

City of Brookings

MEETING Minutes

CITY COUNCIL

Monday, August 23, 2010

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

Council met in Executive Session, at 6:00pm, in the City Manager's Office, under ORS 192.660 (2)(e), "to conduct deliberations with persons designated by the governing body to negotiate real property transactions."

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, Planning Director Dianne Morris, Building Official LauraLee Gray, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 2 members of the public.

Mayor Anderson asked for a vote to add a resolution to the agenda at the request of the Planning Department.

Councilor Gordon moved, a second followed and Council voted unanimously to add Resolution 10-R-946 to the agenda.

Public Hearings/Ordinances/Resolutions

Ordinance 10-O-671, amending Brookings Municipal Code Chapters 8.05 and 8.15 of Title 8, Health and Safety.

Building Official Gray reviewed the staff report.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a first reading of Ordinance 10-O-671 by title only.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a second reading of Ordinance 10-O-671 by title only.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 10-O-671, [adding Section 8.05.030.C, to Chapter 8.05, Fire Hazards, and amending, in their entirety, Sections 8.15.050, and 8.15.110, of Chapter 8.15, Nuisances, Brookings Municipal Code, Title 8, Health and Safety].

LDC-2-10, public hearing regarding revisions to Brookings Municipal Code Chapter 17.04, Development Permit Procedures.

Mayor Anderson opened the public hearing at 7:07pm.

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

Planning Director Morris reviewed the staff report. There were no public comments and the hearing was closed at 7:14pm.

Councilor Pieper moved, a second followed and Council voted unanimously to approve revisions to Chapter 17.04, Development Permits, Brookings Municipal Code.

Resolution 10-R-944, expanding the authority of the Public Art Committee; and Resolution 10-R-945, revising Public Art Guidelines.

Planning Director Morris reviewed the staff report dealing with both resolutions.

Councilor Pieper requested an explanation of several art categories defined under the guidelines, and asked if it would encompass any work produced by an artist.

Peter Chasar, Public Art Committee Chair, 935 Marina Heights, provided examples of several art categories, and stated that it would encompass any work produced by an artist. The list of art categories, Chasar added, had been researched extensively, and compiled from lists used by other entities.

Pieper asked if the proposed fee was new and if there was any distinction between public and private property.

Morris responded that the fee was new, and permitting would extend to art on both private and public property.

Pieper, commenting on his reservations regarding the initial formation of the Public Art Committee and proposed changes, said, "It could become a slippery slope in requiring things from private property owners for things they did on their private property. I saw where it could lead, but supported it at first because it only dealt with murals. But, what is being asked now, to me, is an overstep...of personal property rights." Pieper added that he could not support requiring property owners to go through a permitting process for improvements that would be considered an art form, because it was produced by an 'artist,' a term he considers to be subjectively defined. He further stated that he believes that the existing language, which gives the Council the authority to hand specific projects to the Committee, is sufficient. Pieper added that he saw no reason to make any changes in membership, and said, "It would be better to keep it consistent with other City committees."

Councilor Gordon stated that, since the City is having problems filling seats, he did not have a problem with expanding membership into the Urban Growth Area.

Councilor Hedenskog stated that, while he would be willing to expand membership, he agreed with Pieper that the definition was very broad and said, "It could end up on a slippery slope." Hedenskog also generally stated that existing language could handle exceptions, such as a publicly funded art project, as well.

In response to a question from Councilor Hodges, Morris stated that signs would not come under the proposed guidelines as they are not considered public art.

Pieper said, "If the seats don't get filled and you...can't get a quorum, the committee can't conduct business; the citizens of Brookings have decided that this committee is not worth their time, and we should respond to that. We can't keep just broadening the scope to pull in everybody."

Gordon said that this would set a precedent for all committees, to which Pieper responded, "You can widen the scope but if no one fills the spots you can't exist."

Councilor Gordon moved, Mayor Anderson seconded, and the *motion failed*, 3 to 2, with "No" votes from Councilors Hedenskog, Pieper and Hodges, and "Yes" votes from Councilor Gordon and Mayor Anderson, to adopt Resolution 10-R-944, expanding the authority of the Public Art Committee to include the review of public art and changing the residency requirements of the committee.

Mayor Anderson called for a motion on Resolution 10-R-945. No motion was made, nor action taken on this matter.

Resolution 10-R-946, approving submission of a Transportation Enhancement Grant.

Planning Director Morris reviewed the staff report.

Councilor Hedenskog moved, a second followed and Council voted unanimously to approve signing resolution 10-R-946.

Resolution 10-R-942, extending the Charter Franchise Agreement.

Councilor Hedenskog moved, a second followed and Council voted unanimously to approve the resolution [10-R-942] extending the Charter Franchise Agreement.

Consent Calendar

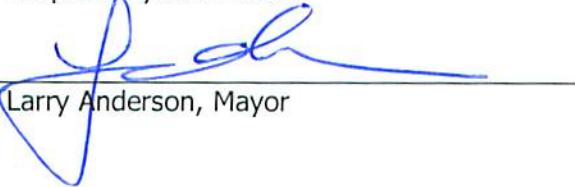
1. Approval of Council minutes for August 9, 2010.
2. Approval of Council minutes for August 17, 2010.
3. Receive monthly financial report for July 31, 2010.

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

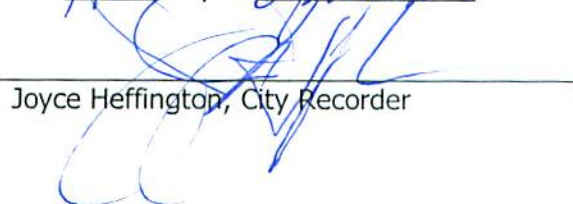
Adjournment

Councilor Gordon moved, a second followed and the Agency voted unanimously to adjourn by voice vote at 7:42pm.

Respectfully submitted:


Larry Anderson, Mayor

ATTESTED
this 15th day of September 2010:


Joyce Heffington, City Recorder