

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
September 27, 1999
7:00 pm**

I. CALL TO ORDER

Mayor Bob Hagbom called the meeting to order at 7:07 PM.

II. PLEDGE OF ALLEGIANCE

Led by Councilor George Ciapusci

III. ROLL CALL

Council Present: Mayor Bob Hagbom, Councilors Larry Curry, Keith Pepper, Frances Johns, and George Ciapusci, a quorum present.

Council Absent: none

Staff Present: City Manager Tom Weldon, Finance Director/Recorder Gail Hedding, City Planner John Bischoff, Fire Chief William Sharp, Police Chief Ken Lewis, Police Officer Barbara Palicki, and Administrative Secretary Sharon Ridens

Media Present: Chuck Hayward, Curry Coastal Pilot, and William Dwinell, KURY Radio

Other: Chamber of Commerce Executive Director Les Cohen, Judi Krebs of the Planning Commission, Summer Recreation Program Director Michelle Kalina, Vern Garvin-owner of KURY Radio, and approximately six other citizens, including former Mayor Nancy Brendlinger

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Announcements

1. 5 Years of Service Employee Recognition - Tom Weldon

Mayor Bob Hagbom presented City Manager Tom Weldon with a framed five years of service recognition certificate. He continued by commenting on the four prior City Managers' tenure, the

average being three years and Weldon as being one of two out of the last five with the longest terms as city manager.

B. *Proclamations*

1. *Oregon Disabilities Commission's annual observance of Disability Employment Awareness during the month of October '99*

Mayor Hagbom declared October, '99 as "Disability Employment Awareness Month in Brookings" and while reading the proclamation for same, called upon the residents of Brookings to observe the month by learning more about people with disabilities, their strengths and abilities and the programs which serve their needs.

2. *Fire Prevention Week*

Mayor Hagbom proclaimed the week of October 3rd through October 9th, as "Fire Prevention Week" in the City of Brookings and encouraged all citizens to join in this observance. Fire Chief William Sharp was there to receive the proclamation.

V. **PUBLIC HEARING**

A. *In the matter of Planning Commission File No. LDC-5-99, an amendment to the Land Development Code to add Section 168, Wireless Telecommunications Facilities, and to amend Section 40, Public Open Space (P/OS) District; Section 52, General Commercial (C-3) District; Section 64, Industrial Park (I-P) District; and Section 68, General Industrial (M-2) District, to allow telecommunication facilities, as a conditional use or in conjunction with other facilities, city initiated.*

Mayor Bob Hagbom called to order a Public hearing at 7:19PM on September 27, 1999, and noted the prepared applicable criteria by City Planner John Bischoff identifying the nature of the proceedings for an application in the matter of Planning Commission File No. LDC-5-99, an amendment to the Land Development Code to add Section 168, Wireless Telecommunications Facilities, and to amend Section 40, Public Open Space (P/OS) District; Section 52, General Commercial (C-3) District; Section 64, Industrial Park (I-P) District; and Section 68, General Industrial (M-2) District, to allow telecommunication facilities, as a conditional use or in conjunction with other facilities, city initiated. Mayor Hagbom explained the procedural requirements for this change and the appeals process. He asked for any objections to the jurisdiction of the Council to hear this matter; if any Councilor wished to abstain from participating because of a conflict of interest or bias; and if any Councilor

needed to declare an ex parte contact due to contact with the applicant, any other party involved in the proceedings or any other source of information regarding the subject of the hearing. There being no comment on any of these, Mayor Hagbom asked City Planner John Bischoff to present the subject amendment. He continued his report regarding the change request with reference to written reports, including the chronology of the request. Bischoff then offered the staff recommendations for the changes to Sections 40, 64, & 68 and the addition of Section 168, to the Council.

Discussion ensued. Bischoff answered questions from the Council, with Mayor Hagbom afterwards asking for comments from proponents of this amendment. Bernie Gribben of 1826 Charles Timmons in Eureka, California and representing XDOT, spoke in favor of the changes.

Mayor Hagbom then asked for any comments from opponents in the audience. KURY Radio Owner, Vern Garvin argued regarding the bonding, monopole, and triangle tower issues. City Manager Weldon recommended using appropriate wording for description of tower. Councilor Keith Pepper clarified the tower materials and structure would be contained in the conditional use permit request, which would need approval of the City Council. Comments continued regarding the types of towers and aesthetics.

City Planner Bischoff referred to the definition of a wireless communication provider and recommended corrections and wording to include lattice and stealth characteristics. Garvin asked questions concerning height of the tower - 150' vs 100'. City Manager Weldon responded with agreement of the staff's recommendations, which would be the 100' tower. Garvin disagreed. Mayor Hagbom thanked all participants with comments, and asked for any others speaking for either side of the issue. Gribben clarified the correct use and definition of "collocate" and urged the city to pass the ordinance so as to complete the process in '99. Judy Krebs, Planning Commissioner, provided background information about excluding the C-3 zoning. There were no further questions.

Lee Garvin of 96977 Hampton Rd, Brookings stated his objection to the proposed height of the tower. Chuck Hayward of 222 Del Norte Lane, Brookings, Oregon questioned the definition of the footage as from sea level or from the base of tower. Councilor Pepper commented on aesthetics of the tower and that he would consider increasing the height, if the tower would blend in to the environment. However, if the plan was over 100', he would want specific mandatory conditions. Discussion continued with Gribben referring to stealth characteristics and the high

costs of fiberglass tree towers.

Councilor Pepper recommended deleting C-3 zoning from the ordinance, and if passed to ask staff to go back to look into "stealth characteristic" towers and later consideration of amending the ordinance.

William Dwinell of Ophir Road in Nesika Beach, Oregon asked why a height limit was indicated and why wait until a later date for approval. Mayor Hagbom responded and concurred with Councilor Pepper.

Mayor Hagbom continued by asking for any representatives to be heard for rebuttal. There were none.

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to approve the rewording of Ordinance No. 99-0-446.GG, an amendment to add Section 168, Wireless Telecommunications Facilities, to the Land Development Code, and to also amend Section 40, Public Open Space (P/OS) District, to allow wireless telecommunications facilities as a permitted use on towers operated by a public entity; to amend Section 64, Industrial Park (I-P) District; and Section 68, General Industrial (M-2) District, to allow wireless telecommunication facilities including towers up to 100 feet in height as a conditional use or in conjunction with other facilities, including changing the wording of "stealth capabilities" to "stealth characteristics" and allowing "lattice and monopole towers" add "... using stealth characteristics" to the end of the last sentence in Section 168.040.C, including the deletion of C-3 Zoning in the ordinance.

Mayor Hagbom noted the public hearing had not been officially closed, and asked for a motion.

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to close the public hearing.

Mayor Hagbom closed the hearing at 8:45PM, this date, September 29, 1999, and asked for the first reading. City Planner Bischoff read in its

entirety the ordinance with all corrections, for the first reading.

Councilor Johns moved, Councilor Ciapusci seconded, and the Council voted unanimously to approve Ordinance No. 99-0-446.GG, an amendment to add Section 168, Wireless Telecommunications Facilities, to the Land Development Code, and to also amend Section 40, Public Open Space (P/OS) District, to allow wireless telecommunications facilities as a permitted use on towers operated by a public entity; to amend Section 64, Industrial Park (I-P) District; and Section 68, General Industrial (M-2) District, to allow wireless telecommunication facilities including towers up to 100 feet in height as a conditional use or in conjunction with other facilities, as corrected and read in the first reading.

Mayor Hagbom asked for a second reading motion and Bischoff read the ordinance by title only.

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to approve Ordinance No. 99-O-446.GG, for an amendment to add Section 168 to the Land Development Code, and to amend Section 40, Section 64, and Section 68, City initiated, based on public hearing from application LDC-5-99, for the second reading by title only to be effective thirty days from this date.

Mayor Hagbom recognized Police Chief Ken Lewis who had planned on announcing the recently received award to Officer Barbara Palicki for being honored as the Special Olympics of Oregon Volunteer of the Year Award, due to her exceptional dedication, commitment and efforts for Special Olympics-Oregon Umpqua Coast. Officer Palicki having earlier been at the Council meeting had to leave. However, Police Chief Lewis noted Shawn Ramsey, Area Director for Special Olympics of the Umpqua Coast, had stated it is through support like hers and from the local community that Special Olympics is able to offer quality sports training and competition opportunities to their athletes. The Council and audience gave Officer Palicki a round of applause.

Mayor Hagbom asked Police Chief Lewis about the recent newspaper article regarding unanswered 911 calls. Chief Lewis answered all questions and played

an audio of the 911 calls that had come into the center for the recent fire at Matty's Pancake Restaurant. The original 911 call triggered a "tone" out for the Fire Department, which was 28 seconds after that first call. Any and all other calls were irrelevant after the "tone" out, because the call had been handled and emergency fire unit were en route to the scene. Fire Chief Bill Sharp noted the volunteer Harbor Fire Department responded in seven minutes. There were no further questions.

VI. SCHEDULED PUBLIC APPEARANCES

None

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison reports

1. Chamber of Commerce

Executive Director Les Cohen reported the City transient room tax was 11% higher in '99 than in '98, and the May-Aug - indicates a 13% increase from '98 to '99. He also noted the Chamber and visitor's center increased 11% and 40% (7,000+ to 11,000+) with a combined 35% over all for last year. Cohen announced to the Council the Chamber had entered into a joint venture with the Salmon Run Golf and Resort and the Port for joint advertising in Sunset Magazine, which will allow for a measurable increase in annual advertising by numbers and size of ads. Cohen reminded the Council of an invitation to October Fest Celebration (Chamber Mixer) to be held at Mory's on Friday at 5:30PM.

2. Businesses for a Better Brookings

None

3. Port of Brookings-Harbor

None

4. Parks & Recreation Commission

No meeting

5. Planning Commission

No meeting

6. Council Liaisons

Councilor Johns attended the 17C School District Board meeting with a full house last Monday, and reviewed the reports given

including notes of student test scores being higher. She stated Tim Adsit made excellent report as did the three principals as to what they are doing this year to better prepare our students for tests this year.

Councilor Pepper attended the Harbor Sanitary District Meeting.

Councilor Ciapusci stated he missed the Port Commission meeting because he was out of town. However Councilor Pepper had represented the Council on his behalf.

Mayor Hagbom reported he had attended many meetings but will discuss them at the next meeting. These included a Census 2000, that he and City Manager Weldon attended, and a League of Oregon Cities Board meeting at which they reviewed legislative activity.

- B. *Unscheduled*
None

VIII.

STAFF REPORTS

A. Finance Department

1. Summer Recreation Program Report

Finance Director Gail Hedding asked Michelle Kalina Summer Rec. Director to present her annual report. Kalina referred to her written report presented to the City Council previously. She thanked the Council for sponsoring 369 participants and more volunteers than prior years: 61 of which 28 actually taught, the rest volunteered their time with field trips, registration, travel, etc. Kalina noted it was a great program and the best was Pam Ball, a college student majoring in elementary education. She thanked all for the good media coverage by the Pilot & KURY Radio. Mayor Hagbom thanked Kalina for the excellent job and noted the Council's appreciation for all her time, including the exciting increased activity in Bud Cross Park! Thanked all for their hard work.

B. City Manager

1. Falcon Cable Extension

City Manager Tom Weldon advised the Council the Falcon Cable Franchise renewal committee's work was essentially done, with the exception of tying some loose ends together. Weldon requested

the Council approve an extension for the cable agreement.

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to approve the continuance of Falcon Cable's franchise for ninety days and the Mayor to sign any necessary document for same.

2. *Liquor License Application / Change of ownership - Rubio's*
City Manager Weldon presented the applicants, Angele and Bryan Holms - new owners of Rubio's, who requested the Council accept their liquor license application. Weldon recommended the Council approve it.

Councilor Pepper moved, Councilor Curry seconded, and the Council voted unanimously to approve the liquor license application for a change in ownership of Rubio's.

C. *Fire Department*

1. *Fire Chief's Vehicle*

Fire Chief William Sharp asked the Council to refer to information provided in his memo of September 21, 1999 and requested the Council authorize his department to proceed with the opportunity to look at options to purchase a new Fire Chief's vehicle. He noted whatever options were determined, he would be bringing it back to Council for approval. Discussion ensued, with Mayor Hagbom asking Finance Director Gail Hedding to clarify the status of monies in reserve for this matter and the amounts. He stated he supported the investigation of this situation.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to authorize Fire Chief Sharp to develop information for the Council to review on replacing his 1980 Chevy Blazer with either a new vehicle or a newer used vehicle.

IX.

CONSENT CALENDAR

A. *Approval of Council Meeting Minutes*

1. *Minutes of September 13, 1999, Regular Council Meeting*

Councilor Johns moved, Councilor Ciapusci

seconded, and the Council voted unanimously to approve the minutes of the Regular Council Meeting held September 13, 1999.

B. Acceptance of Planning Commission Minutes

- 1. Minutes of June 3, 1999, Special Planning Commission Meeting*
- 2. Minutes of August 3, 1999, Regular Planning Commission Meeting*

Councilor Johns moved, Councilor Pepper seconded, and the Council voted unanimously to accept the minutes of the Planning Commission for meetings June 3, 1999, and August 3, 1999.

(end Consent Calendar)

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

- 1. Approval of Ordinance No. 99-O-446.GG, an amendment to add Section 168, Wireless Telecommunications Facilities, to the Land Development Code, and to also amend Section 40, Public Open Space (P/OS) District, to allow wireless telecommunications facilities as a permitted use on towers operated by a public entity; to amend Section 52, General Commercial (C-3) District; Section 64, Industrial Park (I-P) District; and Section 68, General Industrial (M-2) District, to allow wireless telecommunication facilities including towers up to 100 feet in height as a conditional use or in conjunction with other facilities.
Addressed earlier under Agenda Item No. "V.A."*

*B. Resolutions
None*

XI. REMARKS FROM MAYOR AND COUNCILORS

*A. Mayor
None*

*B. Council
None*

XII.

ADJOURNMENT

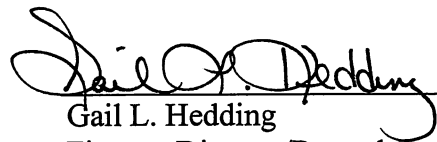
Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to adjourn the meeting at 9:27PM.

Respectfully submitted:



Bob Hagbom
Mayor

ATTEST:



Gail L. Hedding
Finance Director/Recorder