



COUNCIL WORK SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES

NOVEMBER 15, 2022

Council Present: Councilors Adam Khosroabadi, Lisa Batey, Desi Nicodemus, Council President Kathy Hyzy, and Mayor Mark Gamba

<p>Staff Present: Kelly Brooks, Assistant City Manager Justin Gericke, City Attorney Adam Moore, Parks Development Coordinator Ann Ober, City Manager Peter Passarelli, Public Works Director</p>	<p>Natalie Rogers, Climate & Natural Resources Manager Scott Stauffer, City Recorder Luke Strait, Police Chief</p>
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Mayor Gamba called the meeting to order at 4:07 p.m.

1. Fireworks Ban – Discussion

Nick Browne, Clackamas Fire District #1 (CFD1) Chief, introduced Shawn Olson, CFD1 Fire Marshal. **Olson** presented firework facts such as how many firework permits were sold in the district for 2022, how many firework-related incidences CFD1 had responded to since 2018, noted that the state regulates when fireworks can be sold and deployed, and what kind of fireworks are legal, and percentages of firework related injuries. **Olson** stated that Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OARs) give authority to CFD1 to decide when and if permits for fireworks will be issued and the ability to revoke or postpone firework display events. **Olson** provided reasons why permits and events are denied and postponed.

Olson explained that ORS 480.111 gives authority to the city, to at any time pass an ordinance that would regulate the sale, display, or deployment of retail fireworks but enforcement would fall to the Milwaukie Police Department (MPD). **Olson** provided a list of cities that had banned fireworks, what their ordinance bans covered, and provided reasons cities had cited for ban ordinances. **Councilor Batey** asked for information on Grants Pass' fireworks ban, and **Olson** advised they could follow up with more details.

Olson presented a few options on how the city could proceed with fireworks enforcement. The group discussed the change from extreme to high fire danger conditions in 2021, who sets the fire danger condition levels, how a change from extreme to high could affect an ordinance based on extreme fire conditions, outright bans, how the city's code enforcement operated, the possibility of public professional firework displays being held at Milwaukie Bay or possibility of a laser or drone show, and other risks and issues with fireworks besides the risk of fire.

Councilor Khosroabadi asked for Browne's professional opinion on what type of ban CFD1 would like to see. **Browne** responded that CFD1's primary focus is on life safety and protecting property, thanked Council for their proactive approach, explained that CFD1 uses metrics to make decisions but that metrics cannot capture all the reasons for banning fireworks that Council had mentioned.

Councilor Batey asked Olson for a comparison on how many high risk fire condition days there were versus extreme and **Olson** replied there are more high risk days than extreme starting in mid-June and extend through the end of summer and lately into fall but would need to follow up with the details Batey was looking for.

The group discussed ban options and whether the city needed to offer a community fireworks or laser light event. **Council** agreed to consider adopting a total and unconditional ban in early 2023.

2. Camping Ordinance – Discussion

Strait reported that due to an increase in public camping and houselessness, staff recommended that Council adopt a camping ordinance. **Strait** reminded the group of MPD's mission, the city's community vision, and Council's goals. **Strait** explained why a camping ordinance was necessary and appropriate, presented partnerships that had been established to ensure houseless individuals are connected to resources, and explained that MPD's behavioral health specialist would start on November 28 and that the city was in negotiations with Clackamas County for a houseless peer mentor.

Strait provided an overview of the camping ordinance, the process an officer would go through prior to citing an individual, and the violation progression from a first to a third violation. **Strait** reviewed the campsite property removal process.

The group discussed the work that had gone into the ordinance, that the city was not looking to criminalize houselessness but connect those in need with the right people and resources, and noted that ordinances in surrounding cities may increase the need for Milwaukie's ordinance and resources.

Councilor Batey shared observations from a recent MPD ride along and expressed appreciation for MPD's work with the local houseless community.

Mayor Gamba believed the ordinance was a necessary step and commented on continuing the work to prevent houselessness.

Strait thanked staff for their work and acknowledged that adjustments to the ordinance may need to be made.

Council President Hyzy asked Strait to address the process for fined individuals. **Strait** explained why there is a fee, the intention of the use of a fee, and that the purpose is not for revenue but for the municipal court judge to connect the cited individual with resources.

Ober advised that the ordinance would be brought before Council on December 6.

3. Parks Update – Discussion

Moore summarized the lead up to the last parks presentation, on November 1, and what had happened after that presentation. **Moore** presented Balfour Park's site analysis, details and statics from the summer surveys and reviewed the community garden options presented at the last meeting. **Councilor Batey** asked for clarification on what the 34 inches on the red oak referred to and **Moore** responded that it was the diameter at breast height (DBH). **Moore** commented on grading concerns regarding the path and ideas submitted in a letter from the neighborhood district association (NDA). **Councilor Batey** asked Moore for clarification on audience space for performances and **Moore** clarified that the open space beyond the shelter's semi-circle could also be used as audience seating.

Moore presented Balfour Park's final draft plan that would be presented at a special Park and Recreation Board (PARB) meeting November 16 and pointed out the changes made as addressed by the consultants and arborists. **Moore** confirmed that a conversation had been had with the project manager for Clackamas County's Hillside

redevelopment project and at that time the community gardens were still a part of that project's design process. The current final draft plan for Balfour Park did not include a community garden as the only place for it would severely damage an existing tree. **Moore** provided the meeting details for the special PARB meeting.

Councilor Khosroabadi asked what the size of Balfour Park's community garden was supposed to be, and **Moore** shared what the garden would have entailed and that the main issue was the preparation the site would undergo, and that staff did try to consider if any other locations would be viable. **Moore** explained there was conflicting community input on whether to save the tree or install the garden.

Councilor Batey and **Moore** discussed what moving the shelter would entail. The group discussed the garden, some of the costs associated with removing the tree, whether the city should remove a tree after all the work with the tree code, and consideration for other community garden locations. A majority of Council was in favor of moving forward with keeping the tree and letting the community garden go, **Councilor Batey** wanted to wait to make a decision until comments were heard from the special PARB meeting.

4. Adjourn

Mayor Gamba announced that Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2)(e) to deliberate with persons designated by the governing body to negotiate real property transactions.

Mayor Gamba adjourned the meeting at 5:37 p.m.

Respectfully submitted,



Nicole Madigan, Deputy City Recorder

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