

GIG HARBOR CITY COUNCIL MEETING OF JUNE 14, 2004

PRESENT: Councilmembers Ekberg, Young, Franich, Conan, Dick, Picinich, Ruffo and Mayor Wilbert.

CALL TO ORDER: 7:03 p.m.

PLEDGE OF ALLEGIANCE:

20-YEAR AWARD CEREMONY: David Brereton, Operations Manager, introduced Marco Malich and gave a history of Marco's career with the city. Mr. Brereton presented the 20-Year Service pin.

Mayor Wilbert added that Marco symbolizes the feeling that the employees have for working for the city; few leave employment.

PUBLIC HEARING: Increase in Traffic Impact Fees. Mayor Wilbert opened the public hearing at 7:06 p.m. John Vodopich, Community Development Director, gave an introduction to this effort to increase the per vehicle rate trip charge in the traffic impact fees from the existing \$108.22 to \$214.09 per trip. He explained that Steve Misiurak, City Engineer, was present to answer questions.

Councilmember Ruffo asked for the rationale behind raising the fees. Mr. Misiurak asked Council to refer to the Exhibit 'C' in their packet which shows the list of growth-related projects and the breakdown of the anticipated funding options. He explained that the same methodology was used in 1999 to formulate the per trip fee.

Councilmember Young asked for clarification on why no city participation funds are listed for some projects. Mr. Misiurak explained that these projects are anticipated to be 100% growth related. He stressed that all the project costs for calculating the impact fee are based upon the growth related portion of the project, and that all new road construction would be considered growth-related.

Theo Giddeon – representing the Master Builders Association – PO Box 1913, Tacoma. Mr. Giddeon explained that he was present to reiterate the points in the letter sent to Councilmembers from MBA. He said that MBA want to ensure that they have a proportionate share in each project considering that there should be a mix of funds for traffic projects according to state law. He voiced concern regarding the projects that are delineated as 100% development driven, but acknowledged that the city has the right to collect impact fees.

Steve Luengen – 8913 North Harborview Drive. Mr. Luengen said that doubling the impact fees is too much, and that the city couldn't expect new development to pay for all new roads, especially when some developments wouldn't benefit from a number of the projects on the list. He addressed promoting small business, explaining that the proposed schedule of impact fees would hurt small retail under 10,000 s.f. He said that

the schedule is backwards, where large buildings pay a less proportionate share. He asked if the fees are in line with other cities. Steve Misiurak read a list of impact fees from several other jurisdictions, and explained that the only comparison that was done is for single family residence.

Councilmember Franich asked if the other jurisdictions use the ITE method to calculation fees. Mr. Misiurak responded that most likely, they use the same methodology. He pointed out that what is being recommended is 60% of the unfunded need. 100% of the outstanding need would put the single-family residence rate at \$1,770.00.

Councilmember Young asked if growth related taxes such as sales tax gain and the increase in property tax have been removed from the calculations. Mr. Misiurak responded that the gas tax had been figured into the calculation. Councilmember Young then asked for clarification on the zones used by Puyallup. Carol Morris explained that under GMA, Impact Fees can be assigned to established service areas. Currently, the city is under one service area, but the Council could determine an area more prone to growth related impacts and assign a fee to reflect that growth. Councilmember Dick explained that when the fees were originally adopted, the small size of the city led to a decision to not split the city into separate zones. Councilmembers discussed the issue of zones and how the fees are calculated.

Councilmember Ruffo asked what the impact would be if the fees were not raised. Mr. Misiurak explained that the ability to construct future roadway projects would be limited. As it is now, without state and federal grant funding and the impact fees, the projects could not be built.

John Hogan – 4709 Point Fosdick Drive. Mr. Hogan said that he agreed that it appears that the larger buildings get a reward and that the burden falls on the small business owner. He stressed that the new fee structure is discriminatory against the Westside and even more so for the downtown since most of the buildings are less than 10,000 s.f. He asked Council to take careful consideration before implementing the increase.

There were no further comments and the public hearing closed at 7:30 p.m.

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 May 24, 2004.
2. Correspondence: a) Mayors for Wilderness b) Senator Maria Cantwell.
3. Reappointment to the Planning Commission.
4. Approval of Payment of Bills for June 14, 2004:
Checks #44207 through #44353 in the amount of \$273,171.74.
5. Approval of Payroll for the month of May:
Checks #3225 through #3266 and direct deposit entries in the amount of \$241,463.72.

MOTION: Move to approve the consent agenda as presented.
Ruffo / Picinich – unanimously approved.

OLD BUSINESS:

1. Rotary Centennial Pavilion Project. Mark Hoppen, City Administrator, gave a history of the effort by the Rotary Clubs of Gig Harbor to build a pavilion on the Skansie Brother's Park Property. He explained that a 2004 Budget Objective included a commitment to work with the Rotary Clubs to build a covered community shelter in conjunction with the landscape improvements. He introduced Rotary members David Freeman and Gary Glein to present the project for consideration by Council.

Gary Glein – 3106 Horsehead Bay. Mr. Glein described the improvements that Rotary has made over the years to the Jerisich Park site that include the flag pole and the public restrooms. He then gave an overview of the effort to construct a pavilion to meet the needs of the citizens and to celebrate the centennial of the Rotary Club. Mr. Glein said that the intent is to fully donate the structure to the city, at a cost to the Rotary of approximately \$60,000 in labor and materials. There have been several proposals submitted in an attempt to meet the requirements of the city and the needs expressed by the citizens. He said that they have put a great deal of effort into the project and hope to move forward and have the pavilion completed prior to the Holiday Tree Lighting ceremony. He then introduced David Freeman to present the proposal.

David Freeman, Snodgrass Freeman & Associates Architects, 3019 Judson Street. Mr. Freeman used a model to illustrate the proposed pavilion and the changes that have occurred. He addressed the reduction in size of the structure and placement of the pavilion on the property to meet citizen concerns. He explained that the Rotary Clubs are asking for a site adjustment to place the structure further away from the Head of the Harbor to enhance pedestrian movement, while still being respectful of the Skansie House. Mr. Freeman answered Council's questions about the design changes and placement of the structure.

Linda Gair – 9301 North Harborview Drive. Ms. Gair voiced support of the efforts by the Rotary Clubs, but said she was surprised that the project had progressed through the Design Review process without the input of the members of the Ad Hoc Committee regarding size and placement. She stressed that the most important part of this park is the open space and view to the water. She said that the committee discussed using the garage site for the pavilion, and utilizing some of the bricks from the garage to complete the structure, adding that the scaled-down version would fit well at this location. She then discussed the size of the original proposed pavilion, how it would take up open space and obstruct view of the net-shed and water. She praised the Rotary for listening to the concerns and making changes. She recommended placing balloons on the site to show the structure placement and how it relates to the property and view corridor. She finalized by suggested that everyone work together so that the park will remain what everyone wishes it to be.

Kae Paterson – 7311 Stinson Avenue. Ms. Paterson voiced her appreciation for what the Rotary Clubs are doing, but shared her concern for the location of the project. She said that she served on the Planning Commission when they wrote the Design Review Manual, on the Skansie Park Ad Hoc Committee, and she attended the Grulich meetings. She said that she has a feel for what the town wants, and clearly remembers the committee recommendation to keep the grassy area intact. She said that the proposed pavilion crowds the property, which is already cluttered, adding that this park needs an overall plan. She then proposed a pavilion with a similar roofline to the one on Owen's Beach to be located where the garage is now.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich stressed that the taxpayers want to retain the open area and view. He said that he appreciates the Rotary Clubs' efforts, but he was shocked at the first proposal. Even the scaled-down version would take up the view and open space. He recommended the garage site for an open structure, adding that he is opposed to placing the structure where it is currently proposed.

Rosanne Sachson – 3502 Harborview Drive. Ms. Sachson talked about how people are using the site to play Frisbee and fly kites, adding that placing a structure at the proposed site would eliminate these uses of the wide open space. She said that the effort by the Rotary Clubs is wonderful, but the structure needs to be placed by the garage.

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton stated three goals of the Skansie Park Ad Hoc Committee; to preserve the authentic historic site, to consider a covered community structure, specifically identified as an adaptive reuse of the garage; and finally, to build no new permanent structures. She talked about the state grant that assured the preservation of the grassy area in perpetuity as an open recreational space, and then continued to discuss the placement of the pavilion. She said that the only issue that the Design Review Board was allowed to comment on was the roof pitch. Ms. Stanton explained that the recommendation from Gene Grulich to place the structure further away from the Skansie House was premature and that the conditions of the site should drive the decision. She agreed that the decision is tough because everyone wants to honor the Rotary's Centennial event. She made several suggestions for the structure including placement, materials and size to keep the structure "familiar".

Chuck Hunter – 8829 Franklin Street. Mr. Hunter said that the Rotary's offer is generous, and that he can sympathize with their frustration. He recommended looking at the existing open space at the park and view from up Rosedale, which he described as the most picturesque view of the water, the boats, and the netshed. Adding a structure near the restrooms adds more clutter. He said that the best location for the pavilion is the garage site. He explained that by replicating the roofline of the existing garage and using some of the materials, it would be a nice structure. He then suggested building a big pavilion at the Donkey Creek Park. Finally, he asked Council to take more time to avoid a serious mistake.

Kit Kuhn – 3104 Shyleen. Mr. Kuhn said that the Rotary Pavilion is a great idea, but the location is a problem. He recommended using the garage location, as it is space already taken rather than taking up unused space.

Joe Davis – 3312 Harborview Drive. Mr. Davis, also a Rotarian, explained that he did not care whether or not a pavilion was built on this site, but he stressed that if it is not, that no trees be planted there either. He said that trees are taking away more view than any structures.

Scott Wagner – PO Box 492. Mr. Wagner said that the intent in the Design Manual is to promote the Craftsman style on construction to retain the 1910-1920 structures. He asked why the restrooms were being used to drive the design for the most beautiful piece of property in the city. He asked that any structure replicate the Skansie House.

Dick Allen – 30603 Ross Avenue. Mr. Allen pointed out that this is a very significant piece of property, and said that he was surprised that the city was contemplating improvements to this site when there is no plan in place. He asked that piecemeal improvements not be made, and that a total plan be developed for this park.

Mr. Glein spoke, pointing out that the Rotary began by designing a structure for the garage location. He added that they listened to many comments, and will continue to do so to remain flexible. He said that they would like to get moving to be able to get the project complete before the colder weather comes. He added that the Rotary Centennial is in February of 2005.

Council held a lengthy discussion about the placement and the design of the proposed pavilion. Mark Hoppen read the recommendation from the historic structures report which states that it would be inappropriate to add other structures near the Skansie House or the Netshed.

Due to the concerns, Councilmember Ruffo suggested that representatives of the Rotary and the Ad Hoc Committee meet and come to an agreement to be presented to Council. Carol Morris explained that because the city is the applicant in the project, a motion would also need to be made to withdraw the application from the process.

MOTION: Move to appoint Chuck Hunter and Gary Glein, and have them to choose four people each to meet and explore what the city is to do with the pavilion in regards to space, location, and design. The committee should have a prepared report to present to Council at the meeting of June 28th.
Ruffo / Dick – unanimously approved.

MOTION: Move to withdraw the pavilion project application.
Ekberg / Ruffo – unanimously approved.

2. Second Reading of Ordinance – Regulating Beekeeping. Steve Osguthorpe, Planning/Building Manager, presented this ordinance that would regulate beekeeping. He explained that based on the comments received at the last reading, the ordinance has been revised and gave a brief overview of the amendments. He said that the SEPA process has been completed with no appeals and then recommended that the ordinance be adopted as presented.

Marilyn Owel – 6844 Main Sail Lane. Ms. Owel spoke on behalf of Mr. & Mrs. Ewert in support of the ordinance. She explained their concern over having active hives in close proximity to their home and how it increases the threat to Mr. Ewert's life. She referred to the letter from the Bowles in the May 26th edition of the Gateway, suggesting that this ordinance is based solely on the statements of one couple. She gave a brief overview of the incident's leading to the Ewert's concerns and encouraged Council to pass the ordinance.

Ericka Bowles – 3612 44th St. NW. Ms. Bowles voiced her opposition to the ordinance. She explained that they didn't know about the neighbor's concerns until the ordinance came about, and gave shared stories of how the neighbors had photographed the Bowles with the swarms and accepted honey from them. She asked how the city would verify a complaint about bees and the ownership of the bees in question. She asked what the evidence of a complaint would entail, and how that evidence would be substantiated.

Steve Osguthorpe responded that the ordinance would not require the Council to determine which bee was the culprit; the ordinance would simply address the activity of beekeeping. If an individual has a doctor's evaluation showing a life-threatening situation, it would be cause enough to withdraw the beekeeping privilege.

Ms. Bowles asked if a complaint could be made for an activity that occurred over three years ago. Council responded that a complaint would have to be for a current nuisance issue. Ms. Bowles then asked if the complainant were to move, if the beekeeping privileges would be reinstated. Council responded that it would become an administrative issue at that point.

Howard Bowles – 3612 44th St. NW. Mr. Bowles voiced his concern with the process to bring this ordinance to Council and for proposed language in the ordinance. He said that the language in 6.10.040 paragraph 'B' is too broad and the ordinance leaves the beekeeper at the whim of Council and of the neighbor. Mr. Bowles showed a picture given to him by the Ewerts, taken from their porch while he was working with the swarm of bees. He addressed the language in 6.10.070 (b), asking why the word 'potential' had been inserted, which he characterized as a broadening and lessening of the standards, and asked that this be removed. He said that this is unfortunate that this has come to Council, and gave a history of his contact with the city staff and how this has progressed. He stressed that he has been fair and honest in his dealings with the city. He agreed that the city needs an ordinance but not one this restrictive.

Councilmembers asked Mr. Bowles several questions about his beekeeping. He explained that he has not had active hives due to a busy work schedule, but would like to retain the privilege for the future. Councilmember Dick explained that the purpose of the ordinance is to remedy any future problems, adding that he agreed with concerns about the word “perceived” in 6.10.040. The enforcement process was discussed.

MOTION: Move to adopt Ordinance 961, amending section 6.10.040(B), by deleting the word “perceived” so that it reads “...constitutes an actual or potential menace to public health or safety...”
Dick / Picinich – unanimously approved.

Councilmember Ruffo commented on how sad it is that nuisance ordinances get passed because neighbors cannot resolve their issues.

3. Second Reading of Ordinance – Traffic Impact Fee Update. John Vodopich explained that this was the subject of the public hearing earlier in the meeting and that staff is recommending adoption of the rate increase from \$108.24 per vehicle trip to \$214.09.

MOTION: Move to adopt Ordinance 962.
Dick / Franich -

Councilmember Young said that this increase would hurt the small developer and he is opposed to the increase. Councilmember Ruffo said he also was concerned with the impact on small business developers, and doubling the fee doesn’t make sense. He recommended that more homework be done before a decision is made.

Councilmember Picinich agreed that the item should be tabled for more consideration.

Councilmember Franich agreed that it appears to be inequitable to the small business developer. Steve Misiurak gave an explanation of the rate schedule and how it is based on the economy of scale. Councilmembers and staff discussed the calculation formula and its economic effects.

Councilmember Dick called for the question.

MOTION: Move to adopt Ordinance 962.
Dick / Franich – Councilmembers Dick and Franich voted in favor. Councilmembers Ekberg, Young, Conan, Picinich and Ruffo voted against. The motion failed.

Councilmembers agreed that this issue needs further consideration. Mr. Hoppen clarified the need to return with information from someone who participated in the original methodology of the fee structure. Council directed staff to do so and to return with a report at the first meeting in July.

NEW BUSINESS:

1. First Reading of Ordinance – Northwest Employment Center Annexation. John Vodopich, Community Development Director, presented this ordinance accepting the annexation of the Northwest Employment Center. He said that this matter was referred to the Boundary Review Board on March 22nd and passed the 45 day review period without comment. This will return for a second reading at the next meeting.

STAFF REPORTS:

GHPD – April and May Stats. No verbal report given.

PUBLIC COMMENT: None.

COUNCIL COMMENTS / MAYOR'S REPORT:

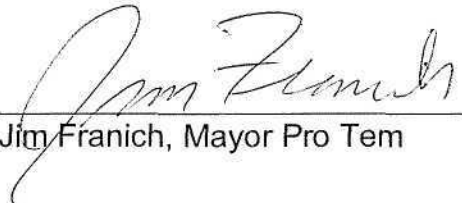
The Maritime Gig & Future Plans for Skansie Brothers / Jerisich Dock Parks. The Mayor asked Council to review her report as these are the comments she received during and after the Maritime Gig in regards to the parks.

ANNOUNCEMENT OF OTHER MEETINGS:

Council Worksession on Waterfront Zones: Monday, June 21, 2004, 6:00 p.m.

MOTION: Move to adjourn at 9:57 p.m.
Franich / Ruffo - unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 18.
Disc #2 Tracks 1 – 11.
Disc #3 Tracks 1 - 4



Jim Franich, Mayor Pro Tem



Molly Towslee, City Clerk