

November 17, 2005

Mayor Wynn and City Council members,

Below are suggested alternative solutions to adopting the proposed amendments to the ordinances pertaining to public order:

1. Enforce our existing public order ordinances. The existing ordinances are reasonable in their scope, specificity and limitations. There is an exception to this in section 9-4-13, (B), which defines "aggressive solicitation". That language, which I have provided on the opposite side of this page (highlighted), is too broad, vague and unspecific and should be deleted.
2. Initiate a community dialogue to find solutions to the problems in the downtown area. The downtown business community, the city, service providers and advocates for the homeless – could participate in this dialogue.
3. Provide at least one more day labor site.
4. Insure that the existing day labor site follows its own rules and procedures. There are reasons to believe that this is not being done (I hope to discuss this further with the city manager and/or other city officials).
5. Nominal user fees for employers could help to allay the costs of operating day labor sites.
6. Vigorously address on-going housing issues like providing more interim housing for the homeless, low-cost housing and "affordable" housing that is really affordable.
7. Create incentives for local businesses and city contractors to pay living wages, to hire the homeless and to hire persons who live in this community.

Respectfully,



Edward Sledge

(amend)

most impact
motorist/ped
ped/motorist

§ 9-4-13 AGGRESSIVE SOLICITATION PROHIBITED.

(A) The council finds that:

(1) Aggressive solicitation is disturbing and disruptive to residents and businesses and contributes to the loss of access to and enjoyment of public places and to a sense of fear, intimidation and disorder.

(2) Aggressive solicitation includes approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic.

(3) The presence of individuals who solicit money from persons at or near banks, automated teller machines, public transportation facilities, and crosswalks is especially troublesome because of the enhanced fear of crime in a place that is confined, difficult to avoid, or where a person might find it necessary to wait.

(4) This section is intended to protect citizens from the fear and intimidation accompanying certain kinds of solicitation, and not to limit a constitutionally protected activity.

(B) In this section:

(1) **AGGRESSIVE MANNER** means:

✓ (a) intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;

✓ (b) following the person being solicited, if that conduct is:

(i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) intended to or reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

✓ (c) continuing to solicit a person within five feet of the person being solicited after the person has made a negative response;

✓ (d) intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;

✓ (e) using obscene or abusive language or gestures toward the person being solicited;

→ (f) **approaching the person being solicited in a manner that:**

~~(i) is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or~~

~~(ii) is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.~~