

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
September 11, 2000
7:00PM**

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Led by Police Chief Ken Lewis

III. ROLL CALL

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

Council Absent: Councilor Keith Pepper, Excused

Staff Present: City Manager Leroy Blodgett, City Attorney John Trew, Police Chief Ken Lewis, Fire Chief William J. Sharp, and Administrative Secretary Sharon Ridens

Media Present: Chuck Hayward, Curry Coastal Pilot

Other: Chamber of Commerce Executive Director Les Cohen, Chamber President Richard Gyuro, Port of Brookings-Harbor Manager Russ Crabtree, CTR Manager Pete Smart, and approximately 20 other citizens

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Proclamation

1. National Emblem Club Week

Mayor Hagbom recognized members present from the Brookings Emblem Club #265 of the Supreme Emblem Club of the United State of America - Shirley Ardagna, Evelyn Jurgens, Areta Schock, Sharon Westbury, Hope Haubrich, Rosemary Link, Jean Pruett, and our own City Councilor Frances Johns, and declared the week of September 17 through 23, 2000, as "National Emblem Club Week in Brookings."

2. *Community Pride Clean-up Month in Brookings-Harbor*
Mayor Hagbom introduced CTR Manager Pete Smart and proclaimed the month of September, 2000, as "Community Pride Clean-Up Month in Brookings-Harbor.

V. **SCHEDULED PUBLIC APPEARANCES**

None

VI. **ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE**

A. *Committee and Liaison reports*

1. *Chamber of Commerce*

Executive Director Les Cohen invited the Council and City Staff to the monthly FORUM program to be held Thursday, September 14, 2000 at Noon in the Best Western Brookings Inn Conference Room. Cohen noted State Representative Ken Messerle and Roger McCorkle, both running for State Senate seat from District 24, will be the speakers. Cohen advised Council a Chamber representative will be attending the Cal-Trans meeting in Crescent City on Thursday, September 14, 2000, where there will be discussion of modifications to Hwy 1999 north of Patrick's Creek Lodge, which is crucial to the commerce and economic well-being of the Brookings-Harbor community. Exec. Director Cohen also reported the Chamber's Marketing and Promotions Committee has approved the renewal of one year contracts with Oregon Coast Magazine and Sunset Magazine for the continued promotion of the City of Brookings and the Brookings-Harbor area. These contracts will provide the same level of promotion as did this prior year's contracts. The report ended with Cohen advising the Council he will be attending the quarterly membership meeting of the Oregon Coast Visitor's Association (OCVA) in Florence next week.

2. *Businesses for a Better Brookings*

No report. However, member Vicki Nuss of 808 Pioneer Rd, Brookings reported the Brookings-Harbor Vietnam Veterans of America, Chapter 757 had been recognized as National Chapter of the Year. Mayor Hagbom had been to their meeting earlier that evening with congratulations. There was no report on B4BB's Spruce Street Market, as required.

3. *Port of Brookings-Harbor*

Port Manager Russ Crabtree provide a detailed report of activities at the Port, including the dredging process and the desire of a possible long

range plan; the boat basin project grand opening in October; the new plan/need for a launch ramp with 4 lanes to lesson the congestion; the partnership for the billboard advertising south of town; and the expansion of approximately 80 ft. for the public fishing dock. Crabtree ended by asking for a City Representative to attend the September 29, 2000, Port sponsored meeting being held at 10:00AM in the Harbor Sanitary Conference Room with State Representative Ken Messerle regarding the Sport Haven Beach. Crabtree also reminded Council we have three representatives in Sacramento attending endless meetings for the past nine to ten months working on the upcoming fishing season, noting the final results of their hard work will not be known until the "11th hour" in April, 2000, unfortunately. He stated, "we owe them a huge debt of gratitude!"

4. *Parks & Recreation Commission*

Buzz Hansen of 97832 Titus Lane, Harbor, and member of the Skate Park Committee reported on their first meeting. Hansen advised the need for a more exact topographical map for the proposed area and informed the Council he had contacted someone in Medford for securing photos and a better map. City Manager Blodgett apprised Hansen and the Council of relative information from Community Development Director Leo Lightle.

5. *Planning Commission*

No Report

6. *Council Liaisons*

Councilor Kuhn is securing a list of all Port Meetings.

Councilor Johns just returned from Atlanta, Georgia where she attended the National Emblem Club Conference. Prior to her leaving she attended the first skate park meeting.

Councilor Curry had nothing to report.

B. *Unscheduled*

Richard Calkins of 941 Helen Lane, Brookings, discussed the reduced speed limit north of town request from a previous meeting and ODOT's response to the City by asking for support, after a completed speed study, to keep the posted 45 mph speed zone. Discussion ensued regarding the position of the Council then and now. Mayor Hagbom confirmed good communication and working relationship between the City and ODOT and explained ODOT is very receptive to input from City of Brookings. Hagbom further detailed specific actions taken by ODOT in response to various requests by the City. Council was unanimous in supporting

the reduced speed on US Hwy 101 north of Ransom Avenue intersection.

Vicki Nuss of 808 Pioneer Rd, Brookings asked about agenda item VII. A. (2) - City Manager's Contract Approval, which had not yet come up on the agenda. Mayor Hagbom explained when it came up on the agenda in proper sequence, it would not be addressed tonight, because the contract had not been finalized. He advised it would hopefully be on the next Council Agenda.

VII. STAFF REPORTS

A. City Manager

1. Approval of Agreement Between the Brookings-Harbor School District 17C and the City of Brookings for School Resource Officers

City Manager Leroy Blodgett reviewed the background on formalizing an agreement between the school district and the City for SRO services to be provided this 2000-2001 school year. Staff recommended Council approve the proposed agreement as presented and agreed upon by Brookings-Harbor School District 17-C. There was minimal discussion. Hagbom asked for a motion.

Councilor Johns moved, Councilor Johns seconded, and the Council voted unanimously to approve the Agreement between the Brookings-Harbor School District 17-C and the City of Brookings for School Resource Officer as presented.

2. City Manager's Contract Approval
Continued for next meeting.

3. Sale of tobacco to minors proposed ordinance

City Manager read a prepared staff report recommending the Council take no action in regards to ordinance but send a letter signed by the Mayor (sampled letter included in minutes) to all tobacco vendors/retailers asking for their cooperation on this issue. Discussion ensued. Mayor Hagbom read a written comment from Councilor Keith Pepper, whose absence was excused, against support of the proposed ordinance. Further discussion ensued, including comments from promoter of the ordinance Health Educator Dave Manzella of Curry County Health Department, 29590 Pacific, Gold Beach. He advised there were no state or federal laws that cover the same guidelines of the proposed ordinance. Manazella continued to present his case for the passing of this ordinance, noting he had visited 7 vendors in City of Brookings and 5 of 7 had cigarette vending accessible to any one who attempted to use it, and asked for a

meeting between himself, Blodgett, and City Attorney John Trew to work on possible re-wording of proposed ordinance. A sample from Pendleton, Oregon, regarding licensing, and enforcement was provided (copy included in minutes). Mayor Hagbom commented on his position and asked Manzella to attend the Curry Governments meeting scheduled for Wednesday night, September 13, 2000, at 7:00 PM in Gold Beach City Hall, where they could revisit the issue of changing the ordinance. Hagbom suggested Council take no action as Blodgett had recommended.

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to take no action regarding the proposed vendor assisted sales ordinance, but to authorize the Mayor to send a letter to City vendors of tobacco products asking them to voluntarily comply with the conditions of the ordinance giving their support and cooperation.

4. *Approval to dispose of surplus property*

City Manager Blodgett advised the Council of Volunteer Firemen's Association donated vehicle ('82 Chevrolet Suburban) and Police Department surplus weapons (39), all surplus property needed to be disposed of as requested by Blodgett and Department Heads. Councilor Curry stated he did not want to see the guns sold, but would rather see them destroyed. Mayor Hagbom asked Police Chief Lewis to comment on shotguns remaining in vehicles and to discuss exchange of property mentioned. After minimal discussion, the Mayor asked for a motion.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to approve Resolution No. 00-R-684 and direct City Manager Blodgett to dispose of the surplus as described in the report and resolution.

5. *Set date for remand hearing on UGB*

City Manager Blodgett advised Council it was time to set a public hearing on the remand issues of the Urban Growth Boundary UGB adjustment. Curry County Commissioners have agreed to hold a joint hearing of the County and City and have set the date - November 8, 2000, at 7:00PM in the conference room at the Best Western Brookings Inn. Blodgett recommended Council set the same date, time, and location for a joint City/County public hearing on the remand issues.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to have a joint City/County public hearing on the remand issues of the Brookings Urban Growth Boundary UGB

adjustment on November 8, 2000, at 7:00 p.m. in the conference room at the Best Western Brookings Inn Conference Room.

Mayor Hagbom clarified and confirmed this meeting would be ONLY about the UGB remand.

City Manager Blodgett read a written report provided by ODOT Assistant District Mgr. of District 7 - Lee Sparks which stated he would not be able to attend the Council meeting but would be present on September 25, 2000, along with Sign Manager John Bennett. Sparks then provided a brief description of projects/issues ODOT has been working on that concerns the City of Brookings.

1. a confirmed commitment from sign crew manager to work with the City installing missing street signs, which are on order.
2. the raised median island on the Chetco/Lower Harbor Road is slowly moving through the design stage and is looking like a contract will be let by October 15, 2000.
3. ODOT is working with Travel Information Council in an effort to get Salmon Run Golf & Resort signs, with a cost of around \$4,000 for two mounting posts and bridge anchors. An answer for TIC is expected in a couple of weeks, which includes contact with Pete Pavich.
4. the Dot T. Martin (Chetco River) Bridge lighting project has been forwarded to the traffic section (illumination). They will be working with ODOT's bridge section after recommendation from traffic are received.

B. *Community Development Department*

1. *Emergency Storm Drain repair*

City Manager Blodgett explained the recent emergency storm drainage repair on Buena Vista Loop with shared concerns from property owners and Community Development Department Director Leo Lightle. After asking HGE, Inc. Rep. Richard Nored to provide input, staff determined that the circumstances were such that the work would qualify for emergency repair status and that the City should proceed with the project to repair - reducing overall costs and offering a more foolproof repair than a temporary measure. Since failure to move forward promptly could be very costly, including the possibility of replacing homes, staff prepared and called for a bid for removal and re-installation of the 48" storm sewer at Buena Vista Loop. Bid proposals were opened at 1:15 p.m. on September 6, 2000, with B & B Excavation the low bidder at \$19,406. All bidders were advised of the results. Total costs should be as follows:

Construction costs should be	\$19,406
Pipe costs	\$20,000
Other costs	\$ 5,000

Plant and sod replacement	\$ 4,000
TOTAL:	\$48,406

Work is to be begin Wednesday, September 13, 2000.

C. *Police Department*

1. *Local Law Enforcement Block Grant FY '00*

Police Chief Ken Lewis asked Council to approve the Police Department's advancement with the writing and application for the yearly State of Oregon Local Law Enforcement Block Grant, which is due September 15, 2000 - \$2,871 plus a 10% match from the City. \$2658.10 of these grant funds are to be used for purchasing new ballistic vests for our officers, with the remaining \$500 dedicated to the Bike Patrol Program for maintenance of equipment and supplies.

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to authorize Police Chief Ken Lewis to proceed with the writing and application process for the State of Oregon Local Law Enforcement Block Grant FY '00.

VIII. CONSENT CALENDAR

A. *Approval of Council Meeting Minutes*

1. *Minutes of August 21, 2000, Regular Council Meeting*

B. *Acceptance of Parks and Recreation Commission Minutes*

1. *Minutes of July 27, 2000, Regular Commission Meeting*

C. *Acceptance of Planning Commission Minutes*

1. *Minutes of July 5, 2000, Regular Commission Meeting*

2. *Minutes of August 1, 2000, Regular Commission Meeting*

D. *Approval of Vouchers (\$297,386.27)*

(end Consent Calendar)

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to approve the consent calendar.

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. *Ordinances*

1. *No. 00-O-537 -in the matter of an ordinance regulating the sale and distribution of tobacco and tobacco products*

Previously addressed under Agenda Item No. VII. A. (3)

B. Resolutions

1. *No. 00-R-684 - in the matter of a resolution Authorizing the disposal of surplus city property*
Previously addressed under Agenda Item No. VII, A. (4)

X. REMARKS FROM MAYOR AND COUNCILORS

A. Council

No further remarks from Council

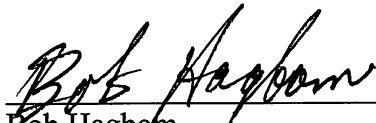
B. Mayor

Mayor Hagbom reminded Council of the Curry Governments meeting being held on September 13, 2000, at 7:00PM in Gold Beach City Hall. Car pooling was being arranged.

XII. ADJOURNMENT

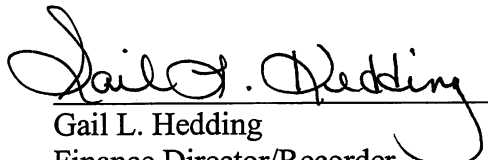
Councilor Curry moved, Councilor Johns seconded, and the Council voted unanimously to adjourn the meeting at 8:20 PM.

Respectfully submitted:



Bob Hagbom
MAYOR

ATTEST:



Gail L. Hedding
Finance Director/Recorder

September 11, 2000

Address

Draft

Dear Vendor:

An ordinance titled "Vendor Assisted Sales Ordinance" was recently proposed for consideration by the Brooking City Council. The ordinance would require all vendors of tobacco products to obtain a license from the City to sell the products and restrict the manner which tobacco products could be sold and displayed. The language in the ordinance states that "It shall be unlawful for any person, business, or retailer to sell, permit to be sold, or offer for sale any tobacco product by means of self-service displays or any other means other than vendor assisted sales or a vending machine, where authorized by law." The purpose of the ordinance is to implement a strict and enforceable system to prevent the illegal sale of and access to cigarettes and other tobacco products to minors.

City Council felt that passing the ordinance would be a positive message to discourage use of tobacco products by minors. However, because the Council does not wish to be an enforcer of any retail sales we did not adopt the ordinance. Instead the City of Brookings is asking all vendors of tobacco products to voluntarily comply with the conditions of the ordinance even though it is not law. Your cooperation will prevent the need to have license to sell tobacco products and will avoid a strict enforcement by the City.

Thank you for your cooperation.

Sincerely,

Mayor Bob Hagbom

ORDINANCE NO. 3618

AN ORDINANCE REGULATING THE SALE AND DISTRIBUTION OF TOBACCO AND TOBACCO PRODUCTS

Whereas; Tobacco use is the leading preventable cause of death in Umatilla County;¹ and

Whereas; Each day in Oregon, the equivalent of a classroom full of children begins smoking. In Umatilla County, 9% of 6th graders, 20% of 8th graders, and 30% of 11th graders smoke;¹ and

Whereas; More than half the tobacco retail outlets in Pendleton have self-service tobacco displays where customers, including young people, have access to cigarettes, spit tobacco, and cigars without the assistance of a store employee;² and

Whereas; Cigarettes are the item most frequently taken by shoplifters.³

NOW, THEREFORE, THE CITY OF PENDLETON ORDAINS AS FOLLOWS:

Section 1: Definitions.

Minor - Any person under eighteen years of age.

Tobacco product - Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhalation, or other means of ingestion.

Tobacco Retail Store - a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

Vendor-assisted - Only a store employee has access to the tobacco product and assists the customer by supplying the tobacco product; the customer does not take possession of the tobacco product until after it is purchased.

Section 2: Vendor-assisted sales. Except as provided in Section 3, no person, business, or tobacco retailer may sell, permit to be sold, or offer for sale any tobacco product by means other than Vendor-Assisted Sales.

Section 3: Scope of Ordinance: This ordinance shall not apply to Tobacco Vending Machines regulated by Oregon State Law, Tobacco Retail Stores, or to any business, retailer or

¹ JAMA (Journal of the American Medical Association) November 10, 1993 Vol 270No. 18; Oregon County Profiles. Information for Tobacco Prevention September 1997. Oregon Tobacco Facts April 99. Tobacco Prevention and Education Program Oregon Health Division 800 NE Oregon Street Portland, OR 97214 503-731-4273.

² UCCAT 1998 Survey

³ Food Marketing Institute 1997 Security and Loss Prevention Issues Survey. Food Marketing Institute 800 Connecticut Ave. N.W. Washington, DC 20006.
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establishment which is licensed by the Oregon Liquor Control Commission for a dispensing license and required to be posted preventing any minors from access to the premises.

Section 5: Non-retaliation. No person or employer may discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant, or customer reports or attempts to prosecute any violation of this chapter.

Section 6: Penalties.

A. Violation of this Ordinance shall be punishable by a fine not to exceed Two Hundred and Fifty Dollars.

B. Every full business day during which a business activity continues to be conducted in violation of this Ordinance shall be considered a separate offense.

C. Offenses under this Section shall be tried in the Municipal Court as a violation and not as a crime. As a violation there is no right to jury trial or court-appointed counsel.

Section 6: Effective Date. This Ordinance is effective on and after July 1, 2000.

PASSED by the City Council and approved by the Mayor February ____, 2000

APPROVED: _____
Mayor

ATTEST: _____
City Recorder

APPROVED AS TO FORM:

Peter H. Wells, City Attorney

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