

MINUTES
Warrenton City Commission
Work Session – April 25, 2023
5:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

Mayor Balensifer called the work session to order at 5:00 p.m.

City Commissioners Present: Mayor Henry Balensifer, Tom Dyer (arrived at 5:03), Mark Baldwin, and Gerald Poe

Excused: Paul Mitchell

Staff Present: City Manager Esther Moberg, Police Chief Mathew Workman, Public Works Operation Manager Jim McCarthy, and City Recorder Dawne Shaw

Mayor Balensifer opened the Work Session and noted the purpose is to discuss a camping ordinance. Police Chief Mathew Workman noted the previous work session from October 2021, and the house bills on homelessness. He stated the two house bills that do apply to Warrenton, are HB 3115 and HB 3124. Chief Workman stated the difference with camping on private property vs public property and noted that majority of that camps in Warrenton are on private property, which are handled differently. He reviewed HB 3115 and noted it codified the Martin vs Boise ruling from the 9th Circuit. He stated when something is codified into law, we must set up our ordinances to abide with it, or you can be sued. He noted it is very unusual to have a ruling codified into law. Mayor Balensifer noted for the record, the problem with what the legislature did that by codifying *a currently still on appeal* ruling, they have essentially condemned us to fall under a law and a precedent that is by state law that if the federal law changes, we are still stuck under. So, with this rush of trying to figure out what to do with no resources, and if it gets abated by a federal ruling, we are still stuck with this mess until the legislature figures out what they are going to do.

Chief Workman noted the ordinances from Seaside and Astoria, and reviewed how they are approaching the camping issue. Mayor Balensifer noted how Seaside is managing the RV issue. He noted his concerns with the two different models, and asked Chief Workman what his preference was. Chief Workman stated there are pros and cons with both, a seaside model would be resource intensive and finding a site is very difficult. He noted we currently do not have an issue with camping on public lands, and his officers are concerned that if we go with the Astoria model, it may encourage them to come to public lands. He discussed each model and the issues. Discussion continued on Warrenton's sidewalk widths and fact that the majority are in ODOT right-of-way; also noted were other areas that would be prohibited.

Mayor Balensifer continued the discussion and asked if we can adopt a type of hybrid with a threshold that will kick in the alternative as needed. City Manager Esther Moberg noted her concerns of trying to do a hybrid, and that we would wind up doing both. Discussion continued.

Commissioner Baldwin noted his thoughts and concerns. He continued and suggested some land for free camping in Fort Stevens Park. Commissioner Dyer asked if the homeless would be subject to obey the laws such as offensive littering law; Chief Workman agreed, but noted it is debatable if it is just 'living.' He noted there needs to be regulations, but the ordinance must be objectively reasonable.

Mayor Balensifer discussed the working houseless persons that are living in their vehicles, that need a place to go, and asked if it is better to have a location for them or if a permit would be a better option. Chief Workman noted that when you try to bifurcate ordinances it can get very messy. He noted Seaside's permit as an example, which could be an option. Mayor Balensifer continued, noting the pros and cons of each model. Ms. Moberg reviewed the options, noting that if we do nothing and hope the status quo doesn't change, people will see that determine they can come into the city and can go wherever they want. The second option is to do something like Astoria, and designate locations – time, place, and manner, but then we have to move them along when daylight comes. We have seen in Astoria that people do not move along easily, so it takes a lot of staff resources. The third option is to set up a location, and if people came, we would have to spend resources on that as well. Mayor Balensifer asked if you have a location if you could put in rules, such as no drug use, that could be enforced. Ms. Moberg noted the Seaside permit does include rules for bad behaviors. Discussion followed on how enforcement would be managed, which could include being trespassed from that location.

Chief Workman again noted HB 3115 and the other city's models. Mayor Balensifer stated he is not opposed to the Seaside model, is better for downtown and residential areas, but his concern is staff being able to support it; discussion followed. Mayor Balensifer noted his preference is to avoid residential areas and commercial store fronts with camps in front of them; discussion continued. Mayor Balensifer reiterated his preference to avoid camps in residential areas and store fronts. Consensus was to lean toward Seaside's model if feasible. Mayor Balensifer noted it may include potential leased lands. Ms. Moberg briefly reviewed Seaside's process of clearing the camps. Mayor Balensifer summarized the goal, and stated he would be in favor of moving TLT funds around to fund it. He asked if anyone in the audience wished to make public comment on the issue; there were no comments.


There being no further business, Mayor Balensifer adjourned the work session at 5:48 p.m.

ATTEST:



Dawne Shaw, CMC, City Recorder

APPROVED:


Henry A. Balensifer III, Mayor *Protem*
Mark Baldwin,