

GIG HARBOR CITY COUNCIL MEETING OF APRIL 10, 2006

PRESENT: Councilmembers Ekberg, Young, Franich, Conan, Dick, Payne, Kadzik and Mayor Hunter.

CALL TO ORDER: 7:04 p.m.

PLEDGE OF ALLEGIANCE:

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 the Minutes of City Council Meeting of March 27, 2006 and Special City Council Meeting of March 30, 2006.
2. Correspondence / Proclamations: a) Letter to Colonel Hilton; b) Proclamation – National Volunteer Week; c) Proclamation – Records and Information Management Month.
3. Appointments to the Gig Harbor Arts Commission.
4. Appointment to the Building Code Advisory Board.
5. Consultant Service Contract – Robert Winskill.
6. Amendments to 2006 Job Descriptions.
7. Consultant Service Contract – Evaluation of Community Development.
8. Scofield Property Acceptance.
9. Special Occasion Liquor License: Prison Pet Partnership Program.
10. Liquor License Application: Halftime Sports, LLC; Terracciano's
11. Payment of Bills for April 10, 2006.
Checks #49947 through #50071 in the amount of \$377,062.39.
12. Approval of Payroll for the month of March:
Checks #4172 through #4221 and direct deposits in the amount of \$403,171.16.

MOTION: Move to adopt the consent Agenda as presented.
Franich / Ekberg – unanimously approved.

Mayor Hunter announced the names of the new appointments to the Gig Harbor Arts Commission and Building Code Advisory Board and asked them to stand if present.

He then thanked County Councilmember Terry Lee for assisting in the process to transfer the Scofield Property to the City of Gig Harbor. Councilmember Lee said that he appreciates the Council's willingness to take over the property, which will be a great addition to the Gig Harbor Historical Society as well as the entire Gig Harbor Community.

OLD BUSINESS:

1. Second Reading of Ordinance – Hardy Rezone. John Vodopich presented this ordinance that would implement a site-specific rezone and offered to answer questions.

MOTION: Move to adopt Ordinance No. 1038 as presented.
Payne / Franich - unanimously approved.

2. Second Reading of Ordinance – Amendment to GHMC Adopting Updated State Amendments to the Building, Fire, Mechanical, and Energy Codes. Dick Bower, Building Official / Fire Marshal, offered to answer any questions.

MOTION: Move to adopt Ordinance No. 1039 as presented.
Dick / Franich - unanimously approved.

3. Traffic Safety Emphasis Interlocal Agreement. Mike Davis, Chief of Police, explained that he had contacted the AWC Risk Management representative and was assured that the city's policy covered officers' liability under this agreement.

MOTION: Move to approve the Traffic Safety Emphasis Interlocal Agreement.
Payne / Young – unanimously approved.

NEW BUSINESS:

1. Public Hearing and First Reading of an Ordinance – Allowing the combination of nonconforming lots, GHMC 16.03.004. Jennifer Sitts explained that this ordinance would allow the owner of two or more legally non-conforming lots to combine the lots, even if the resulting lot does not meet the minimum set-back requirements. The Planning Commission has recommended approval of the ordinance.

Councilmember Franich asked for clarification on how many lots might qualify under this ordinance. Ms. Sitts said that in the height restriction area, there are approximately ten lots / five situations that could be effected. She further explained that any platted lots would not have appeared in her query of the GIS System, and so there are several others, adding that she was unsure of the total number.

Councilmember Franich said that he is concerned with variance requests for sideyard setbacks due to a perceived hardship. Ms. Sitts responded that the Planning Commission discussed this possibility and decided that by allowing a property owner to combine parcels, there would be less chance for variance requests.

Councilmember Franich requested that Council consider adding language that would disallow a variance if someone utilizes the criteria in this ordinance to combine lots. He explained that after you consider the setbacks on a combined lot of 6000 s.f. lot, the Hearing Examiner might consider the remaining buildable space to be peculiar and grant a variance on that basis.

Mayor Hunter opened the public hearing on the ordinance.

Doug Sorensen – 9409 North Harborview Drive. Mr. Sorensen thanked Jennifer Sitts for presenting the information to the Planning Commission in a way it could be

understood. He explained that the reason for this ordinance is to avoid the variance procedure. He said that he owns four lots of 24 x 100 feet. He can build on the lots using the reasonable use ordinance, but with this ordinance, he will have a lot that does not require a variance. This ordinance will allow someone with small lots to be combined into one so that they are less non-conforming. He then asked if under the proposed ordinance, if he had two non-conforming lots and wanted to do a boundary line adjustment that would not change the size of either lot, but would change the shape, would it be legal?

Ms. Sitts responded that he must be referring to the next ordinance on the agenda. She said that she would have to look at specifics before suggesting whether it could be done.

Mr. Sorensen further explained that he was only referring to changing the shape of the lot through the boundary line adjustment. Ms. Sitts said that this might be possible, but the text had yet to be developed.

David Bowe – 705 Pacific Avenue, Tacoma. Mr. Bowe said that Councilmember Franich brought up a good point when he asked if combining smaller non-conforming lots would result in a greater need for variances. He said that he agreed with the first speaker that no, it would not. Smaller lots cannot meet the setback, view corridor and other requirements. This is where you have variance issues as it becomes harder to meet the criteria. He said that it is common sense to allow the larger lots so that there will be fewer variances.

There were no further public comments and Mayor Hunter closed the public hearing at 7:21 p.m.

2. Public Hearing and First Reading of Three Ordinances – Adopting the land use matrix, adding Chapter 17.14 and amending Chapters 17.04 and 17.72. Jennifer Sitts, Senior Planner, presented three ordinances. She explained that the Planning Commission has worked over a year to develop a land use matrix to make implementation of the code easier. Currently, the zoning code calls out just under 270 different land uses, both permitted and conditional. Most of the uses are undefined, duplicative, and in some cases, contradictory. The intent of the matrix is to consolidate all these uses into a more understandable, manageable format in order to have a more “user friendly” zoning code.

Ms. Sitts said that while developing the matrix, the Planning Commission found inconsistencies in the code that require a longer process to address. These inconsistencies have been tracked and the Planning Commission plans to bring a text amendment to Council at a later date. She stressed that at this time, the intent is not to make any substantive changes to the code, but to reorganize the current code for ease of use.

Ms. Sitts noted briefly the changes regarding adult family homes and family child care, and amendments to the definitions section that should clarify the code and reduce the need for administrative interpretations.

Councilmember Kadzik said that this was a herculean effort on the part of the Planning Commission. He said that Dick Allen, the rest of the Planning Commission members, and staff deserve a round of applause for their efforts. He said that he had a couple of issues he would like to address after the public hearing.

Mayor Hunter opened the public hearing at 7:21 p.m.

Wade Perrow – 9119 North Harborview Drive. Mr. Perrow mentioned that he wrote a letter commending the staff and Planning Commission for their efforts, adding that this is a much needed change. He briefly mentioned a zoning issue on his property that has been tabled, adding that John Vodopich could shed further light if Council wished to inquire. Mr. Perrow then referred to the information in his letter distributed to Council earlier. He explained that the intent of both the Employment District and the Mixed Use District had been pasted on the matrix, and read a brief exert from each. He said that he believes that the ED zone should have higher intensity than a residential, RB-1, but under the proposed matrix, he could not have the automobile/boat repair that currently exists on his property. In addition, the existing recreational indoor commercial use would now become a conditional use under the proposed ordinance. Finally, no sales would be allowed in the business park.

Councilmember Young asked if his concern lies with the existing zoning issues or if he saw an actual change in the existing zoning and the matrix? Mr. Perrow responded yes, the matrix has changed the Employment District regulations. Currently, the ED zone allows retail uses, but the proposed matrix shows no sales at all.

Councilmember Kadzik pointed out that the matrix does allow ancillary retail uses. Mr. Perrow responded that it is more restrictive than the present code. The other concern is the existing automobile / boat repair service would only be allowed in a mixed-use zone and not the Employment District zone.

The Mayor closed the public hearing portion of this ordinance at 7:33 p.m. and asked for Council comments.

Councilmember Kadzik said that one term that isn't defined but is mentioned in a footnote is "coffee house." Ms. Sitts explained that a coffee house has the same definition as a delicatessen, and so both were combined into the Restaurant Level 1. But because certain zones limit the size and hours of operation for a coffee house, it could not be included in the Restaurant Level 1 category, and so it was placed in a footnote. She said a separated definition could be crafted for coffee house if Council wishes.

Councilmember Kadzik then pointed out an inconsistency in the itemization of permitted uses and conditional uses in some zones. Ms. Sitts responded that in the B-1 zone, there are no current conditional uses. She said that by placing the permitted and conditional uses in the same line, it would allow for the addition of conditional uses in the future without major changes to the code. She explained further that the two weren't combined elsewhere in the matrix to avoid confusion if a conditional use were to be repealed.

Councilmember Young referred to the comments made by Wade Perrow, and asked if any changes had been made in permitted uses in the ED zone. Ms. Sitts explained that the process used by the Planning Commission to devise the matrix left little chance for them to miss something. She said that automobile and boat repair is not allowed as a permitted or conditional use in the ED zone, but it is an allowed use in the Mixed-Use District. She said that Mr. Perrow may be referring to a rezone from Mixed-Use to Employment District zoning on his property, which changed the allowed uses. The proposed ordinance does not change the uses in the ED zone.

She then addressed Mr. Perrow's other comments regarding ancillary sales and indoor recreation commercial use. She said that the existing language in the Employment District states "Service and retail uses which support and are ancillary to the primary uses allowed in the Employment District are permitted." Because this is difficult to enforce, the Planning Commission recommended a definition that disallows exterior signage and defines retail use as intended for the employees or patrons as the best way to have an enforceable, ancillary use of retail. This already applies to other places such as the 4700 Point Fosdick Medical Building. In regards to indoor recreation commercial use, the ED zone calls out recreational buildings as a conditional use. It is a permitted use in the Mixed-Use District.

Councilmember Young asked about the definition of "assessory apartments" and whether the criterion that the owner has to live on-site is an existing regulation. Ms. Sitts said that the Planning Commission discussed removing this existing criteria because it is not enforceable, but decided against any substantive changes to the code at this time. Amendments which require additional public process have been tracked, and the Planning Commission will prioritize the list and bring recommendations for code changes to Council at a later date. Councilmember Young suggested that the Council's Planning Committee could help to prioritize the list.

Councilmember Kadzik added that this would also be a good time to review the intent statements. He said that he would like to see a definition for coffee houses added for clarification. Ms. Sitts said that it had been brought to her attention that if this change is made, it would require another first reading and public hearing. Council decided to see if further changes were recommended.

The discussion moved to the definitions ordinance. Ms. Sitts responded to questions. She said that there are several existing definitions which fall under a new category and

are being repealed. Other redundant or obsolete definitions will be amended at a later date.

Councilmember Kadzik voiced concern with the new definition of clubs, lodges and yacht clubs because it doesn't adequately address catered events. Ms. Sitts responded that the definition of restaurants does not include catering. The definition of clubs and lodges allows rooms for temporary rental where catered functions occur. She offered to add language to the effect that catering is allowed but not restaurants.

Councilmember Kadzik asked if the same regulations that limit a restaurant's hours of operation would apply to a catered event at a club or a lodge. Ms. Sitts said that she would look at the intent of the zone, and make the call as an element of interpretation. This code does not specifically restrict catered events.

Councilmember Young pointed out that this could also apply to churches and schools that rent out space. Councilmember Kadzik responded that it is more specific to clubs and lodges because they are designed to be rented out for banquet activities. Allowing catered events in zones that restrict the hours of operation for a restaurant would allow a more intensive use. Councilmember Franich agreed with these concerns.

Councilmember Young then suggested a work study session to discuss these issues more in-depth. Mayor Hunter recommended a joint work session with the Planning Commission in order to better understand the matrix and to address any concerns. Councilmembers discussed this further and agreed to invite Planning Commission members to provide input.

John Vodopich said that he would work with the Planning Commission schedule to arrange a date for the worksession.

Councilmember Dick asked if Ms. Sitts was going to address the third draft ordinance. Ms. Sitts said that because the other two are related to the land use matrix, she had not intended to address them separately. She added that the work study session would offer an opportunity to address questions.

3. Consultant Services Contract – Historic Structures Report. John Vodopich presented this contract for the preparation of a historic structures report for the Eddon Boat Building. He explained that part of the bond to purchase the property included using the site for educational and historical purposes. In order to do this, a historical structures report is necessary to ascertain the condition of the structure and identify what improvements are needed to allow the public to enter the facility.

MOTION: Move to authorize the Consultant Services Agreement with Gerald Eysaman and Company for a Historic Structures Report in an amount not to exceed fourteen thousand nine hundred ninety-nine dollars and seventy-five cents.
Young / Payne – unanimously approved.

STAFF REPORT:

1. John Vodopich, Community Development Director – Planning Commission Work Program. Mr. Vodopich explained that there are several vacancies in the Department of Community Development in the planning side. In an effort to help focus on the current project workload, he asked that Council allow the department to postpone the processing of any textual amendments to the municipal code until the positions are filled. He added that at most, this should be a delay of only a couple of months. He then gave an overview of the recruitment efforts.

Councilmembers concurred that this is an appropriate action.

PUBLIC COMMENT:

Gretchen Wilbert – 8825 North Harborview Drive. Ms. Wilbert, former Mayor of Gig Harbor, explained that she recently attended the Change of Command Ceremony at Fort Lewis. She said that Colonel Hilton has been the city liaison for several years, and now that function has been turned over to Colonel Carl Chappell. She talked about her past experience with events held at Fort Lewis and the volunteer efforts of the 201st Military Intelligence Brigade to clean up ivy at the Volunteer Center in Gig Harbor. She encouraged Mayor Hunter to continue this positive relationship. Ms. Wilbert said that she was presented with a blanket that represents the 201st Military Intelligence Brigade that she would like to be placed in the Community Break Room.

John Goods – 10617 131st Street Ct. NW. Mr. Goods, Past President of the Eagles, said that it was shock to get the new stipulations for a Special Events Permit for use of the city park for their annual Easter Egg Hunt. He said that when the school district owned the property, the Eagles were instrumental in cleaning up the property and maintaining the badly neglected buildings. He continued to say that they have used the park for over 53 years for their picnic and the annual Easter Egg Hunt. He asked why after all this time, a volunteer group has to pay for the use of a public park, and required to have an insurance bond, a first aid station and traffic control.

Mayor Hunter explained that as everything else, insurance rules the world, and the city is no different. The insurance company has requirements and unfortunately, there are stipulations on use of public right of way when an event draws a couple hundred people and there is parking along the street. The Eagles' event has been very successful. Mr. Goods said that the event probably isn't going to happen this year, but he would take this information back to the Eagles. Mayor Hunter said that the city really appreciates this effort, and any event for the youth is to be commended.

Councilmembers asked for clarification on the issue. Mayor Hunter responded that this occurred due to insurance requirements and an ordinance regarding Special Events. He said that there is a park use fee, a required cleaning deposit, a required traffic plan, and a required insurance certificate.

Molly Towslee, City Clerk, explained that the ordinance has been in effect since 1986. When an event is large enough to affect the public right of way, it triggers the Special Events Permit. The Eagles have held this event for years, and it has continued to grow.

Councilmember Franich asked what is used as a threshold for triggering the permit. Ms. Towslee said that advertising to the public and the proposed size of the event. The city park has approximately 30 parking spots. When the Eagles called to reserve the park, they said that they expected 200 participants. The participants would have to park along Vernhardson. The concern isn't with the number of people in the park, but the traffic congestion on the public right of way and the possible liability. In addition, the police department would like a traffic plan that ensures cars won't need to be towed or ticketed.

Councilmember Franich asked about what constitutes a traffic plan. Ms. Towslee said that the applicant needs to assign someone to direct traffic to make sure no one is double parked, parked in a fire zone, or blocking driveways. The permit application is reviewed by the different departments, and the applicant may be contacted for further clarification and coordination for the event. It all depends on the size of the event.

Councilmember Payne asked if there are other examples of when a Special Events Permit has been required. Ms. Towslee responded that the weekend before, a group of local churches sponsored an Easter Egg Hunt that also required a Special Events Permit. She clarified that a first aid station is no more than the assurance that someone will be present with a first aid kit, and a cell phone to call 9-1-1 in case of an emergency.

Councilmember Young asked Chief Davis if the Explorers are available for traffic control. Chief Davis responded that yes, they are available to assist.

Councilmember Kadzik asked if anyone knew the cost of an insurance policy. Councilmember Ekberg responded that it could run from nothing up to \$500 depending on the activity. If an organization has a general liability policy, a simple endorsement is sufficient.

COUNCIL COMMENTS:

Councilmember Payne commented that the Community Development Department, the Director in particular, has taken on an enormous task with an understaffed group. He noted that he has recently received two compliments on the Community Development Department, one in a letter and one verbally. That is indication that the department is doing a fine job and he wanted to publicly acknowledge the good work.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Mayor's Community Coffee Open House – Tuesday, April 25th from 4:00 p.m. – 5:30 p.m. at the Gig Harbor Civic Center.

2. GH North Traffic Options Committee Meeting – Wednesday, April 26th at 9:00 a.m.
3. Council Community Coffee Meetings: a) May 16th, 6:30 p.m. at Chapel Hill Presbyterian Church; b) June 21st, 6:30 p.m. at Peninsula Library.

EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30.110(1)(b) potential and pending litigation per RCW 42.30.110(1)(i).

MOTION: Move to adjourn to executive session at 8:24 p.m. for approximately one hour to discuss property acquisition per RCW 42.30.110(1)(b), potential and pending litigation per RCW 42.30.110(1)(i).
Franich / Conan – unanimously approved.

MOTION: Move to return to regular session at 9:22 p.m.
Dick / Conan – unanimously approved.

MOTION: Move to go back into executive session to discuss property acquisition per RCW 42.30.110(1)(b), potential and pending litigation per RCW 42.30.110(1)(i) for another 45 minutes.
Dick / Conan – unanimously approved.

MOTION: Move to return to regular session at 10:15 p.m.
Franich / Conan – unanimously approved.

MOTION: Move to appeal the Hearing Examiner’s decision on Madison Shores for square footage limitations.
Young / Conan – roll call vote taken with the following results.

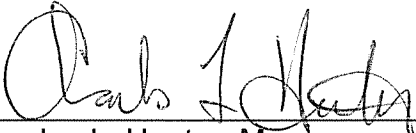
Kadzik: aye Payne: neah Dick: aye Conan: aye Franich: aye
Young: aye Ekberg: neah.

The motion carried five to two.

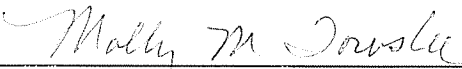
ADJOURN:

MOTION: Move to adjourn at 10:16 p.m.
Franich / Conan – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1 – 29
Disk #2 Track 1



Charles L. Hunter, Mayor



Molly M. Towslee, City Clerk