



**MINUTES**  
**CITY OF BROOKINGS**  
**BROOKINGS COMMON COUNCIL MEETING**  
**Brookings City Hall Council Chambers**  
**898 Elk Drive, Brookings, Oregon**  
**January 11, 1993**  
**7:00 p.m.**

**I.           CALL TO ORDER**

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

**II.           PLEDGE OF ALLEGIANCE**

**III.          ROLL CALL**

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

**Staff Present:** City Manager Dennis Cluff, Administrative Assistant Donna Van Nest, City Attorney Martin Stone

**Media Present:** Bill Schlichting, Curry Coastal Pilot; Marge Barrett, KURY; Larry Goodman, KCRE

**IV.          CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS**

**1.          Appointment of New City Councilor**

Chapter IV, (Council), Section 20 of the Brookings City Charter states:

**Section 20.           Vacancies: Filling. A vacancy in the council shall be filled within 60 days by:**

- (1)        Appointment by a majority of the council;**
- (2)        Special election when the number of vacancies in the council exceeds the number of members holding office.**

The terms of office of those appointed or elected run from the time of their qualifying for office after appointment or election and until expiration of the terms of their predecessors who have left the offices vacant.

At a special council meeting on January 6, 1993, four candidates were interviewed for Position No. 4. Those interested candidates were: Elmer Hitchcock, Bob Hagbom, Marvin Lindsey and Tracy Placido. Following discussion and consideration, the council voted unanimously to appoint Bob Hagbom to fill Position No. 4 on the city council.

**Mr. Bob Hagbom was sworn in as Councilor, Position No. 4, by Municipal Court Judge A.L. Stuart.**

Councilor Bob Hagbom took his seat on the council bench.

**2. Appointment of Council President**

Chapter IV, Section 17, of the Brookings City Charter states:

**Section 17. Council President.**

- (1) At its first meeting after this charter takes effect and at its first meeting of each odd-numbered year, the council shall appoint a president from its councilors.
- (2) Except in voting on questions before the council, the president shall function as mayor when the mayor is:
  - (a) Absent from a council meeting, or
  - (b) Unable to function as mayor.

Councilor Brendlinger moved to appoint Councilor Larry Curry Council President, which motion was seconded by Councilor Scott. The clerk called the roll with the following results:

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

**Nays: None**

**Motion carried; Councilor Larry Curry appointed Council President for 1993 and 1994.**

**3. Appointment to Golf Board**

**Ordinance No. 91-O-481, Section 1, states:**

**Section 1. Creation of Brookings Harbor Golf Board.**

**A. The Brookings Harbor Golf Board comprised of five members is hereby created. Four of the members shall be electors who reside within the boundaries of the Chetco Community Public Library District. The four members shall be appointed by the mayor with the approval of the council. The fifth member of the board shall be the mayor or a member of the city council designated by the mayor. The board members, by a majority vote, shall elect a chairman and such other officers as are deemed necessary to conduct business from its membership.**

**Former Mayor Hummel was the fifth member of the Golf Board. Following his retirement from office, another member of the council must be appointed to fill the vacancy.**

**Mayor Davis accepted the appointment to the Brookings Golf Board.**

**4. Proclamation - "License Your Dog Week"**

**Mayor Davis proclaimed the week of January 17-23, 1993 as "LICENSE YOUR DOG WEEK".**

**V. PUBLIC HEARINGS**

**1. Ordinance No. 93-O-446.L - An Ordinance amending Ordinance No. 89-O-446, Sections 16, 20, 28 and 52 of the Land Development Code.**

**Mayor Davis explained the Land Use Hearings procedure, and opened the public hearing at 7:13 p.m.**

## **BACKGROUND INFORMATION**

**In the process of researching how a request to establish a crematoria in conjunction with an existing mortuary located in the C-3 (Central Commercial) Zone, staff realized that the wording pertaining to the use of mortuaries and crematories in the Land Development Code was ambiguous and confusing. Mortuaries and crematories are allowed as conditional uses in the SR, R-1, R-3, and R-MH zoning districts but where and how they may be used is not clear. Subsection .040,G of each of these zoning districts in the Land Development Code (LDC) reads as follows:**

**G. Cemeteries, mausoleums, crematories, columbariums, and mortuaries within cemeteries provided that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery, within 200 feet of a lot in a residential district; and subject to Section 124.090.**

**This wording implies that cemeteries are only allowed in cemeteries and that the only place, within the above zones, that a mortuary or crematory can be allowed is within a cemetery. Mausoleums and Columbariums are uses that would naturally be within a cemetery, however, mortuaries and crematories can be located within a cemetery but are also found in locations well outside of cemeteries. There is currently one mortuary in the C-3 Zone and one mortuary-crematory combination in the R-3 Zone within City of Brookings that are not within a cemetery, both existed before the LDC was adopted in 1989 and the mortuary crematory combination is now a non-conforming uses under the conditions of the LDC.**

**Staff is concerned if the intent, when the LDC was adopted in April of 1989, was to indeed allow these uses in Residential Zones in cemeteries only or was this section of the Code misworded. It is staff's opinion that the Commission may want to consider if the LDC should be amended to allow mortuaries as a conditional use independent of cemeteries, in any or all of the residential zones listed above.**

**Staff recommended to the Planning Commission two alternatives as follows:**

- 1. Change Subsection .040 the desired residential zoning section of the LDC to add mortuaries as a conditional use.**

2. Change the wording to clarify the intent of .040,G of the zoning districts listed above to read as follows:

G. Cemeteries and such uses within cemeteries as mortuaries, crematories, mausoleums, and columbariums provided that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery, within 200 feet of a lot in a residential district. All of these uses are subject to Section 124.090.

Section 52 Central Commercial (C-3) District, of the LDC allows mortuaries as a permitted use. Currently one of the existing mortuaries in the city is located in the C-3 Zone. The owner of this mortuary approached staff about the possibility of adding a crematoria as an addition to the mortuary. It was while researching the feasibility of this request that staff became aware that the only place crematories are allowed by the LDC is in a cemetery in a residential zone. Since crematories and mortuaries are a related use and are often located together the Commission should consider allowing crematories as a conditional use in conjunction with a mortuaries in the C-3 Zone.

The Planning Commission recommended to the City Council that the Section 52.040 Central Commercial, Conditional Uses, be amended to add the clause "crematories in conjunction with a mortuary as follows:

J. Crematories in conjunction with a mortuary and Section 124.090.

The Planning Commission recommended to the City Council:

1. Section 52 Central Commercial, be amended to allow Crematories in conjunction with a mortuary as a permitted use.

2. That all of the "R" zones be amended to allow mortuaries and crematories as a conditional use.

3. That the wording in Sections 16, 20, 28, and 32 be clarified.

These Planning Commission recommendations are incorporated in the proposed ordinance amendments.

Mayor Davis asked for public testimony from proponents and opponents to the proposed ordinance amendment. There being none, Mayor Davis closed the public hearing at 7:21 p.m.

Administrative Assistant Donna Van Nest read Ordinance No. 93-O-446.L into the record in its entirety.

Councilor Curry moved to adopt Ordinance No. 93-O-446.L by first reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; Ordinance No. 93-O-446.L adopted by first reading.**

Administrative Assistant Donna Van Nest read Ordinance No. 93-O-446.L into the record by title only.

Councilor Curry moved to adopt Ordinance No. 93-O-446.L by second reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; Ordinance No. 93-O-446.L - An Ordinance amending Ordinance No. 89-O-446, Sections 16, 20, 28 and 52 of the Land Development Code. - adopted by second reading. [Effective February 9, 1993]**

**VI. SCHEDULED PUBLIC APPEARANCES**

**1. Acceptance Azalea Park Deed - Ron Hjort - Oregon Department of Parks & Recreation**

**Ron Hjort, Supervisor for the Oregon Department of Parks and Recreation, presented the deed for the Azalea Park property to the city.**

**Mayor Davis thanked the Parks and Recreation Commission for their diligence in the pursuit of the Azalea Park Project, and Chair Steve O'Brien introduced the members of the commission.**

**Councilor Brendlinger moved to accept the deed for the Azalea State Park property from the Oregon Department of Transportation, Parks & Recreation Division and to authorize the mayor to sign the deed, 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; deed for the Azalea State Park property from the Oregon Department of Transportation and Parks & Recreation Division accepted by the City of Brookings, and the mayor authorized to sign the deed.**

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

**None**

**VIII. CONSENT CALENDAR**

**A. Approval of Council Meeting Minutes**

- 1. December 14, 1992 Regular Council Meeting**
- 2. January 6, 1993 Special Council Meeting**

**B. Acceptance of Planning Commission Meeting Minutes**

1. December 1, 1992 Planning Commission Meeting

**C. Call For Bids**

1. Asphalt Roller

Council was presented with the specifications list for the asphalt roller. If authorized to call for bids, the bid opening will be Monday, February 1, 1993 at 9:00 a.m. in the council chambers. A report on bids and a recommendation will be brought back to council at their February 8, 1993 regular council meeting.

2. Street Overlay Project

The city council requested that staff prepare a list of street projects that would repair or maintain a suitable driving surface. Staff has presented the attached list for your consideration. We hope that we will be able to add additional streets, especially those streets that require a lot of maintenance. We propose that the bid would be for:

- A. 2" asphalt overlay on the square foot basis
- B. 1" asphalt overlay on the square foot basis
- C. 1" leveling course on the square foot basis
- D. Petromat on the square foot basis

The bid would show the suggested street jobs with a review of cost at approximately 80% completion of the allowed dollar amount, and then at approximately 95% of the allowed dollar amount, with the city retaining the right to add or subtract streets from the project.

**D. Approval of Vouchers (\$395,117.11)**



**E. Miscellaneous**

**1. Liquor License Application - New Outlet - Restaurant - China Garden**

The Brookings Police Department has reviewed the liquor license application submitted by Raymond Chan and Ling Ling Chen for a restaurant license at the China Garden Restaurant. The police department recommends approval.

**2. Liquor License Application - Change of Ownership - Mama's Authentic Italian Restaurant**

The Brookings Police Department has reviewed the liquor license application submitted by Carl B. Mirabal and Kenneth P. Vance for a change of ownership on the current restaurant license at Mama's Authentic Italian Restaurant. The police department recommends approval.

(end Consent Calendar)

Councilors Brendlinger and Curry requested corrections to the January 6, 1993 special council meeting minutes.

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

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

Nays: None

**Motion carried; Consent Calendar consisting of:**

**A. Approval of Council Meeting Minutes**

**1. December 14, 1992 Regular Council Meeting**

**2. January 6, 1993 Special Council Meeting**

**B. Acceptance of Planning Commission Meeting Minutes**

1. **December 1, 1992 Planning Commission Meeting**

**C. Call For Bids**

1. **Asphalt Roller**
2. **Street Overlay Project**

**D. Approval of Vouchers (\$395,117.11)**

**E. Miscellaneous**

1. **Liquor License Application - New Outlet - Restaurant - China Garden**
2. **Liquor License Application - Change of Ownership - Mama's Authentic Italian Restaurant**

**approved.**

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

- A. **Ordinances none**
- B. **Resolutions none**

**X. COMMITTEE REPORTS**

- A. **Planning Commission**
- B. **Parks and Recreation Commission**

**Chair Steve O'Brien gave a brief report on the activities of the Parks and Recreation Commission.**

- C. **Golf Board**

**D. Chamber of Commerce**

Manager Les Cohen gave a brief report on the activities of the Chamber of Commerce.

**XI. STAFF REPORTS**

**A. Community Development Director**

**1. Acceptance of streets in Harris Beach Estates**

Harris Beach Estates is located at the southerly end of Dawson Road. (Mike Mahar's project). The city, in annexing the Dawson Tract area, annexed the county approved subdivision; therefore there were street and sidewalk modifications to fit the terrain and the right-of-way. The Planning Commission was made aware of the modifications. In all other respects the streets have been completed to city standards and the city has received the "As-Builts" as well as a letter from the project engineer verifying that the streets were built to city standards. The developer will post the performance bond as per the Land Development Code, upon acceptance by the city council.

Councilor Scott moved to accept the street improvements for the Harris Beach Estates Subdivision contingent upon receiving the performance bond, as per the Land Development Code, 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; street improvements for the Harris Beach Estates Subdivision accepted into the city street system contingent upon receiving the performance bond, as per the Land Development Code.**

**B. City Engineer**

**C. Police Department**

**D. City Manager**

**1. Council/staff orientation session**

**City Manager Dennis Cluff advised that the staff/council orientation session is set for January 20. It was decided that the two new council members would meet with department heads in the morning and the entire council would take a tour of city facilities in the afternoon. No formal action taken.**

**2. Call for bids - Fire Department Equipment**

**In a memo from Fire Chief William Sharp, he stated, "With the growth of the community and our response going to more rural or outlying areas, I feel that there is a need for a fire unit that is able to access these rural areas as well as provide a greater level of fire protection for our community."**

**Council was presented with the specifications list for the fire quick attack apparatus. If authorized to call for bids, the bid opening will be Monday, February 1, 1993 at 9:15 a.m. in the council chambers. A report on bids and a recommendation will be brought back to council at their February 8, 1993 regular council meeting.**

**Following some discussion pertaining to the specifications for the equipment, Councilor Curry moved to table discussion on the request for the call for bids for the fire quick attack apparatus to the next work session, which motion was seconded by Councilor Scott. The clerk called the roll with the following results:**

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

**Nays: None**

**Motion carried; discussion on the request for the call for bids for the fire quick attack apparatus tabled to the next work session. (To be added to the January 25, 1993 council meeting agenda.)**

**3. Public Works Pickup**

Council was presented with the specifications list for the Public Works pickup. If authorized to call for bids, the bid opening will be Monday, February 1, 1993 at 9:15 a.m. in the council chambers. A report on bids and a recommendation will be brought back to council at their February 8, 1993 regular council meeting.

Councilor Brendlinger moved to authorize staff to call for bids for a public works pickup, which motion was seconded by Councilor Hagbom. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; staff authorized to call for bids for a public works pickup.**

**E. City Attorney**

**XII. REMARKS FROM MAYOR AND COUNCILORS**

**A. Mayor**

1. Mayor Davis announced that on February 12, 1993 a League of Oregon Cities orientation session for new city councilors will be held in Brookings. This is the first year a meeting like this has been scheduled in Brookings. In past years councilors from southern Oregon have traveled to Grants Pass for the session.
2. Mayor Davis asked the council to think about committee seats, and requested that this item be added to the work session agenda for January 18.

3. **Mayor Davis suggested that the city host a non-agenda work session for all elected and appointed community leaders, the purpose being to get to know each other and to learn the goals and expectations of each entity. City Manager Dennis Cluff was directed to check on a possible date of February 18.**

**Councilor Scott moved to host a non-agenda work session for all elected and appointed community leaders, the purpose being to get to know each other and to learn the goals and expectations of each entity, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:**

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

**Nays: None**

**Motion carried; city will host a non-agenda work session for all elected and appointed community leaders, the purpose being to get to know each other and to learn the goals and expectations of each entity.**

**B. Council**

1. **Councilor Brendlinger presented a letter from Falcon Cable announcing their plans to apply to the National Cable Television Association for the "Seal of Good Customer Service." Councilor Brendlinger questioned this application, stating that Falcon Cable has not responded to the city's request for studio facilities in Brookings, although the franchise ordinance states that the franchise may be cancelled if grantee does not continue its service and business as presently conducted and at the same level. Councilor Brendlinger pointed out that at the time of the franchise transfer from Skyline Cable to Falcon Cable there was a studio in Brookings which was used to televise such programs of local interest as city activities and the chamber of commerce annual auction.**

Former City Attorney Michael Gillespie wrote a letter to Falcon Cable in September, 1992, and there has been no action on the part of Falcon Cable since that time. The council directed the city attorney and the city manager to prepare a letter to send to Falcon Cable pertaining to the "Seal of Good Customer Service" application and lack of response to the previous city letter.

2. Councilor Hagbom thanked the council for his appointment to the city council the opportunity to serve the community.

**EXECUTIVE SESSION - ORS 192.660 (1)( ) none**

**XIII. ADJOURNMENT**

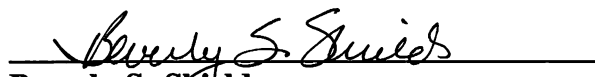
Councilor Curry moved to adjourn the meeting, which motion was seconded by Councilor Brendlinger; **motion carried unanimously.**

Mayor Davis adjourned the meeting at 8:58 p.m.



\_\_\_\_\_  
Tom Davis  
Mayor

**ATTEST:**



\_\_\_\_\_  
Beverly S. Shields  
City Recorder