



MINUTES

**CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
June 22, 1992
7:00 p.m.**

I. CALL TO ORDER

Mayor Hummel called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Fred Hummel, Councilors Nancy Brendlinger, Mary Jane Brimm, Tom Davis

Council Absent: Councilor Larry Curry (Councilor Curry was present via telephone from 7:34 p.m. to 7:59 p.m.)

Staff Present: Community Development Director Leo Lightle, Administrative Assistant Donna Van Nest

Media Present: Bill Schlichting, Curry Coastal Pilot; Marge Barrett, KURY

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

None

V. PUBLIC HEARINGS

None

VI. SCHEDULED PUBLIC APPEARANCES

None

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

None

VIII. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. June 8, 1992 Regular Council Meeting
2. June 4, 1992 Special Council Meeting

B. Requests for Payment

1. EMK Contractors, Inc. - Water Treatment Plant and Intake Improvements

C. Change Orders

1. Change Order No. 4 - 1991 I/I Reduction Project - Zorich Trucking

(End Consent Calendar)

Councilor Brendlinger requested a correction on page 1 of the June 4, 1992 Special Council Meeting minutes, and Councilor Davis requested a correction on page 7 of the June 8, 1992 Regular Council Meeting minutes.

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

Ayes: Councilors Brendlinger, Brimm, Davis, Mayor Hummel

Nays: None

Motion carried; Consent Calendar, consisting of:

A. Approval of Council Meeting Minutes

1. June 8, 1992 Regular Council Meeting

2. June 4, 1992 Special Council Meeting

B. Requests for Payment

- 1. EMK Contractors, Inc. - Water Treatment Plant and Intake Improvements**

C. Change Orders

- 1. Change Order No. 4 - 1991 I/I Reduction Project - Zorich Trucking**

approved.

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances None

B. Resolutions

- 1. Resolution No. 92-R-534 - A resolution adopting rates, fees and charges to the users of the City of Brookings water supply services, and repealing Resolutions No. 88-R-441, 89-R-463 and 89-R-467.**

In 1988 the council adopted Resolution No. 88-R-441, a resolution setting rates for city water users. The base service charge was set at \$5.50 plus \$.66 per hundred cubic feet. The resolution called for a discount of 10% for payments made prior to the 20th day of the month billed. This system was confusing and had a tendency to irritate the customers. In October, 1989, the council voted to delete that portion of Resolution No. 89-R-467, which dealt with the 10% discount. This effectively put the base rates back to \$5.00 plus \$.60 per hundred cubic feet, although it was not actually stated as such. The purpose of Resolution No. 92-R-534 is to show in writing the correct current rates.

Councilor Davis moved to adopt Resolution No. 92-R-534, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Davis, Mayor Hummel

Nays: None

Motion carried; Resolution No. 92-R-534 - A resolution adopting rates, fees and charges to the users of the City of Brookings water supply services, and repealing Resolutions No. 88-R-441, 89-R-463 and 89-R-467. - adopted.

2. Resolution No. 92-R-535 - A resolution adopting the Residential Antidisplacement and Relocation Assistance Plan under Section 104(d) of the Housing and Community Development Act of 1974, as amended, for the City of Brookings.

Federal regulations require that we adopt this resolution prior to the signing of the contracts for the Community Development Block Grant, which the city has been awarded for the purpose of completion of the Chetco Senior Center.

Councilor Brimm moved to adopt Resolution No. 92-R-535, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Davis, Mayor Hummel

Nays: None

Motion carried; Resolution No. 92-R-535 - A resolution adopting the Residential Antidisplacement and Relocation Assistance Plan under Section 104(d) of the Housing and Community Development Act of 1974, as amended, for the City of Brookings. - adopted.

3. **Resolution No. 92-R-536 - A resolution adopting a policy against the use of excessive force against non-violent civil rights demonstrators.**

Federal regulations require that we adopt this resolution prior to the signing of the contracts for the Community Development Block Grant, which the city has been awarded for the purpose of completion of the Chetco Senior Center.

Councilor Brendlinger moved to adopt Resolution No. 92-R-536, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Davis, Mayor Hummel

Nays: None

Motion carried; Resolution No. 92-R-536 - A resolution adopting a policy against the use of excessive force against non-violent civil rights demonstrators. - adopted.

4. **Resolution No. 92-R-537 - A resolution requesting the Oregon Transportation Commission to allocate funds for street repairs and other improvements for the City of Brookings. (Ransom Avenue)**

Community Development Director Leo Lightle explained that in the past the city has had some difficulty in finding streets to meet the rather rigid criteria for the Special Cities Allotment. This year the criteria for the SCA have been relaxed.

Staff feels that the Ransom Avenue project best represents a street needing repair that will meet the criteria for funding. Staff also feels the project is warranted in that the city, due to concerns for safety, found it necessary to barricade the street to stop through traffic, an unprecedented act for the City of Brookings.

If successful with the grant application, the grant amount will be \$25,000, and if the LID is not activated the city's matching dollars from the Street Fund will be approximately \$10,000.

Councilor Davis moved to adopt Resolution No. 92-R-537, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Davis, Mayor Hummel

Nays: None

Motion carried; Resolution No. 92-R-537 - A resolution requesting the Oregon Transportation Commission to allocate funds for street repairs and other improvements for the City of Brookings. (Ransom Avenue) - adopted.

X. COMMITTEE REPORTS

A. Planning Commission

1. Recommendation to make a study of old downtown area

A memo from Planning Director John Bischoff explained that over the last few months the Site Plan Committee has become aware that the provisions of the Land Development Code (LDC) and other city policies are creating effective disincentives for the conversion of nonconforming residential uses to conforming commercial uses in the old commercial portion of the city. Specifically the area of concern is defined as Oak St. on the east, the first layer of lots on the north side of Spruce St. on the north, Wharf St. on the West and Railroad St. on the south. Code requirements and policies which hinder the conversion of nonconforming uses are as follows:

1. Off Street Parking (LDC Section 92). Many, if not most, of the old residential uses in this area are on rather small lots which contain existing houses and garages. When the owner wishes to convert the residence to a business he must provide off street parking in an amount specified by the LDC for the use desired. In many cases because of the placement of the buildings on the lot and/or the amount of lot coverage it is impossible to find the area for the required parking and the conversion goes no further.

2. **Street Improvements.** It has been the city's policy to require all new commercial uses to provide full street improvements of curb, gutter, and sidewalk along the street frontage of the subject lot; pavement to match the existing surface and in some cases storm drainage. The cost of these improvements is generally high and when informed of these requirements, property owners abandon plans to convert nonconforming residential uses to conforming commercial uses.

3. Section 52 Central Commercial (C-3) District, of the LDC allows *multiple dwellings not on a ground floor* as permitted use in the zone. Section 8 Definitions, defines Multi-Family as " A building or portion thereof designed or used as a residence by three (3) or more families and containing three (3) or more dwelling units." This does not allow the use of a building in this zone as both a residence and a business unless the residence is on the second floor of the building. It also does not allow a single residence to be combined with a business regardless of where it is placed. Staff has received many inquires of whether a owner could convert an existing residence to a commercial use while keeping a portion of the building as a home. Since the residential use must be multiple and not on the ground floor the owner drops his/her plans to convert or partially convert the use to a conforming status.

Any one of these requirements or all three combined are difficult obstacles to overcome and while desirable in areas where new commercial is being developed on vacant land, they are effectively holding the old commercial area in a static position.

At the April 7, 1992 Planning Commission meeting, staff discussed the possibility of forming a committee of property owners and tenants from the old downtown area and other interested parties, with the task of studying the problems of the area and to submit ideas as to what they would like to see happen in the area. The Commission discussed the concept but could not act on it because it was not on the agenda. The Commission directed staff to place the item on the May 20, 1992 special meeting agenda and to provide a map of the area and other pertinent information so that the Commissioners could study the area individually.

At the May 20th meeting the Planning Commission voted to make a recommendation to the City Council that a mail out be sent to all property owners and a door knob hanger be placed on all residence and business buildings in the study area. This notice would ask for input as to whether the owner/tenant would be interested in the establishment of a committee to study the area and interest in participating on such a committee. The response to the mail out would determine if the city should proceed further with the concept.

In response to a newspaper article about the May 20, 1992 Planning Commission meeting, staff has received two letters and one verbal request to be notified if the city did form the committee.

Councilor Brendlinger moved to authorize a mail out be sent to all property owners and a door knob hanger be placed on all residence and business buildings in the downtown study area, (ocean side of Chetco Avenue to Railroad Avenue from Oak Street to Wharf Street), asking for input as to whether the owner/tenant would be interested in the establishment of a committee to study the area and interest in participating on such a committee, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Davis, Mayor Hummel

Nays: None

Motion carried; a mail out authorized to be sent to all property owners and a door knob hanger be placed on all residence and business buildings in the downtown study area, (ocean side of Chetco Avenue to Railroad Avenue from Oak Street to Wharf Street), asking for input as to whether the owner/tenant would be interested in the establishment of a committee to study the area and interest in participating on such a committee.

XI. STAFF REPORTS

A. City Manager

1. Oregon State University Extension Sea Grant Program

Jim Waldvogel, Area Marine Advisor for the University of Oregon Extension/Sea Grant Advisory Programs, has proposed a "Comprehensive Study of Community Growth and Management" for Brookings.

The essence of the program is to assemble 8 to 10 "experts" in different fields and have them descend on Brookings for 3 to 5 days to study a whole variety of economic, resource and management.

The cost of this study is mileage, board and room, and miscellaneous costs, approximately \$3,000 - \$4,000. The University (probably through the Sea Grant Program from the U.S. Dept. of Commerce) will pick up the cost of all salaries and wages of this study team.

Council consensus was to delay discussion on this agenda item until staff has contacted some other cities who have undergone this study to determine if they were satisfied with the project.

C. Golf Board

1. Proposed golf course lease agreement

Councilor Curry called long distance at 7:34 p.m., and took part in the discussion and voting via telephone.

City Attorney Mike Gillespie suggested the following procedure for approval: (1) a Motion and affirmative vote to authorize the Mayor and City Recorder to sign upon the City's receipt of written designation of an Oregon agent; (2) a clean final form be prepared reflecting the typo correction mentioned above and run as duplicates and signed; (3) the copies be sent to California with one to be returned; and, (4) if possible, the inclusion of the correct time table as Exhibit "C" if presented within the time frame of execution as set out above.

The council was advised that the typo in Article 6, Section 3.07 "fairways" has been deleted and that the dates in Article 27, Sections 1.00 and 2.00 have been changed to June 11, 1992 and September 27, 1993.

The council was advised that W.J. Stone & Associates and Bob McCallister have appointed David Evans & Company Engineers, 2828 SW Corbett Avenue, Portland, Oregon 97201 as their agents of record.

Councilor Davis moved to authorize the mayor and city recorder to sign the corrected Lease Agreement between the City of Brookings and WJS Golf, Inc., a California corporation, and Bob McCallister, for the proposed Jack Creek Golf Course property, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; the mayor and city recorder authorized to sign the corrected Lease Agreement between the City of Brookings and WJS Golf, Inc., a California corporation, and Bob McCallister, for the proposed Jack Creek Golf Course property.

B. Parks and Recreation Commission

1. Recommendation for acquisition of Azalea State Park

City Manager Dennis Cluff advised that the question on Azalea Park pertains to maintenance costs. Until additional funding, perhaps from golf course revenues, becomes available, Mr. Cluff suggested the city provide bare minimum maintenance. This could be accomplished by hiring a part-time person to daily clean the restrooms and pick up trash (1 to 2 hours per day). The lawn cutting and other less frequent maintenance work could be performed by the Parks Maintenance Specialist, or other public works crew. This bare minimum maintenance schedule shouldn't cost more than \$4,000 in additional wages.

Mayor Hummel expressed concerns about taking over the park until budgeted funds are available to maintain the park and suggested waiting until next year to acquire the park.

Councilors Curry, Davis, Brendlinger and Brimm stated opinions that the city should acquire the property now.

Councilor Davis moved to approve the acquisition of Azalea State Park and direct staff to work out the proper agreements for the transfer from the State of Oregon, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Davis, Curry, Mayor Hummel

Nays: None

Motion carried; acquisition of Azalea State Park approved and staff directed to work out the proper agreements for the transfer of the property from the State of Oregon.

Councilor Curry hung up the telephone at 7:59 p.m.

XII. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor

None

B. Council

None

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None

XIII. ADJOURNMENT


Councilor Davis moved to adjourn, which motion was seconded by Councilor Brimm; **motion carried unanimously.**

Mayor Hummel adjourned the meeting at 8:05 p.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder