

City of Brookings

MEETING Minutes

CITY COUNCIL W/EXECUTIVE SESSION

Monday, April 12, 2010

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

Council held an **Executive Session at 6:00pm** with City Attorney Martha Rice, Attorney Martha Pagel and City Manager Gary Milliman in the City Manager's Office, under ORS 192.660(2)(h), "to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed," and 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, Administrative Services Director Janell Howard, Building Official LauraLee Gray, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 4 public.

Ordinances

Building Official Gray reviewed the staff report regarding Ordinance 10-O-661 pertaining to noxious weeds, continued from the March 22nd meeting, and generally said that the state considers all scotch broom to be invasive and that, since January, it has been on the State's quarantine list.

Mayor Anderson stated that after further review, he interpreted the language to mean that the 12" height limit for vegetation applied to any lot, including City property, wild lands and large vacant lots, such as one that he owns, and that the original intent was to apply to unoccupied lots. Anderson further stated that he cannot support the ordinance in its current form; that he would like staff to rework the entire section; that he didn't like to see unenforceable ordinances, or ordinances that, when enforced, would create even more problems for property owners; and that the City could have a "cleaner document that really meets the needs and the intent of nuisance and fire hazards and not create a landscaping ordinance for our town."

City Manager Milliman stated that, as he understood it, the 12" height requirement applied only to noxious weeds and grasses and did not apply to scotch broom, gorse, poison oak, butterfly brush and berry bushes.

Gray stated that berry bushes would have to extend over a property line for the 12" height requirement to apply and that nuisance violations were typically complaint generated; staff did not enter private property without a signed complaint. Gray suggested that, since this section relates more to fire hazards, perhaps the 12" height requirement for weeds and grass could be moved to a Code section pertaining to unsightliness.

Councilor Pieper moved, a second followed and Council voted unanimously to send Chapter 8.15, Nuisances, back to staff for more work.

City Manager Milliman reviewed the staff report regarding Ordinance 10-O-663, which would add an exemption relating to air guns under Brookings Municipal Code Chapter 9.10, Offenses.

Councilor Hedenskog stated that he could foresee having an archery range or event as an additional exemption and asked if Council would have to revisit the ordinance again to include it. Milliman remarked that this ordinance only dealt with air guns and if Council wished to add archery as an exemption, a different section of the code would need to be amended.

In response to Council questions regarding safety and liability, Milliman stated that the Police Department would establish criteria for safe operation for such events and that the Police Chief would issue the exemption permit, it would not come to the Council; liability would fall on the event operator, and that the City requires applicants to provide liability insurance for all uses on City property; the intent of this exemption was not to set-up a permanent facility; and that, to his knowledge, the City's firing range was only used by law enforcement.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a first reading of Ordinance 10-O-663 by title only.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a second reading of Ordinance 10-O-663 by title only.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 10-O-663, [adding Section 9.10.055, Exemption, to Brookings Municipal Code Chapter 9.10, Offenses].

City Manager Milliman reviewed the staff report regarding Ordinance 10-O-664, adding a dog prohibition in Kidtown in Azalea Park, to the Brookings Municipal Code.

Councilors Gordon and Hodges generally stated that they would like to see this matter considered as part of the Parks and Recreation's Commission overall plan for City parks.

Mayor Anderson stated that he viewed the ordinance as a stop gap.

Councilor Pieper stated that he did not want to have another Easy Manor Park situation; that the Commission could take some time coming up with a comprehensive plan; and that there appeared to be support among the Commission for prohibiting dogs at Kidtown as well. He further stated that he would rather not wait to make this decision.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a first reading of Ordinance 10-O-664 by title only.

Councilor Gordon moved, a second followed and Council voted unanimously to do a second reading of Ordinance 10-O-664 by title only.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 10-O-664 [adding Section 12.25.016, Dogs prohibited at Kidtown Playground at Azalea Park, to Brookings Municipal Code Chapter 12.25, Public Parks and Recreational Areas].

City Manager Milliman reviewed the staff report regarding Ordinance 10-O-665, generally stating that the ordinance adopted on March 8th had omitted language that was included in the ordinance title. City Recorder Heffington added that the language was approved during the hearing at the last meeting, but was left out of the ordinance; this ordinance will correct that omission.

Councilor Gordon moved, a second followed and Council voted unanimously to do a first reading of Ordinance 10-O-665 by title only.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a second reading of Ordinance 10-O-665 by title only.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 10-O-665 [amending Brookings Municipal Code Section 17.36.060, Lot width, lot coverage and yard requirements, of Chapter 17.36, Professional Office District].

Scheduled Public Appearances

Ned Beman, Executive Director of the North Bend City/Coos-Curry Housing Authority, provided a brief report on what the Housing Authority does for Brookings. Beman stated that the Authority has no public housing in Brookings, but they do have a Section 8 program with a waiting list of 121 people. The program provides rental assistance for 46 Brookings families. Generally, Beman stated that the waiting list has remained fairly steady, but federal funding has decreased.

Consent Calendar

- Approve Council minutes for March 22nd, 2010.
- Accept Parks & Recreation Commission minutes for March 4th & 17th, 2010.
- Approve Yard of the Month program for May-September, 2010.
- Accept March, 2010, Vouchers in the amount of \$396,954.30
- Receive of March, 2010 Financial Report.

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

Adjournment

Councilor Gordon moved, a second followed and Council voted unanimously by voice vote to adjourn at 7:56pm.

Respectfully submitted:



Larry Anderson, Mayor

ATTESTED:
this 27th day of April 2010:



Joyce Heffington, City Recorder