

City of Brookings CITY COUNCIL MEETING MINUTES

Monday, February 27, 2012

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

Call to Order

Mayor Anderson called the meeting to order at 7:00pm

Roll Call

Council Present: Council President Ron Hedenskog and Councilors Dave Gordon, Jake Pieper, and Brent Hodges; a quorum present. Mayor Anderson was absent.

Staff Present: City Manager Gary Milliman, Administrative Services Director Janell Howard, Public Works Director Loree Pryce, City Attorney Martha Rice, Sr. Planner Donna Colby-Hanks and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Editor Scott Graves and approximately 5 public.

Public Hearings/Ordinances/Final Orders

Ordinance 12-O-690 adding a section to the Brookings Municipal Code (BMC) prohibiting smoking in designated park areas.

Director Loree Pryce presented the staff report.

Discussion ensued regarding the proposed \$720 fine, how offenses would be enforced and the areas in which the prohibition would be enforced.

In particular, Councilor Pieper said that he was not okay with the language that reads, "...in spectator areas adjacent to playgrounds."

It was generally agreed to revise the fine to \$75 for each offense, and to eliminate the words, "in spectator areas located adjacent to playgrounds," from the language.

Staff was directed to bring the ordinance back with suggested revisions.

Public Hearing in the matter of VAC-1-12, vacating Park Spur.

Council President Hedenskog opened the quasi-judicial hearing in the matter of VAC-1-12 at 7:24pm.

Under ex-parte, Councilor Pieper declared that he had made several work-related site visits in that area and Council President said he had site familiarity. There were no conflicts declared or objections as to jurisdiction.

City Attorney Rice reviewed the guidelines and Planner Colby-Hanks gave the staff report.

Applicant, Susan Wimberly, said she had no comments but was available for questions. There were no other public comments, and no comments by Council and the hearing was closed at 7:35pm.

Councilor Hodges moved, a second followed and Council voted unanimously to approve the vacation of Park Spur.

Final Order and Finding of Facts and Ordinance 12-O-691, vacating Park Spur.

Councilor Pieper moved, a second followed and Council voted unanimously to approve the Final Order and Finding of Facts in the matter of VAC-1-12.

Councilor Gordon moved, a second followed and Council voted unanimously to read Ordinance 12-O-691 the first time by title only.

Council President Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to read Ordinance 12-O-691 the second time by title only.

Council President Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 12-O-691, [vacating Park Spur].

Public Hearing on File LDC-4-11, revising Chapter 17.136 of the BMC.

Council President Hedenskog opened the legislative hearing in the matter of LDC-4-11 at 7:41pm.

No exparte or conflicts were declared and hearing no objections as to jurisdiction, City Attorney Rice reviewed the guidelines and Planner Colby-Hanks gave the staff report.

The hearing was closed at 7:44pm.

Councilor Gordon moved, a second followed and Council voted unanimously to approve amendments to Chapter 17.136 of the Brookings Municipal Code as presented in File LDC-4-11.

Ordinance 12-O-693 amending Section 17.136.080 of the BMC.

Councilor Gordon moved, a second followed and Council voted unanimously to read Ordinance 12-O-693 the first time by title only.

Council President Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to read Ordinance 12-O-693 the second time by title only.

Council President Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 12-O-693, [an ordinance amending Section 17.136.080 of Chapter 17.136, Conditional Use Permit of the Brookings Municipal Code].

Public Hearing on File LDC-5-11, revisions to BMC Chapter 17.172.

Council President Hedenskog opened the legislative hearing in the matter of LDC-5-11 at 7:47pm.

No exparte or conflicts were declared and hearing no objections as to jurisdiction, City Attorney Rice reviewed the guidelines and Planner Colby-Hanks gave the staff report.

The hearing was closed at 7:51pm.

Councilor Pieper moved, a second followed and Council voted unanimously to approve amendments to Chapter 17.172 of the Brookings Municipal Code as presented in File LDC-5-11.

Ordinance 12-O-692 amending BMC Chapter 17.172, Land Divisions.

Councilor Pieper moved, a second followed and Council voted unanimously to read Ordinance 12-O-692 the first time by title only.

Council President Hedenskog read the title.

Councilor Gordon moved, a second followed and Council voted unanimously to read Ordinance 12-O-692 the second time by title only.

Council President Hedenskog read the title.

Councilor Gordon moved, a second followed and Council voted unanimously to adopt Ordinance 12-O-692, [an ordinance amending Sections 17.172.060.E, 17.172.070.G and 17.172.080 of Chapter 17.172, Land Divisions, of the Brookings Municipal Code].

Public Hearing on File LDC-6-11, revising BMC Chapter 17.116, Planned Community.

Council President Hedenskog opened the legislative hearing in the matter of LDC-6-11 at 7:56pm.

No ex parte or conflicts were declared and hearing no objections as to jurisdiction, City Attorney Rice reviewed the guidelines and Planner Colby-Hanks gave the staff report.

The hearing was closed at 7:59pm.

Councilor Hodges moved, a second followed and Council voted unanimously to approve proposed revisions to Chapter 17.166, Planned Community of the Brookings Municipal Code.

Ordinance 12-O-694 amending Sections 17.116.060 and 17.166.070.B of BMC Chapter 17.116, Planned Community.

Councilor Pieper moved, a second followed and Council voted unanimously to read Ordinance 12-O-694 the first time by title only.

Council President Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to read Ordinance 12-O-694 the second time by title only.

Council President Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 12-O-694, [an ordinance amending Sections 17.116.060 and 17.166.070.B of Chapter 17.116, Planned Community, of the Brookings Municipal Code].

Oral Requests and Communications from the audience

Chamber of Commerce Annual Report.

Chamber President Les Cohen briefly summarized the highlights of the report provided with the agenda packet and announced that the Chamber's new website had been launched. He also mentioned that he was somewhat alarmed at the "pervasive awareness" of those outside of the area regarding the sales tax being proposed by the County Commissioners. Cohen said he'd heard from a number of people in the Rogue Valley that they would no longer visit here if a sales tax were imposed.

Councilor Hedenskog asked how the transient room tax worked and Cohen said that 70% of collected room taxes are allocated by state law to tourism promotion. His understanding, Cohen said, is that a room tax imposed by the County would only apply to the unincorporated areas.

Staff Reports

Authorization for the Mayor to sign support letter for a Transportation Growth Management grant to update the Transportation System Plan.

Planner Colby-Hanks provided the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to approve a letter of support for submittal with the Transportation Growth Management grant application.

Approval of recommendations to realign Parks and Recreation Commission Positions and Terms to reflect changes made to Brookings Municipal Code Chapter 2.50 in 2011.

City Manager Milliman provided the staff report.

Councilor Hedenskog pointed out that there was no provision in the Parks and Recreation Chapter prohibiting City officials and employees from holding positions.

Councilor Pieper moved, a second followed and Council voted unanimously to fill vacant Parks and Recreation Position 5 with the Commissioner currently sitting in Position 6, change the current term ending of vacant Position #2 to February 1, 2013, and eliminate Positions 6 and 7 to realign positions and term endings to reflect changes made to Brookings Municipal Code Chapter 2.50 in 2011.

Authorization for a side letter to the current franchise agreement with Coos Curry Electric Cooperative (CCEC) and possible direction to request that the franchise agreement with CCEC be reopened to pursue a change in compensation.

City Manager Milliman provided the staff report.

Councilor Hodges said that resident's electric bills would go up if the City pushes for a franchise fee increase and this didn't seem to be a good idea.

Councilor Gordon said, during the discussions regarding the new transmission line, he recalled hearing a CCEC representative say that areas like Port Orford and Coquille do not pay for themselves and City residents cover the difference and so questioned their statement that only Brookings would pay for the increase. Gordon asked if this could be researched as it is his understanding that costs are spread over the entire membership.

Councilor Pieper said that how CCEC charges its customers is their prerogative.

Council President Hedenskog asked if the City could initiate franchise fee discussions without proposing a specific a fee and Milliman said it would be a good idea to have a range.

Councilor Pieper said that fees have to be passed along to the customers at some point and CCEC needs to pay for the privilege of doing business in the City.

Councilor Gordon said he agreed with Pieper, and asked if staff could find out how much of CCEC's total profits are derived from City residents.

Councilor Hedenskog suggested negotiating a fee of 1.5 or 2%.

Councilor Pieper said that the City should be charging the same fee it charges its other franchises for using the right of way. Pieper said only difference that he could see is that we have to have electricity.

Councilor Hodges said that the rate payers own CCEC, so charging CCEC more is like charging ourselves more. Hodges suggested that any fee increase be implemented incrementally, over time.

Councilor Gordon suggested negotiating an initial 1% increase over the amount derived under the current agreement.

Councilor Hodges moved, a second followed and Council voted unanimously to authorize City Manager to negotiate a side letter with Coos Curry Electric Cooperative management whereby CCEC would pay for the electric costs for City-owned street lights in the downtown area and the three school area crosswalk warning lights as satisfying the terms of the franchise agreement/ordinance with respect to the number of street lights CCEC is obligated to provide based upon a population of 6,460.

Councilor Pieper moved, a second followed and Council voted unanimously to direct the City Manager to send a letter to CCEC requesting that the agreement be reopened as to City compensation.

Resolutions

Adoption of Resolution 12-R-975, extending the Franchise Agreement with Charter Communications to February 28, 2013, or until a new franchise is negotiated, whichever comes first.

Councilor Hodges moved, a second followed and Council voted unanimously to adopt Resolution 12-R-975, extending the Franchise Agreement with Charter Communications to February 28, 2013, or until a new franchise is negotiated, whichever comes first.

Consent Calendar

1. Approve Council minutes for February 13, 2012.
2. Approve Azalea Festival Requests per February 27, 2012 Agenda Report.
3. Receive January 2012 financial report.

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

Adjournment

Councilor Hodges moved, a second followed and Council voted unanimously to adjourn by voice vote at 9:20pm.

Respectfully submitted:


Larry Anderson, Mayor

ATTESTED: ^{4th} 13th
this 20th day of March 2012:


Joyce Heffington, City Recorder