City of Charlottesville
MEMO

TO: Maurice Jones, City Manager
FROM: James E. Tolbert, AICP, Director
DATE: July 10, 2012
SUBJECT: Mall Issues Surveyed in Other Communities

Attached is a report prepared by Ryan Henderson, an intern in our office. He has researched pedestrian malls located in Boulder, CO; Burlington, VT; Iowa City, IA; and Ithaca, NY. He was asked to obtain information from each regarding the issues of loitering, panhandling and homelessness on these City’s pedestrian malls. He was also asked to try to determine how these cities policed their pedestrian area and how they cleaned and maintained those areas.

It seems as though all four of the Cities surveyed have many of the same problems that we have and that those problems have also escalated in the last few years. Each is struggling with how to successfully address those problems. There are several themes though that seem to arise from each:

- Three of the four have adopted a smoking ban on the malls which is done as much as anything to reduce the congregations of people that are occurring.
- Three of the four have an information kiosk on their malls that are staffed by either volunteers or visitors bureau employees to provide visitor information.
- Most seem to have a dedicated presence of maintenance personnel to both remove trash and constantly pick up litter. All use carts or electric vehicles exclusively.
• Only Burlington appears to use a community service officer type position. They typically hire college students pursuing criminal justice degrees for these seasonal positions.

We have also attached a folder of background information that supplements the memo. I will be happy to discuss this with you at your convenience or to do any additional research you require. Thank you.

JET:sdp

Attachments

cc: Craig Brown
    Aubrey Watts
Loitering and Panhandling Report

Study of Municipal Practices

Henderson, Ryan
7/10/2012
Loitering and Panhandling Report
July 10, 2012

In the past week contact was made with city officials of four highly rated pedestrian malls (according to the publication Atlantic Cities) found in Boulder, CO, Burlington, VT, Iowa City, IA and Ithaca, NY. The objective in contacting each city was to procure information to assist the City of Charlottesville in addressing the issues of loitering, panhandling, and homeless congregation on the Downtown Mall. Information was also gathered on how each city maintains and cleans their pedestrian malls.

The four city officials with whom I spoke to all stated, unequivocally, that loitering and panhandling were issues that each city has had to proactively and aggressively address.

Key points found in the report:
- Every city has had high levels of loitering and panhandling within the past six years.
- Each city has uniquely addressed the issues to best ensure the safety of their citizens, welfare of the mall’s businesses, and constitutionality of their laws.
- Three of the four cities have an aggressive panhandling ordinance in place.
- Three of the four cities have banned smoking on their pedestrian mall.

Pearl Street Mall, Boulder, CO
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Loitering on Pearl Street Mall
Boulder, Colorado’s pedestrian mall, Pearl Street Mall, is four blocks located in the center of Boulder. Ever since Pearl Street became a pedestrian mall they have experienced issues of loitering with more pronounced issues in the past two years on the heels of the Occupy Movement. The City of Boulder has taken the following actions to curb loitering occurring on Pearl Street Mall:
- **Aggressive Panhandling Ordinance:** Unlawful for panhandlers to ask more than once for food/money of the same person.
- **Smoking Ban on Pearl Street Mall:** Complete ban of smoking on Pearl Street Mall has lessened the amount of panhandling on the mall while also deterring the homeless population from congregating on Pearl Street Mall.
- **Review of unique business permit similar to the one implemented in Santa Monica, CA:** In Santa Monica panhandlers who remain stationary on street benches must ascertain a business permit to panhandle. This has been a measure to force panhandlers away from
using street benches for long periods of time. Boulder, CO is looking into passing a similar ordinance.

- **Pop-Jet Fountains:** Pop-Jet water fountains have been installed in front of the County Courthouse on Pearl Street Mall. The fountains have been popular with families* of young children and unpopular with loiterers. Loiterers who once congregated in front of the county courthouse no longer do.

  *Research conducted by Sean Maher and Downtown Boulder, Inc. has found that transients do not like to gather around the same areas where families gather. Knowing this, the pop-jets were installed with the anticipation that as families gather around the water fountains, loiterers and panhandlers would move to another location. DBI has made a concerted effort to make certain sections of Pearl Street more family friendly but at the same time consciously not making Pearl Street Mall “a sanitized-like Disney World.”

**Policing Pearl Street Mall**

Officers police Pearl Street Mall by foot and occasionally on bikes (bikes, however, are not allowed on the mall by the general public). Officers ask people that gather in packs to move along (homeless and teens) and strictly monitor panhandling. Community service officers are not supplemented with the police force that monitors Pearl Street Mall. Downtown Boulder Inc., however, pays $50,000 to hire off duty officers for Fridays and Saturdays during the summer months to place extra patrol on the mall beat.

**Information Provider and Maintenance of Pearl Street Mall**

Pearl Street Mall has one small visitor information kiosk that is staffed 12hrs/day by local volunteers. The maintenance and cleaning of Pearl Street Mall is the responsibility of Boulder Parks and Recreation.

- Trash is picked up at 5AM every day.
- Two manned-trash runs are made in the late afternoon with a wheeled garbage can.
- There are three full-time employees and two seasonal employees responsible for trash pickup.
- Each light pole on Pearl Street Mall has flowers baskets. There are numerous 12’x15’ flowerbeds throughout Pearl Street. Parks and Recreation are responsible for their watering.

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**Church Street Marketplace, Burlington, VT**

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**Loitering on Church Street Marketplace**

Church Street Marketplace is a pedestrian mall located in
downtown Burlington since 1981. In a 2012 study by the City of Burlington found that loitering and panhandling was on the rise and becoming an issue for businesses along Church Street. The City of Burlington determined the **five main reasons** that were contributing to the increase in loitering:

- Combination of unemployed, housed but unable to afford rent, and seeking to fulfill their basic needs. Some are panhandling as a lifestyle.
- Most are resistant to receiving available social services and assistance; not interested in working.
- Some do it because they need money for substances, nicotine, food, motel rooms.
- Lifestyle choice. Panhandlers do it for money and for social reasons ---to meet their friends, and have social interactions.
- Problems arise when panhandlers’ daily frustrations are played out in public or when they are joined by others who have less respect for the community.

In the research conducted by the City of Burlington, officials were able to determine that public intoxication was on the rise. Also on the rise was fighting and tumultuous behavior, personal drama in public spaces, and public and inappropriate panhandling.

In 2010 the idea of a street-sitting ban on Church Street Marketplace was proposed but ultimately not passed as law. In January 2012 former Burlington mayor Gloria Nix vetoed a no-smoking ban on Church Street Marketplace citing “the smoking ordinance opens the door to difficult, inconsistent and selective enforcement.” Currently, the Burlington city council is reviewing an aggressive panhandler ordinance.

**Policing Church Street Marketplace**

The Burlington Police Department supplements their Church Street Marketplace patrol with the Beach and Parks Patrol during the high season (May-October). Supplemented officers are mainly college students studying criminal justice or a related field.

Officers in the department must log four hours per month on the Marketplace during key times: 12 noon to 5 PM. The strategy of “force multiplier” allows the police patrol to look bigger than it actually is.

In 2000 the Burlington Police Department introduced community policing. Since then, “a range of collaborative partnerships have been initiated between the Burlington Police Department and downtown stakeholders to maximize the City’s public safety resources.” There are six community policing programs and strategies that have been implemented by the Burlington Police Department:

1. **SARA**: A problem solving strategy commonly used by downtown stakeholders. SARA is defined as: Scanning; Identifying and prioritizing problems; Analysis (researching what is known about the problem); Response (developing solutions to bring about lasting reductions in the number and extent of problems; Assessment (evaluating the success of the responses).

2. **Street Outreach Team**: Delivers street-based support to individuals with psychiatric disabilities, substance abuse problems, homelessness issues and unmet social service needs.
They act as a liaison with other social service providers, and the Burlington Police Department. Results of annual surveys of downtown merchants, service providers, police officers, and the persons served continue to indicate that the Street Outreach Team has a significant and positive impact on the Church Street Marketplace and downtown. The number of disturbing incidents involving persons with mental illness has dropped noticeably over these years.

3. **Interventionists**: In 2009 the Burlington Police Department leveraged American Recovery and Reinvestment Act (ARRA) funds and expanded the services available through the Street Outreach Team by creating an Interventionist position to work with specific individuals who required considerable services and resources. The Interventionist position has demonstrated that timely and mobile social service interventions translate into increased opportunities to address underlying issues by matching individuals with appropriate services. It has resulted in cost savings and more appropriate use of community resources that allowed for resource reallocation.

4. **Universal Trespass Program**: Burlington Police Department collaborates with downtown businesses through a Universal Trespass program, pursuant to state law. Participating businesses agree that when a person is given a notice of trespass by one business, that notice is effective for all participating businesses ("If another business issues a trespass notice to someone you wish to enter your business, you may let them enter."). Notice is valid for one year; any business can rescind a particular notice for a particular person. If the issuing business rescinds the original notice, the notice is rescinded for all participating businesses. BPD delivers the Notice of Trespass to the appropriate problem person. If the person remains or returns to the business, he/she is cited to appear in Vermont District Court for trespassing.

5. **CPTED (Crime Prevention through Environmental Design)**: A strategy that encourages changes in the physical design of our buildings, streets, sidewalks and parks to minimize opportunities for crime to be committed. Individual strategies can include increased security lighting, locking gates, landscape design that discourages intrusion, scheduling activities in certain areas to attract more people. CPTED strategies can result in a dramatic reduction in crime, improved business climate and increased pedestrian activity and awareness.

6. **The Graffiti Removal Team or GRT**: Gives residents and business owners the tools they need to take control and restore neighborhood pride. Neighborhoods with lots of litter, graffiti, and broken windows start to look run down and feel unsafe. GRT gives residents and business owners the tools they need to take control and restore neighborhood pride.

**Information Provider and Maintenance of Church Street Marketplace**

Church Street Marketplace has one large visitor information kiosk that is privately operated:

- “Information,” the official name of the kiosk, provides information and directions for people visiting Church Street Marketplace.
- The kiosk is a movable facility which must be complementary in appearance and operation to the Church Street Marketplace.
- “Information” uses the kiosk to distribute advertising along with information and directions for Church Street Marketplace. Under no circumstance is “Information” allowed to use the kiosk to advertise shopping mall and strip malls outside the City of Burlington.
Church Street Marketplace is cleaned with the use of electric vehicles such as an electric truck and electric golf cart. Three full-time and one part-time employee are employed to operate the vehicles and clean the mall.

**Examples of the “green” cleaning practices of Church Street Marketplace**

![Church Street Marketplace Garbage Cans](image1)

![Church Street Marketplace Garbage Golf-Carts](image2)

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**Ped Mall, Iowa City, IA**
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**Loitering on Ped Mall**
Ped Mall is a three block pedestrian mall located in downtown Iowa City and adjacent to the University of Iowa campus. It is the go-to-area for University of Iowa students. Crime issues increase when school is in session and when 30,000 plus students converge on Iowa City. During the school year higher incidences of vandalism are reported on Ped Mall.

Ped Mall has had large loitering and panhandling issues in recent years. The issue of panhandling and the homeless population congregating on Ped Mall became a big political issue in 2010 when the Downtown Business Association demanded revisions to the city ordinance concerning vagrancy. Revisions and stricter policing of the ordinance subsequently went into effect. In response to loitering issues, Iowa City has passed two particularly strong ordinances to deter loitering and panhandling:

- **Smoking Ban on Ped Mall:** Iowa City council members recently passed an ordinance declaring all three blocks of Ped Mall to be a smoke-free zone. They allowed both ends of the mall to be considered smoking zones where they placed ash urns and benches for loiterers and homeless to congregate.
- **Regulation of Sitting:** This ordinance prohibits sitting and lying within 10 ft. of a building in Ped Mall or on any public sidewalks in the “downtown” area. The ordinance
has never been challenged in court; however, no citation has ever been issued. The ordinance was enacted as a tool for police to use in relocating loiters and panhandlers. The ordinance has been successful in deterring lying and sitting outside of businesses in Ped Mall.

*Assistant City Attorney Susan Dulek conducted thorough research (Roulette vs. City of Seattle as precedence) and a constitutional analysis into the regulation of sitting before it was presented to city council. Ms. Dulek is confident in the ordinance's constitutionality and that it would stand up in court if ever challenged.

**Policing Ped Mall**
Ped Mall is policed by both Iowa City police and University of Iowa police. The police patrol the mall mainly by foot and occasionally by bike. Iowa City supplements two community service officers to patrol Ped Mall. Iowa City increases its mall patrol on night and weekends (particularly during football weekends) to curtail alcohol related crimes.

**Information Provider and Maintenance of Ped Mall**
There are four kiosks spread throughout Ped Mall that are used to display posters and fliers. Citizens, however, must apply to add posters and fliers to the board through a poster application process. There is no restriction to what poster boards can be added to the kiosk pending poster application approval. The kiosks are not staffed.

Ped Mall is cleaned using a garbage pickup truck that is contracted out by the city. A fire lane runs through the center of the mall that is used by the garbage truck and emergency response vehicles. There are approximately 70 trash cans spread over the three blocks of Ped Mall. Garbage is collected before 6AM every morning nine months out of the year. In December, January, and February garbage is collected three times out of the week. There are three full time employees that oversee the maintenance of Ped Mall. Eight employees work on a seasonal basis.

There are no flower pots and baskets on Ped Mall. Whiskey barrels were used for a time to display flowers but their use was discontinued due to vandalism by University of Iowa students.

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**Ithaca Commons, Ithaca, NY**
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**Loitering on Ithaca Commons**
Ithaca Commons, the three block pedestrian mall located in downtown Ithaca, has experienced high amounts of loitering and panhandling over the past five years. Like Charlottesville's Downtown Mall, Ithaca Commons is
home to a popular music pavilion. The Bernie Milton Pavilion serves as a gathering place for live music and comfortable seating with dining tables. For a number of years the pavilion was a gathering place for loiterers and panhandlers that monopolized the seating. Panhandlers were also taking over other sections of Ithaca Commons. To combat the issue of loitering and panhandling, the City of Ithaca passed aggressive ordinances:

- **Smoking Ban on Ithaca Commons:** In 2011 Ithaca City Council passed a complete smoking ban on Ithaca Commons. The ordinance was implicitly aimed at loiters and the homeless. Once the ordinance went into effect loitering and panhandling decreased rapidly and the Bernie Milton Pavilion became free of loiterers. The smoking ban has proved to be the most successful action in reducing loitering.

- **Aggressive Panhandling Ordinance:** It is illegal for panhandlers to ask for money as well as follow citizens around. It is also illegal for panhandlers and loiterers to sleep on Ithaca Commons.

- **No dogs allowed on Ithaca Commons:** Ithaca currently has a law in place where dogs are not allowed on Ithaca Commons due to the lack of green space for dogs to use. Service dogs, however, are allowed on Ithaca Commons. This in effect poses a problem for officers. The law is impossible to enforce simply because all one has to do is claim to a police officer that their dog is a service dog. It is unlawful for police officers to request papers proving that the dog is a service dog. Everyone with a dog can claim their dog is a service dog.

**Policing Ithaca Commons**

Two Ithaca Commons officers patrol the mall at staggered times. One officer patrols by foot from 7AM to 3PM. The other officer patrols by bike from 3PM to 11PM. The officers operate out of a satellite station located on the mall. They use the station to bring in people that are consistently disturbing the public or committing unlawful acts. The satellite office is the first place offenders on the mall go before they are taken to the main police station.

At one time Ithaca Commons attempted to hire community service officers to help patrol the mall but were ultimately stopped. The police union in New York aggressively lobbied against the effort stating that community officer positions take jobs away from police officers. Ithaca Commons currently has no community officers.

There are no officers that patrol Ithaca Commons during bar closing time. Many restaurant owners and citizens have petitioned city council to hire an officer to work late hours on the mall to control bar closing. Firing an officer position to work the mall 24/7 must wait on the council’s approval for the position. There are no extra officers that patrol the mall during the weekends.

**Information Provider and Maintenance of Ithaca Commons**

Downtown Ithaca Alliance operates a five month visitor information kiosk on the mall. The Convention and Visitors Bureau also operates a satellite office on Ithaca Commons to provide information and advertising for businesses on the mall.

The City of Ithaca is responsible for trash pickup on Ithaca Commons. Trash is picked-up every day except on Wednesdays and weekends. Ithaca has a “Clean-up Ambassador” who is
responsible for hand picking garbage off the ground. The mall is maintained by one full-time and two seasonal employees.

There are no flower baskets on the mall. The Cooperative Extension Office of Ithaca, with aid from the local 4H, plant flowers along the commons with the agreement that they are watered by the city. Money for the purchase of the flowers comes from the Ithaca tourism fund.