Background/Discussion:

The Downtown Mall has without question become a gathering place for residents from around the region and visitors from around the globe. It is recognized for its entertainment venues, host of wonderful restaurants, eclectic mix of retail shops and as a perfect location for trade and commerce. Over the course of the last ten to fifteen years the Mall has developed the type of ambience that has attracted large businesses to either grow in place or move to downtown. Its success has also spread throughout the downtown area extending its form of new urbanism to areas north, south, east and west of the eight blocks that comprise the Mall.

However this successful example of what a pedestrian mall can be has also had its share of challenges. Over the last few years the City has worked with members of the community to address concerns related to rude, disruptive behavior and on occasion criminal activity on the Downtown Mall. In 2010, the City changed its solicitation ordinance to include a prohibition of soliciting within 50 feet of the two vehicular crossings on the Mall, and banned solicitation of a customer at a vendor’s table or food cart. In 2011, the City increased the number of police officers on the Mall on Friday and Saturday nights when crowds tend to be at their largest.

This past year, the City added three work stations or “kiosks” on Friday evenings along the Mall and eventually placed an officer at Central Place throughout most of the day to address growing concerns about the behavior in this block. By all accounts the efforts seemed to have paid dividends as the reports of disruptive behavior have decreased since actions were taken over the summer.

The City Council has also agreed to begin a pilot Downtown Mall Ambassadors program which will cost $80,000. The four ambassadors will be in place for the holiday shopping season and then return in March of 2013 for the spring, summer and fall seasons. The ambassadors will be community representatives who will welcome visitors to the Mall and work with businesses to address concerns. They will also serve as additional sets of eyes and ears for the police department.
The North Downtown Residents Association (NDRA) has developed a comprehensive report on some of the concerns that have been identified downtown and has also proposed a series of solutions for the Mall. The staff recommendations are meant to serve as a response to the NDRA’s thoughtful report and will hopefully serve as a blueprint for the further creation of helpful ideas to curb negative behavior in downtown.

One important lesson learned during our research of other communities around the county who are dealing with similar issues is that the problems we are experiencing are not exclusive to Charlottesville. Revitalized downtowns in many communities are struggling with the appropriate ways to address these vexing issues. We researched four cities that have similar demographics to Charlottesville and are located in college towns – Burlington, Vermont, Iowa City, Iowa Boulder, Colorado and Ithaca, New York. In several of those communities, steps have been taken to address both the enforcement and human services sides of the problem. With this in mind staff is proposing several options for Council to consider as we move forward. They are listed below:

**Street Outreach Coordinator**

Many cities have created outreach teams to pro-actively engage those who are homeless, soliciting for money and/or may have mental health complications. The teams work with agencies to identify those in need and provide them with the help they require in order to move off the streets or to become more self-sufficient. One very successful example of this type of coordination can be found in Burlington, Vermont. Through a public-private partnership with the City of Burlington and other non-profit groups, the Howard Center, private non-profit, has established the Street Outreach Team. The four member team “assists those with mental health, substance abuse, homelessness, and unmet social service needs and coordinates services for those individuals. The primary goal of the team is to increase access to services for all individuals. The secondary goal is to prevent disruptive behavior by the target population.” The team has been of great assistance to the police department and social services agency in Burlington.

We believe a partnership similar to Burlington’s could be successful here in Charlottesville. We have had conversations with several non-profits who have expressed an interest in collaborating on outreach efforts and case management. We are proposing that the City fund a pilot Street Outreach Coordinator’s position to work with Social Services, Region Ten and other groups to help those who are struggling with unmet social services’ needs. The efforts could begin in winter of 2013 and run through the end of the year. At that point the staff and City Council will review the effectiveness of the pilot to determine whether future funding is needed and whether outside grants could assist in covering the costs of the position. We estimate the one time funding needed for the pilot would be approximately $50,000 to $60,000 including the salary and benefits provided to a long term temporary employee.

**Ordinance Changes**

There are two ordinance changes we believe would make a difference in curbing some of the anti-social behavior exhibited downtown. One is to prohibit directly lying down or sitting on the Mall within ten feet of a building. This would in essence provide for a free flow of pedestrian traffic to and from the buildings. The other proposed ordinance change would include a prohibition on sleeping on the Downtown Mall. The City Attorney’s Office is developing
specific language for these ordinance changes. If the Council is interested in pursuing those changes staff will bring the ordinances back for consideration in early 2013.

The NRDA suggested an outright ban on all sitting or lying on the Mall. Staff believes this would be difficult to justify and enforce. One concern raised was the difficulty of enforcing such an ordinance especially considering the large number of young people who frequent the Mall and enjoy gathering together on the bricks or while waiting in line for musical events.

Another suggestion from the association that staff believes is unenforceable and most likely unconstitutional is the prohibition of vulgar language. Without question this type of behavior is uncalled for and unwanted on the Mall but our legal counsel, which includes the City Attorney’s Office, Commonwealth’s Attorney’s Office and the Police Department all believe any sort of ordinance that goes beyond the existing code would be deemed unconstitutional.

Law Enforcement
My recommendation is for the City to maintain the current warm weather staffing level of its police presence on the Mall which includes extra officers on weekend nights and during special events plus the presence of an extra officer near Central Place. However instead of being stationed exclusively in one area of the Mall, a mobile kiosk could be deployed that would be utilized by police officers and the Downtown Mall Ambassadors. These mobile kiosks have become very popular around the country and will allow for location flexibility for those who operate them.

The police department is working with the Commonwealth’s Attorney’s Office to develop a pilot Interdiction program that would effectively address the re-occurrence issues we have experienced with some of the Mall’s repeat offenders. If successful, this program could assist help change the behavior of the relatively small handful of people who participate in the anti-social behavior that has created our concern.

The NRDA has also recommended the City invest in a camera system on the Downtown Mall that would be available for use if an incident occurs. Several years ago, this idea was proposed but Council chose not to support it for several reasons including the cost which was around $1 million at the time and the concerns about privacy rights. If Council is interested in pursuing this option staff could develop new cost estimates on a new system.

Alignment with City Council’s Vision and Priority Areas:
The staff’s recommendations align directly with the City Council’s focus on addressing issues related to poverty and homelessness and its vision area of Economic Sustainability:

Economic Sustainability
Our community has an effective workforce development system that leverages the resources of the University of Virginia, Piedmont Virginia Community College, and our excellent schools to provide ongoing training and educational opportunities to our residents. We have a business-friendly environment in which employers provide well-paying, career-ladder jobs and residents have access to small business opportunities. The Downtown Mall, as the economic hub of the region, features arts and entertainment, shopping, dining, cultural events, and a vibrant City Market. The City has facilitated significant mixed and infill development within the City.
**Community Engagement:**
Staff has held a series of meetings with the North Downtown Resident Association and Downtown Business owners on these issues and possible solutions over the course of the last three years.

**Budgetary Impact:**
$90,000 to fund the pilot Street Outreach Coordinator’s position, the mobile kiosk and other incidentals. Overtime hours for the police department will be funded out of the Fiscal Year 2013 and 2014 budgets.

**Attachments:**
None.