

**CITY OF BROOKINGS**  
**COMMON COUNCIL MEETING MINUTES**  
**City Hall Council Chambers**  
**898 Elk Drive, Brookings, OR 97415**  
**Monday, August 28, 2006, 7:00 p.m.**

**I. Call to Order**

Mayor Pat Sherman called the meeting to order at 7:00 p.m.

**II. Pledge of Allegiance**

Led by Planning Commissioners

**III. Roll Call**

*Council Present:* Mayor Pat Sherman, Council President Larry Anderson, Councilors Jan Willms, Dave Gordon and Craig Mickelson, and Ex Officio Ashley Gemmell; a quorum present.

*Staff Present:* City Manager Dale Shaddox, Planning Director Dianne Snow, Public Works Director Don Wilcox, , Land Use Attorney James Spickerman, Bob Schaefer, John Cowan, Donna Colby-Hanks, Joyce Heffington.

*Media Present:* Curry Coastal Pilot Reporter Scott Graves

*Other:*

Approximately 50 public

**A. Ceremonies**

1. Employee anniversary - 15 years: John Cowan
2. Employee anniversary - 25 years: Bob Schaefer

Mayor Sherman presented certificates of appreciation to John Cowan and Bob Schaefer, and a commemorative pocket watch to Bob Schaefer.

**V. Public Hearings**

- A.** An appeal of the Planning Commission's approval of File No. APPC-2-06, an appeal of the Site Plan Committee decision regarding required yard setbacks and height for a water tank; located at the *Pacific Terrace Subdivision* at Marina Heights Loop and Marina Heights Road in the SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size) zone; Assessor's Map No. 40-13-32CC, Tax Lot 1501; Gary and Meta Kent, Harry and Sherry Gallaty, Michael and Ellen Winger, and Eric and Mollie Eastaff; appellants. Criteria used to decide this case can be found in Sections 156-Appeal to the City Council, 80.050-Action of the Site Plan Committee, and 80.060-Appeals, of the Brookings Municipal Code.

Dale Shaddox, City Manager, briefly reviewed the recommendation of staff and Land Use Attorney, James Spickerman, to dismiss the hearing related to the Bruce Brothers appeal.

Counselor Anderson declared a potential conflict of interest stemming back to a legally resolved issue between himself and Bruce Brothers and stated that this would not interfere with his ability to participate in the hearing or fulfill his duties.

**Counselor Mickelson moved that Council consider separately the two issues of the appeal's timeliness and the eligibility of the appeal itself. Hearing no second, Mayor Sherman declared the motion failed.**

Dianne Snow, Planning Director, reviewed the appeal and addressed the issue of its timeliness, stating it was staff's recommendation to not hear the matter as a land use issue as it was not filed within the allowable fifteen days and was therefore not a valid application.

James Spickerman, Land Use Attorney, stated that Council had no legal jurisdiction to hear the appeal due to the lack of its timely submission.

**Councilor Willms moved, a second followed, and the Council voted unanimously to overturn the decision of the Planning Commission in the matter of APPC-2-06 and dismiss the original appeal to the Planning Commission as not timely perfected.**

- B. An appeal of the Planning Commission's approval of File No. CUP-7-06, a request for a Conditional Use Permit for a dwelling group on a .82 acre parcel, located at 19 Tanbark Road; Assessor's Map 41-13-08BB, Tax Lot 2000; R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) zone; Tom Appleby, appellant; and representative for "Friends of Tanbark Point", File No. APP-3-06. Criteria used to decide this case can be found in Sections 20.110-Dwelling groups, 136-Conditional Use Permits, 100-Hazardous Building Site, and 156-Appeal to the City Council, of the Brookings Municipal Code.

Mayor Sherman opened the quasi judicial hearing regarding APP-3-06 at 7:37 p.m.

Mayor Sherman asked the council for declarations of any conflicts of interest, personal bias, personal interests, or ex parte contacts, including site visits. Councilors Mickelson, Gordon, Anderson and Willms all stated they had conducted site visits. There were no conflicts of interest, personal bias, or personal interests to disclose.

Dianne Snow, Planning Director, reviewed the Planning Commission's decision, and the criteria used to make the decision. Snow then read into the record two exhibits submitted prior to the meeting but after the agenda packet and supplemental packets were distributed; Exhibit B, submitted by Christine Mallouf, and Exhibit C, submitted by Mark Brocklander.

Tom Appleby, 24 Seascape Court, appellant, representing the "Friends of Tanbark," addressed the Council and submitted a transcript of his presentation to Council, entered into the record as Exhibit D.

Mayor Sherman opened up the hearing to public testimony.

Dom Petrucelli, 538 Cushing Court, Shayne T. Skipworth, 101 Tanbark Circle, Ted Peterson, 94 Tanbark Circle, and Barbara Nysted, 427 Buena Vista Loop, testified on behalf of the appeal.

Snow offered rebuttal, and the applicant, Zoltan Gyurko, 19 Tanbark Circle, testified against the appeal. Following Gyurko's testimony, the appellant, Tom Appleby, offered rebuttal.

Mayor Sherman declared the public hearing closed at 9:10 p.m. and turned the hearing over to the Council for the deliberation.

**Councilor Anderson moved, a second followed, and the council voted unanimously to uphold the Planning Commission's decision with the added condition that a plot plan, prepared by an engineer and reviewed and approved by both the Fire Chief and Public Works Department, be provided showing the turn around for emergency access located entirely on the applicant's property prior to issuance of a building permit.**

Mayor Sherman declared a recess at 9:41 p.m. and reconvened the meeting at 9:49 p.m.

## **VI. Oral Requests and Communications from the Audience**

### **A. Committee and Liaison reports**

#### **1. Council Liaisons**

Ex Officio Gemmel attended a DeFazio meeting.

Councilor Willms attended meetings of Curry County Recycling, Parks and Recreation, and the South Coast Medical Policy Committee, gave a presentation to the Garden Club, and attended the K-9 Golf Tournament.

Councilor Anderson attended a back to school breakfast and a school board meeting.

Mayor Sherman attended meetings of Curry County Elected Officials, and the Brookings Harbor Education Foundation, attended various Defazio events, and the K-9 Golf Tournament.

Councilor Mickelson attended meetings of the Chamber Committee Marketing group and the Urban Renewal Advisory Committee, an after hours event, and participated in the K-9 Golf Tournament.

Councilor Gordon attended a National Communities Coalition for Drug and Alcohol conference in Las Vegas, a CCCCCF meeting, a LPSCC Meeting, and the De Fazio breakfast.

### **B. Public Comment**

Barbara Nysted, 477 Buena Vista Loop, addressed the Council regarding a possible illegal business being run from a neighbor's house that is also creating a lot of noise. Dale Shaddox, City Manager, advised Council that these issues were being addressed by the City through code enforcement.

**VII. Regular Agenda**

- A. Discussion and possible action authorizing the Mayor to sign a statement in opposition of measure # 48 in state wide voter's pamphlet.

**Councilor Gordon moved, a second followed, and the Council voted unanimously to give the Mayor authority to sign a statement in opposition to measure 48.**

**VIII. Consent Calendar**

- A. **Approval of Council Meeting Minutes:** Meeting of August 14, 2006

Councilor Willms pointed out a correction to the minutes regarding the benches at Azalea Park, stating they were not "for sale," as written, but had been purchased and installed.

**Councilor Gordon moved, a second followed, and Council voted unanimously, with Councilor Mickelson abstaining, to approve the minutes as corrected by Councilor Willms.**

**IV. Remarks from Mayor and Councilors**

- A. **Council**

Ex-Officio Gemmel is working on a pamphlet on the correct way to say the Pledge of Allegiance.

Councilor Willms announced the Litter Be Gone event on Saturday, September 9<sup>th</sup>.

Councilor Anderson announced an important Watershed Council meeting on the Chetco River water flows. He also requested Council help with education regarding water conservation.

- B. **Mayor**

Mayor Sherman announced that the lamp post supplier will be providing the correct posts to the City at no cost as well as donating the incorrect lamp posts to the City. These incorrect posts may later be available at auction.

**X. Adjournment**

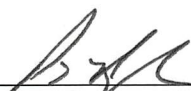
**The Council voted by voice vote to adjourn at 10:13 p.m.**

Respectfully submitted:



Pat Sherman, Mayor

ATTEST by City Recorder this 20<sup>th</sup> day of September 2006.



Paul Hughes, Administrative Services Director/City Recorder