



SUMMARY OF THE MINUTES TOWN COUNCIL

Thursday, July 17, 2014 – 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. 3, Anna Maria de Freitas; Position No. 4, Farhad Ghatan; and Position No. 5, Barbara Starr.

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

Position No. 2, Noel Monin, was absent.

Attorney Paul Elsner was present.

EXECUSED ABSENCE

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

FLAG SALUTE

Mayor Lacher conducted the flag salute.

PUBLIC ACCESS TIME

Roger Bennett, 1 Spring Street, stated that the evening session was not advertised in the legal section of the newspaper. Mr. Bennett inquired if the meeting was legal.

Archie Brooks, 825 Harbor Street, spoke in support of the American Legion's request to install an art mural depicting an American Flag (CUP No. 69).

Misty Todd, 123 West Street, stated that she did not get a certified notification for the public hearing.

Sandra Burnell, 241 Warbass Way, spoke in support of the American Legion's request.

Roger Bennett, 1 Spring Street, stated that he did not get a certified notification for the public hearing.

Pati Grace, 415 Carter Avenue, spoke in support of the American Legion's request.

Jim Carol, property manager/local business owner, stated that he did not get a certified notification for the public hearing.

ACTION AND DISCUSSION ITEMS

Oath of Office – Town Treasurer

At 5:40 p.m., Kelle Wilson took an Oath of Office for the position of Town Treasurer.

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Employee Recognition

At 5:46 p.m., Administrator Wilson announced that the road leading to Trout Lake Reservoir required a name for addressing and E9-11 purposes. Administrator Wilson presented the new street sign for Fitch Road to C. King Fitch. Mr. Fitch thanked the Mayor and Council.

PUBLIC HEARING

SSDP No. 97 – Spring Street Landing

At 5:47 p.m., Mayor Lacher opened the continued public hearing regarding a request by the Port of Friday Harbor for new construction to replace the previous Spring Street Landing and the Downriggers Restaurant.

The subject parcel is identified as TPN 351353001 and located at 10 Front Street, Friday Harbor. The upper street level will include a new restaurant with outdoor dining, an upper public plaza, and small retail building. The lower level of the building will contain retail and parking. A public and pedestrian walkway will link the waterfront to the Front Street upper level and the Spring Street Pier. The new construction proposes approximately 9,218 square feet of restaurant and retail area; and 5,628 square feet of lower level parking and restrooms. The subject property is located with the shoreline.

Regarding communications with the public, Mayor Lacher stated that she forwarded email from Nina LaBaron to the Town. The email was made part of the record. Councilmember Hushebeck stated that he had been contacted by telephone and referred the constituent to Town staff. The Council answered in the affirmative to hearing the matter in a fair and objective manner.

Mayor Lacher asked staff if they wished to address concerns presented during public access. Land Use Administrator, Mike Bertrand stated that notifications are mailed to those property owners within 300 feet of proposed development and are posted at the site.

Mayor Lacher asked the Applicant to present additional materials requested by the Council at the hearing on June 26, 2014. Marilyn O'Connor, Port Executive Director, presented a conceptual design with a lower roof line. The depiction was entered as "Exhibit L".

Mayor Lacher asked Land Use Administrator, Mike Bertrand, to comment. Mr. Bertrand stated that an additional review by the Historic Preservation Review Board is required if the Council opts for the lower roofline.

Mayor Lacher opened the hearing to Council questions.

Councilmember Starr asked about the cost for redesign of the roofline. Ms. O'Connor stated approximately \$1,000.

Councilmember Hushebeck asked about lowering the chimney. Ms. O'Connor stated that the chimney would be engineered proportionately to the roofline.

Councilmember Hushebeck asked how long an additional HPRB review takes. Mr. Bertrand stated approximately 2 weeks.

At 6:03 p.m., Mayor Lacher opened the public testimony portion of the hearing.

95 Misty Todd, 123 West Street, stated concerns regarding view corridor protection. Ms. Todd entered
96 Exhibits M, photograph, into the record. Ms. Todd presented Exhibits M and N, maps and requested
97 that the variance for height be denied.

98 Roger Bennett, 1 Spring Street, objected to allowing a height variance.

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100 David Chayetter, Seattle resident, stated that keeping the building at allowable height is fair and
101 appropriate.

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103 Leslie Keyt, 535 View Drive, requested that the Council not postpone a decision. Ms. Keyt stated that
104 the process has been transparent.

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106 Misty Todd, 123 West Street, stated that the Port ignored requests and concerns of neighboring
107 properties.

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109 Hearing no other comments from the audience, Mayor Lacher closed the public testimony portion of
110 the hearing and invited comments from Staff and the Applicant.

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112 Mr. Bertrand stated that Ms. Todd’s building, located adjacent to Spring Street Landing, underwent a
113 different process. 123 West Street is located in the “View Protection Overlay”.

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115 Ms. O’Connor stated that Nina LaBaron’s email (Exhibit O) was inaccurate.

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117 At 6:19 p.m., hearing no other questions from the Council or comments from staff, opened the
118 deliberation portion of the hearing. Mayor Lacher stated her personal concerns regarding the proposed
119 height.

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121 The Council took turns offering their opinions of the proposal. Discussion followed regarding view
122 corridors, height, alternate roof pitch, and process.

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124 **Moved by Ghatan, seconded by Starr, to adopt the Staff report dated June 17, 2014;**
125 **approve Substantial Shoreline Development Permit No. 97 and SEPA Checklist 293 with**
126 **the original design presented at the public hearing on June 26, 2014; and direct Staff to**
127 **prepare Findings of Fact, Conclusions of Law and Decision for consideration. Motion**
128 **passed 4-0 with Monin absent.**

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132 **ACTION AND DISCUSSION ITEMS (CONT.)**

133 Finding of Fact – CUP No. 69

134 At 6:35 p.m., Mayor Lacher introduced discussion of *Findings of Fact, Conclusions of Law, and Decision*
135 *regarding Conditional Use Permit No. 69 to install a public art mural.* The public hearing and direction
136 given to staff occurred May 15, 2014 (see minutes). Councilmember Hushebeck expressed to the
137 audience that, although denied, following the hearing the applicant was encouraged to present
138 alternative designs for consideration.

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140 **Moved by Ghatan, seconded by Hushebeck, to adopt Findings of Fact, Conclusions of Law,**
141 **and Decision regarding Conditional Use Permit No. 69. Motion passed 4-0 with Monin**
142 **absent.**

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146 Ordinance No. 1540

147 At 6:38 p.m., Mayor Lacher introduced discussion of draft Ordinance No. 1540, *amending Chapter*
148 *10.04 FHMC concerning time limited parking*. Administrator Wilson explained that the purpose of the
149 ordinance is to allow latitude for Town to change times limits for extended parking during the summer
150 months. Discussion followed regarding expanding areas for 8 and 72 hour parking.

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152 **Moved by Starr, seconded by Ghatan, to adopt Ordinance No. 1540, amending Chapter**
153 **10.04 FHMC concerning time limited parking. Motion passed 4-0 with Monin absent.**

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155 2015 Hotel Motel Excise Tax Grant

156 At 6:46 p.m., Mayor Lacher introduced discussion of the request by the Town Lodging Tax Advisory
157 Committee to increase the approved allocation amount by \$25,000 for promotion programs.
158 Administrator Wilson summarized the July 9th LTAC meeting. Mayor Lacher stated concerns regarding
159 overcrowding. Discussion followed regarding strategies for use of the funding.

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161 **Moved by Hushebeck, seconded by de Freitas, to approve the allocation of \$225,000 from**
162 **the second two percent hotel motel excise tax fund. Motion passed 4-0 with Monin**
163 **absent.**

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165 **ADMINISTRATOR’S REPORT**

166 At 7:10 p.m., Administrator Wilson presented the Town Council with an update of the following:

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- 168 • Trout Lake Reservoir – New signs will be posted at the lake because of trespassing. A press
169 release will be issued to the public stating that violations will be prosecuted.
 - 170 • Chip Seal Project – Fog sealing is underway to finish the chip sealing project.
 - 171 • Refuse worker – John Gustafason was the successful applicant.
 - 172 • Consumer Finance Clerk – Interviews are underway.
 - 173 • Public Works Department – One FTE is requested at to balance workload. Placement will at the
174 Wastewater Treatment Plant.
 - 175 • Blair Avenue – The agreement for Janis DeBardi has been verbally amended to allow a helper.
176 No monetary increase for the contract is anticipated.
- 177

178 **FUTURE AND NON-AGENDA ITEMS**

179 Mayor Lacher notified the Council that she would be attending a work conference and required an
180 absence. Barbara Starr and Steve Hushebeck volunteered to act as Mayor Pro-tem.

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182 **CITIZEN RESPONSE**

183 Roger Bennett, 1 Spring Street, suggested that parking monitoring be changed from (8 a.m. to 5 p.m.)
184 to (9 a.m. to 6 p.m.). Discussion followed regarding congestion lasting past 5:00 during certain times
185 of year.

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187 **ADJOURNMENT** – Hearing no further business and no objection, Mayor Lacher adjourned the
188 meeting at 7:32 p.m. The next regular meeting is scheduled for Thursday, August 7, 2014 at 12:00
189 p.m.

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191 * * * * *

192 **These minutes were approved on August 7, 2014. The original document is retained by**
193 **the Clerk in the Town Council’s permanent records. Attest: Amy Taylor, Town of Friday**
194 **Harbor Clerk**