



CITY OF SALEM

Written Testimony

City Council

555 Liberty St SE
Salem, OR 97301

Monday, September 25, 2017 6:00 PM

Council Chambers

7.1a. [17-469](#)

Consideration of Ordinance Bill No. 22-17, regulating use of public sidewalks

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Proceed to second reading for enactment of Ordinance Bill No. 22-17 to regulate the use of public sidewalks.

Attachments: [Ordinance Bill No. 22-17](#)

[9-25-17 Written Testimony 1](#)

Add - Written Testimony

The following written testimony relates to Council agenda item 7.1a. (File No. 17-469), Consideration of Ordinance Bill No. 22-17, Regulating use of public sidewalks:

Amy Johnson

From: Pat Donenfeld <patdonenfeld@comcast.net>
Sent: Thursday, September 21, 2017 8:28 PM
To: citycouncil
Subject: Proposed ordinance

The proposed ordinance regarding sitting or laying on a city sidewalk is NOT the way Salem treats people. I understand that the purpose is to deal with homelessness and the effect on businesses; however, fining people with no money and nowhere to go is not the answer.

We need to provide more restrooms and hand washing facilities to stop the spread of disease and give people resources so that they do not have to defecate or urinate in the alleys. We need to put the benches back downtown. We need to assist with providing access to affordable housing and services, including mental health and substance abuse services.

If we can work on improving the lives of our homeless population, we will all benefit (including the businesses).

Pat Donenfeld
Ward 7 resident

Sent from my iPhone

Amy Johnson

From: Jim & Jo <jimjohock@comcast.net>
Sent: Monday, September 25, 2017 1:53 PM
To: citycouncil
Subject: City Sidewalks

Hello City Council Members:

I cannot make this week's City Council meeting...however, I wanted to let you know that I am disappointed in the attempt to forbid people to sit on the Salem sidewalks. I have never been accosted by anyone when walking anywhere in Salem—including downtown.

I think this is silly as well as potentially unconstitutional.

It does point to the real problem—homeless people. Let's not legislate the symptom. Let's look at the cause.

Thank you.

Sincerely,
Jo Hockenhull
1705 Church St. SE
Salem OR 97302

Amy Johnson

From: John and Jana Hofer <jmrhofer@q.com>
Sent: Monday, September 25, 2017 2:05 PM
To: citycouncil
Subject: Re: homeless persons

Dear City Council,

Please include my remarks below as part of your record.

Thank you.

John Hofer
503 585 1262

I was at Salem City Club this last Friday and several members were talking, with some distress, about the recent article in the *Statesman-Journal*, regarding the recent suggestion to prohibit homeless from sitting on the sidewalk. Folks had the general sense that we were moving backward on the issue of homelessness, harking back to the thirties when police could arrest "vagrants for loitering," throwing them in jail, imposing fines which most could not pay. (I have not read the article. I'm just reporting what I've heard.)

The people with whom I spoke understood that business owners downtown would not want too many folks surrounding their business, that it could have a negative effect on their business. The general consensus was that "criminalizing" homelessness was not going to solve whatever problem folks see out there. We cannot just wish these unfortunate folks away, banning them to some nether world. Instead, we need to provide some safe haven for them while we work on the larger problem of homelessness itself.

My guess is that you know all this, but I wanted to let you know what I am hearing. I agree that we have to find some kind of humane approach to the issue of downtown and homelessness. I also think that it cannot be easily solved; at best it will require thoughtful, caring, and incremental efforts over time, following a larger, and well thought out strategy for dealing with homelessness in general.

Thanks for listening.

John Hofer

Amy Johnson

From: Susann Kaltwasser <susann@kaltwasser.com>
Sent: Monday, September 25, 2017 3:32 AM
To: citycouncil
Subject: No sit/lie ordinance

I urge you to reject the proposed ordinance for a 'no sit/lie' in Salem. If you feel you can't do this, please set a work session and then set a public hearing before taking action on this issue.

We need to have a frank discussion about homelessness in Salem. There are issues that should be addressed about how we can work with citizens and with the unfortunate fact that some find themselves without homes. I do not think we need to make criminals of the poor.
Let's work together for positive solutions instead.

Thank you,

--

Susann Kaltwasser
Ward 8

Amy Johnson

From: webmaster@cityofsalem.net
Sent: Friday, September 22, 2017 11:58 AM
To: CityRecorder
Subject: Contact: cityrecorder@cityofsalem.net

Email from the City Contact form app.

Message Type: Contact: cityrecorder@cityofsalem.net

Details:

- From: Kathleen Killegrew at: killegr@centurylink.net
- Phone:
- Message Body: Often I have wondered why individuals have been allowed to loiter in and around businesses. Having seen a recent news story on the upcoming city council meeting, I am surprised that there are not already laws in place that allow law enforcement to address the problem. Realizing that law enforcement can be over extended, I submit that perhaps those responsible for the arduous task of patrolling for such violations as parking limits and area ticketing may be empowered to address the issue. This email is to reflect my support for the ability of officers to ask those who loiter to relocate. A simple act that keeps people from spending excessive amounts of time in one location can be beneficial for everyone. The individual has someone who is checking on their status and well being; and, those trying to access businesses may feel as if attention is being paid to their safety. This may not be a permanent solution to addressing the homeless nor mental health issues we face but a short term solution that can benefit everyone. In West Salem I have recently been approached by individuals who appear under the influence or unwell while simply trying to make a quick stop at a convenience store. I am interested in the well being of all involved and can only hope that together we can find viable long term solutions. Thank you for your time and efforts in this matter. Kathleen Killegrew

Amy Johnson

From: Tina N <tinabobina1175@gmail.com>
Sent: Friday, September 22, 2017 10:36 AM
To: citycouncil
Subject: Consideration of Ordinance Bill No. 22-17, regulating use of public sidewalks

Dear City Council,

I am writing to you with regards to the proposed Ordinance Bill No. 22-17, regulating the use of public sidewalks. I find this bill to be a poor solution to the problem at hand and an unwise use of public resources.

I previously worked for an attorney who was a public defender for the City of Salem. While I am not a lawyer myself, I have learned a fair bit about how the system works. A person is cited and given a court date. If they do not appear at their court date, the court will issue a bench warrant. Should the person find themselves committing an infraction again, they will be arrested and held until their new court date. I might have some of the finer details wrong, but I think my understanding is correct.

The above system costs our city money. I know this, again, because I worked for a City of Salem public defender. I watched as he attended court dates where his clients didn't show. I watched as he communicated with City Police regarding cases they were involved in. I saw the same clients go through the same hoops over and over again. I saw the flaws and the failures, and I also saw the success of having a good attorney defending these people. And each part of it costs our city money.

I'm all for our resources going towards bettering our community, but in this case I have to ask: is all this money really going to fix the problem?

No. It will not. Because homelessness is a reality of our city, and the inconvenience it causes local businesses is merely a symptom of this. I ask you: where would you like the homeless in our community to go? The resources available to our homeless community do not meet the needs of the homeless community, or else we would be seeing improvement in the situation. While you may insist that citations will not be given if officers can provide information to resources available to our homeless people, I would argue that the resources available will not stop the issue you are trying to address.

The City of Salem needs a better homeless shelter. We need a place that will feed and give shelter to people, regardless of religion, ethnicity, gender, or addiction. The more qualifications we place upon the help that we give, the less helpful it is. We need a space that is for public use that has access to bathrooms and shelters people from the weather. A place where anyone can sit and enjoy being downtown without needing to be a "customer".

Most of all, we need to remember that businesses are not people. People are people. And even homeless people are people. When we begin to place laws that infringe on a person's right to exist and survive in favor of bettering business, that is when we have lost sight of our community on a fundamental level.

Homelessness is a condition, not a crime. I hope that you will consider the costs of this ordinance, both monetary and human. The more you restrict access to public places, the less public they become. Do not create criminals out of people who are simply trying to rest and exist in this world. They are our community members too.

Thank you,

Tina Noon

Amy Johnson

From: Hollie Oakes-Miller <hollie@holsgem.com>
Sent: Monday, September 25, 2017 4:25 PM
To: citycouncil
Cc: Matthew Ausec
Subject: Proposed Sit/Lie Ordinance

Hello,

My husband and I would like to submit our opposition to the recently proposed Sit/Lie Ordinance. We stand with Councilman Chris Hoy who laid out his thoughts in this Facebook post: <https://www.facebook.com/ChrisHoyforSalem/posts/1442490405869365>

The proposed ordinance will target and criminalize homeless and poor people. Criminalizing people is not a solution to homelessness and poverty.

We implore the council to search for and implement real solutions that help people!

Gary & Hollie Miller
Salem Ward 5

Amy Johnson

From: Debbie Young <dlsry@comcast.net>
Sent: Sunday, September 24, 2017 9:25 PM
To: citycouncil
Subject: Bill No. 22-17

To: City Council of Salem,

I recently heard about the **Consideration of Ordinance Bill No. 22-17, regulating use of public sidewalks.**

I have to say that I am not in favor of this Ordinance. I feel that we need to come up with another plan to find these people somewhere to live. For the size of Salem there are very few places for the homeless to stay, especially during the day when this Ordinance would be in effect.

I understand the problems homeless people might cause to the downtown area but they have no other place to go. These people are human beings and deserve to be treated as such. Sure they have problems, maybe addictions, maybe mental illness, etc. I believe that most of the homeless don't choose this for their life. Let's have some compassion and maybe find a way to house them at least during the day. Maybe an unused older city or state building that could be used as sort of a daytime shelter. Where they could store their possessions, take showers, use rest rooms, wash clothing, have a meal, even just someone to talk to.

I'm just hoping that you can find another solution to this problem.

Thank You for your time,

Debbie Young
392 Chadbourne Ln NE,
Salem, OR 97301

503 585-2516 (home)
503 779-4009 (cell)

Amy Johnson

From: Megan Jones <meganojones@hotmail.com>
Sent: Monday, September 25, 2017 2:32 PM
To: citycouncil
Subject: Ordinance Bill No. 22-17

I respectfully request that the City Council hold a public hearing on the sidewalk ordinance. A decision of this magnitude should include input from interested residents.

Thank you,
Megan Jones

Sent from my iPad

Amy Johnson

From: Snarfy Knutson <snarfywarning@gmail.com>
Sent: Wednesday, September 20, 2017 8:28 PM
To: citycouncil
Subject: Ordinance Bill No. 22-17

Hello Council!

My name is Snarfy Knutson. I am a resident of Ward 4 and a downtown business owner. I have just read about Ordinance Bill No. 22-17 in the Statesman Journal, and am writing to say that I believe this to be a terrible idea. Penalizing people just trying to find a place to sit out of the rain is cruel. This bill unfairly targets the homeless population - an already marginalized population that deals with so much already.

While I understand that it's a hazard to sit on the sidewalk, perhaps that could be addressed with more benches and covered seating, rather than removing benches. I also understand that with sidewalk camping, human waste is a problem, perhaps more public toilets open 24/7 is a better solution.

Thank you for your consideration,

Snarfy Knutson

Amy Johnson

From: Ben Martin Horst <ben.martinhorst@gmail.com>
Sent: Wednesday, September 20, 2017 9:44 PM
To: citycouncil
Subject: Consideration of Ordinance Bill No. 22-17, regulating use of public sidewalks

Dear Mr. Ausec and Salem City Council,

As a citizen of Salem's Ward 5, I am writing to express my firm opposition to Ordinance Bill No. 22-17, regulating the use of public sidewalks. Like any other Salem resident, I too have noticed the growing homeless population utilizing our public space. Unlike police chief Gerald Moore and city attorney Dan Atchison, however, I see homelessness, not the homeless themselves, as the problem. Further criminalizing an already marginalized population serves no legitimate purpose and degrades the spirit of civic generosity that Salem should cultivate.

Salem's sidewalks are a public space; that is, they are meant to be used and enjoyed by all residents. Sometimes that may mean loitering with friends after a show downtown, sitting on the sidewalk and enjoying the cityscape. Ordinance Bill 22-17 redefines the simple act of enjoying or otherwise using public space as a criminal act.

In their magnum opus of urban planning and design, "A Pattern Language," Alexander, Ishikawa, and Silverstein explore urban design specifically for the purpose of sleeping in public. Their notes are worth quoting at length:

"It is a mark of success in a park, public lobby or a porch, when people can come there and fall asleep.

"In a society which nurtures people and fosters trust, the fact that people sometimes want to sleep in public is the most natural thing in the world. If someone lies down on a pavement or a bench and falls asleep, it is possible to treat it seriously as a need. If he has no place to go -- then, we, the people of the town, can be happy that he can at least sleep on the public paths and benches; and, of course, it may also be someone who does have a place to go, but happens to like napping in the street.

"But our society does not invite this kind of behavior. In our society, sleeping in public, like loitering, is thought of as an act for criminals and destitutes. In our world, when homeless people start sleeping on public benches or in public buildings, upright citizens get nervous, and the police soon restore 'public order...'

"It seems, at first, as though this is purely a social problem and that it can only be changed by changing people's attitudes. But the fact is, that these attitudes are largely shaped by the environment itself. In an environment where there are very few places to lie down and sleep people who sleep in public seem unnatural, because it is so rare.

"Therefore, keep the environment filled with ample benches, comfortable places, corners to sit on the ground, or lie in comfort in the sand. Make these places relatively sheltered, protected from circulation, perhaps up a step, with seats and grass to slump down upon, read the paper and doze off." (Alexander et al, "A Pattern Language: Towns, Buildings, Construction", pp. 458-459)

Like Alexander and his co-authors, I believe we should make our Salem streets more conducive to sitting, sleeping, and loitering, not less. This is the mark of a vibrant, trusting, and generous city, and the kind of city I want to live in.

And, if none of these arguments prove persuasive, there is this: Oregon courts have already ruled a similar ban in Portland unconstitutional. Why should we devote precious city resources to a cause that violates the Oregon constitution and will ultimately be struck down by the courts? There are far better uses of our tax dollars.

Please reject Ordinance Bill No. 22-17 outright.

Sincerely,

Benjamin D. Martin Horst
1816 Park Ave NE
Salem