

# City of Brookings

## City Council Meeting MINUTES

**Monday, August 22, 2011,**

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: Mayor Larry Anderson, Councilors Ron Hedenskog, Dave Gordon, Jake Pieper, and Brent Hodges; a quorum present.

Staff Present: City Manager Gary Milliman, Administrative Services Director Janell Howard, Public Works Director Loree Pryce, Public Works Supervisor Bob Schaefer, Senior Planner Donna Colby-Hanks, and City Recorder Joyce Heffington.

Others Present: Approximately 5 public; there was no media representation.

### **Ceremonies/Appointments/Announcements**

Mayor Anderson recognized Public Works Supervisor, Bob Schaefer, for his 30 years of service.

City Manager Milliman introduced the City's new Public Works Director, Loree Pryce.

**Councilor Hedenskog moved, a second followed and Council voted unanimously to appoint Sandy Bonney to Public Art Committee Position 1.**

**Councilor Hodges moved, a second followed and Council voted unanimously to appoint Councilor Pieper, Public Works Director Pryce and Administrative Services Director Howard to the Harbor Sanitary District Rate Committee.**

Mayor Anderson announced August Yard of the Month Award as follows:

- Yard of the Month – 317 Alder Street, Mary Anderson
- Most Improved Property – 575 Memory Lane, Sandra Schoppert
- Commercial Property –507 Pacific Avenue, Veterans of Foreign Wars

### **Public Hearings/Ordinances/Resolutions/Final Orders**

*Public Hearing on File LDC-3-11, revisions to Chapter 17.88, Sign Regulations, City initiated.*

Mayor Anderson opened the public hearing on file LDC-3-11 at 7:16pm. Hearing no exparte, declarations of conflict or personal interest, nor objections as to jurisdiction, Mayor Anderson reviewed the guidelines.

Senior Planner Colby-Hanks reviewed the staff report, generally stating that the Oregon Department of Transportation (ODOT) must approve proposed signs which are adjacent to, or visible from Chetco Avenue. One of the proposed changes will make applicants aware of this requirement. Other proposed changes are to make the requirements the same for political and non-commercial temporary signs in an effort to avoid potential litigation, and to set a time limit on temporary sign postings.

In response to a question from Councilor Hedenskog, Colby-Hanks proposed that the time limit for placing signs could be extended to 60 days before an event.

Councilor Hodges asked what "visible" meant to ODOT. Colby-Hanks said that it meant a sign that can be seen from Chetco Avenue; a political sign inside a building would not apply.

Mayor Anderson asked if staff submitted all sign applications to ODOT. Colby-Hanks said they did and added that it's a fairly routine process with ODOT typically responding the next day by email.

There were no public comments and the hearing was closed at 7:32pm.

Councilor Pieper questioned ODOT's authority to require the City to add the "adjacent and visible" language to the Brookings Municipal Code and asked for documentation citing this requirement.

Colby-Hanks said it was staff, not ODOT, who had proposed the change because staff felt that it was good to have sign applicants aware of ODOT's requirement.

Councilor Hodges asked for a definition of "visible" from ODOT.

Councilor Pieper asked if ODOT's approval would delay an application. Colby-Hanks said the City was only required to notify ODOT. Pieper then suggested that, rather than modify the Code, that staff simply inform the applicant of the requirement.

Responding to a question from Mayor Anderson, Colby-Hanks said that the City would not enforce the visibility issue and City Manager Milliman added that, from the City's perspective, the violation would be the lack of written approval from ODOT. Milliman went on to suggest that staff bring back the citation containing the ODOT requirement, along with the revised time limit language, before Council moves forward with an ordinance.

**Councilor Hedenskog moved, a second followed and Council voted unanimously to have staff come back at a future meeting with language regarding the 60 day prior to event issue and documentation from ODOT discussing "adjacent to, or visible," and to continue the hearing to a future date.**

*Public Hearing on File LDC-2-11, revisions to Chapter 17.92 Parking, commercial driveway corner vision, City initiated.*

Mayor Anderson opened the hearing in the matter of file LDC-2-11 at 7:41pm.

Hearing no exparte, declarations of conflict or personal interest, nor objections as to jurisdiction, Mayor Anderson reviewed the guidelines.

Senior Planner Colby-Hanks reviewed the staff report, generally stating that the proposed change was prompted by several calls they received regarding limited visibility when vehicles were exiting the new medical center due to its original sign placement.

Mayor Anderson asked if it was prompted by just this one instance and Colby-Hanks said it was. Anderson then asked how the change would affect existing properties, and Colby-Hanks said it would only apply to new sign applications.

In response to a question from Councilor Hodges, Colby-Hanks said that the clearance requirement was for anything in the corner vision area, not just signs. Hodges then asked about parked vehicles reducing visibility, such as recreational vehicles, and Colby-

Hanks said that street parking is a police matter. Hodges clarified that he was talking about parking lots and provided an example of a recreational vehicle that was parked in a corner vision area of a lot that may be being used as mobile advertising. If it stayed there all day long and then left at night, it wouldn't be violating the Code, Hodges said. Colby-Hanks said that was correct, and added that there is nothing in the Code that dealt with this particular issue.

Councilor Pieper asked about current vision clearance regulations. Colby-Hanks described it as 20 feet along the intersection of the driveway, and 15 feet along the property line and added that when she looked at the medical center using current regulations, none of their corner vision clearance extended to the area along the sidewalk or beyond.

Councilor Pieper asked about non-conformance, and City Manager Milliman said that an owner could replace an existing sign as long as it did not get any bigger, and the City periodically sends notices requiring shrubs to be trimmed when they exceed the current vision clearance.

Mayor Anderson asked if this was initiated by one instance, and Colby-Hanks said it was. Colby-Hanks then pointed out that the owner of the medical center had voluntarily resolved the issue. Anderson then asked about Frontier's junction boxes located in vision clearance areas. Colby-Hanks said that there were a few of these, but she wasn't sure how it would be enforced.

Discussion ensued regarding narrow lots without room to conform to the regulations and how staff was going to deal with this.

Colby-Hanks said that anything that already existed in the would be non-conforming but if someone wanted to put in a new fence, they would have to keep it under three feet in that area.

Mayor Anderson said that "We've had one instance that was driving this and now it's been solved." If staff is more attune to potential clearance issues, Anderson said, maybe they can be resolved without changing the Code.

Councilor Hedenskog suggested that the language needed to be more flexible and said "One size fits all isn't going to work."

Mayor Anderson said that with one exception, "...staff seems to be handling this subject, and it's working."

Colby-Hanks said that commercial driveways don't come up very often. Bi-Mart, for example, has proposed setting theirs further back. Anderson asked if this was due to dialogue with staff and Colby-Hanks said staff can't require this if it's not in the Code, but she thought there was some discussion.

Councilor Hodges asked if it was possible to add language in the Code giving the Site Plan Committee the discretion to determine if a sign affected vision clearance.

Mayor Anderson asked if this wasn't already in the Code, or at least the practice, and pointed out various language that dealt with heights and distances.

Hodges asked if the change was prompted by the City's inability to do anything if someone placed a sign in such a way that it caused a problem and then didn't want to

move it, and Colby-Hanks said it was. As long as it conforms to the Code, she said, the City could not disallow it.

Mayor Anderson said that the City's current sign ordinance was looked at very closely in the recent past and it seemed to him that, with this one exception, which had been resolved, it was working.

Councilor Pieper suggested that if this was a real safety concern, the Traffic Safety Committee could take a look at it.

Councilor Hedenskog suggested changing the way vision clearance area is calculated and giving the Site Plan Committee or Planning Commission the responsibility of reviewing corner vision clearance issues on a case-by case basis as a way to handle it.

Mayor Anderson asked if staff had considered what would happen to some of the commercially designated properties in the Urban Renewal Area where this change might make it impossible to conform and Colby-Hanks said that commercial properties in the downtown area are exempt from this regulation. Colby-Hanks also pointed out that this particular language refers to driveways into commercial parking lots.

Councilor's Hodges and Hedenskog suggested that more flexibility was needed.

City Manager Milliman pointed out that sign applications are not reviewed by any of the City's committees or commissions; this is done by the Planning Department and went on to say that what he was hearing was that Council either views this change as unnecessary or feels that it needs to be reviewed by the Planning Commission or Site Plan Committee.

Mayor Anderson suggested that maybe it just needed to be left alone.

There were no public comments and the hearing was closed at 8:13pm.

Mayor Anderson said he thought what was in place was sufficient and Councilor Hedenskog suggested that no action was needed.

**Councilor Pieper moved, a second followed and Council voted unanimously to remove Ordinance 11-O-683, [amending Brookings Municipal Code Subsection E, Vision Clearance, of Section 17.92.100, Development and maintenance standards for off-street parking areas, of the Land Development Code], from the agenda.**

### **Staff Reports**

*Performance audit agreement with Boldt, Carlisle & Smith, LLC, related to Harbor Sanitary District (HSD) billings and payments.*

Director Howard reviewed the staff report.

Councilor Hedenskog asked if this audit was in keeping with what came out of the joint workshop with HSD and Howard said that the auditors based their proposal on the agreements between the City and HSD.

Councilor Pieper remarked that this is an audit of our books and not HSD's and if there are misplaced funds, it wouldn't necessarily be reflected in our books.

Howard concurred, and added that, since HSD had indicated they would not be interested in participating in an audit, there would be no independent review of HSD's books. Howard said that the City's request for copies of actual records was more than HSD was willing to provide, even with the offer of assistance from City staff. However, HSD had agreed to provide a summary of all SDC's fees submitted to the City. To date, Howard said, this summary had not been received.

**Councilor Pieper moved, a second followed and Council voted unanimously to approval of performance audit agreement with Boldt, Carlisle & Smith, LLC, to perform agreed upon procedures on Harbor Sanitary District billings and payments.**

**Consent Calendar**

- Approve Council minutes for August 8, 2011.
- Receive monthly financial report for July, 2011.

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


**Adjournment**

Councilor Pieper moved, a second followed and Council voted unanimously to adjourn by voice vote at 8:23pm.

Respectfully submitted:

  
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Larry Anderson, Mayor

ATTESTED:  
this 13<sup>th</sup> day of September 2011:

  
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Joyce Heffington, City Recorder