

GIG HARBOR CITY COUNCIL MEETING OF AUGUST 23, 2004

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

CALL TO ORDER: 7:02 p.m.

PLEDGE OF ALLEGIANCE:

PUBLIC HEARINGS:

1. Continuation of Public Hearing – Moratorium on Development within the Height Restriction Area for a Period of Six Months. Mayor Wilbert opened the public hearing at 7:05 p.m. Steve Osguthorpe, Planning / Building Manager, presented this continued public hearing for a proposed six-month moratorium on acceptance of development permits in the height restriction area.

Mr. Osguthorpe outlined the staff recommendation to exempt certain development permits. He then passed out an e-mail submitted from Mr. Jim Sullivan, regarding the Stutz Fuel Property, expressing concern that demolition of structures is not included in the proposed exemptions. Mr. Osguthorpe explained that due to concerns expressed since the last public hearing, these have been eliminated.

Mr. Osguthorpe then read the proposed Findings of Facts supporting the continuation of the moratorium prepared by the City Attorney at Council's direction. He explained that if Council believes the continuation of the moratorium is justified, the Findings of Facts must be adopted.

Dawn Sadler – 7508 Pioneer Way. Ms. Sadler said that she agreed with the intent of the moratorium, but voiced concern that she would not be allowed to remodel her home, which is badly need of repair. She asked for clarification on the role of the city attorney. Mayor Wilbert explained that the city attorney provides answers to the Council regarding ordinances and resolutions, and then asked Mr. Osguthorpe to address Ms. Sadler's concerns.

Ms. Sadler clarified her desire to fix up an existing home by adding a second story which would be under the 16' height restriction and less than 3000 s.f. She was told that due to the moratorium, she would not be able to submit permits. She asked if there would be a way for a private residence to be exempted if it meets the terms and conditions set forth in the moratorium. Mr. Osguthorpe explained that she would be able to maintain and repair the structure, but would not be able to enlarge the structure under the terms of the moratorium. He said that she could begin working with staff on the design process, but the city could not accept an application during this period.

Carol Morris, City Attorney, explained that the Council could tailor the moratorium to the size of structures that would be exempted.

Doug Sorensen – 9409 Harborview Drive. Mr. Sorenson said that Council needed to consider the purpose of this moratorium. He said that moratoriums usually come about as the result of poor planning. He asked Council to consider the impact of a moratorium on single family residential, if the project doesn't go beyond the present height or scope of construction. He said he would like to build on his property, and asked consideration for the suggestion to exempt some properties.

There were no further comments and the public hearing was closed at 7:25 p.m. and the next public hearing opened.

2. Traffic Concurrency Management Update. Carol Morris explained that she is recommending an amendment to the traffic concurrency ordinance to reflect a recent court decision that there are no permissible exemptions for traffic concurrency requirements. The city ordinance has exemptions for public facilities, and the court ruling has rendered those unacceptable. She continued to explain that there is an exception for a requirement of a traffic analysis for owners of a single family residence.

Dawn Sadler – 7508 Pioneer Way. Ms. Sadler asked Council to think about adding decorative street lighting fixtures on Pioneer, as it is one of the main traffic streets.

There were no further comments and the Mayor closed the public hearing 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 August 9, 2004.
2. Correspondence / Proclamations: a) Payroll Week b) Letter from WFOA
c) Letter from Mayor Baarsma
3. Agreement for Collection of Storm Drainage Infrastructure Data.
4. Liquor License Renewals: Hy-Ui-Hee-Hee; Olympic Village 76
5. Liquor License Assumption: Shell Food Mart
6. Approval of Payment of Bills for August 23, 2004:
Checks #44828 through #44935 in the amount of \$254,451.70.

MOTION: Move to approve the consent agenda as presented.
Ekberg / Franich – unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance – Amending Setback Standards in the PCD-BP District. Steve Osguthorpe gave an overview on this proposal to reduce the setbacks for certain categories of use in the PCD-BP zone. There was discussion regarding the term ancillary and how it would be applied.

Mark Hoppen, City Administrator, asked Council to consider amendments to Category 2 uses to increase the 40' setback requirement due to the affect to adjacent properties by

the height of some structures, and to change the word “or” to “and” in the second line so that the project would have to comply with both requirements.

There was further discussion on which sites would be affected by the change in setbacks and ancillary uses. Mr. Osguthorpe offered a solution to amend the language to state that ancillary uses would only apply in the same category. He asked for direction for Mr. Hoppen’s recommendation. Council directed staff to make the change from “or” to “and” to reflect what was intended.

MOTION: Move to direct staff to bring this agenda item back for a third reading with the recommended amendments.
Franich / Conan – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance Supporting a Continuance of a Moratorium on the Acceptance of Applications for Development in the Height Restriction Area for a Period of Six Months. There was further discussion on the exclusion of demolition permits. Councilmember Ekberg said that there should be a provision for life safety issues. Ms. Morris explained that if demolitions are to be included in the ordinance, Findings of Facts should be adopted to support this inclusion.

Councilmember Dick mentioned that the demolition application for the Eddon Boat Building is vested, but it raises a concern that until some parameters for other historic structures could be decided, that demolitions of such should be addressed.

Councilmembers discussed the exemption of smaller structures. Councilmember Franich mentioned the difficulty in coming up with a number, as this moratorium has to be applied even-handedly.

Councilmember Dick voiced concern that until setbacks can be addressed, allowing residential construction might result in a loss of visual space. He said that the moratorium allows the time to explore options.

Ms. Morris recommended a looking at the size of structures that would not be regulated, and allow exemption for anything under that size. Councilmembers discussed an appropriate minimum exemption and directed staff to come back with draft language at the second reading for consideration. At that time, an appropriate number can be chosen.

Councilmember Young asked that language regarding the exemption of demolition permits be included. Mr. Osguthorpe asked if Council was in support of the other staff recommended exemptions identified during the public hearing. Council responded affirmatively.

2. First Reading of Ordinance – Traffic Concurrency Management Update. Ms. Morris explained that this is the first reading of an ordinance eliminating the exemptions

in the Traffic Concurrency ordinance. This will return for a second reading at the next meeting.

3. First Reading of Ordinance - Northharbor Rezone. Steve Osguthorpe explained that in when the Comprehensive Plan was amended last year, there was a request to change two properties to an Employment Center land use designation. To finalize that change and make the zoning consistent with that new land-use designation, Mr. Perrow applied for a rezone for both properties. The Hearing Examiner approved the application and this ordinance will ratify the decision. This will return for a second reading at the next meeting.

Carol Morris explained that one motion per ordinance is required.

4. First Reading of Ordinance - Burnham Drive Rezone. Steve Osguthorpe explained that the conditions and circumstances of this are identical to the previous agenda item. This will return for a second reading at the next meeting.

STAFF REPORTS:

1. David Rodenbach, Finance Director - Voted Bond Levy Amounts. Mr. Rodenbach presented information on estimated annual levy amounts on various bond issues. Mr. Hoppen commented that if a bond issue would be placed on the November ballot, committees must be appointed soon to prepare a pro and con statement for the *Voters' Pamphlet*. Councilmember Franich offered to head up the committee for the statement against the bond issue.

PUBLIC COMMENT:

Chuck Hunter – 8829 Franklin Avenue. Mr. Hunter requested that Council direct the City Attorney and the staff to make an outline of the legal issues that may be applied to the appeal of the Harbor Cove / Eddon Boat Project to formulate what issues could be appealed to the Hearing Examiner. He said that the developer falls under the umbrella of the city and the taxpaying citizens are pitted against the city and its resources. He added that he did not believe that this would be unethical, adding that Council has a duty to both sides.

Carol Morris said that she had already formulated an issues statement and given it to Council, a copy of which is in the file. Mr. Hunter responded that the problem is that the city wants to charge fifteen cents a page to copy. Carol stressed that there is no charge for viewing the documents.

John McMillan – 9816 Jacobsen Lane. Mr. McMillan said that he had been told that there making the copies wouldn't cost anything, so he came and selected several pages. When he came to pick them up, he was told that the charge would be \$97.87.

Councilmembers and staff further discussed the issue of charging for copies of public records. It was determined that there is a resolution in place that adopts the fifteen cents per copy fee.

COUNCIL COMMENTS / MAYOR'S REPORT:

Mayor Wilbert asked Council to submit a list of their concerns to be included in the agenda for the upcoming Council Retreat. Mayor Wilbert said that she is in the process of preparing a notebook of information that she would like Council to review, add comments, and pass it on.

Mayor Wilbert then said that she would like staff to begin coordinating a Town-Around Bus System with Pierce Transit to address the aging population. She said that she is looking for an interested Councilmember and suggested membership for a review committee to work toward this goal.

Mayor Wilbert briefly talked about the article in the Gateway, and shared photos of the WCI Exchange Student program.

ANNOUNCEMENT OF OTHER MEETINGS:

Council Retreat – Monday, September 13th, 1:00 p.m. – 5:30 p.m. Gig Harbor Civic Center Community Rooms A & B.

EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30.110(1)(b).

MOTION: Move to adjourn to Executive Session at 8:40 p.m. for approximately sixty minutes for the purpose of discussing property acquisition.
Franich / Ekberg - unanimously approved.


MOTION: Move to return to regular session at 9:40 p.m.
Franich / Young – unanimously approved.

MOTION: Move to return to Executive Session for another fifteen minutes.
Franich / Conan – unanimously approved.


MOTION: Move to return to regular session at 9:55 p.m.
Dick / Franich – unanimously approved.

MOTION: Move to adjourn at 9:55 p.m.
Franich / Young – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 21.
Disc #2 Tracks 1 – 6.



Gretchen A. Wilbert, Mayor



Molly Towslee, City Clerk