

MINUTES  
BROOKINGS COMMON COUNCIL  
CITY OF BROOKINGS  
July 28, 1981

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Those present were: Mayor Kerr; Councilmen Walt Lovejoy, Gil Batty, Ray Nidiffer and John Geraghty.

Staff present were: City Manager Lynn Stuart, City Attorney John Coutrakon, City Engineer Dick Nored and Secretary Praecilla Pruitt.

IV. MINUTES FOR APPROVAL/ACCEPTANCE

MOTION by Councilman Lovejoy, seconded by Councilman Nidiffer that we approve the minutes of the June 30, 1981 joint workstudy and special meeting and July 14, 1981 regular council meeting. Motion carried unanimously.

MOTION by Councilman Geraghty, seconded by Councilman Lovejoy that we accept the minutes of the June 4, 1981 Parks & Recreation Commission meeting; the June 16, 1981 Planning Commission meeting and June 1, 1981 Library Board meeting. Motion carried unanimously.

V. SCHEDULED PUBLIC APPEARANCES

1. Brookings-Harbor Medical Foundation, Inc.

Elmer Hitchcock appeared before the Council to request that a sign be placed on Highway 101 for the emergency room of the Alder Street Clinic. The City Manager informed the Council that the Oregon State Highway will require that the State requirements be met and that information would be forwarded to City Hall and that the information be completed by the Foundation and sent back to the State. There was no Council action necessary at this time.

VI. COMMUNICATION/ANNOUNCEMENTS

Mayor Announcements

1. Curry County banner request.

MOTION by Councilman Lovejoy, seconded by Councilman Batty that we approve the request to place a banner across the highway in the City of Brookings to advertise the Curry County Fair. Motion carried unanimously.

Council Announcements

1. Standard construction details - Councilman Lovejoy

Councilman Lovejoy made a request to the Council that they adopt standard construction details and specifications in the area of water and sewer construction streets, etc. for subdivisions. The City Manager was directed to have such a document prepared and it would be brought back to the Council at a later date.

Manager Announcements

1. Zone Change - Smuggler's Cove - Public Hearing

The City Manager informed the Council that a public hearing had previously been held before the Planning Commission and the Commission had made a recommendation to the Council that the zone change be approved.

Mayor Kerr announced that the public hearing would be conducted as a quasi-judicial hearing per Resolution No. 213 of the City of Brookings. Mayor Kerr asked if th

were any objections to any member of the Council being on the panel. There were none.

Mayor Kerr asked Mr. Joy if he objected to Mayor Kerr being on the panel. Mr. Joy indicated he did not object. Mayor Kerr then declared the public hearing open. Mr. Bud Jones, representative of the developer, made a presentation outlining the project and its relationship to the City of Brookings Zoning Code and Comprehensive Plan. Mayor Kerr then asked if any proponents desired to make any statements. Dorothy Jenkins of 221 Musser Street questioned if the City requires sidewalks on condominiums. Mayor Kerr mentioned that this was a question and would not come under the proponents testimony. Mayor Kerr asked for those proponents in favor of the project to speak. No one responded.

Mayor Kerr asked for the opponents to speak. Paul Jenkins of 221 Musser Street spoke in opposition to the project for the following reasons: There was no play area, inadequate parking, a fence built to the road, a fire hazard because of trees on the roofs, people were unable to get to their property in the lower condominiums and high density. Bob Corrigan of 233 Del Norte Lane agreed with previous testimony and was opposed because of parking on the street, and too many people including older people and families with dogs. Clarence Seburn of 301 Maple Street was opposed because of the loss of peace and tranquility while the developer made a big profit. Nelson Currier of 237 Del Norte Lane agreed with previous testimony and knew of 100 houses for sale. Walter Wollenbecker of 307 Del Norte Lane was opposed to the project since the developers had advertised their units for rent in the newspaper and would be similar to a motel operation and not a residential area. (The City Manager stated that he had written to the developers concerning the matter but had no response. Mr. Jones acknowledged that he had received the letter and had talked with Mr. Ferg about it and would discuss it later). Dick Clark of 217 Musser Street was opposed to the project because of high density in their area. Bob Corrigan asked the Mayor if before the project is passed a petition could be taken up to stop the project. The Mayor and City Attorney agreed that because of the opposition that it could be referred back to the Planning Commission for further findings as the Planning Commission was to hear the opposition. Mayor Kerr mentioned that the property owners had not been notified of the Planning Commission meeting by certified mail and this had previously been a normal procedure on a land use change. Mr. Corrigan then asked if the matter would be referred back to the Planning Commission and the Mayor replied that it would be the Council's decision.

The City Attorney informed him that if either side should desire they could get a writ of review on the Council decision. Clarence Seburn asked if legal action could be instituted collectively to stop the proceedings and take it to Court. The City Attorney informed him that if either side does not like the Council decision it could be appealed to the Circuit Court to decide if the Council used discretion in their decision and then it could also be appealed to the Supreme Court if desired. He also felt that it would be proper at this time for the opponents to request the Council to either table, recess or request that it be referred back to the Planning Commission. Mr. Seburn requested that the Council deny the request. Pauline Olsen of 317 Memory Lane requested that the Council refer the request back to the Planning Commission so there could be more publicity about the hearing.

Mayor Kerr then requested the proponents to give their rebuttal to the opposition voiced. Mrs. Gerrid Joy felt it was unfortunate that the opponents did not desire to wait to have their questions answered but only wanted the request denied.

Mr. Jones then gave rebuttal to the opposition voiced and stated that the project would not be visible from the road since it was sloped towards the river. The fence had been constructed at the request of the Planning Commission. He mentioned that no parking was allowed outside the project but there had been many fishermen parking all along both sides of the street. There was sufficient parking spaces available with two and one-half places per unit which exceeded ordinance requirements. He was also willing to work with the City regarding the leasing of the condominiums and would abide by the City's decision. Mr. Jones then read a portion of Exhibit "B" which established the burden of proof and addressed the Comprehensive Plan. He began reading on Page 3 beginning with the fifth paragraph and finished reading on Page 4 of the fourth paragraph.

Mayor Kerr then asked for any cross examination of Mr. Jones. There was no response.

Mrs. Joy commented that many people outside the area had expressed praise for the landscaping and attractiveness of the units, and that people from all walks of life desired to purchase the units and requested that the Council view all the issues and answers rather than just opposition.

Mrs. Marian Fountain of 236 Del Norte Lane favored the development since it was previously trees, brush and blackberries and felt if not developed it would again grow back, and was pleased with the homes and the fence.

Mayor Kerr requested rebuttal and Mrs. Joan Heavey of 16 Seascape Court was concerned about other property owners building apartments in the area and who would pay for streets and sidewalks. She also objected to the carports at the front of the building being the front entry. Mr. Joy mentioned that because of the economic situation he was trying to use the beautiful harbor to develop tourism and bring more money into our town. He then requested Mr. Jones to read a letter signed by five property owners which favored the project and then requested that the Council approve his project.

Mayor Kerr questioned if there was any written correspondence and Mr. Marshall Ferg replied there was none. The City Manager stated that there was certification of mailing, advertisement in the newspaper and the notices posted on both the Planning Commission and Council hearings. Mr. Ferg added that the zoning ordinance did not require that the mailing be certified on a comprehensive land use change, but was requested by the City Manager to certify the Council hearing notices. The Mayor stated he had personally requested that the hearing notices be certified from this point forward. The Mayor then stated that sufficient testimony had been heard from both the opponents and proponents and the panel should either allow, disallow or refer the matter back to the Planning Commission at which time he declared the hearing closed. (There was approximately 8 people who exited the Council Chamber at this time). The Mayor gave the panel time to deliberate and Councilman Nidiffer felt it should be referred back to the Planning Commission for reappraisal and possible workstudy because of the controversy and misunderstanding. Councilman Lovejoy felt a decision should be made at this time. Councilman Geraghty felt that because of the communication problem the Planning Commission should review the citizens' input. Mayor Kerr made a request for a motion and the following motion was made:

MOTION by Councilman Lovejoy, seconded by Councilman Batty that we approve the zoning change No. Z-81-1 on Tax Lots 8100-8302 and a portion of 8310, Map 41-13-5CD on Del Norte Lane. Roll call: Councilman Lovejoy, "yes"; Councilman Batty, "yes"; Councilman Nidiffer, "no"; Councilman Geraghty, "no". Mayor Kerr felt that because of the opposition that he would be in favor of voting against the project. The motion did not carry.

MOTION by Councilman Geraghty, seconded by Councilman Nidiffer that we refer the matter back to the Planning Commission for their review. Roll call vote: Motion carried unanimously.

2. U. S. National Bank request

The City Manager informed the Council that the merchants had been contacted by both Mr. Finch of the U.S. National Bank and Chief Babb as directed by the Council at their last meeting. The request concerned the feasibility of installing signs to allow traffic from Highway 101 to come through the bank parking lot property and turn North to the drive-in window and turn to the South as an exit which would reverse the present flow of traffic to the South in the alley. They had contacted the bank and they would be willing to consider an easement across their private property to allow access for delivery trucks and parking for employees. It was clarified that the signs would be changed only if the City acquired the easement.

MOTION by Councilman Nidiffer, seconded by Councilman Batty that we grant the request to install the signing as proposed. Motion carried unanimously.

3. O.C.Z.M.A. dues

The City Manager stated that this was a request to pay our annual dues of \$230.00 for membership in the organization. The Mayor commented that this was a vital organization.

MOTION by Councilman Batty, seconded by Councilman Lovejoy that we approve the payment of the O.C.Z.M.A. dues. Motion carried unanimously.

VII. UNSCHEDULED APPEARANCES

Michael Cremarosa appeared before the Council and stated that he had been billed for sewer and was not hooked up and did not feel he should pay the bill. Mayor Kerr mentioned that this was a problem and the sewer use ordinances needed to be reviewed. The City Manager stated that he had written a letter to Mr. Cremarosa and informed him that he could pay the bill "under protest", which had been offered to other members of the community and the bill was owed.

VIII. ADJOURNMENT

MOTION by Councilman Lovejoy, seconded by Councilman Nidiffer that the meeting be adjourned. Motion carried unanimously.

The meeting was adjourned at 9:38 p.m.

This meeting is recorded on tape and is on file in the City Recorder's office.

  
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Mayor Bob Kerr

ATTEST:

  
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Naomi Bradfield, City Recorder

VOUCHERS PAYABLE  
July 14, 1981

<u>VOUCHER #</u>	<u>CHECK #</u>	<u>VENDOR</u>	<u>AMOUNT</u>
1		A & W Restaurant	24.9
2		Ray Allyn	10.3
3		American Scientific Products	76.6
4		Robert Babb	8.4
5		Baker & Taylor	12.5
6		Eugene P. Baumann, County Clerk Curry County	1,057.7
7		Becco, Inc	141.5
8		Blue Star Gas - Northwest	496.0
9		Brookside Florist	14.1
10		Brookings Office Supplies	513.4
11		Brookings Sanitary Service	55.0
12		Brookings Supply, Inc.	46.0
13		City of Brookings	109.2
14		Mike Cooper	7.2
15		Coos Curry Electric	971.7
16		Crescent City Radio & T.V., Inc.	105.0
17		Curry Coastal Pilot	30.5
18		Dan's Photo & Cameras	12.1
19		Dick's Chetco Saw Shop	15.6
20		Samuel W. Dotson	8.5
21		F&C Construction, Inc.	370.5
22		General Telephone Co.	609.2
23		Al Glasser Janitorial	600.0
24		Greyhound	13.5
25		Robert Hager	13.2
26		Harbor Logging Supply, Inc.	4.0
27		HINDS Supply Co.	284.7
28		International Conference of Building Officials	50.0
29		Kerr Ace Hardware	23.3
30		Littrell Parts	241.8
31		Christina Lucas	206.5
32		M & K Cafe	100.2
33		Medford Laboratories	24.0
34		Mory's Arts	79.1
35		NAFCO	139.6
36		New Era Press	11.2
37		Northgate Mobil	51.7
38		Northwest Law Enforcement	319.9
39		Nudelman Brothers	86.7
40		Lloyd Olds	560.0
41		O'Neal Supply, Inc.	274.4
42		Kent Owens	10.3
43		Pacific Northwest Bell	92.0
44		Pacific Water Works Supply Co., Inc.	883.6
45		Paramount Pest Control, Inc.	17.0
46		Phil's Home Decorating Center	146.3
47		Pool & Patio Place	22.8
48		Ray's Sentry Markets	82.3
49		Recreonics	25.0
50		Ritz's Repair, Inc.	274.3
51		Wayne Sheffel	9.0
52		Cecil Smith	17.8
53		Square Deal Builders Supply, Inc.	159.2
54		Steiner Corporation	456.1
55		3M FGL1582	243.8

Subtotal: \$10,220.7

VOUCHERS PAYABLE CONT.

<u>VOUCHER #</u>	<u>CHECK #</u>	<u>VENDOR</u>	<u>AMOUNT</u>
56		U.S. Postmaster	438.0
57		Willamette Valley Co.	210.0
58		Wilson Distributing Service, Inc.	4,659.2
59		Brookings Firefighters Assoc,	433.3
60		Robert O. Furrow	9.3
			Total-----
The Following bill was Added to Voucher List:			15,970.6
61	Lynn R. Stuart		47.8
The Following bill was Pulled from List:			Total
6	BECCO, Inc.		16,018.4
			-141.5
			GRAND TOTAL -- 15,939.9