

Captioning Transcript of Public Safety Committee
Meeting - October 19, 2022

"Fox, Mark"

Good afternoon and welcome to the October 19th, 2022 regular meeting of the Louisville Metro Council's Public Safety committee. I'm Mark Fox, chairman, with me is James Peden the vice chair. We are joined in chambers with Councilwoman Angela Bowens and council woman Cassie Chambers Armstrong, joining us virtually is council woman Madonna flood. This meeting is being held in accord with KRS 61.806 in council rule 5A, a members attending virtually are reminded they keep your video camera live and operational during the course of this committee meeting and please let the record reflect down to a woman, Barbara Shanklin as an excused absence. Before we go any further, I want to acknowledge my vice chair who suffered a loss last week of his father, and I normally don't speak on behalf of members of this committee or members of this council as a whole, but I will, in this case councilman. Please know, that our thoughts and prayers have been with you and your family and will continue to be as you work through this difficult time. Our first, piece of legislation. Is an ordinance creating chapter, 149 and repealing and replacing sections of chapter 156 of the Louisville metro code of ordinance relating to owners of property, on which reoccurring crime is negatively impacting surrounding neighborhoods could have a motion in a 2nd please?

"Peden, James"

Is this an untable or is this a new?

"Fox, Mark"

That's right it's an untable.

"Peden, James"

Motion to untable.

"Fox, Mark"

Second?

"Flood, Madonna"

Second.

"Fox, Mark"

All in favor aye? Okay, the items on to the table, do we have someone speaking to it today?

"Peden, James"

President James thing.

"Fox, Mark"

But he was going to be here. Well, we'll re-table that and set it aside and go to item 2. Item 2 is an ordinance

"Peden, James"

Motion to table.

"Fox, Mark"

Second Fox, all in favor. Aye. Closed motion stable. Number 2 is O, I'm sorry, O-306-22 an ordinance amending Louisville Jefferson County, Metro government code of ordinances, chapter 71 regarding vehicle speed contests and reckless driving exhibitions, a motion and a second please.

"Peden, James"

Approval, Peden.

"Flood, Madonna"

Second, Flood.

"Fox, Mark"

Moved by Peden, seconded by Flood and please let the record reflect that councilman Paula McCraney and Marilyn Parker has joined us virtually, Councilwoman Armstrong are you going to speak to this one?

"Chambers Armstrong, Cassie"

I can Mr. chair. I certainly don't want to take credit for President James's work and I will say he did the majority of the work here, but I'd be happy to speak to this ordinance because it is something that impacts my district and something that I've seen a lot of so, this ordinances before us addresses street racing, reckless driving, it adds some new definitions of things that quite frankly, I think a lot of us are seeing more of in our communities. Things like burnouts things like wheelies things like people, driving really recklessly on the streets in our neighborhoods and the main new tool that this gives to LMPD and this is a tool that other cities have given to their law enforcement and have seen some success with it, is the ability to go and impound vehicles that are used in these types of really reckless driving incidents.

And so if somebody, ends up doing one of these really dangerous things, that quite frankly, we know that people die from people,

innocent bystanders die from drivers die from, it gives the ability to go and seize that vehicle and to impound it because we all know LMPD lacks the ability and rightly so to engage in pursuing that vehicle because it often creates an unsafe situation. So, the ability to then go after the fact and impound the vehicle is something that is a really important tool. It also increases the civil penalties so this is not a criminal law. This is a civil law, and it increases the, civil penalties related to engaging in this. And just to remind folks why this matters every single year we have almost 100 people in our city that die on our streets. And so we talk about the record gun violence of 200 people that have been victims of gun crime and violent crime and that's horrible and we talk almost every single day in this body about how to address it and my ask is someone who has lost a parent to a vehicle collision is that we focus on the lives that we lose on our streets as well, the lives that get disrupted by that the, the lives that are changed and I think that this is a great tool to help make our streets a safer place. I don't want to speak for President James, or for LMPD, it is my understanding based on my conversations with him that, LMPD is supportive of this and was perhaps actually the origination of this, idea we've seen this happen in other cities like Chicago and so I would be happy to answer any questions that anyone might have about it, thank you Mr. Chair.

"Fox, Mark"

Thank you councilwoman, first into the queue is council woman, Madonna flood.

"Flood, Madonna"

Thank you Mr. chair. I'm the only question I had was, so far was under enforcement and, know that, uh, councilwoman Armstrong was talking about law enforcement officers, but I don't understand about code enforcement division, being able to enforce this, because they're not trained and this, this type of work, and I'm very concerned about that.

"Chambers Armstrong, Cassie"

I believe, do I say director coached offer in the audience. Are you prepared to speak to that particular provision today? Okay so I will say, my understanding of this is that we're trying to create sort of broader powers over who has the ability, so our code enforcement officers are sworn officers, who has the ability to go and impound a vehicle and I am not aware of what those practices currently are, but director Kirchdorfer is that something that you Could you speak to whether or not code enforcement officers currently have

authority as sworn officers to impound vehicles, or to issue citations?

"Fox, Mark"

Please introduce yourself for the record Mr. Director.

"Kirchdorfer, Robert"

Yes, Robert Kirchdorfer for director of codes and regulations currently in the property maintenance code in chapter 156 if there is a inoperable on licensed vehicle on a property this is dealing with on a property on that parcel we can issue a citation and through abatement action to get that vehicle remove we will do a referral to LMPD and their tows service would come out and tow that that vehicle from the property. So, in that case, we are really citing for an inoperable vehicle and then we're abating it through the towing to get it off the property.

"Chambers Armstrong, Cassie"

Does that answer your question councilwoman? And I will say, I'm not particularly wedded to a particular provision, but my understanding based on what director Kirchdorfer just said is that, it's to allow them to sort of initiate the process of impounding a vehicle that sort of already exists and I will say if anyone from the county Attorney's office has a different understanding, please feel free to jump in.

"Fox, Mark"

I would add that just got a message from President James he is on his way next, into the queue council and Paula McCraney. Madam your mic is not on.

"McCraney, Paula"

My mic it keeps popping off. Okay I'm sorry. Thank you Mr. Chairman. I want to say that this is a problem in our community and when I had Cox park in my district before redistricting, it was a very big issue just in the park and if you go there, now, you could still see some of the signs of the street racing, and the wheelies, and all of the black marks that they left behind I think this is a good ordinance and it's a great first starttTo combat this problem that we're seeing in our community, particularly on the interstates, which concerns me a lot, because you can't, you know, they block traffic, you can't get by it's dangerous and lives are being lost because of this reckless behavior. I have experienced where code enforcement has as a director Kirchdorfer has said cited vehicles that are on property that may not have their proper tags or abandon or what have you. So, if this brings them closer to being able to

confiscate cars or site cars and get, like he said, law enforcement to come in and tow them, then I'm all for it. And I would like to ask if I could be added on as a sponsor. I would be delighted to be a sponsor, a Co-sponsor on this ordinance.

"Chambers Armstrong, Cassie"

We would welcome your Co sponsorship councilwoman.

"Fox, Mark"

Thank you Madam clerk, director Kirchdorfer do you have something to add?

"Kirchdorfer, Robert"

Yes, of course sorry after I got away I walked back I know that swims has code enforcement officers and they use this for legal dumping. I'm not involved in that full process, but I know they work with and they go back in and told the vehicle and pound the vehicle that was used in illegal dumping, and it was added to the graffiti ordinance if police were out there and cited and caught someone, doing graffiti and using the vehicle in the process that was added to the ordinance the graffiti ordinance, several years back also.

"Fox, Mark"

Thank you Mr. Director. Please, let the rector reflect that President James is now joined us in the chamber and vice chair Peden you're next in the queue.

"Peden, James"

Mr. Kirchdorfer could you take a mic again? I was hoping to catch before you got seated again, are your inspectors deputized? Sworn deputize, carrying individuals that we just don't happen to arm?

"Kirchdorfer, Robert"

They are sworn special police enforce ordinances. They don't have police full police powers. They enforced the ordinances.

"Peden, James"

Corrections, full sworn? I was gonna say, there's law enforcement all over this room so somebody feel free to answer. ABC officers? And I guess my point is everybody's got the authority as councilwoman Flood pointed out, they may not have the training, but they all have the authority to do what's needed when it comes to confiscating these vehicles now, thank you that's all I wanted to know is who's carrying a badge and who isn't um, and I'm sure there's departments and agencies that

I hadn't even thought of that may or may not have I know that, for instance, all the fire inspectors do so, they technically would have that authority given, you know, if they wanted to exercise it. My follow up question is, is I understand where we're going with this from the, you know, when you close down the Waterson expressway and then brag about it on YouTube that's kind of embarrassing and I get it, but I guess my question is is on the bottom end of the spectrum of agreeableness, where does it stop from a kid who just got a new mini bike and his you know, for Christmas kind of thing, and he's out in the street in front of his house what councilwoman McCraney mentioned, which within parks, versus on private property I'm just curious the, the, the drag racers and the Drifters and the I can't, I can't think of all my fast and furious terms, I should have boned up on the movie if I had known this was coming, where are you allowed to do that I guess, without us coming and taking your car? And again, I'm not averse to this I will be voting yes until given a reason, not to, but at some point, as the problem children have pointed out on the news when interviewed, there is no place to do this at least that they know of. So I'm asking if they have property permission from the owner is there someplace where this can be done legally? I mean, I'm just asking.

"Fox, Mark"

I'll defer to President James for that answer and then I'll be glad to explain about sworn police officers in Kentucky and kind of give you a quick breakdown on that based on that. President James.

"James, David"

Sure, if there was a mall parking lot that the owner says it's okay for you to tear up with your car, they could do it there short of that, no.

"Chambers Armstrong, Cassie"

Mr. Chair, I can also respond.

"Fox, Mark"

Yes, ma'am Councilwoman Armstrong.

"Chambers Armstrong, Cassie"

Thank you. Mr. chair. I believe in other places, you've seen people actually create, like, private places where you can pay a small fee and go do this. And so it's not just the externalities of the damage to the street that taxpayers, then pay to fix it's that kid that might just be trying to do a weekly and loses control of their motorcycle and runs up on the sidewalk and

kills a toddler. You know, we just accept that you can't do reckless driving on our streets. That's sort of the fundamental premise that we all operate on and, you know, I do think, if you look at the definitions, they're pretty curtailed to just cover really reckless and really dangerous activities and so, you know, if somebody drives us under the influence, a couple of times, we take away their license we say driving is a privilege, and it's a privilege that we can take away if you're making choices that could lead to other people losing their lives and I see this no different is that if you are making choices that could cause other people to die you have lost the privilege of driving or driving that for a certain length of time.

"Peden, James"

Actually, that's kinda where I was headed with this. First of all, I'm I, I suppose I asked the wrong question a moment ago. Do we have confiscating powers if it's not on a public piece of property?

"Chambers Armstrong, Cassie"

Under this ordinance, and I will let the county attorney jump in if I have misread anything in this ordinance, it would apply only to behavior on public streets.

"Peden, James"

Okay its not that it wasn't that I was looking for a legal place for them to I guess I'll go his mall analogy is actually what made me think of reword the question. The malls never gonna say yes, but, if they call us out, are we going to confiscate their vehicles? And the answer apparently is no on that one, which then leads me to that's probably one of the things that bothers me is for drunk driving, we don't take away their car, but yeah, we're going to do it for, I would, you know, it seems like we need at least a little bit of consistency.

"Chambers Armstrong, Cassie"

Council, Mr. chairman may I respond? Councilman it's my understanding that those are state laws and while I am all for punishing anyone who puts other people's lives at danger on the road, and would welcome the chance to review something that, impounded a vehicle for, driving under the influence those are state laws that we don't have control over under Louisville Metro as my understanding, but I think we should take the opportunity to take control over the laws that we can. Thank you.

"Fox, Mark"

Thank you Madam chair that your first question in Kentucky, a sworn police officer is either sworn, or they're not if they're sworn they are a police officer, and they're regulated as to their authority by the agency, and employs them. So, like, for example a corrections officer, they do have broader powers by the director's authority where LMPD the same where some of the regulatory agencies and the directors correct there is a special legislation and ordinance, but in KRS police officer, not a police officer and one other thing to councilwoman Chambers Armstrong pointed on a lot of people don't realize the is a predictable offense on private property. So, it makes no difference if you guys committed on a roadway next in the queue is councilwoman Madonna Flood.

"Flood, Madonna"

Thank you Mr. chair. No, I understood that and I didn't get to finish my questioning while ago, with Robert I understand that the code enforcement are sworn officers for the courts for property maintenance issues and they have the power to help impound cars using the police department I just wanted to make sure that there was nothing in the ordinance that considered that would put our code enforcement officers in a situation to be confronting people that they witnessed committing this act. Does that make sense, Mr. Chair?

"Fox, Mark"

Perfect to me, would you like to address any further questions to the director?

"Flood, Madonna"

No, I think he explained exactly what I knew already existed, but I just wanted to make sure that we don't put an employee who's not versed in how to handle these type of situations in that situation where they're actually confronting someone who they witnessed committing this crime, other than a police officer, or, you know, sheriff's department.

"Fox, Mark"

Excellent point councilwoman, thank you for that. President James, would you like to speak overall to this? I know you were were tied up in another meeting at the start of this committee, and we kind of went from the back toward the front. So, I apologize for that, if you'd like to speak to it, feel free to, the floor is yours sir.

"James, David"

Thank you, sir. I just want to say that I, I appreciate everyone's comments to this and appreciate councilwoman Chambers Armstrong being a Co-sponsor anybody else that wants to join in. This is an attempt to try to fix the big problem that we have in our community, it's happening all over the community and the point that councilman Peden brought up about the expressway was like, the last straw as far as I was concerned, because someone is going to get killed or seriously injured and we have to try and address it the best way we can using the best tools that we have the taking of the vehicle and the heavy fines, hopefully will get people's attention and we'll be able to save some lives.

"Fox, Mark"

Perfect, are you ready to go to a vote with this? Okay, Madam Clerk I'd like to be added as a Co-sponsor as well. And this is an ordinance. So it is that you open the voting.

[vote taken]

"Brown, Marissa"

Mr. chair you have 6 yes votes.

"Fox, Mark"

Thank you and this will go to the consent calendar. We'll go back to item number 1 if I can get a motion to untable.

"Peden, James"

Pushing to untable item one Peden.

"Fox, Mark"

Motion by Peden and seconded by Fox all in favor please say aye? Any opposed? The item is untabled again. I'll reread it, an ordinance it's creating chapter 149 and repealing replacing sections of chapter 156 of the Louisville metro code of ordinances, relating to owners of property, on which reoccurring crime is negatively impacting surrounding communities and the motion has been on tabled, so President James.

"James, David"

Thank you, this is an ordinance that we worked on, we modified, I guess, is the best way to say this, after talking to the county attorney and several members of the community about our current nuisance ordinance and over a period of time, we've had exposure with it through the courts and hearings and we've

learned what we're not doing so well, and what could be better than what we are doing well, and so I asked county system county attorney Howard to take a stab at working through that with myself and other council members to try and improve our current nuisance ordinance and so that's why Mr. Howard is here and, I'd like to have some discussion if we could.

"Fox, Mark"

Please Mr. Howard if you would please introduce yourself for the record and the floor is yours.

"Howard, Robbie"

For sure Robbie Howard with the Jefferson County Attorney's office and are you all want me to discuss why the changes were necessary? Okay, but, yes, what we were finding is that when these cases, uh, the process is set up for code enforcement cases, they start off with the code enforcement board and then work their way up to district court. If someone utilizes all their appeals. And what we found working through the system with this specific ordinances, that it wasn't set up very well to go through that And so we've made changes to to address those issues, so that once the citation is issued, we can work those through the system in a timely fashion and then there were other issues about citations being issued through code enforcement, that maybe shouldn't been issued and doing a better job of working with property owners, so that we can address problems with property owners, where we don't even have to utilize the ordinance necessarily in terms of issuing a citation we can Issue and notice, and then try to work out whatever problems we have, hopefully, without having an issue of fun or or take any remedial actions with the property owners through coming to an agreement so, and that's what we've kind of tried to establish with the ordinances we have it set up now.

"Fox, Mark"

Thank you Mr. Howard we have no one in the queue. Let me check the electronic queue as well, nothing there. President James did you? I want to profit an amendment.

"James, David"

I do want to make one small change when we were here the last time we spoke with councilman Hollander, who had a concern about the area where we talk about victims of crime and trying to make sure that we did not revictimizes the victim of crime and our particular ordinance and in the ordinance that says, I'm trying to find the exact paragraph.

"Howard, Robbie"

I think it's, I think you're referring to 149.04 a, and then it would be the If I know what you're referring to, it might be the last sentence in that section and you were wanting to possibly change the should the shall.

"James, David"

That's correct. So my amendment would be to change the should to shall in that section that Mr. Howard just spoke about so that we don't so we don't leave it up to the powers to be to interpretation that we don't want to revictimizes victims.

"Fox, Mark"

And I'll second that amendment, be a voice vote on the amendment all in favor say, aye. Opposed? The amendment passes, the ordinance is now back before us, and we have councilwoman Madonna flood in the queue Madame, the floor is yours.

"Flood, Madonna"

I just have a question is, director Kirchdorfer still in the chambers?

"Fox, Mark"

Yes, ma'am.

"Flood, Madonna"

Is this as it relates to the ordinances there used to be someone in codes and regulations specifically, that candle nuisance abatement claims with the police department, do we still have someone who does that on a regular basis? That's part of their job description that they do that to track nuisance complaints?

"Kirchdorfer, Robert"

Robert Kirchdorfer store for director of codes and regulations we have a code enforcement supervisor, one of the supervisors are assigned that duty and we work with LMPD we provide training, you know, give a training class on the nuisance ordinance and go through the process when requested and do that. So, yes, we work closely with LMPD.

"Flood, Madonna"

Who's the supervisor that does that now?

"Kirchdorfer, Robert"

Right now it's Wesley Barber.

"Fox, Mark"

Let me check the queue, you're welcome. Thank you Councilwoman, there is no one else in the electronic queue, so this is an ordinance, requiring a roll call vote. Madam Clerk please open the voting.

"Brown, Marissa"

Mr. Chair you have six yes votes.

"Fox, Mark"

Thank you the item passes and due to the amendment we'll go to old business. Do we have any other pending business? Before the committee saying none of entertain a motion to adjourn. Motion carries, we're adjourned, thank you.