

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
February 12, 2001
7:00PM**

I. CALL TO ORDER

Mayor Bob Hagbom called the meeting to order at 7:02PM

II. PLEDGE OF ALLEGIANCE

Led by Administrative Secretary Sharon Ridens

III. ROLL CALL

Council Present: Mayor Bob Hagbom, Council President Larry Curry, Councilors Frances Johns, Lorraine Kuhn, and Rick Dentino, a quorum present.

Council Absent: none

Staff Present: City Manager Leroy Blodgett, City Attorney John Trew, City Planner John Bischoff, and Administrative Secretary Sharon Ridens

Media Present: Chuck Hayward, Curry Coastal Pilot

Other: Chamber of Commerce Executive Director Les Cohen, Chamber President Richard Gyuro, Businesses for a Better Brookings President Augie Kofoet, Parks and Recreation Commission Chair Craig Mickelson, Planning Commissioner Jim Collis, Parks & Recreation Commissioner Nancy Shute, Mrs. Sheila Hagbom and approximately 30 other citizens

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Announcements

1. Special Recognition to Keith Hislop - Thank you for service on Budget Committee

Mayor Hagbom gave special recognition to Keith Hislop who recently resigned from the Budget Committee, due to moving outside of the Brookings city limits. Since Hislop was not present, special efforts will be

made to recognize his long term service of four years and eleven months at Hislop's local business, by Council members.

2. *Special Recognition to Augie Kofet - Thank you for service on Parks & Recreation Commission*

Mayor Hagbom recognized Augie Kofet, present, for his participation and dedication to the citizens of Brookings for the past two years by presenting him with a special certificate of appreciation.

B. *Appointments*

Mayor Hagbom explained the Budget Committee and Parks and Recreation Commission positions now open and their responsibilities to the City. He proceeded to introduce each candidate and made recommendations to the Council as follows:

1. *Budget Committee Position No. 1 - Bruce Nishioka, re-appointment*

2. *Budget Committee Position No. 2 - Stanley Baron, new appointment*

3. *Budget Committee Position No. 3 - Harold Thiesen, re-appointment*

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to re-appoint Harold Thiesen and Bruce Nishioka, and appoint Stanley Baron to the Budget Committee for three year terms.

4. *Parks and Recreation Commission Position No. 5 - Nancy Shute, re-appointment*

5. *Parks and Recreation Commission Position No. 6 - Dori Frost, new appointment*

Councilor Johns moved, Councilor Dentino seconded, and the Council voted unanimously to re-appoint Nancy Shute and appoint Dori Frost to the Parks and Recreation Commission for four year terms.

Mayor Hagbom welcomed the new commission members, and thanked the remainder for applying.

V. **PUBLIC HEARING**

Mayor Hagbom turned the Council meeting over to Council President Larry Curry.

A. *In the matter of Planning Commission File No. APP-1-01, Continued public hearing regarding an appeal to a Planning Commission decision that approved VAR-2-00, an application for a variance to the existing Claron Glen subdivision to deny public access to internal walkways and not require sidewalks on both sides of the street; Assessor's Map 40-13-31 CD, various tax lots; R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) Zone. Wayne F. Robinson, appellant.*

Council President Curry advised Council and audience, this was the time to enter into the public hearing section of the agenda, and thus called the quasi judicial public hearing to order at 7:12 p.m. on Monday, February 12, 2001.

Curry stated this in an appeal in the matter of Planning Commission File No. AAP-1-01, an appeal of a Planning Commission decision that approved VAR-2-00, an application for a variance to the existing Claron Glen subdivision to deny public access to internal walkways and not require sidewalks on both sides of the street, and that this hearing was continued from February 5, 2001. Curry asked if any member of the Council had any actual personal bias or personal interest that would preclude their participation in this hearing, and if so, please step down.

Mayor Bob Hagbom recused himself, as he is a homeowner in Claron Glen Subdivision and previously was President of the Claron Glen Homeowners Association. Councilor Rick Dentino recused himself, as he was on the Planning Commission when the matter was originally heard.

Mayor Hagbom and Councilor Dentino removed themselves from the Council Chambers.

Council President Curry asked if any member had a potential or active conflict of interest. There were none.

Curry asked if any member had an ex parte contact including site visits to declare. Councilor Johns and Council President Curry advised they had made site visits.

Council President Curry inquired if anyone objected to the jurisdiction of the Council to hear this matter. There were no objections.

Curry asked City Attorney John Trew to review the hearings procedures and guidelines. He did so and then advised Council President Curry the hearing was ready to proceed with the presentation of evidence.

City Planner John Bischoff presented a brief background of the hearing issue via the City's Staff Report and additional testimony submitted by Wayne Robinson, which was received by the City on January 18, 2001.

Council President Curry asked if any Council members had questions for John Bischoff. There was minimal discussion by Council with City Planner Bischoff and City Manager Blodgett clarifying a few points.

Curry advised Council and audience that it was time for Wayne Robinson, to present his case in opposition to the Planning Commission's decision granting the variance. Wayne Robinson of 949 Helen Lane, Brookings, presented his appeal stating in general he had no problem with closing walkways, but he did have a problem with no walkways be allowed. He gave his opinions regarding questions on those issues and of hardships and safety factors.

Curry asked if any Council members had questions. Councilors Kuhn, Johns, and Curry had a few. City Manager Blodgett clarified the location of Council President Curry's residence - being NOT in the Claron Glen Subdivision.

Curry advised Council it is was time for the applicant, the Claron Glen Homeowners Association, to present their case in support of the variance.

Al Frances of 930 Hidden Court, Brookings, presented his case in support of the variance, and asked if there were any questions. There was minimal discussion.

Council President Curry asked if any representative of the Planning Commission wished to address the Council. There was none.

He asked if anyone wished to speak in opposition to the Planning Commission's decision granting the variance. Chuck Weller of 932 Helen Lane, Brookings, spoke in opposition to the Planning Commission's decision granting the variance. Weller asked Council to consider if the City, under Measure 7, will be responsible to the Helen Lane property owners if this variance goes through. He referenced the selling of his home on Helen Lane during the past year. Council questions ensued to Weller. City Manager Blodgett advised the Claron Glen common ground has always been owned by the Claron Glen Homeowners Association, not the City. He stated the variance only allows for the City to not require/demand public access.

Augie Kofoet of 787 Ransom, Brookings, spoke in opposition of no sidewalks being allowed, yet was opposed to the lack of safety by allowing the green belt/common area. There were no questions by Council.

Council President Curry asked if anyone wished to speak in support of the Planning Commission's decision granting the variance. Bill Boynton of 959 Timberline Dr, Brookings, and President of Claron Glen Homeowners Association spoke in favor of the Planning Commission's decision granting the variance. Boynton testified to the commitment of the homeowners association to maintain the common area and stated he was not certain whether "no trespassing" signs would be placed on the common area in the future. There were minimal questions from Council.

Mr. Dudley Mums, P.O. Box 1171, Brookings spoke as to why people walk in the streets. There were no questions.

Gary Mac Eacheren of 914 Midland, Brookings, in support of variance. There were no questions from Council.

Mike Schrum of 924 Midland, Brookings, spoke in favor of variance. There were no questions from Council.

Curry asked if any other interested parties or representatives of public agencies wished to testify. There were none and Council had no questions.

Council President inquired if the applicant wished to offer rebuttal evidence. The applicant stated there was no rebuttal. He then asked if the Planning Staff had any further comments. City Planner Bischoff made various issue clarifications by discussing sidewalks as being on both of the streets at issue and that he appreciated the comparison made to alleys in this issue. However, he noted alleys are to be generally straight and to run between two streets, which means a police cruiser can drive by the alley or a cul-de-sac so as to view all the way down and through it. He stated this is not the case with these common grounds at issue. Bischoff also spoke regarding the possibility of additional tax revenue, not less, if the common grounds were to be given back to resident owners, and that the City has always taken the position that Claron Glen Homeowners Association has the right and ability to place a fence along the boundary of their entire property/development. The abutting property owners would not have the right to cross it.

Council President Curry asked if any participant wanted to request the record remain open for an additional seven days in order to submit additional written evidence, argument or testimony. Appellant asked for time for a rebuttal. City Attorney Trew advised only the applicant had that opportunity since they had the burden of proof. There was no request to have the record remain open for an additional time.

Curry inquired if the applicant wished an additional seven days to submit final written arguments in support of the application or was the applicant willing to waive written argument and have a decision made this evening. The applicant waved written argument and asked for a decision this evening.

Council President Curry closed the public hearing on File No. AAP-1-01 at 8:42PM, February 12, 2001, and declared a recess at 8:44PM.

Council President Curry reconvened the public hearing at 8:53PM. Curry and Council each stated they had no discussion with anyone regarding the public hearing

at hand. Curry asked if there was any further Council discussion. Councilors Kuhn, Johns, and Curry made brief compilation of their opinions on the hearing testimony and issues. There was no further deliberation. Council President Curry closed the Public Hearing at 9:00PM.

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to support the Final Order of the Planning Commission granting the variance contained in File No. AAP-1-01 and that a Final Order be prepared.

City Planner Bischoff informed Council he would prepare the final order for next Council meeting scheduled for February 26, 2001.

Mayor Hagbom and Councilor Dentino returned to Council Chambers.

Council President Curry turned chair of the meeting back to Mayor Hagbom, and Hagbom continued.

VI. SCHEDULED PUBLIC APPEARANCES

There were no scheduled public appearances

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. *Committee and Liaison reports*

1. *Chamber of Commerce*

a. *Driftwood Festival Committee Request - Genie Gilliam*

Executive Director Les Cohen of 324 So. Hazel, requested Council for an exception of City Sign Ordinance by allowing two "A" framed signs with proposed locations for the Driftwood Festival to be held March 20 - 25, 2001. City Manager Blodgett spoke in favor of Council allowing this exception.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to approve an exception to the City Sign Ordinance to allow the Chamber of Commerce to place two "A" framed signs within the city limits at the triangle by the Botanical Garden and at the corner of Easy Street and US Hwy 101 No. during the Driftwood Festival beginning March 20 through March 25, 2001, placed each morning and removed each night at dusk.

b. *Annual Report*

Executive Director Cohen presented the Brookings-Harbor Chamber of Commerce's Annual Report. He informed Council he met with Finance Director Randy Reed for the purposes of familiarizing Reed with the Chamber's financing procedures. Cohen affirmed with Reed that the City has full access to any and all of their finance records, needing only to ask.

Mayor and Council appreciated the Chamber's report and support for the City.

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to accept the Chamber of Commerce's Annual Program Report for Calendar Year 2000.

2. *Businesses for a Better Brookings*

There was no report

3. *Port of Brookings-Harbor*

There was no report

4. *Planning Commission*

a. *Annual Report*

Planning Commission Chair Richard Gyuro of 276 Alan Lane, Brookings annual report in pack, but noted concerns that the CC & PC should get together once or twice a year & under actions taken, we were quite busy; questions? Short discussion & comments from Council

Councilor Dentino moved, Councilor Kuhn seconded, and the Council voted unanimously to accept the Planning Commission Annual Report for the Year 2000.

5. *Council Liaisons*

Councilor Johns stated she was excited about the school oversight committee of which she is a member and about working with the tremendously knowledgeable people on that committee. Their next meeting will be on the same night as the next Council meeting. Johns will be attending the Pelican Bay Prison Advisory Council meeting next week.

Councilor Kuhn furnished an update on the City's 50th Birthday Celebration Committee, reminding everyone of the kickoff dinner on March 10, 2001,

with tickets on sale for \$25/person. She stated the evening guarantees a night of fun, good food, laughter, dancing, and more dancing. Council was asked to take tickets to sell.

Councilor Dentino will be attending a Harbor Sanitation meeting next week. He too has been attending the very enthusiastic birthday meetings. Dentino reported he had attended the recent Businesses for a Better Brookings meeting.

Mayor Hagbom has been attending meetings and receiving much correspondence on Measure 7, which is still "up in the air."

B. Unscheduled

There was no unscheduled communications from the audience.

VIII. STAFF REPORTS

A. City Manager

1. Performance evaluation criteria for City Manager, City Attorney, and Municipal Court Judge

City Manager Blodgett noted six months had passed for his employment with the city, which now required an evaluation of the City Manager. This procedure requires the adoption of criteria for this evaluation. Blodgett advised Council coincidentally, it was time for evaluation of the City Attorney and the Municipal Court Judge. Council must adopt criteria for the City Manager's evaluation per law. It is not required so for the other two evaluations, but Blodgett advised Council he felt it would wise to do the same adoption of criteria for these two positions at the same time. Blodgett informed Council of their options and recommended they approve and adopt the evaluation forms presented. There was minimal discussion regarding the time line for completing the evaluations.

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to adopt the provided evaluation forms as criteria for performance evaluations of the City Manager, Municipal Court Judge, and City Attorney, and to conduct the evaluations in executive session at 7:00 PM on Monday, February 26, 2001, the next Common Council Meeting.

2. Other

There was no other reports.

IX. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. Minutes of January 22, 2001, Regular Council Meeting

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted to approve the Common Council meeting minutes of January 22, 2001, with Councilor Curry abstaining, due to his absence at that meeting.

2. Minutes of February 5, 2001, Special Continued Council Public Hearing Meeting

Councilor Dentino moved, Councilor Kuhn seconded, and the Council voted to approve the Special Council Public Hearing meeting minutes of February 5, 2001, with Councilor Johns abstaining, due to her absence at that meeting.

B. Acceptance of Parks and Recreation Commission Minutes

1. Minutes of November 16, 2000, Regular Commission Meeting

C. Acceptance of Planning Commission Minutes

1. Minutes of December 5, 2000, Regular Commission Meeting

D. Approval of Vouchers (\$156,647.99)

(end Consent Calendar)

Councilor Johns moved, Councilor Curry seconded, and the Council voted unanimously to approve the remainder of the Consent Calendar - agenda sections IX.B, C, and D.

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

There were no ordinance, resolutions, or final orders.

XI. REMARKS FROM MAYOR AND COUNCILORS

A. Council

Councilor Kuhn reminded audience and Council of the next 50th birthday meeting set for February 28, 2001, at 7:00 PM in the Fire Hall of City Hall.

B. Mayor

1. Adoption of Liaison Appointments

Mayor Hagbom asked Council to review the liaison appointments list

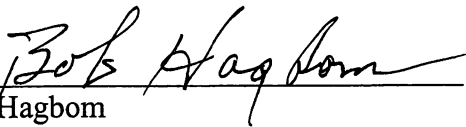
provided in their packets and asked if there were any questions. There were none.

Councilor Kuhn moved, Councilor Dentino seconded, and the Council voted unanimously to approve the Council Liaison Appointments as printed.

XII. ADJOURNMENT

Mayor and Council verbally voted unanimously to adjourn the meeting at 9:30 PM.

Respectfully submitted:



Bob Hagbom
Mayor

ATTEST:



Randy Reed
Finance Director/City Recorder