

GIG HARBOR CITY COUNCIL MEETING OF MARCH 13, 2000

PRESENT: Councilmembers Ekberg, Young, Robinson, Owel, Picinich, Ruffo and Mayor Wilbert. Councilmember Dick was not present.

CALL TO ORDER: 7:04 p.m.

PUBLIC HEARING: First Reading of Ordinances – Planning Commission Recommendations.

- a) Vertical Zoning
- b) New/revised Definitions, Chapter 17.04
- c) New C-2 (Commercial) District, Chapter 17.41
- d) Map Rezone – New C-2 District
- e) Amendments to the C-1 (Commercial) District

Mayor Wilbert opened this public hearing at 7:05 p.m.

Dave Morris, 6018 106th Ave NW – Mr. Morris spoke on behalf of the Chamber of Commerce and asked council to refer to their letter of November 17, 1999 which outlined their concerns with the vertical zoning proposal.

Donna Lormor, 3026 Harborview Drive – Ms. Lormor spoke on behalf of the Downtown Restaurant and Retailers Association in support of the proposed retail clustering.

Jo Graffe, 3126 Harborview Drive – Ms. Graffe voiced her support of this ordinance and it's proactive approach to zoning.

Linda Gair, 9301 N. Harborview Drive – Ms. Gair spoke in support of the vertical zoning ordinance and cited several cities which have implemented such regulations and maintained their downtown vitality. She stated that statements made by the Chamber that there has been an increase in retail business activity were false.

Richard Yasger, 1105 37th St Ct NW – Speaking on behalf of the Peninsula Neighborhood Association Mr. Yasger voiced his concerns with the retail clustering. Mr. Yasger stated that big retail stores possibly moving into the Gig Harbor North area are what will destroy the downtown and that we should be focusing on those issues.

Joannie Smith, 3116 Harborview Drive – Ms. Smith voiced her support of the vertical zoning ordinance and invited the City Council to come and walk through the shops and see what state the buildings are in and witness for themselves just how few customers they have. She further stated that she used to employ 2-3 people in her shop and can now easily handle it alone.

Walt Williamson, Gig Harbor Marina – Speaking against the proposed vertical zoning, Mr. Williamson cited his difficulty in finding a tenant for his building.

Rick Gagliano, 8607 58th Ave NW – Mr. Gagliano brought up several issues which he felt were important to consider in vertical zoning. He suggested that Council consider additional height incentives along with the vertical zoning. Mr. Gagliano felt that the bigger task of a vision for the downtown should be considered before vertical zoning.

John Gilich, 7005 Soundview Drive – Voicing his concerns with vertical zoning, Mr. Gilich stated his desire to see incentives rather than restrictions implemented.

Scott Wagner, P.O. Box 492, Gig Harbor – Mr. Wagner spoke against the vertical zoning ordinance and stated his belief that it was taking away property rights without compensation.

John Holmaas, 7524 Goodman Drive – Mr. Holmaas spoke against the proposed vertical zoning ordinance.

Walt Smith, 11302 Burnham Drive – Speaking for the group Forward Together, Mr. Smith voiced his opposition to the proposed vertical zoning ordinance.

Paul Cyr, 4102 55th St Ct NW – Mr. Cyr spoke on behalf of the Stroh family and how this zoning change would affect their business. He asked the Council to consider including the Stroh's property in the C-2 designation with an agreement that would be recorded with the property to not allow motor vehicle sales. He also pointed out the need for a definition of a rental business.

Tom Kerlich, Attorney at Law – Representing the Stroh family, Mr. Kerlich supported many of Mr. Cyr's statements in opposition to the zoning of the Stroh's property and his concern for the Stroh's opportunities for future expansion.

Dave Morris, 6018 106th Ave NW – Mr. Morris spoke against the new C-2 zoning and questioned the council about their concern for the SR-16 corridor and motor vehicle sales when the City had just worked with Pierce Transit to develop the Park and Ride facility along SR-16.

There being no further public input, Mayor Wilbert closed the public hearing at 8:07 pm.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of Minutes of the February 28, 2000, City Council Meeting.
2. Correspondence/Proclamations:
 - a) Letter from Mayor of Bremerton re: I-695 Lawsuit.
 - b) PSRC Executive Board Report
 - c) D.R.E.A.M. Announcement.
 - d) Safe Streets Academy
 - e) Junior Daffodil Parade.
 - f) Proclamation – Foster Parents
 - g) Letter from Lieutenant General James Hill.
3. Burnham Drive Watermain Extension – Webster Easement Agreement
4. Condemnation Attorney Contract
5. Crackseal Melter Applicator – Purchase Authorization.
6. Approval of Payment of Bills for March 13, 2000:

- Checks #24501 through #24647 for \$290,122.34. Check #24500 was voided.
7. Approval of Payroll for the month of February in the amount of \$197,651.18.
 8. Liquor License Renewals: Maritime Mart; Eagles; Gig Harbor Texaco; Tides Tavern.

City Attorney Carol Morris asked that item number four, the Condemnation Attorney Contract be moved to new business as there were changes that needed to be made to the contract.

Councilmember Ekberg asked that item number eight, the Liquor License Renewals, be moved to new business as he had some concerns.

MOTION: Move to approve the Consent Agenda as amended.
Ekberg/Ruffo - unanimously approved.

OLD BUSINESS:

1. Court Consolidation – City Administrator Mark Hoppen gave a brief update of the Court Consolidation and the possibility of hiring a consultant. Mr. Hoppen recommended the council hold a public hearing at the next council meeting to address these issues.

MOTION: Move to conduct a Public Hearing on the court consolidation at the next council meeting.
Ekberg/Ruffo – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinances – Planning Commission Recommendations:
 - a) Vertical zoning
 - b) New/revised Definitions, chapter 17.04
 - c) New C-2 (Commercial) District, Chapter 17.41
 - d) Map Rezone – New C-2 District
 - e) Amendments to the C-1 (Commercial) District

Planning Director Ray Gilmore gave a brief overview of the proposed vertical zoning and responded to some issues raised during the public comment period. He pointed out that Mr. Williamson would not be affected by the vertical zoning as the offices he referred to are more than fifty feet from the right of way. Mr. Gilmore clarified the section on non-conforming uses by stating that a non-conforming use may remain indefinitely unless it is abandoned for more than a year or replaced by a conforming use. Councilmember Robinson asked if the Waterfront Millville district had special restrictions which protected it's character. Mr. Gilmore responded that yes, Waterfront Millville does have zoning restrictions to protect it's "fishing village" character.

Planning Commission Chairman Paul Kadzik gave a presentation on the Planning Commissions recommendations for vertical zoning using a color map of the parcels affected.

Councilmember Picinich asked why the Planning Commission had not considered including the parcels on the corner of Soundview and Harborview owned by Hauge. Councilmember Young asked if other areas of the city had been considered as well. Councilmember Picinich mentioned a memo he had received from Jim Pasin dated March 9, 2000 and asked staff to read it. Councilmember Ruffo inquired as to whether or not the proposed bridge or the East/West Road had entered into the Commission's recommendation and had they considered offering incentives?

Dr. Kadzik stated that their recommendations were not based on the bridge or the East/West Road and none of the incentives proposed seemed viable. Councilmember Robinson asked Donna Lormor how many members were represented by the Downtown Retailers Association. She responded that they had at least 50 members, and of those members several were also building owners.

Planning Director Ray Gilmore gave an overview of the changes to the C-1 zoning district and the proposed new C-2 zoning district. He addressed statements made during the public comment period regarding the 30 foot buffer between the C-1 and C-2 zones and residential. He confirmed that the buffer is the same for both zones.

Planning Commission Chairman Paul Kadzik gave a brief presentation of how the Planning Commission arrived at their recommendation on this zoning change.

Paul Cyr spoke on behalf of the Stroh family and pointed out that the definition of nursery stock did not fully cover what currently exists at Strohs which would make them non-conforming. He also pointed out that there is no definition provided for rental businesses such as the one that exists on the Stroh property.

Joe Malich spoke against the proposed zoning change. He stated that this would further restrict him from finding a place to put a car lot.

Attorney Tom Kerlich addressed the issue of clearer definitions to allow the Stroh's to be a conforming use. He further stated his concern regarding the Stroh's ability to rebuild should their building be destroyed.

Ray Gilmore stated that a non-conforming use can be maintained if the building is destroyed. It is the use that must continue without interruption of more than a year, not the building.

Councilmember Ekberg stated that he would like to see rental businesses addressed in the code. Councilmember Robinson suggested that we also more clearly define nursery stock.

Chairman Kadzik stated that it was the Planning Commission's intent to include all landscape items. He then gave a brief summation of the proposed changes.

2. Re-establishment of Street Monuments Survey – Consultant Services Contract. Public Works Director Dave Skinner gave a brief background on the need for re-establishment of the street monuments. He stated that the city had received several complaints from surveyors who have had to re-establish property lines and not had street monuments to work from.

City Attorney Carol Morris pointed out a change that needed to be made to the contract on page 4 subsection F.

MOTION: Move to approve Consultant Services Contract in the amount of \$5,461.10 with the proposed change.
Young/Robinson - unanimously approved.

3. Amendment No.2 – Comprehensive Water Plan Update – Consultant Services Contract. Public Works Director David Skinner gave a short explanation of this amendment to include the preparation of an Operations and Maintenance Manual in the scope of work for Gray and Osborne.

MOTION: Move to authorize Amendment No. 2 to the Consultant Services Contract not to exceed \$12,000.00.
Young/Robinson - unanimously approved.

4. Condemnation Attorney Contract. City Attorney Carol Morris stated that Mr. Hurley had requested that page 3 section 10 be deleted. Councilmember Picinich asked for the reason for striking this item. Ms. Morris stated that since the item required Mr. Hurley to provide insurance it could be assumed that he did not have any. Council asked Ms. Morris to confirm this and if this were in fact true that Ms. Morris should handle the condemnation. No motion was made, this item was tabled.

5. Liquor License Renewals: Maritime Mart; Eagles; Gig Harbor Texaco; Tides Tavern. Councilmember Ekberg stated that he had noticed on several occasions that the Maritime Mart has had signs up in their store that they were unable to sell beer and wine due to liquor license violations. He asked Mayor Wilbert to draft a letter to the Maritime Mart letting them know that if these violations continue the Council will not recommend renewal of their license.

PUBLIC COMMENT/DISCUSSION:

COUNCIL COMMENTS / MAYOR'S REPORT:

Mayor Wilbert asked Public Works Director Dave Skinner to give an update on the odor elimination at the Sewer Treatment Plant. Mr. Skinner stated that they had isolated the problem and that the pumps were getting an air lock in the middle of the night, causing them to shut down. They are implementing a secondary treatment program on March 27th and it should reduce the problem within 1-2 weeks.

STAFF REPORTS: None scheduled.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Special Council Meeting – Harborwest Appeal, March 23rd at 6 p.m.

EXECUTIVE SESSION: For the purpose of discussing pending and potential litigation per RCW 42.30.110(i).


MOTION: Move to adjourn to executive session at 9:40 p.m. for approximately 30 minutes.
Picinich/Ruffo - unanimously approved.

MOTION: Move to return to regular session at 9:50 p.m.
Owel/Young - unanimously approved.

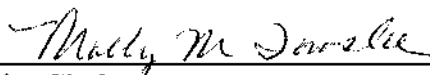
ADJOURN:

MOTION: Move to adjourn at 9:50 p.m.
Owel/Picinich - unanimously approved.

Cassette recorder utilized.
Tape 559 Both Sides.
Tape 560 Both Sides.
Tape 561 Both Sides.



Mayor



City Clerk