

CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
March 13, 2000
7:00PM

I. CALL TO ORDER

Mayor Bob Hagbom called the meeting to order at 7:00PM.

II. PLEDGE OF ALLEGIANCE

Led by Frances Johns

III. ROLL CALL

Council Present: Mayor Bob Hagbom, Councilors Larry Curry, Keith Pepper, Frances Johns, George Ciapusci, and Student Ex-Officios Shiloh Thom and Cindi Peterson, a quorum present.

Council Absent: None

Staff Present: City Manager Tom Weldon, City Attorney John Trew, City Planner John Bischoff, Fire Chief William Sharp, and Administrative Secretary Sharon Ridens

Media Present: Chuck Hayward, Curry Coastal Pilot

Other: Chamber of Commerce Executive Director Les Cohen, and President Richard Gyuro, Augie Kofoet-Vice President Businesses for a Better Brookings, Connie Wilson from the League of Women Voters, approximately 12 Brookings Volunteer Firefighters and other citizens.

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Proclamations

1. Brookings Fire Fighters Appreciation Week

Mayor Hagbom recognized Fire Chief William Sharp and his Brookings Volunteer Firefighters Association members and announced March 12th through March 18th, 2000, as Brookings Firefighters Association Week, in

recognition of their thousands of hours of time donated to insure the safety of the residents of our City.

V. **PUBLIC HEARING**

Mayor Hagbom called for the public hearing at 7:04PM, and reviewed the procedure to be followed for this hearing, identified the applicable criteria and announced a public hearing in the matter of Planning Commission File No. CZ-1-00, an application for approval of a change of zone from the existing R-2 (Two Family Residential) to R-3 (multiple-Family Residential) for a 0.30 acre parcel of land located on the north side of Easy Street approximately 100 feet west of the intersection of Easy Street and Pioneer Road; Anthony and Shirley Ardagna, applicants.

- A. *In the matter of Planning Commission File No. CZ-1-00, Application for approval of a change of zone from the existing R-2 (Two-Family Residential) to R-3 (multiple-Family Residential) for a 0.30 acre parcel of land located on the north side of Easy Street approximately 100 feet west of the intersection of Easy Street and Pioneer Road; Anthony and Shirley Ardagna, applicants.*

Mayor Hagbom asked if any Council member had ex parte contact, including site visits, they wish to declare. Councilor Curry advised the applicant, early in the process, had contacted him regarding the property purchase and that he would be building on the property. Curry felt no conflict. Councilors Ciapusci, Johns, and Pepper had site visits.

Hagbom asked if anyone in the audience wanted to question the Council members about the substance of their contact. There was no response.

Hagbom asked if any Council members have any actual personal bias or personal interest that would preclude participation in this hearing? Johns stated she knew the applicants, but that would not bias her opinion. Mayor Hagbom then asked if anyone in the audience would object to the jurisdiction of the Council to hear this matter. There was no objections.

Mayor Hagbom proceeded with the hearing by asking City Planner John Bischoff to present the staff report and exhibits for the record.

Planning Director Bischoff advised the Council he and staff recommended approval of the zone change by the Council. Discussion ensued, including ExOfficio Peterson's questions about the increased traffic on Easy Street by the schools. Bischoff and Hagbom confirmed most of traffic to the location would be before and after school hours and this should not a problem.

Tony Ardagna, 810 Midland Way, Brookings, Oregon, presented his application for the zone change. There was no discussion.

Mayor Hagbom asked for any supporters of the proposal. There were none. He asked for any opponents. There were none. However, City Manager Tom Weldon made a reference to an ODOT letter, which Bischoff indicated had been in the original Planning Commission file. Hagbom asked if there were any other interested parties or representatives of public agencies wishing to testify. There were none. He asked if there were any further comments from the Planning Department. There were none.

Mayor Hagbom asked Tony Ardagna, the applicant, if he wished additional time to submit additional written information. Ardagna stated he was willing to waive his option of submitting additional information and have a decision made this evening.

The Mayor closed the public testimony on Planning Commission File No. CZ-1-00, at 7:25 p.m. He then asked if there was any Council discussion and decision. There was no discussion.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to approve the Final Order and Findings of Fact in the matter of Planning Commission File No. CZ-1-00; application for approval of a change of zone from R-2 (Two Family Residential) to R-3 (Multiple-Family residential) on a 0.30 acre lot located on the north side of Easy Street, approximately 100 feet west of Pioneer Ln, Anthony and Shirley Ardagna, applicant.

Councilor Johns moved, Councilor Pepper seconded, and the Council voted unanimously to have the ordinance read in its entirety.

City Attorney John Trew read Ordinance No. 00-O-534 in its entirety.

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to have the ordinance read by title only.

City Attorney John Trew read Ordinance No. 00-O-534 by title only

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to approve Ordinance No. 00-O-534, in the matter of an ordinance amending the zoning map of the City of Brookings by rezoning from R-2 (two family residential) to R-3 (multiple-family residential) on that certain property described as 0.30 acres of property located on the north side of Easy Street, Assessor's Map No. 41-13-5BB, Tax Lot 4502..

VI. SCHEDULED PUBLIC APPEARANCES

None

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison reports

*1. Chamber of Commerce -
Azalea Festival Requests*

Executive Director Les Cohen presented eight requests in anticipation of the 61st Azalea Festival, scheduled for the Memorial Day Weekend, May 26th through the 29th, 2000:

- a. Closure of Frontage road in the area bordering US 101 Hwy, in front of Chetco Pharmacy, Video and More and Western Bank from 5:00Pm, Friday May 26th to 7:00PM, Monday, May 29, 2000.
- b. Closure of Ross Lane - area between Mory's and the entrance to Chetco Pharmacy and Gifts for the same time frame as in request #1.
- c. Request for sufficient number of city barricades for both closures.
- d. Waiving of the City's Sidewalk Sale Ban during the time frame stated in request #1, to allow merchants along Chetco Avenue to create an atmosphere of interest and festivity, have more foot traffic generated with retail and restaurant sales benefitting.
- e. Waiving requirement for the need for a Brookings Business License for Azalea Festival Street and Crafts Fair participants.
- f. Waving the fee for the use of the Azalea Park Garden Area on Friday, May 26, 2000, for the Azalea Festival Mixer, and "Stage Under the Stars" for the Park Program component of the festival on Saturday, May 27, 2000.
- g. Declare "No Parking" on Chetco Avenue during the hours of 8:00AM through Noon, on Saturday, May 27, 2000, to coincide with the parade.
- h. Use of parking area south of City Hall (between City Hall and the Elks Lodge), for use by non-profit organizations, to set up booths to

promote their organization as an expansion of the Street Fair. Access for emergency vehicles maintained.

There was no discussion. City Manager Weldon recommended the Council approve all requests. ExOfficio Peterson commented on the continued success of the Azalea Festival weekend and how the teens of our community looked forward to the event each year.

Councilor Ciapusci moved, Councilor Johns seconded, and the Council voted unanimously to approve all eight requests from the Chamber of Commerce regarding the Azalea Festival Weekend.

2. *Businesses for a Better Brookings*

There was no report.

3. *Port of Brookings-Harbor*

There was no report.

4. *Planning Commission*

There was no report.

5. *Council Liaisons*

Councilor Ciapusci attended the Planning Commission meeting on March 7, 2000. He reviewed the agenda items, which included hearing a request for a minor partition to divide a parent lot into two parcels. The Commission also considered a City initiated request to amend Section 52 - General Commercial C-3, Section 54, Tourist Commercial C-4, and Section 64, Industrial park Districts of the Land Development Code to add the phrase "... provided they are used exclusively for storage purposes" to the permitted or conditional use of "rental storage units". The Commission voted unanimously to recommend this amendment to the City Council. They also considered making a recommendation to the City Council on the proposed Highway 101 Couplet to either accept, accept with changes or reject the provisions of the document titled Highway 101 Refinement Study Implementation Report. The Commission voted 5 to 2 to recommend acceptance of the Implementation Report as submitted. Ciapusci noted City Planner Bischoff provided his first quarter report to the Commission. A copy of that report will accompany the copy of the Minutes of the March 7, 2000, meeting, which will be forwarded to the Council following approval by the Commission.

Councilor Curry attended the new "Curry Governments" meeting in Gold Beach this week and complimented the new link between our communities being provided by Curry Public Transit. Curry knows first hand, how important this service is because CPT provided bus transportation for Council members attending the "Curry Governments" meeting in Gold Beach.

Councilor Johns attended a Rotary meeting last week and made a presentation for the Census 2000. She discussed briefly some issues with the Census taking.

Councilor Pepper attended a LOC legal advocacy meeting in Keizer which proved to be interesting.

Mayor Hagbom reminded the Council and citizens in the audience of the Census 2000 Count, and that all forms are confidential. He reported one out of six residences will receive a long form, and that Census employees are sworn to confidentiality. City Manager Weldon explained some of the procedures and the possible successful results from the "count".

B. Unscheduled

At 7:47PM, Mayor Hagbom acknowledged Vidal Soberon, of 214 Cypress Street, Brookings. Soberon thanked Council President Curry, Councilor Pepper, and Mayor Hagbom for their attention and professionalism regarding the letter that he sent previously to the City Council. However, he stated he was disappointed with the answers, because there was no apology for the rudeness of City employees. He continued to ask for an apology. Mayor Hagbom advised Soberon, the Water Department would be sending him a refund of his red tag fee of \$25.00.

Don Nuss, of 808 Pioneer, Brookings asked the City Council for documents he claims the City has failed to provide him as requested, and referenced a recent letter from the City Manager declaring certain records had been purged. He provided a written statement to the Mayor and a copy to City Attorney John Trew. Hagbom and Trew stated they will review the request.

Stan Funk, resident at 95990 Eggers Road, Brookings, expressed concerned over the Mayor's investigation and procedures regarding the Soberon allegations. He continued by stating he was disappointed in the investigation and alleged the City Manager was continuing with his alleged repeated improper behavior.

Eleana Moore, resident at 95990 Eggers Road, Brookings referred to her previous comments made at an earlier in the year meeting on freedom and human rights, arguing and chastising the Mayor for his position regarding audience participation

from non-Brookings residences. Mayor Hagbom stated no one has ever been refused time to speak at Council meetings– resident or non-resident.

Augie Kofoet, of 787 Ransom, Brookings, questioned the purging reference made by Nuss. City Attorney John Trew reminded Kofoet, he had stated he would check into the matter.

VIII. STAFF REPORTS

A. *City Manager*

1. *Council Procedures Ordinance Review*

City Manager Weldon presented the redline copy of an ordinance rewrite of the existing Ordinance No. 91-O-474. He recommended a new ordinance instead of amending the old one for a 4th time. After discussion he said he would come back at next council meeting with a final proposed ordinance with these changes. With one clarification, there were no further comments. It was decided to have the ordinance presented in two weeks.

B. *Community Development Department*

1. *Awarding contract for the service body and crane for the new Ford pickup for the Treatment Plant Divisions.*

City Manager Weldon presented the staff recommendation authorizing awarding the purchase of a new service body and crane for a Treatment Plants Division pickup truck to Northside Truck Body and Equipment in the amount of \$7,562. Weldon noted both the body and crane were within this year's budget, and that the price included delivery to Brookings.

Councilor Curry moved, Councilor Johns seconded, and the Council voted unanimously to award the purchase of a new service body and crane for a Treatment Plants Division pickup truck to Northside Truck Body and Equipment in the amount of \$7,562.00.

2. *Bio-solids Management Plan/Contract amendment with Brown & Caldwell*

City Manager Weldon informed the Council the City of Brookings is required to submit to the Oregon Department of Environmental Quality a Biosolids Management Plan. Brown and Caldwell have been working with the City's plan and design of sludge removal and sludge storage as part of the treatment plant expansion (sludge is now called biosolids). Because of the work done and information that Brown and Caldwell has regarding the biosolids of the

City of Brookings, it makes sense to have them write the Biosolids Management Plan as it is a natural extension of their previous work. Brown and Caldwell will provide the final plan in writing as well as on computer disk so that we can update the plan in the future. The cost for this project is \$5,000. Weldon recommended the Council amend the Engineering Contract with Brown and Caldwell to include a Brookings Biosolids Management Plan.

Councilor Johns moved, Councilor Ciapusci seconded, and the Council voted unanimously to amend the City's Engineering Contract with Brown and Caldwell to include a Brookings Biosolids Management Plan, which would cost \$5,000.

IX. CONSENT CALENDAR

- A. *Approval of Council Meeting Minutes*
 - 1. *Minutes of February 23, 2000, Council Study Session*
 - 2. *Minutes of February 28, 2000, Regular Council Meeting*
- B. *Approval of Planning Commission Meeting Minutes*
 - 1. *Minutes of February 1, 2000, Regular Commission Meeting*
- C. *Approval of Vouchers (\$365,466.97)*

(end Consent Calendar)

Mayor Hagbom asked City Attorney John Trew for clarification on Council members abstaining from voting on minutes in which they did not attend the meeting. Trew advised it was wise to abstain if you have not been at a particular meeting, however there are no rules regarding the matter. This would not apply to the "acceptance" of various City Commission minutes, because they have already been approved by their specific commission members and the Council only accepts them into their records.

Councilor Johns moved, Councilor Ciapusci seconded, and the Council voted unanimously to remove Agenda Item No. IX. A. 1.-Minutes of February 23, 2000, Council Study Session, from the consent calendar.

Councilor Ciapusci moved, Councilor Johns seconded, and the Council voted to approve the February 23, 2000, Council Study Session Minutes

on the Consent Calendar by three yes votes, and two abstentions (Curry and Pepper,) as they did not attend that meeting.

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted to approve the February 28, 2000, Regular Common Council Meeting, to accept the regular meeting of the Planning Commission minutes of February 1, 2000, and to approve the vouchers list in the amount of \$365,466.97, by four yes votes, and one abstention due to Councilor Johns not being present.

X. FINAL ORDERS/ORDINANCES/RESOLUTIONS

A. *Final Orders*

1. *Final Order for the matter of Planning Commission File No. CZ-1-00; application for approval of a change of zone; Anthony and Shirley Ardagna, applicant.*
Approved previously under Agenda Item No. V. A - Public Hearings

B. *Ordinances*

1. *Approval of Ordinance No.00-O-534, for application of approval of an amendment to the zoning map of the City of Brookings by rezoning from R-2 (Two Family Residential) to R-3 (Multiple-Family Residential) for a 0.30 acre parcel of land located on the north side of Easy Street approximately 100 feet west of the intersection of Easy Street and Pioneer Road*
Approved previously under Agenda Item No. V.A. - Public Hearings

XI. REMARKS FROM MAYOR AND COUNCILORS

A. *Council*

Student ExOfficio Shiloh Thom reported on the "Mr. BHHS" Pageant held at the high school last Thursday. The project was a fund raiser for the Dornbush Children's Hospital, raising \$606. Thom noted there were five contestants, competing in talent and style shows. Alex Rosenberg was the winner. She thanked everyone that attended for their support in spirit and dollars.

Student ExOfficio Cindi Peterson advised the Council of a "Car Bash" held last Sunday to raise funds for the National Honor Society. With the exception of some by-passers thinking it was a "real thing", the event was successful. Peterson also noted tomorrow, March 14th, was the first game of the season for boys baseball and girls softball. The Senior Prom is set for April 1, 2000.

B. Mayor
None

Mayor Hagbom called for a five minute recess at 8:28PM, so as to proceed with the following executive session, as read by Mayor Hagbom.

EXECUTIVE SESSION - ORS 192.660 (a) (i) - Performance Evaluation of Public Officers and Employees

The Executive Session convened at 8:36PM, and adjourned at 8:50PM..

The regular session of the Common Council meeting reconvened at 8:50PM.

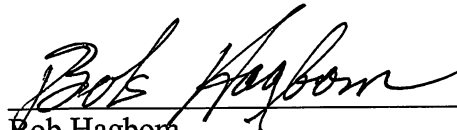
Council action on items discussed during Executive Session

Mayor Hagbom stated the Council completed it's performance evaluation of the city attorney, noting remarks from staff and City Council members regarding the overall evaluation as being excellent. Hagbom said, "the City Attorney is doing a fine job for us and we are really pleased with the fast response time from Trew and his office staff on a daily basis."

XII. ADJOURNMENT

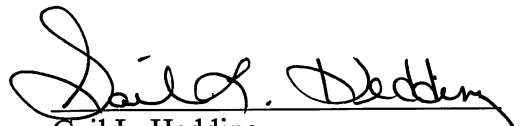
Councilor Johns moved, Councilor Curry seconded, and the Council voted unanimously to adjourn the meeting at 8:53 PM.

Respectfully submitted:



Bob Hagbom
Mayor

ATTEST:



Gail L. Hedding
Finance Director/Recorder