

Mayor's Downtown Advisory Commission
January 7, 2014

Commission Members in Attendance: Melinda Mason (WMMHC), Margaret Borg (Retired Attorney), Ginny Merriam (City of Missoula), Keithi Worthington (Deputy City Attorney), Sue Wilkins (Missoula Correctional Services), Rob Scheben (Police Department), Laurie Johnson (BID), Michele Landquist (County Commissioner), Travis Mateer (Poverello Center), Melanie Brock (Missoula Economic Partnership), Jason Wiener (City Council), Susan Hay Patrick (United Way), Michael Moore (Reaching Home: Missoula's 10-Year Plan to End Homelessness), Eran Fowler Pehan (Poverello Center), Caitlin Copple (City Council Representative via conference call), and Jenny Montgomery (Montgomery Distillery)

Commission Members Absent: Paige Livingston (One Eleven), Barbara Wickel (Missoula Interfaith Collaborative), Dan Cederberg (Downtown Attorney), and Melissa Gordon (Grants)

Others in Attendance: John Engen (Mayor), Heidi Bakula, Lauren Boling

Approval of Minutes: The minutes of November 5, 2013 were approved as submitted and the minutes of December 3, 2013 were approved as corrected.

Special Presentations: None

Committee Updates:

➤ **Crime and Prevention – Keithi Worthington and Rob Scheben**

- Update on ordinance revisions from Mayor John Engen

- Mayor Engen stated that he was trying to work out a compromise with Anna Conley of the ACLU.
- Several sections of the ordinance were revisited. One compromise discussed was to amend the proposed 20ft distance, as part of an amendment to the Pedestrian Interference Ordinance, to a shorter distance. It didn't necessarily matter what the distance was as long as it is consistent.
- The city will work with the ACLU to come up with a revised ordinance and once a new draft of the ordinance is completed MDAC will have a chance to review it.
- Melanie Brock stated that the Missoula Downtown Association (MDA) Board was about to review the ordinances.
- Laurie Johnson of the Business Improvement District (BID) discussed businesses and their locations downtown. On just about every block in the downtown area she found that there was a spot 20 feet from a business doorway where it would be legal to panhandle. Citizens feel very intimidated when panhandlers are only 6 feet from a doorway, especially when the Higgins Street businesses are so close together.
- The Mayor said that the ACLU was willing to compromise on distance but their interest was to allow solicitation on Higgins.
- The ACLU also wants a narrowly constructed definition of the ordinance on Pedestrian Interference that is more defensible.
- The ACLU found the timeframe of 6am to 11pm for the sit, lie or sleep portion of the ordinance to be onerous.
- Keithi Worthington added that the case in Boise, Idaho that the ACLU is citing as case law is different than the situation in Missoula since there are plenty of places to solicit.
- The ordinance revision will be sent back to committee for further discussion.

- The Mayor stated that he and Mike Brady would be looking at the policy and procedures around the existing statute in order to enforce it better.
- Eran Fowler Pehan also reminded MDAC that education was very important in encouraging citizens and business owners to call 911 and report aggressive behavior. Melanie added that adding more ordinances would still not make people report the behavior.
- Ginny Merriam stated that the public complains that they do not want to go downtown due to the constant solicitation or aggression, but they want a place downtown that the homeless can legally assemble at. Day centers and warming centers still are an important consideration for the future.
- Eran added that even if the homeless had a place to go it didn't mean they would not be aggressive. When the new Poverello is constructed intoxicated people will not be allowed in the building. Now they allow intoxicated people in to sleep on the floor if the temperature drops below 20 degrees.
- Travis Mateer added that the best option for those with significant violations of the ordinance would be to give them the option of treatment instead of jail. Also would an updated ordinance give citizens an unrealistic expectation?

➤ **Real Change Promotion – Ginny Merriam**

- Share ideas for upcoming Real Change brainstorm

- The BID agreed to hold a brainstorming session with the Real Change Promotion Committee in order to reinvent the initiative. The session would be scheduled for two hours over lunch and Ginny hoped someone from MDAC would volunteer to be a facilitator.
- They will be discussing who should participate (businesses, students, etc.) and providing education to college students about the downside of giving the homeless money.
- Travis mentioned a program called Film and Homelessness which is photographed and compiled by students. They are black and white photographs with the stories of homeless givers and receivers. Possibly offer a Real Change hotel stay if you are willing to tell your story about being homeless. Invite students who are in student government at the university to be involved in brainstorming.

➤ **Built Environment – Margaret Borg**

- No update

➤ **Human Services – Jason Wiener and Susan Hay Patrick**

- No update

Respectfully Submitted,
Heidi J. Bakula
Executive Assistant

Date of Next Meeting
Jack Reidy Conference Room
February 4, 2014