

# *minutes*

**CITY OF BROOKINGS  
COMMON COUNCIL MEETING  
City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
September 27, 1993  
7:00 p.m.**

**I. CALL TO ORDER**

**Mayor Davis called the meeting to order at 7:03 p. m.**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**Council Present: Mayor Tom Davis, Councilors Nancy Brendlinger, Bob Haghom, Dave Scott, Councilor Larry Curry**

**Staff Present: City Manager Dennis Cluff, Administrative Assistant Donna Van Nest, Planning Director John Bischoff**

**Media Present: Tracy Reed, Curry Coastal Pilot; Martin Kelly, KCRE**

**IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS**

**1. Employee of the Season - Fall, 1993**

**Mayor Davis read a Proclamation announcing that Shirlee Sheffel, Brookings Police Department Communications Officer, has been selected as the Employee of the Season for Fall, 1993. Mrs. Sheffel was presented with the framed proclamation.**

**2. Proclamation - National Disability Employment Awareness Month**

**Mayor Davis read a proclamation declaring October as "Disability Employment Awareness Month" in Brookings.**

**3. Proclamation - Recycling Awareness Week in Brookings - October 2-9, 1993**

**Mayor Davis read a proclamation declaring the week of October 2-9, 1993 as "Recycling Awareness Week in Brookings."**

**V. PUBLIC HEARINGS**

**1. Comprehensive Plan and Zone change from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size to C-3 (General Commercial)**

**Councilor Brendlinger declared that she had contact with Len Wooley of the Community Thrift Store, but this contact would not affect her ability to objectively consider the matter before the council.**

**Mayor Davis opened the public hearing at 7:11 p.m.**

**Planning Director John Bischoff presented the recommendation of the Planning Commission, which was to deny the zone change request.**

**Proponents of the zone change request speaking were:**

**Len Wooley, Director, Community Thrift Store  
Judy Mendenhall, 511 Pine Street, Brookings  
Toby Pilgrim, 408 Hillside, Brookings  
Kim Pilgrim, 408 Hillside, Brookings  
Jim Key, 96949 Hampton Road, Brookings  
Jeff Reed, 97888 S. Bank Chetco River Road, Brookings  
Chuck Whittemore, Lower Harbor Road, Harbor  
Donna Reed, 757 Valley St., Brookings  
Mavis Dennis, 570 Velopa Court, Brookings  
Helen Sawyer, 16940 Ferry Creek Hgts., Brookings  
Kathleen Haynes, 1207 Moore St., #6, Brookings  
Donald Humphreys, 15940 Short Way, Brookings  
Ray Martin, 17640 Ross Lane, Brookings**

**Phillip Palmer, 553 Chetco Ave., Brookings  
John Cooper, 421 Memory Lane, Brookings  
Bea Batten, 603 Pacific Ave., Brookings**

**Opponents of the zone change request speaking were:**

**John Babin, 514 Myrtle St., Brookings  
Joanna Yax, 437 Pine St., Brookings  
Ellen Babin, 514 Myrtle St., Brookings  
Polly Keusink, 16883 Marine Drive, Brookings  
Verna Andrews, 422 Pine St., Brookings  
John Andrews, 422 Pine St., Brookings  
Dick Keusink, 16883 Marine Drive, Brookings  
Bill Youngman, 418 Pine St., Brookings  
Glenna Youngman, 418 Pine St., Brookings**

**Interested parties of the zone change request speaking were:**

**Lucy Giampoli, President, League of Women Voters**

**Mayor Davis asked for rebuttals at this time.**

**Proponents of the zone change request speaking were:**

**Len Wooley, Community Thrift Store**

**Opponents of the zone change request speaking were:**

**John Babin, 514 Myrtle St., Brookings  
Dick Keusink, 16883 Marine Drive, Brookings  
Ellen Babin, 514 Myrtle St., Brookings  
Polly Keusink, 16883 Marine Drive, Brookings  
Glenna Youngman, 418 Pine St., Brookings**

**Mayor Davis closed the public hearing at 9:03 p.m. and proceeded with council discussion.**

**Councilor Brendlinger moved to continue the public hearing to Thursday, September 30, 1993 at 7:00 p.m. in order to contact the city attorney regarding certain legal aspects of the proposed zone change, which motion was seconded by Councilor Scott. The clerk called the roll with the following results:**

**Ayes:** Councilors Brendlinger, Curry, Hagbom, Scott, Mayor Davis

**Nays:** None

**Motion carried; public hearing on application for Comprehensive Plan and Zone change from R-1-6 to C-3 at 420 Alder Street (old library property) continued to Thursday, September 30, 1993 at 7:00 p.m.**

**2. Urban Growth Expansion**

**Mayor Davis opened the public hearing at 9:51 p.m.**

**Councilor Scott declared a conflict of interest and stepped down from the bench.**

**Councilor Hagbom left the meeting at 9:54 p.m.**

**Councilor Brendlinger moved to continue the public hearing on the Urban Growth Boundary to Thursday, September 30, 1993 at 7:00 p.m., which motion was seconded by Councilor Curry. The clerk called the roll with the following results:**

**Ayes:** Councilors Brendlinger, Curry, Mayor Davis

**Nays:** None

**Motion carried; public hearing on the Urban Growth Boundary continued to Thursday, September 30, 1993 at 7:00 p.m.**

**Councilor Scott returned to the bench.**

**VI. SCHEDULED PUBLIC APPEARANCES**

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

**VIII. CONSENT CALENDAR**

**A. Approval of Council Meeting Minutes**

1. September 13, 1993 Regular Council Meeting
2. September 20, 1993 Special Council Meeting

(end Consent Calendar)

Councilor Curry moved to approve the Consent Calendar, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Mayor Davis

Nays: None

Motion carried; Consent Calendar, consisting of:

**A. Approval of Council Meeting Minutes**

1. September 13, 1993 Regular Council Meeting
2. September 20, 1993 Special Council Meeting

approved.

**IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS**

**A. Ordinances**

**B. Resolutions**

**X. COMMITTEE REPORTS**

- A. Planning Commission**
- B. Parks and Recreation Commission**
- C. Golf Board**

**Mayor Davis announced that the deadline for the golf course lease is today and the city attorney has drafted a letter of default to the golf course developer. This letter gives the developer 30-day notice to begin construction on the golf course or lose the lease to the property.**

**Councilor Scott moved to which motion was seconded by Councilor Curry. The clerk called the roll with the following results:**

**Ayes: Councilors Brendlinger, Curry, Scott, Mayor Davis**

**Nays: None**

**Motion carried; staff directed to notify city attorney to mail the letter of default to the golf course developer.**

- D. Chamber of Commerce**

**XI. STAFF REPORTS**

- A. Community Development Director**

- 1. Bargain and Sale Deed - Joy Investments, Inc.**

**Councilor Scott moved to accept the Bargain and Sale Deed for street right-of-way from Joy Investments, Inc., which motion was seconded by Councilor Curry. The clerk called the roll with the following results:**

**Ayes: Councilors Brendlinger, Curry, Scott, Mayor Davis**

**Nays: None**

**Motion carried; Bargain and Sale Deed for street right-of-way from Joy Investments, Inc., accepted.**

**B. Police Department**

**C. City Manager**

**1. Residential storage sheds**

**City Manager Dennis Cluff explained that prior to April, 1989, accessory buildings had a specific setback restriction of 3' from side yard and 5' from rear yard. In April, 1989, Ordinance No. 89-O-446 set up our current Land Development Code, which requires accessory buildings to have the same setbacks as the residences. Between April, 1989 and September, 1990, the setbacks were 5' and 5'. An amendment in September, 1990 changed the rear yard setback to 15'. Currently we have a number of storage sheds (accessory buildings) that were built or put in after the new ordinance amendments, which don't comply with the setbacks. Staff feels that small sheds not requiring a building permit should be allowed a 5' and 5' setback. A maximum height on these accessory buildings should also be established. With this change in setbacks, most of the violating sheds would either come into compliance or could be more easily moved so as to come into compliance than with the existing setback.**

**Councilor Curry moved to direct staff to draft an ordinance pertaining to setbacks in residential areas and take it to the Planning Commission, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:**

**Ayes: Councilors Brendlinger, Curry, Hagbom, Scott, Mayor Davis**

**Nays: None**

**Motion carried; staff directed to draft an ordinance pertaining to setbacks in residential areas and take it to the Planning Commission.**

D. City Attorney

XII. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor

B. Council

1. **Review of new approved rates for solid waste collection**

Councilor Brendlinger moved to approve the new rate schedule for solid waste collection effective 30 days after the 4.3¢ federal fuel tax is reflected at the gas pumps, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Mayor Davis

Nays: None

**Motion carried; new rate schedule for solid waste collection approved effective 30 days after the 4.3¢ federal fuel tax is reflected at the gas pumps.**

XII. RECESS

Councilor Curry moved to recess the council meeting to Thursday, September 30, 1993 at 7:00 p.m., which motion was seconded by Councilor Scott; **motion carried unanimously.**

Mayor Davis recessed the meeting at 10:18 p.m.



I. RECONVENE - SEPTEMBER 30, 1993

Mayor Davis called the meeting to order at 7:04 p.m.



**II. ROLL CALL**

**Council Present: Mayor Tom Davis, Councilors Nancy Brendlinger, Bob Hagbom, Dave Scott, Councilor Larry Curry**

**Staff Present: City Manager Dennis Cluff, Finance Director/Recorder Beverly Shields, Planning Director John Bischoff**

**Media Present: Jerry Teague, Curry Coastal Pilot; Martin Kelly, KCRE**

**III. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS**

1. Proclamation - "United Nations Day in Brookings"

Mayor Davis proclaimed October 24, 1993 as "United Nations Day in Brookings".

**IV. COUNCIL BUSINESS**

1. **Comprehensive Plan and Zone change from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size to C-3 (General Commercial)**

**Councilor Brendlinger moved to direct staff to prepare an ordinance amendment to Sections 20, 24 and 28 of the Land Development Code which would allow non-profit rehabilitation training centers as a conditional use, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:**

**Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis**

**Nays: None**

**Motion carried; staff directed to prepare an ordinance amendment to Sections 20, 24 and 28 of the Land Development Code which would allow non-profit rehabilitation training centers as a conditional use.**

**Councilor Brendlinger moved to deny the application for a Comprehensive Plan and Zone change from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size to C-3 (General Commercial) at property located at 420 Alder Street, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:**

**Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis**

**Nays: None**

**Motion carried; application for a Comprehensive Plan and Zone change from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size to C-3 (General Commercial) at property located at 420 Alder Street, denied.**

**V. PUBLIC HEARINGS**

**1. Urban Growth Expansion**

**Councilor Scott declared a conflict of interest and stepped down from the bench.**

**Mayor Davis opened the public hearing at 7:23 p.m.**

**Proponents of the proposed urban growth boundary zone change request speaking were:**

**L.C. Ashcraft, 15261 Oceanview Drive, Brookings  
Fred Zuber, 17744 Hwy. 101 N., Brookings  
Charles Simpson, Brookings  
Earl Eddy, 96215 Alder Ridge Road, Brookings**

**Opponents of the proposed urban growth boundary zone change request speaking were:**

**Diana Alexander, 18215 Taylor Creek Road, Brookings  
Lynn Baker, 98330 West Cougar Lane, Brookings  
Laun Hilton, 17169 Mountain Drive, Brookings**

**Public Agencies speaking:**

**Mike Frazier, representing the Siskiyou National Forest**

**Following testimony, Mayor Davis closed the public hearing at 8:23 p.m.**

**Councilor Curry moved to accept the recommendation from the Planning Commission regarding the proposed Urban Growth Boundary, with the exception of Van Pelt Subdivision and the elimination of the Taylor Creek properties, and including the entire West side of Oceanview Drive, the 10-acre "bump", 2 acres of the Ashcraft property, and 40 acres belonging to Earl Eddy, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:**

**Ayes: Councilors Brendlinger, Curry, Hagbom, Mayor Davis**

**Nays: None**

**Motion carried; proposed Urban Growth Boundary, with the exception of Van Pelt Subdivision and the elimination of the Taylor Creek properties, and including the entire West side of Oceanview Drive, the 10-acre "bump", 2 acres of the Ashcraft property, and 40 acres belonging to Earl Eddy, accepted.**

**Councilor Scott returned to the bench.**

**Mayor Davis recessed the meeting at 9:57 p.m. to convene an executive session under the following Oregon State Statutes:**

**EXECUTIVE SESSION - ORS 192.660 (1)(d) Labor Negotiator Consultation**

**EXECUTIVE SESSION - ORS 192.660 (1)(g) Performance Evaluation**

**Mayor Davis reconvened the council meeting at 11:20 p.m.**

VI. ADJOURNMENT

Councilor Scott moved to adjourn, which motion was seconded by Councilor Hagbom; **motion carried unanimously.**

Mayor Davis adjourned the meeting at 11:22 p.m.



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**Tom Davis**  
Mayor

ATTEST:



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**Beverly S. Shields**  
City Recorder