

**City of Lawrence, KS
Community Commission on Homelessness
June 10, 2008 Minutes (City Commission Room, City Hall)**

MEMBERS PRESENT: Jeanette Collier, Hubbard Collinsworth, Wes Dalberg, Katherine Dinsdale, Loring Henderson, Shirley Martin-Smith, Mike Monroe

MEMBERS ABSENT: Jane Faubion, Phil Hemphill, Charlotte Knoche, Robert Mosely

STAFF PRESENT: Lesley Rigney and Margene Swarts

PUBLIC PRESENT: Hilda Enoch, Jeanette Parker, Saunny Scott, Shannon Murphy

Martin-Smith called the meeting to order at 8:30 am.

Approval of the May 6, 2008 Minutes

Henderson said to change the information regarding the call log. The information will still be provided just in a different format.

Dinsdale **moved to approve the May 6, 2008 minutes with corrections.**
Collinsworth **seconded the motion, which passed.**

Election of New Chair and Vice-Chair

Martin-Smith said there is an absence of by-laws for this group but she and Dinsdale were elected for a year and there needs to be a discussion about it.

Henderson **nominated Dinsdale as Chair.** Collier **seconded the motion, which passed.**

Martin-Smith **nominated Dalberg as Vice-Chair.** Collinsworth **seconded the motion, which passed.**

Martin-Smith thanked Dinsdale and Dalberg and said she is still available to help with anything.

Henderson thanked Martin-Smith for her work. The CCH is supposed to represent many different voices in the community and it does. Her political skills have helped the group through some difficult times.

Text Amendment Update – Joe Rexwinkle, Planner

Rexwinkle introduced himself and began his presentation.

The City Commission initiated a text amendment to allow for shelter use in other zoning districts. As staff began looking at it, we noticed the zoning code could do a lot more in acknowledging homeless services and other services that are needed in communities. After speaking with Planning and Development Services Director, Scott McCullough, staff decided to back up and address homeless services more generally. Staff will be adding definitions of uses and those uses will be added to the use table, which tells what uses are allowed where and under what conditions. One of the most important parts of the code is Article 5, which addresses standards. When the CC initiated the text amendment, they asked for use standards and design standards. All of the language is based on research from about 20 communities and several professional organizations. The language was drafted to try to best fit the Lawrence Community. Rexwinkle hopes to take this amendment to Planning Commission (PC) in July and CC in August. Staff is requesting feedback from the CCH. He encouraged the group to offer suggestions for language.

Martin-Smith said it is laid out very well.

Dinsdale said most of her questions are regarding Article 5. She asked if that could be discussed first.

Rexwinkle said that would be fine.

Dinsdale asked if Community Meal Programs are limited to homeless.

Rexwinkle read the definition of CMP from Article 17. He said that all terms in blue of the code refer to the code definition.

Dinsdale asked if there could be a broad meal program in a homeless day center.

Rexwinkle said yes, since it is a separately defined term, and the definition allows for broad meal programs.

Dinsdale said the community needs to maintain flexibility.

Rexwinkle said that can be clarified.

Henderson said currently LCS runs a day center out of the shelter. Can the two still be in the same building?

Rexwinkle said that is still possible with this new language. He made sure that both day centers and shelters are allowed in the same zones.

Henderson wants to be sure these day centers and shelters can serve homeless, formerly homeless and those at-risk of homelessness.

Rexwinkle will clarify that as well.

Collier asked what the use acronyms stand for.

Rexwinkle went through the districts.

Dinsdale asked what the "A" in the use table means.

Rexwinkle said accessory use.

Collier asked if several churches can get together and open a day center that is not on the same property as a church.

Rexwinkle said in the two districts named, with a special use permit.

Collier said if churches choose to house homeless families, how will that work.

Rigney explained that the current language would allow for that as accessory to a church – no use permit will be required if this is approved.

Reitz said four families, up to 14 people, will spend the night in a church for a week and they will spend the days in the day center. His question is - will the day center will require a special use permit no matter where it is.

Rexwinkle said a homeless day center, regardless of location, will require a SUP. We were considering Family Promise when we wrote this and it made it more palatable to staff that the day center will be located in one place. Separating the shelter from the day center allowed more flexibility with the sheltering. The definitions are in harmony with family promise. Staff is not opposed to looking at different districts, looking at different ways to permit uses. With Type A shelters staff thought it reasonable to permit it by right as long as there are reasonable use standards.

Reitz asked why the limit of 4 non-related.

Rexwinkle explained how the city code addresses 4 non-related.

Henderson echoed Reitz' concern – he does not want city code to guide or limit the program.

Rexwinkle said the city is not trying to control programs, just trying to prescribe some basic guidelines.

Dinsdale said there could possibly be something like six single parents with several kids, and that would be in violation.

Henderson said if the person who is running the program is concerned, that is a problem.

Rexwinkle said he wrote the code to explicitly fit the Family Promise program.

Reitz said for their use, it is ok. He is concerned that if there is a church who wants to take in homeless folks and you apply that no more than four the city is going to run into second amendment problems.

Monroe said he knows where Reitz is going with that but the maximum of four non-related ordinance has been upheld in court.

Martin-Smith said she was a part of the ordinance – it was an effort to keep neighborhoods from being destroyed. She did not think the city needed to restrict it like this but she understands why they did it. She thinks this current text amendment is the best way to get these programs going. It is an excellent piece of work. She knows that the group's interests are addressed. If a church comes forward and wants to do something they can come to the city it will end up in the planning office. What we are trying to do is make it possible for Family Promise to get going. We cannot get hung up on political opinions. There may be a need for some slight wording changes still, but otherwise it seems good to her.

Dinsdale said she would ask city staff to look at the constellations that could take place. If we could allow for every possible constellation, it would allow for more program flexibility.

Collier said more than 90% of local homeless families are single parent families.

Rexwinkle said staff tried to find the middle road. Any less restrictive language will likely not be politically palatable.

Henderson said the Type B shelter definition is that it will be 15 or more persons or 5 or more families. Is he limited if he wants to have two families in a shelter?

Rexwinkle will make the definition reflective of the change.

Dinsdale asked about the inclusion of homeless work place.

Rexwinkle said it would be good to make the uses as portable as possible. If, for instance, the work program needed to be located down the street from the shelter, that would be allowable.

Dinsdale asked why we need to designate that homeless. Why couldn't it be for mentally disabled or teenagers?

Rexwinkle said this was added late and he is open to changing it. Staff just wanted to accommodate it. He does not think it needs to be defined – we don't care who is working in it. Wherever light manufacturing is allowed it would be allowed. Part of our frustration with the whole code is that it doesn't acknowledge different uses but sometimes when you acknowledge it, you stigmatize it.

Martin-Smith said it is likely that the Joseph Project will be operated more like a business. They will go rent a building and go through the normal process.

Rexwinkle stated it would not want to be limited to homeless workers since there will likely be others who work there.

Dinsdale asked if that should be struck.

Rexwinkle said he is here to take feedback. He just wants it to be clear in the code. We can strike it but we need to reference the manufacturing part of it.

Collier said it is important to keep it in there in case Salvation Army or Lawrence Community Shelter decides to have an employment program off-site, it is permissible and will fall under existing regs for similar businesses.

Henderson said he doesn't want anyone a year or two down the road to say "that isn't allowed."

Rexwinkle doesn't want to attach anything that will cause problems but we need to be clear that it is permitted.

Dinsdale said to move on to day centers. Her question is "c. 15 ft/guest." This seems pretty onerous.

Henderson said they could have 50 people waiting for the drop-in center. That would be 800 square feet.

Staff will see about striking this.

Henderson also wants the part about activities conducted inside rewritten.

Murphy suggested saying "services" instead of "activities".

Rexwinkle said the intent is to encourage visibility and outdoor areas – there is no intent to require people to stay inside.

Dinsdale said going on to use standards – could a church rent space elsewhere to provide shelter?

Rexwinkle said in order for it be considered an accessory use, it has to be on church property.

Rigney clarified that if a church wants to rent a house to homeless individuals, that activity falls under regular rental guidelines.

Dinsdale said she doesn't want to restrict future ideas.

Martin-Smith said that future group can come to our group and to the planning department. We cannot cover everything and we want to move forward.

Collier said regarding emergency shelter for natural disasters, how will that be addressed?

Dalberg said we are making this way too difficult. When there is an emergency you do what you have to do.

Monroe said in the case of a natural disaster, police can designate shelters.

Dinsdale said "e." should be changed to reflect earlier discussion.

Henderson said an SUP with a short time limit is a barrier for funding. What is proposed here is an SUP with review and if conditions are met then you go on. The SUP does not come up for "reapproval."

Rexwinkle said the CC will just make a finding that all conditions have been met.

Henderson said regarding "c." pertaining to staffing. He does not object under the day center side. At night, that is an onerous requirement because people are sleeping. That would require 5-7 staff while people are sleeping.

Rexwinkle said it needs to be a ratio, not a flat number.

Collinsworth said his deal boils down to a staffing issue that is provided by the agency. There has been discussion in several different arenas where if there is only one staff member present and someone comes in needing immediate help, how will that be handled? Will a volunteer be called to help? If there is always at least two staff on-site, one person will be able to provide the service.

Rexwinkle said the code could up the ratio to 1:25 with a minimum of 2 staff.

Martin-Smith said the PC and CC are going to ask what other people do.

Rexwinkle agreed – that is what they are going to want to know. He said before this goes to PC, if there could be a letter from CCH and the providers. Commissioners need to know that this is going to work for providers.

Henderson said the PC will meet July 23.

Rexwinkle said July 12 or 13 is the latest to submit material to PC.

Henderson said the big one remaining is "5." "to minimize loitering." We have been through this whole thing many times. There is not a definition of loitering anyway.

Don Huggins stated the problem with the whole issue of loitering is that the shelter has tried everything to try to minimize the gathering of people who are not receiving services. They understand the issue but people are attracted to anywhere that services are provided. What is loitering and how far of a perimeter do they want the shelter to regulate?

Martin-Smith said she would advocate taking it out if the goals of the homeless shelter are to get people into programs, loitering becomes a moot point. The public wants to see a program that helps the homeless move into a stable housing situation.

Henderson said the problem comes from people who are not in a program.

Dalberg said he cannot police the neighborhood; he can only police his property. No one sleeps on the lawn at the Salvation Army.

Rexwinkle said this can be struck for now, but the PC and the CC are going to ask how agencies will deal with loitering.

Dinsdale said for the group to e-mail any more comments regarding the text amendment to Rexwinkle.

Enoch said the Type A definition should say family units, not exceeding 15 people. That would help Family Promise to not exclude single mothers with kids. She also wants to be sure that LINK will not be restricted in its current location. She would also like to see the issue of group homes addressed in this effort. There are a few people on the CCH who have not been in attendance for a long time and they should be replaced.

Henderson asked that the initial text amendment was to add shelters in IG, and it is not in the use table.

Rexwinkle will add it.

Adjourn

The meeting adjourned at 10:20 am.