



## SUMMARY OF THE MINUTES TOWN COUNCIL

**Thursday, October 17, 2013 – Council Chambers – Evening Session**

### **CALL TO ORDER**

Mayor Lacher called the regular session of the Town Council to order at 5:30 p.m.

### **ROLL CALL**

Councilmembers: Position No. 1, Steve Hushebeck; Position No. 2, Noel Monin; Position No. 3, Anna Maria de Freitas; and Position No. 5, Barbara Starr.

Others Present: Mayor, Carrie Lacher; Treasurer, Wendy Picinich; Town Administrator, Duncan Wilson; and Clerk, Amy Taylor.

Position No. 4, Felix Menjivar; and Attorney, Adina Cunningham; were not present.

### **EXECUSED ABSENCE**

Mayor Lacher asked if the Council wished to excuse the absence of Councilmember Menjivar. Council unanimously excused his absence.

### **FLAG SALUTE**

Mayor Lacher conducted the flag salute.

### **PUBLIC ACCESS TIME**

Lynn Danaher and Karen Palmer, Friday Harbor Film Festival, reported on the event and thanked the Council for the essential hotel motel grant funding that they used as "seed money".

### **PUBLIC HEARING**

#### Title 17 Amendments - Initiative 502 - Marijuana Legislation

At 5:35 p.m., Mayor Lacher opened the public hearing to consider revisions to Title 17 FHMC regarding regulations for marijuana retail, production and processing within the corporate limits of the Town. Due to the nature of producing and processing marijuana, the Town desires to exercise its zoning authority and police powers to ensure that such operations comply with standard zoning requirements and health and safety standards.

Mayor Lacher explained that the hearing was legislative in nature and that the purpose of the hearing was to receive public comment. Mayor Lacher asked if any Councilmember wished to excuse themselves from participating. Council answered in the negative. There was no response to Mayor Lacher's inquiry if anyone objected to her or any Councilmember's participation in the public hearing process. Council responded in the negative to Mayor Lacher's inquiry regarding personal interest in the affected properties or issue. Council responded in the negative to Mayor Lacher's inquiry regarding personal gain or loss of financial benefit. Council answered in the affirmative regarding hearing and considering the matter in a fair and objective manner.

Mayor Lacher asked Land Use Administrator, Mike Bertrand, to present the staff report. Mr. Bertrand entered no exhibits into the record; stated three constituents contacted Town; and described staff evaluation of the issue and recommendation.

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48 The Town desires to comply with I-502 to the extent allowed by law. I-502 requires that no facility for  
49 marijuana retailing, processing or producing be located within 1,000 feet of the perimeter of any  
50 “elementary or secondary school, playground, recreation center or facility, child care center, public  
51 park, public transit center, or library, or any game arcade admission to which is not restricted to  
52 persons aged twenty-one years or older.” These buffer zones significantly limit the area in which  
53 marijuana facilities may be located in the Town. The Council and staff have reviewed the zones  
54 outside of these 1,000 foot buffer zones and concluded that the light industrial zone would be  
55 consistent with I-502. If the proposed ordinance is adopted, a proposed facility would be an allowable  
56 use under 17.52.020.

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58 Staff evaluation and recommendation is that the Town Council should consider the draft ordinance  
59 presented as it is in the best interest of the Town and the general public to make appropriate zoning  
60 changes to accommodate the growing, processing and retail of marijuana pursuant to I-502.

61  
62 At 5:44 p.m., Mayor Lacher opened the hearing for public comment.

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64 Matt Shildneck, Planning Commissioner, asked how staff determined that marijuana processing should  
65 be a conditional use. Administrator Wilson explained that Town is concerned about sight, smell, noise  
66 and other factors that may impact neighbors of a facility.

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68 Steve Wehrly, San Juan Island, requested that Town produce a map showing the allowable areas.

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70 Norris Palmer, 4730 West Side Road, thanked the Council for being proactive and considering an  
71 ordinance for appropriate zoning.

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73 Gay Wilmerding, 550 Jensen Alley, asked if medical marijuana could still be grown in the home.  
74 Administrator Wilson responded that the State may change laws relating to medical marijuana.

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76 Mayor Lacher asked for additional public testimony. Hearing none, she asked if staff if they wished to  
77 make additional comments. None were forthcoming. Mayor Lacher opened the hearing to Council  
78 questions. No additional questions were forthcoming. Mayor Lacher asked for additional audience  
79 comments. Hearing none, Mayor Lacher closed the public input portion of the hearing at 5:54 p.m.

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81 No action was taken.

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83 **ACTION AND DISCUSSION ITEMS**

84 Resolution No. 1982

85 At 5:55 p.m., Mayor Lacher introduced discussion of draft Resolution No. 1982, *authorizing the Mayor*  
86 *to execute an agreement with Anchor QEA, LLC for revisions to the Town Shoreline Master Plan*  
87 *Update*. Land Use Administrator, Mike Bertrand, explained that the consultant submitted a scope of  
88 work and budget for the project. Mr. Bertrand has been in contact with the consultant concerning the  
89 budget in order to lower the cost as much as possible. As a result, most of the public outreach and  
90 coordinating with the Department of Ecology will be done by staff and the Planning Commission. No  
91 discussion followed.

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93 **Moved by Starr, seconded by Hushebeck, to adopt Resolution No. 1982, authorizing the**  
94 **Mayor to execute an agreement with Anchor QEA, LLC, an environmental engineering**  
95 **firm, to complete updates to the Town Shoreline Master Plan. Motion passed 4-0 with**  
96 **Menjivar absent.**

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98 Ordinance No. 1519

99 At 6:00 p.m., Mayor Lacher introduced discussion of draft Ordinance No. 1519, *relating to dangerous*  
100 *and potentially dangerous dogs*. Administrator Wilson explained that the court of appeals in recent  
101 decision ruled that portions of the Pierce County Code relating to dangerous dogs were invalid because  
102 the county code did not plainly state the burden of proof and because the code included a fee for  
103 review of a dangerous dog determination. The Town has similar ordinance language and should be  
104 updated to conform to the court’s holding in the case and to be consistent with County Code. No  
105 discussion followed.

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107 **Moved by Hushebeck, seconded by Monin, to adopt Ordinance No. 1519, amending**  
108 **procedures in 6.05 FHMC relating to dangerous dogs and potentially dangerous dogs.**  
109 **Motion passed 4-0 with Menjivar absent.**

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111 **WORK SESSION**

112 2014 Town Budget

113 At 6:03 p.m., Mayor Lacher opened the initial work session regarding the 2014 Town Budget. Mayor  
114 Lacher and the Town Council discussed items of interest with Administrator Wilson and Treasurer  
115 Picinich. Administrator Wilson reviewed revenues at a glance, expenditures in general, capital reserve  
116 project, and discretionary budget request from various departments. Discussion and inquiry followed  
117 regarding long term planning and priorities, contractual rate increases, estimated revenues, and status  
118 of the Sutton Road transfer station lease agreement and proposed rates. No action was taken.

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120 **ACTION AND DISCUSSION ITEMS (cont.)**

121 2014 Hotel Motel Excise Tax Grant Program

122 At 7:10 p.m., Mayor Lacher introduced discussion of the Lodging Tax Advisory Committee (LTAC)  
123 recommendation regarding 2014 Hotel Motel Grant Tax disbursements. Administrator Wilson explained  
124 the process that LTAC used to determine the recommended amounts. Administrator Wilson noted that  
125 the LTAC considered a weighted average instead of the straight average by eliminating the highest and  
126 lowest recommendation for each application. Councilmember Hushebeck noted that the  
127 recommendation does not equal \$199,000 because of this method. Councilmember de Freitas stated  
128 concerns that grant funding would be used to promote the Film Festival during a time that other  
129 activities are abundant. Councilmember Monin stated that he did not approve of using grant funding  
130 as a means of controlling aspects of an event, such as timing. Discussion and inquiry followed  
131 regarding the proposed funding of other applications.

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133 **Moved by Hushebeck, seconded by Monin, to accept the recommendation of the Town**  
134 **Lodging Tax Advisory Committee from the 2<sup>nd</sup> 2% Hotel Motel Excise Tax fund totaling**  
135 **\$197,792; and distribute the remaining \$1,200 proportionately among the applicants as**  
136 **follows:**

- 137 • **SJI Visitors Bureau - \$149,729**
- 138 • **SJI Chamber of Commerce (Visitors Information Center) - \$23,623**
- 139 • **SJI Chamber of Commerce (Event Promotion) - \$3,018**
- 140 • **SJI Chamber of Commerce (Fireworks Display) - \$1,467**
- 141 • **Whale Museum - \$6,238**
- 142 • **Art Museum - \$4,326**
- 143 • **Pacific Island Research Institute - \$5,534**
- 144 • **Port of Friday Harbor - \$855**
- 145 • **Skagit Valley College - \$1,509**
- 146 • **Agricultural Guild - \$1,610**
- 147 • **Chamber Music Festival - \$1,090**

148 **Motion passed 4-0 with Menjivar absent.**

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Resolution No. 1983

At 7:37 p.m., Mayor Lacher introduced discussion of draft Resolution No. 1983, *authorizing the Mayor to execute an agreement between the Town and Inter Island Enterprises, dba San Juan Business Park for rental storage.* Administrator Wilson explained that Public Works has a need to store heavy equipment during the inclement weather months, including the Town vector truck. San Juan Business Park offers month-to-month storage at a rate of \$430 per month. No discussion followed.

**Moved by Monin, seconded by Starr, to adopt Resolution No. 1983, authorizing the Mayor to execute an agreement between the Town and Inter Island Enterprises, dba San Juan Business Park for rental storage. Motion passed 4-0 with Menjivar absent.**

Resolution No. 1984

At 7:39 p.m., Mayor Lacher introduced discussion of draft Resolution No. 1984, *authorizing the Mayor to execute an agreement between the Town and Janice DeBardi to provide construction inspection services for the Spring Street Water Sewer Main Replacement Project.* Administrator Wilson explained that Ms. DeBardi offered to provide services on a time and material basis rate of \$35.00 per hour for duration of the project. No discussion followed.

**Moved by Starr, seconded by Hushebeck, to adopt Resolution No. 1984, authorizing the Mayor to execute an agreement between the Town and Janice DeBardi to provide construction inspection services for the Spring Street Water Sewer Main Replacement Project. Motion passed 4-0 with Menjivar absent.**

Resolution No. 1985

At 7:43 p.m., Mayor Lacher introduced discussion of draft Resolution No. 1985, *authorizing the Mayor to execute Change Order Nos. 1 and 2 on the contract with Richard Lawson Construction, Inc. for the Mullis Street Pedestrian Improvement Project.* Administrator Wilson explained that in accordance with the Town’s change order policy, the Town and Contractor have mutually agreed that several items could be changed for efficiency purposes. Change Order No. 1 contains no monetary value for amending contact information in the agreement. Change Order No. 2 has an additive value of \$3,455.00 for use and installation of materials. No discussion followed.

**Moved by Monin, seconded by de Freitas, to adopt Resolution No. 1985, authorizing the Mayor to execute Change Order Nos. 1 and 2 on the contract with Richard Lawson Construction, Inc. for the Mullis Street Pedestrian Improvement Project. Motion passed 4-0 with Menjivar absent.**

**ADMINISTRATOR’S REPORT**

At 7:45 p.m., Administrator Wilson presented the Town Council with an update of the following:

- Meeting/Conference Schedule - The Administrator review the prior week’s meeting schedule.
- Warbass Way - The catch basin is scheduled to be installed the week of October 21, 2013.
- Chip Seal Program - Eligible projects were listed for chip sealing in spring 2014.
- Water Treatment - Public Works has identified a pilot system for chlorine treatment of water in lieu of buying and transporting liquid chlorine. The expense of transporting chlorine currently costs more than the product.
- Front Street Kiosk - Signage has been installed and final touches for painting are taking place.
- Front Street Plantings - Plantings will be installed once plants are dormant. The contractor estimates another 1-2 weeks.

- 199 • Blair Street Improvement Project - School District 149 are scheduled to approve the agreement  
200 and quit claim deeds on October 30<sup>th</sup>.
- 201 • Tourism Branding Plan - The revised scope of work for Phase I will be advertised in November.
- 202 • Solid Waste Management Plan - The Planning Commission is reviewing the final draft of the  
203 Solid Waste Management Plan for compliance with our Comprehensive Plan. The Council will  
204 consider adoption in December.

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206 **FUTURE AND NON-AGENDA ITEMS**

207 No future agenda items were forthcoming.

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209 **CITIZEN RESPONSE**

210 No citizen response was forthcoming.

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212 **EXECUTIVE SESSION**

213 At 7:55 p.m., Mayor Lacher announced that the Council would be holding an executive session  
214 regarding performance of a public employee in accordance with the provisions of RCW  
215 42.30.110(1)(g); which was estimated to last 15 minutes. Participants: Town Council, Mayor Lacher,  
216 Administrator Wilson, Treasurer Picinich, and Clerk Taylor. The session ended at 8:11 p.m. for an  
217 actual session time of 16 minutes. No actions were taken.

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219 **ADJOURNMENT** – Hearing no further business and no objection, Mayor Lacher adjourned the  
220 meeting at 8:13 p.m. The next regular meeting is scheduled for Thursday, November 7, 2013 at 12:00  
221 p.m.

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223 \* \* \* \* \*

224 **These minutes were approved on November 7, 2013. The original document is retained by**  
225 **the Clerk in the Town Council’s permanent records. Attest: Amy Taylor, Town of Friday**  
226 **Harbor Clerk**