



**MINUTES**  
**February 28, 2011**  
**LUBA REMAND HEARING**

**Call to order:            Time: 6:31PM**

- 1.     The pledge of allegiance**
- 2.     Roll Call:**

	Present	Absent
Mayor James Wernicke	X	
Council Position #1 Jeff Crook	X	
Council Position #2 Larry Brennan	X	
Council Position #3 Brice Gregory		X
Council Position #4 Doug Brand	X	
Council Position #5 Tamie Kaufman	X	
City Administrator Ellen Barnes	X	
Student Liaison Alayna Brand		X

**3.     Special Orders of Business:**

There are no Special Orders of Business

**4.     Consent Calendar**

There are no Consent Calendar items

**5.     Citizens Comments**

There were no Citizen comments from the audience.

**6.     Public Hearing**

- a.     LUBA REMAND 2009-066, Gold Beach file GBA-0801

The Mayor opened the public hearing. City Planner, Jodi Fritts, outlined the purpose for the meeting. Fritts explained that after discussions with legal counsel the plan is to continue the hearing and re-open the written record for fourteen (14) days to allow testimony as it relates to the remand issues only. Fritts explained what she needed from Council tonight was a motion that re-opened the record, and continued the hearing to a date certain for deliberations and oral decision.

Fritts then asked each member if they had any ex-parte contacts, if they had any bias, or if there were any conflicts-of-interest. Fritts polled each member beginning with Councilor Jeff Crook: Crook said he had none. Councilor Larry Brennan: none. Councilor Doug Brand: none. Councilor Tamie Kaufman: Kaufman said she had been a member of the Planning Commission when the original subdivision approval had been issued. She was still a member of the Commission for the request to modify the condition that had lead to the current appeal. She also said that one of

the Petitioner Intervenor-Wade Abke, was a tenant of hers but she was unaware he was involved in the appeal and she had not discussed this matter with him. She also said she managed two of the condominiums that are neighbors to the subject properties. Again, she said that she had not discussed the issue with either of the condo owners or their tenants. Fritts asked her if she felt she could be fair and impartial. She said that she felt she could. Fritts asked if anyone wished to challenge Kaufman. No challenges.

Councilor Brennan asked Councilor Kaufman, since she had been on the Planning Commission, if the Commission had jurisdiction over the sign. Kaufman said no. He asked her if there was an ordinance that regulated private streets. Kaufman said the subdivision ordinance regulated this proposal since it was a subdivision application. Brennan clarified that Panorama Drive was a private road. Kaufman said the approval was for a subdivision and at the time the applicants assumed, since they had an easement to Panorama Drive, that they would be able to access through there.

Brennan said LUBA said in the order that Panorama Drive was a private road. Brennan questioned whether the Council had jurisdiction over a private street. If the City did not have jurisdiction he questioned why the condition had been imposed. Kaufman said normally subdivision roads are dedicated to the city, or they could propose a private road maintained by the owners. She said the owners needed an extension of the access and at the time the owners didn't seem to think it would be an issue. Fritts clarified that there are actually two roads between the subject properties and Hwy 101: Panorama Drive and then Ruby's Way. Fritts said that the Planning Commission made the determination that the entire length of the access from the subject properties to Hwy 101 should be made into a public street. Kaufman said her memory was there was a question at the time who actually owned the road and who had the ability to access and maintain it. Brennan asked if the Council would have the information about the Panorama Drive ownership later? Brennan clarified the request: if Panorama Drive was a private road, does the City have jurisdiction? Brennan felt if it was not governed by ordinance than the Condition could not imposed or enforced. Fritts re-stated the request so it was clear: specifically, the Council wants to know the jurisdiction over private and public roads within the city. Brennan agreed.

Mayor Wernicke asked if anyone was ready to make a motion.

**MOTION:**

**Councilor Tamie Kaufman made a motion to reopen the record for written testimony as it relates to the remand issues only until 5PM, March 14, 2011. Councilor Jeff Crook seconded the motion.**

Mayor Wernicke called for discussion or debate. Councilor Brennan asked about when Fritts was going to be gone and if the date for the record was correct. Fritts clarified that she would be gone the last week of March so the hearing couldn't resume then but this motion was for the written testimony only. A second motion would be needed for when to reconvene the hearing. The Mayor called for the question.

<b>Record of Vote</b>	<i>Ayes</i>	<i>Nays</i>	<i>Abstain</i>
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
<b>MOTION CARRIED UNANIMOUSLY</b>			

Discussion about the April 11, 2011, regular agenda items and what else may be on the agenda.

**MOTION:**

**Councilor Tamie Kaufman made a motion to continue the hearing to April 11, 2011 at 6:30PM. Councilor Larry Brennan seconded the motion.**

Mayor Wernicke called for discussion or debate, hearing none he called for the question.

<b>Record of Vote</b>	<i>Ayes</i>	<i>Nays</i>	<i>Abstain</i>
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
<b>MOTION CARRIED UNANIMOUSLY</b>			

**7. Citizen Requested Agenda Items**

There were no Citizen Requested Agenda Items.

**8. Public Contracts and Purchasing**

There were no Public Contracts & Purchasing Items scheduled.

**9. Ordinances & Resolutions**

There were no Ordinances & Resolutions scheduled.

**10. Miscellaneous Items (including policy discussions and determinations)**

There were no miscellaneous items scheduled

**11. City Administrator's Report**

**12. Mayor and Council Member Comments**

- a. Mayor James Wernicke  
The Mayor had no comments
- b. Councilors
  - 1) Jeff Crook: None

- 2) Larry Brennan: None
- 3) Brice Gregory: Absent
- 4) Doug Brand:

Councilor Brand reminded those present that the Project Graduation fundraiser dinner will be Saturday, March 5<sup>th</sup> at 6PM at Docia Sweet.

- 5) Tamie Kaufman: None
- c. Student Liaison, Alayna Brand

**13. Citizens Comments**

There were no written requests as presented.

**14. Executive Session**

No Executive Session was scheduled.

The next regularly scheduled meeting of the Gold Beach City Council is Monday, March 14, 2011, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon

**MOTION:**

**Councilor Doug Brand made a motion to adjourn. Councilor Jeff Crook seconded.**

Mayor Wernicke called for discussion or debate, hearing none he called for the question.

<b>Record of Vote</b>	<i>Ayes</i>	<i>Nays</i>	<i>Abstain</i>
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
<b>MOTION CARRIED UNANIMOUSLY</b>			

**15. Adjourn Time: 6:45PM**

Minutes approved by the City Council, March 14, 2011

  
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 Jodi Fruits, City Recorder