



## General Government & Social Services Committee

July 9, 2019

### Summary and Motions

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Committee chair, Susan Lamb, called the meeting to order at 1:03 p.m. Committee members Steve Kay, Richard Moloney, Chuck Ellinger, James Brown, Bill Farmer, Angela Evans, Jennifer Reynolds, and Kathy Plomin were present. Fred Brown was absent. Councilmember Amanda Bledsoe was in attendance as a non-voting member.

#### I. Approval of June 11, 2019 Committee Summary

A motion was made by CM Plomin to approve the June 11, 2019, General Government & Social Services Committee Summary, seconded by VM Kay. The motion passed without dissent.

#### II. Homeless Camps

Polly Ruddick, Director of the Office of Homelessness, Prevention and Intervention, talked about a concern raised in a previous meeting regarding the authority of the director position and how future turnover might impact the office's procedures for homeless camps. She also acknowledged the committee's request for a draft resolution to support the standard operating procedures (SOP). Ruddick explained how the resolution directs the Homeless, Prevention, and Intervention Board to provide oversight, review, and accountability to the SOP for homeless camps. She said the board, also known as the Continuum of Care membership, unanimously approved the resolution and the SOP.

CM Plomin explained she is a strong advocate for an ordinance that includes a minimum number of days for onsite notification and storage details for retention of personal belongings. She said she is working with the Law Department to draft an ordinance, which she plans to bring forward at a later time. She mentioned a couple of concerns with the SOP, including the need to define homelessness and encampment, and the need for the SOP to return to the Homeless, Prevention, and Intervention Board for further review. She talked about the plan to issue a request for proposals for the street outreach team and the responsibilities of that group. She said the steps outlined in the SOP could take about 15 days. She concluded the community needs to have a better understanding of the entire process and that people residing in camps need to understand the cleanup date.

Public comment took place. Several folks donated time to Natalie Harris, the Executive Director of the Coalition for the Homeless in Louisville. She explained components of Louisville's ordinance, such as defining the difference between clearing and cleaning a camp. She provided some background that pushed Louisville to develop the ordinance and about their process generally. She said Indianapolis is considered best practices. Ginny Ramsey emphasized the importance of notification of the minimum number of days before a camp will be cleaned and protecting individuals' possessions.

CM Reynolds asked the Law Department to revisit the advice they provided the committee at the last meeting. Melissa Murphy, Managing Attorney in the Law Department, explained the Law Department has concerns about the legality of Louisville's ordinance and that they believe a resolution is the best way to support the SOP, particularly for the process that outlines how the removal of a camp would take place. Murphy said the SOP does provide people time and notice of when removal would take place. She explained various challenges LFUCG could face from a set number of days. Reynolds talked about a compromise to meet some of the community's concerns.

CM Evans emphasized the goal of OHPI is to find housing for people residing in camps, which is hard to do and ultimately why flexible procedures are helpful. She said the resolution was approved by the Continuum of Care membership, which consists of a myriad of social services providers. She said there was a lengthy discussion at the June board meeting and that a few issues with the SOP still remain; something they are working to address.

CM Farmer questioned the overarching intent and the difference between the removal of a camp or to find housing; Evans said she believes the end goal is to find housing and therefore removal of the camp can occur because the individual is housed. Farmer clarified the policy under removal to post a new notice if a camp is not removed within seven days of the original notice, which protects individuals from unpredictable delays such as weather. He asked about the section on *emphasis areas* and Ruddick explained the need to limit the number of *emphasis areas*; the industry standard is a limit of 10 areas. For example, she said an area may receive this designation due to how costly it is to remove a camp from that location.

Plomin said she is hearing a need for flexibility but she questioned why we can't have a minimum number of days, such as 15 because that is how long the SOP process would likely require at a minimum. She said this would be a reflection of what we have in place. Plomin emphasized the notification of a minimum number of days before a camp could be cleaned would clearly let individuals living in them know they have a certain amount of days.

VM Kay asked if Ruddick has experienced any camps or individuals that have been marginalized in the removal process. She said this process has taken place informally since 2014 and no camp or individual has been reported to investigate an incident. Kay explained he supports the resolution because of the information the Law Department has provided and that our process is working well.

CM J. Brown asked about the first and last opportunity to post a notice at a camp. Ruddick explained the first notice is placed when the division responds to a camp, followed by two other occasions that involves the street outreach team and the corresponding division. She said the street outreach team used to be run by the Hope Center but said there is an open RFP for this program. They discussed how the Division of Code Enforcement encourages private property owners to work with OHPI to develop a plan together. J. Brown said he does see an additional opportunity to partner with non-governmental agencies to help with homeless camps.

CM Ellinger asked Murphy to explain the concerns regarding selective prosecution and trespassing. She talked about the difficulties to determine what is or is not a homeless camp and whether an individual is or is not actually homeless. Harris explained that Louisville addresses these concerns by disregarding trespassing violations if the city has allowed enough time for an individual to establish a camp and therefore feel it is warranted to give them warning before you displace them. She said the result of their ordinance is that Louisville is moving people more quickly now; she described the challenges Louisville faces that may not be the same in Lexington. In response to the question about an ordinance versus a resolution, Harris said it depends on your city and if you feel the process in place will be carried out by future directors.

CM Moloney asked how successfully OHPI finds housing for people living in camps. Ruddick said they have a 94 percent success rate for individuals who follow the process to the end but there are people who deny services or relocate into shelters. Moloney talked about to what extent we try to help people

who don't want the help. Ruddick explained an example of someone that did not want any services. Moloney also questioned the reason this item is in committee, which Ruddick explained OHPI is not aware of any issues with how they have addressed camps in Lexington.

Plomin talked about definitions that are outlined in ordinances that she has researched in other cities. She said having a minimum number of days is proactive for a community. She said she believes in the spirit of the resolution but it is not strong enough and that the SOP needs further review.

Lamb talked about the differences between Lexington and Louisville, particularly with Lexington's OHPI. She said she heard two major points at the Homelessness, Prevention, and Intervention Board meeting; less government oversight and the perspective that an ordinance could lead to criminalizing or penalizing. She mentioned leaving this item in committee in hopes of receiving an update from the Homeless, Prevention, and Intervention Board regarding the SOP. She also mentioned the idea of a recognizable container that people can store cherished personal belongings in; the community would know not to discard this container and return it to a specific place instead.

A motion by VM Kay to approve the resolution in the packet that approves the office of homelessness prevention and intervention standard operating procedures in relation to encampment removals in Fayette County, seconded by CM Evans. The motion passed with a 7 - 2 vote. (Kay, Moloney, Ellinger, J. Brown, Lamb, Farmer, Evans voted aye; Reynolds and Plomin voted no.)

### **III. Historic Courthouse**

Jenifer Wuorenmaa, Office of the Chief Administrative Officer, explained the history of the historic courthouse that was built in 1898 and the shift in 2002 from its use as a courthouse to other uses such as museum space. She provided a detailed overview of the project, highlighting LFUCG's direct contribution of \$22 million. She explained the role of historic tax credits, through both state and federal programs, played in the project that brought the total funds available to about \$32 million. She pointed out the goal of the project was to make the building self-sufficient and that rent would cover its operating and maintenance expenses. She reviewed the responsibilities of the development agents, AU Associates and City Visions.

David Barberie, Managing Attorney in the Law Department, talked about the legal entities and structure that the project required, which includes the Historic Courthouse Square Development, Inc., the Historic Courthouse, GP, and the Historic Courthouse, LLLP. He pointed out that everything done since about 2016 has been done under the Historic Courthouse, LLLP, the partnership between a private company created for this project and the investor, Old National Bank. The LLLP operates and leases the facility. He said the tax credits will expire in about five years and that the city will need to decide how this looks going forward around 2023. Barberie highlighted components of the project that the Council approved throughout the process, specifically pointing out resolution 136-2016. (The committee approved another 10 minutes for the presentation.)

Bill O'Mara, Commissioner of Finance, reviewed the financing of the project, highlighting funding sources that totaled \$32,745,647 and expenditures that totaled \$32,710,890. He pointed out reserve accounts that were built into the project costs and the auditing process that is in place. Wuorenmaa reviewed the timeline of the project that started in 2016 through the grand opening in November 2018. Lastly, she reviewed the types of issues or punch list, they continue to work on, the entities that are leasing space and the building management company and their responsibilities.

Moloney expressed concerns for what will happen in 2023 after the tax credits expire while referencing an example in West Liberty after tornadoes hit the town and their use new market tax credits. He asked about the board members of the LLLP in the future and whether it could be structured like the Airport Board. Sally Hamilton, CAO, provided an example that this could be turned over to an organization such as the Downtown Lexington Partnership, an organization that has a board of directors and a staff. She explained their focus has been on opening the courthouse. She and Barberie talked about how the partnership structure will have to be renegotiated in the future, noting the assumption the investor will roll-off. Moloney confirmed there is a warranty on the elevator in the facility.

CM Bledsoe talked about the challenge with the public's perception of the building being public versus private and the desire to see more of the building, particularly the third floor. Wuorenmaa explained the balancing act because space within the courthouse is technically private but they are discussing the idea of public access to the building at specific times. She emphasized the caveat that if space is rented it must remain private. Bledsoe and Hamilton eluded to the complexities and logistics involved with doing business downtown. Hamilton agreed the elevator must work 24/7 and Bledsoe said there a need for excellence.

Evans confirmed the desire for the elevators to be fully operational by late fall because of a full event schedule. She recalled the emphasis on the improved courthouse being the heart of downtown and said she hoped the event space would be more community-oriented while hinting at the illusion of the space being public. She asked about the lease agreements with the administration of Visit Lex and the visitor's center, which Barberie confirmed they have two separate agreements. Barberie estimated most of the leases were for five years, with renewal options.

Farmer talked about meeting the expectations of the tenants so they want to renew their leases. He emphasized the impact the project has had on Main Street and Lexington as a whole, as well as its transition into the bright and beautiful space that it is today.

Lamb suggested the LLLP considers a way to make the event space open to the public a couple of times a month.

#### **IV. Items Referred to Committee**

A motion was made by CM Farmer to remove the *historic courthouse* from the committee, seconded by CM Ellinger II. The motion passed without dissent.

A motion was made by CM J. Brown to remove the *COACH fellowship* from the committee, seconded by CM Ellinger II. The motion passed without dissent.

A motion was made by CM Plomin to adjourn at 2:51 p.m., seconded by CM Evans. The motion passed without dissent.