

City of Brookings

City Council Meeting MINUTES

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, August 24, 2015

The City Council met in Executive Session at 6:30 pm, in the City Manager's office under authority of ORS 192.660 (2)(i) to review and evaluate the employment-related performance of the City Manager who has not requested an open hearing.

Call to Order

Mayor Hedenskog called the meeting to order at 7:02 PM.

Roll Call

Council present: Mayor Ron Hedenskog, Councilors Jake Pieper, Kelly McClain, Brent Hodges and Bill Hamilton; a quorum present.

Staff present: City Manager Gary Milliman, Public Works & Development Director LauraLee Snook, Parks & Technical Services Supervisor Tony Baron, Planning Manager Donna Colby-Hanks, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: No media and approximately 9 others.

Ceremonies/Appointments/Announcements

Mayor Hedenskog proclaimed September as Bullying Prevention Month and October as Suicide Prevention Month. Gordon Clay said there had been five suicides in Brookings this year and the Health Center was now offering counseling services five days per week.

Mayor Hedenskog announced August Yard of the Month Awards as follows:

- Commercial: Chetco Brewery, 927A Chetco Avenue, Mike & Alex Frederick, owners.
- Residential: 910 Riviera Court, Kathleen & Summer Torres, owners.

Public Hearings

Legislative public hearing on LDC-3-15, revisions to Section 17.124.170, Short term rentals.

Mayor Hedenskog opened the legislative public hearing in the matter of file LDC-3-15 at 7:14 PM.

Hearing no exparte, declarations of conflict or personal interest, or objections as to jurisdiction, Mayor Hedenskog reviewed the guidelines and Planning Manager Colby-Hanks presented the staff report.

Councilor Pieper asked who instigated the revisions and Colby-Hanks said they were initiated by the Planning Commission.

Councilor McClain asked if the smoke detectors were to be inspected every year and Colby-Hanks said they were not, just the first time. After that, she said, it would only require a statement by the owner upon renewal of the business license.

McClain said the concept was good but he was concerned about the cost and creating another bureaucracy.

Mayor Hedenskog asked if vacation rentals required a Conditional Use Permit (CUP) and Colby-Hanks said they did. Hedenskog then asked if the CUP was renewed annually and Colby-Hanks said it was not.

Councilor McClain said he would be more comfortable with the owner certifying that the inspection was done.

Councilor Hamilton said he thought it was a good idea but he agreed it could be expensive and asked if the owners could do the inspection themselves. Colby-Hanks said they could, if Council wanted to make that change. Hamilton said he would want the smoke alarm to be certified if he were renting.

Councilor Hodges said he was leaning toward having the owner do the certifications.

Public Comment:

George Gower, 1152 Winchuck River Road, said the owner shouldn't be allowed to certify their own smoke detector.

The public hearing was closed at 7:30 PM.

Councilor Pieper said there were a number of things that could go wrong with the rental besides the smoke detector and he thought the requirement made no sense. He said it was just adding more bureaucracy that the City didn't need.

Councilor McClain said no one would certify or sign their name to something like this and having the owner provide the certification was enough.

Councilor Hamilton said he'd been saved by smoke detectors and he thought it was a good idea.

Councilor Hodges said the City didn't need to get involved.

Mayor Hedenskog said when someone goes into a hotel they are taking a lot of risks and those risks are mitigated by inspections. He said people take it for granted that the government is taking care of this type of thing and he didn't see why the City couldn't provide this inspection requirement, which could be performed by a home inspector.

Councilor Pieper said short-term rentals were not like hotels and if they were to be treated as such, a number of other inspections should be required as well.

Mayor Hedenskog suggested a safety check list be provided requiring the owner to fix what needed fixing.

Councilor McClain said there was a certain sense to providing a check list and Councilor Pieper said it seemed silly to him.

Councilor Hamilton asked if the City had any liability if they didn't have the owner certify the smoke detector and City Attorney Rice said the City would not incur liability for not requiring the inspections.

Mayor Hedenskog asked if long-term rentals are required to have smoke detector inspections done and Colby-Hanks said the City had no involvement for rentals over 30 days.

Councilor Pieper moved, a second followed and Council voted unanimously to deny the application [for File LDC-3-15, adding provisions to require smoke detector inspections for short-term rentals].

Legislative public hearing on LDC-4-15, revisions to Section 17.88.040, Exempt signs.

Mayor Hedenskog opened the legislative public hearing at 7:52 PM.

Hearing no exparte, declarations of conflict or personal interest, or objections as to jurisdiction, Mayor Hedenskog reviewed the guidelines and Planning Manager Colby-Hanks reviewed the staff report.

Manager Colby-Hanks provided the staff report.

Mayor Hedenskog said ODOT didn't want anyone using the pole holes in the right of way and asked if this extended to the flag holders and Colby-Hanks said it did if they are in the right of way.

Councilor Hamilton said it wouldn't seem to benefit the business owner to put a flag next to their business if they can't use the flag holes and Colby-Hanks said specific standards applied. Councilor Hodges asked if Chetco Avenue was in the ODOT right of way and Colby-Hanks said it was.

Public Comment:

Gordon Clay said putting sandwich board signs on Chetco Avenue lowered the appeal of the entire city.

The public hearing was closed at 8:05 PM.

Councilor Pieper said the revisions provided the compromise Council was looking to see.

Councilor McClain said he was happy to see text allowed on flags and while he agreed with Clay that sandwich board signs can look bad, there was nothing too unsightly at this time.

Councilor Hamilton said he didn't think the sandwich board signs looked bad but the flags were a waste of time due to ODOT's limitations to allowing only symbols. The lack of wordage, he said, made no sense.

Councilor Pieper moved, a second followed and Council voted unanimously to approve amendments the Brookings Municipal Code as presented in File LDC-4-15

Public Comments

Connie Hunter, Brookings, commented on the Veterans Civic Health Index and said collaborative efforts involving veterans are needed. Veteran suicide rates, she added, are a concern.

Staff Reports

Park Use Fee waiver request for the Veterans Festival and Concert event, scheduled for September 27 at Azalea Park.

Supervisor Baron presented the staff report.

Councilor McClain asked if the fee was fair and City Recorder Heffington pointed out the fee for non-profits was cut in half.

Councilor Hodges asked if the City provided garbage clean-up and Baron said there were a number of requirements. Fees collected were, in theory, designed to cover the cost, he added.

Councilor Hamilton said the veterans do a lot for the community and this would be a nice gesture on the part of the City.

Councilor McClain said he didn't like having a policy that was not followed. In general, he said, he didn't like making exceptions, no matter how special the group or how grateful we may be. He preferred to have a policy that was fair for every group.

Councilor Hodges said he agreed and the City should either change the fee or do away with it for non-profit groups. Paying half the cost seemed fair, but the fee didn't seem to cover the costs associated with clean up. He then asked how garbage was handled at these events and Baron said sometimes the users carried their garbage away.

Councilor McClain said the City should either follow the fee schedule or change it. The fee, he said, was pretty nominal.

Councilor Pieper said not all non-profit organizations are equal and the fee is so nominal he would be embarrassed to ask the veterans to pay for it. He also said it was a shame that the VFW requested to be removed from the list of sponsors, and it was really "disheartening" that the two groups can't work together.

Bill Farrell, the applicant, said he was unaware of the VFW request, and they were only asking to have the rental fee waived.

Connie Hunter said that, at a meeting that afternoon, they had discussed having Veteran Service Officers available at the event to help them access their benefits and they would like to use the Capella for that purpose without fee, as well. She said not all non-profits are the same, nor are their events, and the veterans don't have the money to do a lot.

Mayor Hedenskog said the Viet Nam veterans, in particular, deserved special consideration and he would like to show support.

Councilor McClain said he wanted to be clear that he was no less appreciative of veterans than anyone else, he just appreciated fairness, and felt that if you have a policy you make it fair for everyone.

Councilor Hodges said his feelings about the waiver didn't have anything to do with the veterans, but about what was fair. Perhaps, he said, Council could look at the fees for non-profits at a workshop and change the policy if needed.

Mayor Hedenskog said he agreed it probably needed to be looked at, but in the meantime, if you don't ask you don't receive, and they are asking.

Mayor Hedenskog moved, Councilor Pieper seconded and Council voted, 3 votes to 2, with Mayor Hedenskog and Councilors Pieper and Hamilton voting "Yes" and Councilor Hodges and McClain voting "No," to waive the fees for parks use for the Veterans [Festival and Concert].

Park Use Fee waiver request for the Bands, Brews & BBQ event, scheduled for October 3, 2015 at Azalea Park.

City Manager Milliman reported that there was a conflict for the park and Baron said it was a parking conflict due to the soccer league event taking place at the same time. The applicant, he said, was seeking an alternate venue.

Authorization to remove 37 fir trees along Lundeen Lane at Azalea Park.

Supervisor Baron gave the staff report.

Councilor Hodges asked if the cedar trees replacing the firs were the kind that fall over and Baron said, from what he understood, the type being planted didn't grow as tall.

Councilor McClain moved, a second followed and Council voted unanimously to authorize the removal of 37 fir trees along Lundeen Lane in Azalea Park.

Direction to staff regarding revisions to the Brookings Municipal Code prohibiting smoking in all areas of City parks.

Supervisor Baron presented the staff report.

Councilor Hodges asked if it would extend to parking lots and Baron said they are part of a park.

Councilor Hamilton asked if there was an expense related to signage and said he was concerned about the ability of law enforcement to respond in a timely manner. He provided an example where, in 2011, he said he had reported some kids setting off illegal fireworks in the park and it was around 45 minutes to an hour before the police arrived. By that time, he said, the perpetrators were gone. He said he felt this would be impossible to enforce.

Baron said the police had successfully enforced the ban at Stout Park, citing several underage teens for violations. In general, he said, the police had done a good job responding.

Councilor Hamilton said he was not criticizing the police department; he thought they were the best in the country. But, he said, there's only so much they can do. If someone were robbing a bank downtown, they couldn't pull off and cite someone for smoking.

Councilor Pieper said it would be easier to enforce in all areas of the park. As is, he said, it's difficult for people to know where they can and cannot smoke. Councilor Hamilton, he said, was right about police response; the City's police officers were too important to patrol the park and hide in the bushes to try and catch offenders.

Mayor Hedenskog said it was a litter problem and he was in favor of the ban.

Councilor Hodges moved, a second followed and Council voted unanimously to prepare a revision to the Brookings Municipal Code prohibiting smoking in all areas of the [City] parks.

Authorization to execute a contract with C-More Pipe for sanitary sewer cleaning and repair.

Director Snook provided the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manager to execute a public improvement contract for cleaning and [Cured in Place Trenchless Point Repair] of approximately 2979 lineal feet of 8 inch sanitary sewer piping to C-More Pipe Services Company in the amount of \$113,747.54.

Authorization to execute a contract with VSS International for the 2015-16 Street Resurfacing project.

Director Snook gave the staff report.

Councilor Hodges moved, a second followed and Council voted unanimously to authorize the City Manager to execute a public improvement contract for the 2015-16 Street Resurfacing Project to VSS International, Inc., with a low bid of \$193,000.

National Disaster Resilience Competition (NDRC) program outline.

City Manager Milliman presented the staff report and said that they were now getting into the writing aspect of the application. The first project, he said, was the medical center, with two and three being water and electric and possibly a fourth project involving low income housing. He said they were now looking for community input.

Councilor Hodges said this was a big, big deal and Mayor Hedenskog said the City Manager deserved kudos for handling this by himself. Milliman said Director Snook had also helped. Councilor McClain said the City had the right City Manager and the right staff to make our project a model for the program.

Consent Calendar

1. Approve August 10, 2015 City Council minutes.
2. Accept July 6, 2015 Public Art Committee minutes.
3. Receive July 2015 monthly financial report.

Mayor Hedenskog moved, a second followed and Council voted unanimously to approve the Consent Calendar as written.

Adjournment

Mayor Hedenskog moved, a second followed and Council voted unanimously by voice vote to adjourn at 9:21 PM.

Respectfully submitted:



Ron Hedenskog, Mayor

ATTESTED:
this 10th day of September 2015:



Joyce Heffington, City Recorder