

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
April 12, 1999
7:00 pm**

I. CALL TO ORDER

Mayor Nancy Brendlinger called the meeting to order at 7:04 PM.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Nancy Brendlinger, Council President Bob Hagbom, Councilors Larry Curry, Frances Johns, and Ex-Officio Shiloh Thom

Council Absent: Councilor Keith Pepper

Staff Present: City Manager Tom Weldon, Finance Director/Recorder Gail Hedding, Community Development Director Leo Lightle, City Planning Director John Bischoff, Police Chief Ken Lewis, and Administrative Secretary Sharon Ridens

Media Present: Chuck Hayward, Curry Coastal Pilot

Other: Connie Wilson, League of Women Voters; Victoria Nuss-President Businesses for a Better Brookings, Student Government participants, Pete Pavich and representatives from the Claveran Group of the Salmon Run Golf Course & Resort; Motorola representative Mark Hall; United Cellular representative Bernie Gribben .

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Introduction of New Employee - Kim Swift, Accounting Clerk/Receivables
Mayor Brendlinger asked Finance Director/Recorder Gail Hedding to introduce the City's newest employee. Director Hedding presented Kim Swift as the Finance Department's new Accounting Clerk/Receivables, who began working for the City in March of this year.

B. *Fifteen Years of Service - Michael Batty, Public Works/Utility Services Technician*

Mayor Brendlinger gave special recognition to and thanked Public Works/Utility Services Technician Michael Batty who has been employed with the City of Brookings for 15 years, since 1984.

Mayor Brendlinger announced her resignation as Mayor of the City of Brookings to be effective April 26th, 1999. She asked the Council and staff to “continue to guide the City towards understanding and cooperation, towards improvement and progress, towards having a better informed public and remembering that they, as City Councilors and City Staff, are the servants as well as the leaders of the community.”

Mayor Brendlinger asked to address Agenda Item No. VI. A. next.

Council consented unanimously.

V. **SCHEDULED PUBLIC APPEARANCES**

- A. *Curry Transfer and Recycling (CTR) Rate Increase-CTR Representative*
Mayor Brendlinger introduced Pete Smart, who was representing Curry Transfer and Recycling. He explained the new rate increases for the City to be effective July 1, 1999. With minimal discussion, the Mayor asked for a motion.

Councilor Curry moved, Councilor Johns seconded, and the Council voted unanimously to approve Resolution No. 99-R-653, for sanitation services to be charged by Curry Transfer and Recycling to customers in the City of Brookings.

VI. **PUBLIC HEARING**

- A. *In the matter of Planning Commission File No. LDC-3-99, Application for an amendment to the provision of the P/OS (Public Open Space) Zone to change Government structures including offices, fire stations and police stations, from a conditional use to a permitted use and to allow communication towers up to 150 feet in height, if operated by a public entity providing emergency services; City initiated, applicant*
Mayor Nancy Brendlinger called to order a Public hearing at 7:15PM on April 12, 1999, and City Attorney John Trew identified the nature of the proceedings for an application for an amendment to the provision of the P/OS (Public Open Space) Zone to change Government structures including offices, fire stations and police stations, from a conditional use

to a permitted use and to allow communication towers up to 150 feet in height, if operated by a public entity providing emergency services; City initiated, applicant. City Attorney John Trew explained the procedural background and requirements for the procedures and appeals process. Mayor Brendlinger 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 none, City Planning Director John Bischoff proceeded to present the subject matter zone change. He continued with his report from the Planning Department regarding the zone change request with reference to diagrams and written reports, including the chronology of the request. Bischoff then offered the staff recommendations from the department for the zone change to the Council. Discussion ensued. Bischoff answered any and all questions put forth from the Council and referred further questions to Police Chief Ken Lewis.

Chief Ken Lewis advised the Council a 150' tower could not be placed on the City's lot located in Marina Heights and introduced representative Mark Hall from Motorola for further clarification. Hall explained further the details of requirements on a 150' tower.

Mayor Brendlinger asked for any comments from proponents of this zone change. Bernie Gribben, representing United States Cellular, proposed applicant for zoning in the industrial area of Brookings presented a supportive position on the tower. Mayor Brendlinger asked for any comments from opponents in the audience from the Council. There was none. She continued by asking for any representatives to be heard for rebuttal. There being none, she further asked if any participant needed additional time to present evidence. There being no requests, Mayor Brendlinger closed the hearing at 7:31PM, this date, April 12th, 1999.

Discussion from Council ensued, with Councilor Curry questioning the leasing requirements. Motorola representatives made comments to the questions.

Mayor Brendlinger asked if the applicant was willing to waive written argument and have a decision made this evening. Bischoff responded positively and Mayor Brendlinger asked for further discussion. There was none.

Councilor Johns moved, Councilor Curry seconded, and the Council voted unanimously to approve the zone change application from the Planning Department from File No. LDC-3-99, based on the findings as presented.

Administrative Secretary Sharon Ridens read proposed Ordinance No.99-0-446.EE for a change of zone in its entirety, based on the application of File No. LDC-3-99.

Mayor Brendlinger asked for a motion to accept the ordinance for File No. LDC-3-99.

Councilor Hagbom moved, Councilor Curry seconded, and the Council voted unanimously to approve Ordinance No. 99-O-446.EE, for change of zone, City initiated, based on public hearing from application LDC-3-99, for the first reading by title and in its entirety.

Mayor Brendlinger asked for a second reading motion and Ridens read the ordinance title only.

Councilor Hagbom moved, Councilor Johns seconded, and the Council voted unanimously to approve Ordinance No. 99-O-446.EE, for change of zone, City initiated, based on public hearing from application LDC-3-99, for the second reading by title only to be effective thirty days from this date.

- B. In the matter of Planning Commission File No. CPZ-1-99, Application for a Comprehensive Plan/Zone Change from Commercial to Public Land and Zone Change from C-3 (General Commercial) to P/OS Public Open Space), on a 1.98 acre parcel of land located in the northeast corner of Fifth St., and Elk Drive.; Assessor's Map 41-13-6AC, Tax Lot 2901; C-3 (General Commercial); City initiated, applicant*

Mayor Brendlinger called to order a Public hearing at 7:40 PM on April 12, 1999, and City Attorney John Trew identified the nature of the proceedings for an application for a Comprehensive Plan/Zone Change (CPZ-1-99) from Commercial to Public Land and Zone Change from C-3 (General Commercial) to P/OS Public Open Space), on a 1.98 acre parcel of land located in the northeast corner of Fifth St., and Elk Drive.; Assessor's Map 41-13-6AC, Tax Lot 2901; C-3 (General Commercial);

City initiated, applicant. City Attorney John Trew explained the procedural background and requirements for the procedures and appeals process. Mayor Brendlinger 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 none, City Planning Director John Bischoff proceeded to present the subject matter with his reports, diagrams, and department recommendations on the zone change.

Mayor Brendlinger asked for any comments from proponents or opponents in the audience or from the Council. There was none. She continued by asking for any representatives to be heard for rebuttal. There being none, she further asked if any participant needed additional time to present evidence. There being no requests, Mayor Brendlinger closed the hearing at 7:46 PM, this same date April 12th, 1999.

Mayor Brendlinger asked if the applicant was willing to waive written argument and have a decision made this evening. Bischoff responded positively.

Councilor Curry moved, Councilor Johns seconded, and the Council voted unanimously to approve the comprehensive plan/zone change application for Planning Commission Case No. CPZ-1-99, as presented.

There being no further discussion, Mayor Brendlinger asked for a motion to accept a motion to approve the final order.

1. *Final Order of File No. CPZ-1-99*
Councilor Johns moved, Councilor Curry seconded, and the Council voted unanimously to approve the Final Order of File No. CPZ-1-99.

Administrative Secretary Sharon Ridens read proposed Ordinance No.99-0-531 for a change of zone in its entirety, based on the application of File No. CPZ-1-99. Corrections were discussed by Bischoff and Council.

Mayor Brendlinger asked for a motion to accept the ordinance for File No. CPZ-1-99.

Discussion ensued with Nuss asking for a motion for Staff to work with ODOT and Businesses for a Better Brookings for boring additional holes in the sidewalks. Community Development Director Leo Lightle stated he could call ODOT by phone for approval and have the City staff drill any necessary holes.

Councilor Hagbom moved, Councilor Johns seconded, and the Council voted unanimously to add the approval of local businesses having a sidewalk sale on April 24, 1999 and the placement of flags with holes on the sidewalks to the agenda.

Councilor Johns moved, Councilor Curry seconded, and the Council voted unanimously to approve the placement of the United States Flags, with holes for same being drilled by the City Staff, for National Holidays and to allow local businesses to have a sidewalk sale set for April 24, 1999.

3. *Parks & Recreation Commission*
None

4. *Council Liaisons*
Councilor Johns had no report due to personal matters.

Councilor Curry reported on the attendance of his meeting with CPAC in Salem this last week, along with a meeting for OCZMA.

Councilor Hagbom attended a couple watershed meetings with main issues of cooperation of Fish & Wildlife, Watershed Council (Brookings & Gold Beach) and Claveran Group regarding the Salmon Run Golf Course and Resort;

Mayor Brendlinger stated she attended the Planning Commission, however there was no quorum, so the meeting was continued to April 20th. She noted the importance of letting staff or another Council or Commission/Committee member know if you are unable to attend any called meeting.

B. *Unscheduled*
City Manager acknowledged the presence the Brookings-Harbor High

Councilor Curry moved, Councilor Johns seconded, and the Council voted unanimously to approve Ordinance No. 99-O-531, for change of zone, City initiated, based on public hearing from application CPZ-1-99, for the first reading by title and in it's entirety.

Councilor Hagbom moved, Councilor Curry seconded, and the Council voted unanimously to approve Ordinance No. 99-0-531, as Amended, for change of zone, City initiated, based on public hearing from application CPZ-1-99, with corrections noted.

Mayor Brendlinger asked for a second reading motion and Ridens read the ordinance title only.

Councilor Hagbom moved, Councilor Johns seconded, and the Council voted unanimously to approve Ordinance No. 99-O-531, for change of zone, City initiated, based on public hearing from application CPZ-1-99, with corrections noted for the second reading by title only to be effective thirty days from this date.

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison reports

1. Chamber of Commerce
None

2. Businesses for a Better Brookings

Victoria Nuss, President, informed the Council of their recent work cooperative with Scout Troop No. 32, in the successful collection of trash along Chetco Avenue, which will continue this next weekend. She questioned the council regarding any need for a variance for a sidewalk sale during the City wide garage sale Saturday in conjunction with April cleanup month/garage sale participating City Merchants. Nuss informed the Council the organization was working with the Vietnam Vets of America regarding the posting of American Flags on National Holidays on U.S. 101. Twenty-four flags will be purchased by local groups and placed in holes already in the sidewalks from prior parking meters. She sees this as a potential fund raiser for both organizations.

School student government participants and the Student Government Day set for May 5, 1999, and giving special recognition to the coordinating committee Annette Rose and Ryanne Andrews.

VIII.

STAFF REPORTS

A. City Manager

1. *1999-2000 Fiscal Year Council Goals Adoption*
Tabled

2. *Claveran Group - Salmon Run Golf & Resort Lease Changes*
City Manager referred to a letter from Salmon Run Golf and Resort representative Pete Pavich, memo from himself, and a resolution from John Trew in the Council packets authorizing two requests. City Attorney John Trew explained the Consent of Lessor and stated it should be considered by Council, however only a vote on the resolution would be necessary at this Council meeting. Weldon acknowledged Pete Pavich in the audience and Pavich accepted for the Claveran Group, but stated he would need to give the documents to Mr. Muir. Weldon reviewed the procedures w/John Trew. Mayor Brendlinger gave further explanation. Attorney Trew continued by explaining the chronology of said matter up to the Consent and resolutions. There being no further questions, Mayor Brendlinger asked for Resolutions to be reviewed and addressed.

Councilor Hagbom moved, Councilor Johns seconded, and the Council voted unanimously to approve Resolution No. 99-R-654, for authorizing granting of consent under lease agreement between the City of Brookings and Felix Claveran and The Claveran Group, LLC

Pete Pavich asked for extension of the lease between the City and the Claveran Group due to extended inclement weather conditions, so as to resume construction when weather permits. He asked the Council to know the Claveran Group is very anxious to get back to the construction with noting that the grass is growing and the club house is under construction. Their goal is to have nine holes in operation by August and the back nine by November or December and the clubhouse within about the same time. He noted Members have been informed of delay and the decision to activate their date of membership. With no further questions, the Mayor asked for a motion.

Councilor Curry moved, Councilor Johns seconded, and the Council voted unanimously to approve Resolution No. 99-R-655, for authorizing modification of the lease agreement between the City of Brookings and Felix Claveran and The Claveran Group, LLC.

B. Community Development Department

1. Easy Street: Emergency street repair

Community Development Director Leo Lightle presented two emergency repair issues (Easy and Fern Streets) with recommendations and cost estimates. No questions

Councilor Johns moved, Councilor Hagbom seconded, and the Council voted unanimously to approve the emergency street repairs to Easy Street.

2. Fern Street: Sewer main repair

Community Development Director Lightle presented Fern Street emergency repair issues with recommendations & cost estimates. There were no questions from the Council.

Councilor Hagbom moved, Councilor Curry seconded, and the Council voted unanimously to approve the Fern Street sewer main repair.

3. Pedestrian walkways on Ransom Avenue

Director Lightle explained the chronology of the issue of walkways on Ransom Ave with recommendations and cost estimates. With no discussion or questions, a motion was made.

Councilor Johns moved, Councilor Hagbom seconded, and the Council voted unanimously to approve the pedestrian walkways on Ransom Avenue as recommended.

4. Sewer camera transporter

Director Lightle explained request for a sewer camera transporter and requested the City Council authorize calling for bids for a sewer camera transporter system.

Councilor Hagbom moved, Councilor Curry seconded, and the Council voted unanimously to approve calling for bids on a sewer camera transporter system.

IX. CONSENT CALENDAR

- A. *Approval of Council Meeting Minutes*
 - 1. *Minutes of March 22, 1999, Regular Council Meeting*
- B. *Acceptance of Parks and Recreation Commission Minutes*
 - 1. *Minutes of March 25, 1999, Regular Commission Meeting*
- C. *Approval of Vouchers (\$179,884.32)*

(end Consent Calendar)

Council Johns moved, Councilor Curry seconded, and the Council voted unanimously to approve the Consent Calendar.

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

- A. *Ordinances*
 - 1. *Approval of Ordinance No. 99-O-531, for amending the Comprehensive Plan and Zoning Map of the City of Brookings by redesignating from commercial to public land and rezoning from C-3 (General Commercial) to P/OS (Public Open Space) upon that certain real property in the northeast corner of Fifth Street and Elk Drive, more specifically 898 Elk Drive; City initiated Addressed in section VI. (B)*
 - 2. *Approval of Ordinance4 No. 99-0-446.EE, for amending Section 40, Public Open Space P/OS District, of Ordinance 89-0-446, an ordinance creating the Land Development Code; City initiated Addressed in section VI. (A).*
- B. *Resolutions*
 - 1. *Approval of Resolution No. 99-R-653, for sanitation services to be charged by Curry Transfer and Recycling to customers in the City of Brookings Addressed in section V. (A)*
 - 2. *Approval of Resolution No. 99-R-654, for authorizing granting of consent under lease agreement between the City of Brookings and Felix Claveran and The Claveran Group, LLC Addressed in section VIII. (A) (2)*

3. *Approval of Resolution No. 99-4-655, for authorizing modification of lease agreement between the City of Brookings and Felix Claveran and The Claveran Group, LLC*
Addressed in section VIII. (A) (2)

The meeting was recessed at 8:38 PM to go into Executive Session, asking Community Development Director Leo Lightle and Finance Director/Recorder Gail Hedding to remain.

XI. EXECUTIVE SESSION - ORS 192.660(1)(e) To conduct deliberations with persons designated to negotiate real property transactions

Executive Session was called to order at 8:40 PM.

Executive Session was adjourned at 8:48 PM.

The regular council meeting was reconvened at 9:31PM.

Councilor Curry moved, Councilor Johns seconded, and the Council voted unanimously to continue deliberations with persons designated to negotiate real property transactions for the City.

XII. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor

Mayor Brendlinger asked City Attorney Trew for direction on procedures regarding her resignation. Attorney Trew stated the Mayor's resignation would be effective at the next regular scheduled Common Council Meeting and simultaneously Councilor Bob Hagbom would resign his position and then simultaneously with the Council so choosing should it do so, to appoint Hagbom to complete the Mayor's term. At that time Mayor Brendlinger would have resigned, a vacancy declared, and the Council would have appointed Hagbom after going through this standard procedure due to Bob Hagbom's Council resignation. Hagbom will present his resignation at the April 26th meeting. The City will advertise for the council position and interview the applicants at the April 26th meeting. The deadline for the applications will be Noon on April 21st, 1999.

B. Council

Councilor Hagbom asked for a direct order to City Manager to appoint Police Chief Ken Lewis or Fire Chief Bill Sharp to be responsible for raising and lowering the flags. City Manager Weldon stated the flags will be up tomorrow, April 13, 1999.

XIII.

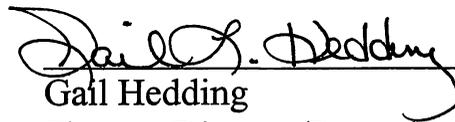
ADJOURNMENT

Councilor Hagbom moved, Councilor Curry seconded and the Council voted unanimously to adjourn the meeting at 9:43 PM.



Bob Hagbom
Mayor

ATTEST:



Gail Hedding
Finance Director/Recorder