.02 ad proposes a limit on camping in parks.

I'm curious how MPD would determine how long people have actually been in those parks.

"Chief Erica Shields"

Oh, I wouldn't even want to get into that space. I mean, that's where I think you get in trouble with litigation, don't you.

"Council Member Arthur"

Say that 1 more time you were asking how long would someone have been in a park? How would we know.

How would you enforce that? That provision.

"Chief Erica Shileds"

I don't know

"Chair Fowler"

if I'm not mistaken that 1st goes to the parks department. Is that correct? Ms. and then they.

You know, react, and they're not supposed to be in the part camping, period.

Not overnight, you know, so I don't know if that's what you're asking, but I don't think I think if they if the parks department needs help from LMPD

Then you all are always there to help if they request that help, is that my understanding is.

Just to clarify yeah.

"Margaret Brosko"

Margaret Roscoe, director of parks and recreation. Cheerful are you are correct there is no overnight camping in parks and chief Shields and her team are always extremely responsive to help out. Okay. And that is in the ordinance now that's nothing new.

"Chair Fowler"

That's nothing in the new revision. So, I just wanted to clarify that for the public. Thank you very much. Actually, is a revision.

Is a revision in the parks. Okay.

"Council Member Arthur"

What what is the section that I sided camping on?

Public property, more than 12 consecutive hours between sundown and sunrise without written permission issued by a metro government.

Department is unlawful.

"Chair Fowler"

Is that in 40? In chapter? 42.

"Alice Lyon"

Council Member Arthur are you looking at the.

Are you looking at a copy of the ordinance or

Council Member Arthur"

page? 4?

"Alice Lyon"

Yeah, see in what was.

B, B's been stricken through in my day general provisions and the stricken language that's in subsection. 1 there.

It shall be unlawful for any person to camp goes on and on, um.

That the new language that's underlined that you're referencing is.

Sort of a summary of what was there and a changing to make it.

To add 12 hours, but it in sub 1 before.

"Council Member Arthur"

Okay, thank you,

"Chair Fowler"

but it is still not in our parks.

Chapter, and which it's a totally different, um.

"Alice Lyon"

Right Council Member Arthur is asking about the, um.

130 keeping on public property provisions and then we've got another section later in this post ordinance. It's about.

Metro parks.

"Chair Fowler"

That's right. And that's what I'm talking about. So I think that maybe we need to clarify that. This does not.

Include metro parks that is taken up in chapter 42.

"Council Member Arthur"

So, it's perfect and last question. Okay. It's kind of long though. And this is actually, I'm glad you jumped in assistant county attorney lines.

Have you read the letter that the ACLU submitted in response to this?

Okay, I'd like just for the public, and just for the record, if you could address a concern, there are a few constitutional concerns but I'm specifically looking at the 1 around the 8th amendment.

The ACLU points out how eliminating definitions of camping paraphernalia and public property could be construed as impermissible camping and therefore criminalize violating the 8th amendment.

Similar provisions have been found unconstitutional by courts and Martin versus Boise. The knife circuit found 2 ordinances that criminalize sleeping outside on public property. property

Or with blanket or other, basic bedding,

violated the criminal sanctions against homeless individuals when no alternative shelter was available the court further held that so long as there is a greater number of homeless individuals than the number of available beds in shelters.

The jurisdiction cannot prosecute individuals for involuntary sitting lying or sleeping in public. So, as long as there is no option for sleeping indoors, government cannot criminalize people for sleeping.

Does it seem like eliminating the definitions or, you know, in part or in whole would create some discretion, maybe with, with parks with other agencies that will cause us to violate the 8th amendments.

I'm curious the county attorney's response to this constitutional concern. Concern

"Alice Lyon"

I don't want to play constitutional lawyer on the Mike, you know, with with no.

I read the ladder. The case they cite is from the 9th circuit, which we're in the 6 circuit.

So, it's not a precedent for our city, or for this state of Kentucky.

It's, it's possible that the 6th circuit would find a similar thing if they were presented with the case.

That laid out what the night circuits are, but.
That case doesn't prohibit us from.
Attempting something different similar in that vein.
So, it's not a legal prohibition what a court would find. I'm, I'm not able to predict that.

Council Member Arthur"

I know you would say that I'll see you on a couple of weeks.

"Chair Fowler"

Okay, we have been granted another, I hope 10 minutes Councilman Hollander, Council President James.
You're next in the queue

"Council President James"

Thank you Madam chair.
My question is for John, who often goes out to.
On the ground to work with folks and I've spoken with him and.
And I would like for him to come to a podium please if you mind, thank you. Mr. Thank you. Chief Shields.
And I'll have a question for after that.

"Chair Fowler"

Someone the **hot seat** could you identify yourself John?

"Jon Pilbean"

Jon Pilbean Office of Resilience and Community Services

"Council President James"

Them being a partner in a, in a stakeholder as you all go out to do the assessments.
And that's what we had in the intent so that everybody could be safe.
Have you ever had a weapon pulled on you while you're out contacting some of our neighbors?

"Jon Pilbean"

Yes, sir.

"Council President James"

All right, and do you were you able to protect yourself in any way?
I had an officer with me 1 on 1 of those occasions other occasions no,

"Jon Pilbean"

I have not.

"Council President James"

Okay, thank you. That's all I needed and I've got questions for

"Chair Fowler"

are you allowed to arm yourself?

"Jon Pilbean"

Aloud I don't know. No, no.

"Chair Fowler"

Okay, not as a constitutional rights.

"Council Member Piagentini"

I would like to look into that. If, if that's a specific department policy, that would be news because there's I can tell you, there's other departments that go into people's homes who are allowed to constitutionally carry.

While they're working, they what they are not allowed to when they go into the home. If the homeowner requests that they don't carry into their home, they must.

Store their weapon, then in their car, but I know those are and those are metro employees, right? So, unless there's a specific department to policy that your Department's under.

"Tameka Laird"

We just never have encouraged that our actual employees carry weapons because we are a community based organization.

"Council Member Piagentini"

Can I just differentiate real quick? I'm sorry to interrupt just because we're short for time. I'm not I'm sure you're not encouraging.

The question is whether or not he would get terminated or any other action if he did.

"Tameka Laird"

Well, I mean, there isn't an actual amendment says that you are legally can carry a weapon at any time. So as long as you actually forthcoming and actually acknowledge that is that correct?

Yeah, chief is that correct? Chief, am I saying that correctly? Okay.

"Committee Member Mulvihill"

Or, um, Adam chair, I'm happy to weigh in.

"Chair Fowler"

Yes, councilman Mulvihill

"Committee Member Mulvihill"

665 to 870 doesn't allow the government to have a policy against.

Our employees carrying weapons period. Do we have 1.

We do have a policy that says if you use it and misuse it in the course of your employment, you may be liable for it, but it doesn't say anything other than you can't prohibit it. So you asked if he's constitutionally allowed to do it? Yes.

If he does it and does it wrongfully? He's also probably on the hook slowly in the government you may try to sue the government, but the government, the likely say.

They're not, uh, we don't train them to carry those weapons.

The only department, and I know that is trying to carry weapons of the police.

Thank you, man. Awesome. Thank you. Your next step in queue Councilman Mulvihill.

"Council President James"

I wasn't finished in a browser.

"Chair Fowler"

Oh, I'm sorry. Who who is.
Oh, sorry president James,

"Council President James"

thank you. I'd like to have a question for chief Shields based upon an answer yes. Count. Yes.
So, chief shields in our ordinance, original ordinance, we visualize and put in writing that we.
Felt that would be a partner with RCS as they go out to do those assessments that hasn't happened since the 2 officers were removed from that process.
And so in thinking about what John just said, is there any prohibition or any hesitation.
With having 2 other officers.
Follow the ordinance and assist to be a partner in these assessments.

"Chief Erica Shields"

John, would you mind coming up? So I can we can walk through this together. Let's sort it out. So.
Tell me, have you ever asked us for help and are we I need to know if we're coming up short.

"Jon Pilbean"

No, man no, no, you've never come up. Shorten yes. For help. I have asked for help multiple times.
"Um, I usually call either lieutenant Caleb Stewart.
Or the drill for those areas.

"Chief Erica Shields"

All right so.
Do you feel then if something is not working and if we're not responsive, you have a way you have a recourse of someone you can reach out to within yes.
Thank you that's what we're doing. We centralize this.
Because I had 2 row, poor employees who well, good intentions.
Did not have did not report to a supervisor they did the wrong thing, and it created a whole host of under issues.
I am aware it was pleasant for several Council people, because you could speed dial them. They'd come they move people to another district and on we went I'm running an organization.
Of 3900 officers when full capacity.
We have to have uniformity, they have to have people to understand rules and policies exist for a reason. This is why we centralize it. Everything runs through lieutenant Caleb, Stuart, and the 1st division his commanders major major Sharon. Shannon Lauder.
When any division has an issue involving homelessness or anything around that.

It runs through him, he coordinates with his people he coordinates with the district resource officers, and we respond. That's how we're handling it if we're not handling it properly and we're coming up short.

Then we need to know that, because that's something that I would expect each division major to handle.

Need to hear it. Y'all can get help with me any other time. You sure do. So, call me if someone is coming up short and we'll fix it.

But I'm not, I'm not, we're not playing.

Private security roles here, because folks, that's what got us into this trouble last February.

And we're, we're rolling back from that, and we're going to get this department right sized but we got to do things differently.

"Chair Fowler"

Can't can you send us a little bit? I'm sorry go ahead.

"Council President James"

So, to Shields, part of the assessment.

When the police officers are supposed to be with the assessors.

Is doing criminal history, how do they do that? If they're not there with them?

"Chief Erica Shields"

So, they, that's the whole point, they can call them and they'll, they'll go out with them.

That's what our district resource officers reduce so they all of this can be scheduled.

It's not, I mean, it's no different. If we only have 2 people for the whole city. Now, we actually have more people, but there's if there's the communication, it can absolutely be scheduled.

"Council President James"

So you're saying that in the future that with schedules.

They will go out to do these assessments with RCS.

"Chief Erica Shields"

We will, we will do whatever.

Rcs wants and, I mean, have you have you done this lately?

I mean, has have you worked with RCS lately? The killer.

Have you called?

"Susan Buchino"

Yeah, sure. Yes.

So, Jon does call lieutenant Stewart and other officers as needed.

The difference with the risk assessments is that we have.

As many as 15 to 20 reports a day and so.

We do not coordinate every risk assessment.

With and and so if we need that system changed, we can work on that system changing.

But that's part of it's purely a capacity issue, and the number of reports and assessments that need to happen.

And it's a full time job for John and so he is very responsive.

If we need to back off and not accomplish risk assessments in those 22 business days, we can do that.

"Council President James"

thank you. Very much.

"Chair Fowler"

And chief Shields, I would like to ask you about our ordinance in general, our homeless ordinance do you find it as clear and concise and useful in you? All interpreting?
What you can, and cannot do

"Chief Erica Shields"

I mean, I think it's, I think the ordinance is.
Are very well intentioned. The reality of it is.
I have had to meet with multiple lawyers multiple under times to understand what the officers of can and can't do.
So, I unfortunately know that that is why folks are going to be gun shy. I think that they're very well intentioned and I think that's important. But at the end of the day, it seems a little convoluted, but that kinda seems to go.
With more than a few things that I run into here so maybe it's just keeping with the theme of things. So we'll get through it.

"Chair Fowler"

Thank you for that I'm gonna skip to council 1, because he hasn't spoken today quickly.
If you can, it'll be a 1st, um,

"Vice Chair Peden"

actually, I just have a quick comment on this. The whole thing we discussed earlier about.
You can't camp for 12 hours versus 7 hours versus whatever and maybe this is a question for Alice.
Forever and ever you weren't allowed to park on the street for more than in the same spot.
Without moving your car every 24 hours.
Outcomes enforcement person comes out of their house.
Rolls it forward 1 parking spot enforcement goes away.
So, my question is, is if you're camping for whatever.
Period of time we create you walk to the edge of the park or the edge of the right away. Send us over a line and go right back to where you were does your clock reset.

"Chair Fowler"

So, he was talking about 131, not the park's ordinance itself that prohibits camping in our parks without a permit.
So this is a new part in 131 and then correct me if I'm wrong that.
Just public property my question is

"Vice Chair Peden"

the same if whether or not the time period that you're allowed.
6 hours and 59 minutes or whatever it may be. Yeah, 12 hours.

If at 11 hours and 45, you make the 10 minute walk to wherever you're allowed to be.
And then go back, does your clock reset?

"Chair Fowler"

I think councilwoman George might have an answer for you.

"Council Member George"

Thank you chair I mean, 1st of all, there's still the prohibition around. Not being in a park when it's closed so, and I'm looking at director Bosco, I believe park's close at 11. 0. P. M. so. You still wouldn't be allowed in a park after 11 o'clock. So, I think that's an important point, but not just for, like, our larger parks, but also our. Pocket workspace

"Vice Chair Peden"

again, take go back to just right away is go back to government property forget parts, which is separate. Right?
I'm still going back to the question, whatever it is right? If we establish a window of time.
After this time you are now in violation.
When does that start? 10 minutes before the your violation period you just.
Walk back it out for a while. Find a thornton's. That's 24 hours.
Grab a Coke, grab a cup of coffee yeah. And come back.
As the clock reset is all I'm asking, and I think that the problem and I don't know the answer to that question I think.

"Chair Fowler"

Okay, well, I think that it's something we're going to have to check into quickly. Councilman Mulvihill said he was in the queue. I didn't see him. So my apologies.

"Committee Member Mulvihill"

Yes, Madam chair and I just this was just for chief Shields and its comment as to why we are here today a little bit.
At least while we're trying to fix these, I know council in Holland mentioned, uh, no camping sign and, you know, he thinks it should be treated like a no trust facing son.
I would be completely fine if it was, but it has not been a, it's a civil violation criminal trespassing. The 3rd degree is criminal violation. It's what police say they need in order to do it.

So, it does make it unlawful to recap it a place that says there's no camping. This ordinance doesn't go that far. It gave it as a civil violation.

Police in order to treat it as a no trust pass, you need to have the language change. So that's part of what we did. The last comment I would say, or I want to ask about, or we can have for another time is if folks, if they're not following the law, when they're. Add a out in the middle of a median repeatedly. or disorderly conduct, play a role in police, making changing how they've raised citation but we can have that for another day. Thank you.

"Chair Fowler"

Thank you, councilman Hollander be real, real brief,

"Council Member Hollander"

I hope 1st of all I don't know why says they can't enforce ordinances with civil offenses.

And if they have said that they didn't say that, to me, I'm surprised council you accepted that, frankly, because you've written laws that are civil offenses. And, and I don't frankly, I don't believe everything that says I can't do this or I can't do this.

And so I think we need to push back a little bit on that that we need to make a criminal trespassing before they can tell people to move off of the sidewalk that's been posted as as something that you can't be.

I just want to make 1 comment about fines because we talked about fines and I understand that the existing sections have some fines.

But I think there's a big concern about 9,772 and that's the storage of personal property.

On public ways, this is an entirely new section.

I mean, this section deals before it was amended with protests, it has nothing to do with somebody who's storing a personal property. It has nothing to do with homeless people.

It imposes fines that are not currently in the law and to just say that this doesn't have anything to do is fine. This really isn't quite right in my opinion, the other piece and I think it's important.

I talked about in Indianapolis, they have laws also, and I said at the last meeting, I think everyone here agrees that.

You should not be able to block a sidewalk, but their law on obstruction of public right of way talks about in a much, more, robust way. What that means.

Is it half the sidewalk? It also says that the city shall give.

People who are camping or storing personal property on a sidewalk an opportunity to move it to the side.

And it talks about all of that again, that is all in the Indianapolis ordinance. And when we get around to amending this, I hope we will look at at some common sense things that our friends in Indianapolis do not removing materials immediately.

Because it's not a established camp.

And providing that at least 48 hour notice, thank you Madam chair.

"Chair Fowler"

Thank you. Mr.Hollander how long the councilman we are 40 minutes into the next meeting so I think that we need to table this. If can I get a motion? Please.

The 2nd Purvis

Thank you it is tabled and we are adjourned. Thank you for everyone for being here today. I'm sorry.

What all in favor of tabling.

Ah, thank you.

Okay.

Yeah.