

GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 10, 2003

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

CALL TO ORDER: 7:03 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING:

1. 2004 Proposed Budget. Mayor Wilbert opened the public hearing at 7:03 p.m. David Rodenbach, Finance Director, presented information on the proposed budget for the upcoming year and offered to answer questions.

Jeremy Bubnick – Recreation Supervisor for the Peninsula Recreation Program. Mr. Bubnick gave a brief description of the partnership between the City of Gig Harbor, Peninsula School District and Pierce County Parks and Recreation. He thanked Councilmembers for support of the program in 2003, and gave an overview of some of the accomplishments during its first year. He talked about the community use and benefit of the improvements at the Peninsula High School sports fields and the proposed project to improve the fields at Gig Harbor High School.

Mark Bonsell – 9608 Jacobsen Lane. Mr. Bonsell explained that he came to speak in support of the improvements to the Wheeler Street end. He said that this is about the only street that goes down to the bay. He said that the location has a great view, and the improvements would tie in nicely with the Crescent Creek Park.

Sherri Bonsell – 9608 Jacobsen Lane. Ms. Bonsell said that she too is in favor of the Wheeler Street end project.

There were no more comments. The Mayor closed this public hearing was closed at 7:09 p.m. and opened the public hearing on the next agenda item.

2. Zoning Text Amendments to Allow Structural Changes to Non-Conforming Signs. Steve Osguthorpe, Planning and Building Manager, explained that there are three ordinances submitted by Courtesy Ford for consideration, amending the non-conforming section of the city's sign code. He stressed that although the ordinances are not specific to the Ford site, they are the result of a denial of a request to make changes to an existing nonconforming pole sign in order to be consistent with the Ford corporate signage. The proposed text amendments provide different provisions for changing out non-conforming signs, particularly as they pertain to pole signs.

Steve reminded Council of the highly controversial process to adopt the sign code, and in particular, the amortization clause which was amended in 1998 to allow the owner of a non-conforming sign to maintain or to change out the face of the sign if it met with the city's illumination and text requirements. He described the options currently available to

Courtesy Ford to replace the existing panel or to replace the pole sign with a monument sign, which would not be as visible as the existing sign. He then introduced Kristen Riebli, Associate Planner, who provided the background information on the project.

Kristen explained that Courtesy Ford has filed an appeal with staff regarding the interpretation of the code and denial of the request to change the non-conforming sign. This appeal is on hold pending the outcome of the text amendment. She gave a description of the three proposed text amendments, all of them allowing structural changes to a non-conforming sign, and explained the concerns with each proposed amendment. She explained that staff would have to determine compliance without any guidance from the code, leading to difficulty in interpretation, implementation and enforcement. She said that due to the difficulty in administering these code provisions, city staff is recommending denial of all the proposed amendments.

Kristen continued to explain that the Planning Commission held a public hearing on the proposed amendments and held a lengthy discussion in which they expressed a number of concerns. The Planning Commission was not supportive of the text amendments and made no motion to recommend approval. Kristen continued to read language from the Comprehensive Plan, Zoning Code, and the Design Manual that assisted staff in making the decision to recommend denial of the text amendments.

Mayor Wilbert asked how many non-conforming pole signs are in existence at this time. Kristen said that there are at several throughout the city, but they couldn't come up with a specific number.

Dick Settle – 1111 Third Ave. Suite 3400, Seattle, WA 98101. Mr. Settle explained that he represents John Hern, owner of Gig Harbor Ford. Mr. Settle talked about the ongoing two-year process to come to a solution regarding changing the style of the existing pole sign. He discussed the method of calculating the signage, adding that the proposed sign would be a little bit smaller than the existing sign and much more appealing. He said that the change would allow this business to continue to provide jobs and tax revenue, and in the course of the change, at least one existing non-conforming sign would be removed. He said that other dealers in Washington and Oregon have been able to change to the new sign style, but this hasn't been allowed here in Gig Harbor. He discussed the two policies at stake: the fairness to someone who relied upon existing regulations, and reducing non-conformity. He said that both these policies are served by the proposed amendments. He said that he believes that the regulation stating that any change that reduces the non-conformity shall be allowed could be the basis for allowing this change. He went over the points in the proposed text amendments, explaining that they were trying to find a solution that would allow the change to occur without any adverse consequences to the community. He said that they are willing to work with staff and the City Council to achieve a common sense solution.

John Hern – President of Courtesy Auto Group. Mr. Hern explained that he lives in Silverdale and owns nine car dealerships on the Peninsula. He said that he deals with all 168 of the Ford dealers in Washington and Oregon, and in the last year and one-half, only four haven't been able to replace their signs. Mr. Hern discussed the importance of

signage in destination points because they draw business from the surrounding area, and those traveling through that may be looking for services. Mr. Hern said that he has three choices if the city will not let him replace his pole sign: to go without the pylon sign and lose business, to go into litigation regarding violation of business rights, and finally, to move the dealership.

Bill Bowe – Capital Signs and Awning. Mr. Bowe handed out a packet that illustrates the new signs and discussed the design. He said that his main point is how the proposed oval sign would be substantially smaller than the calculation that is used by the city staff for rectangles, as there is no provision for calculating ovals. Mr. Bowe discussed the options for the signage on the site and stressed that it would be important for Mr. Hern to retain the used car sign as he has both new and used vehicles at the same location.

Councilmember asked questions of Mr. Hern and Mr. Bowe to clarify their understanding of both the existing and the proposed signage. They also asked staff members for clarification of the code language for non-conforming signs. Steve Osguthorpe was asked to compile an inventory of non-conforming signs around town so that Council would be aware of the possible impacts of the proposed text amendments.

Mayor Wilbert closed the public hearing at 8:40 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 October 27, 2003.
2. Correspondence / Proclamations: Veteran's Day.
3. Bremerton Motorsports Park Agreement.
4. Cushman Trailhead Park Contract.
5. Pump Station 2-A Replacement Project - Temporary Construction Easement.
6. Renewal of Interlocal Agreement – Fire Prevention Activities.
7. Liquor License Assumption: QFC #886.
8. Liquor License Renewals: The Harbor Kitchen, Marco's Restaurant, and Terracciano's Restaurant.
9. Approval of Payment of Bills for November 10, 2003.
Checks #41604 through #41782 in the amount of \$273,577.87.
10. Approval of payroll for the month of October.
Checks #2866 through #2913 and direct deposit entries in the amount of \$231,155.37.

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

OLD BUSINESS:

1. Second Reading of Ordinance – 2004 Property Tax Levy. David Rodenbach explained that this represents a 1% increase over the current levy and offered to answer questions.

MOTION: Move to adopt Ordinance No. 944, levying the general property taxes for 2004.
Picinich / Young – unanimously approved.

NEW BUSINESS:

1. Victim Advocacy Interlocal Agreement. Chief Mitch Barker presented the agreement to add the services of a Domestic Violence Victim Advocate five days a week to improve the investigation and prosecution of domestic violence cases as well as providing increased services to victims of domestic violence.

MOTION: Move to authorize the Mayor to execute the attached Victim Advocacy Interlocal Agreement.
Ruffo / Picinich – six members voted in favor. Councilmember Dick abstained.

2. First Reading of Ordinance – 2004 Proposed Budget. David Rodenbach said that he had no changes from the information presented during the public hearing.

Councilmember Owel mentioned the memo regarding an issue that would require a resolution to the budget and asked if this would be an appropriate time to discuss the issue.

Mark Hoppen described the two possible options regarding support for the field lighting at Gig Harbor High School: one is for staff to bring back a resolution, and the second is to include the lighting as a part of the budget adoption. He said that the budget objectives could be rewritten to express the option of providing field lighting by participating with the school district and Pierce County in the development of field project at Gig Harbor High School.

Councilmember Franich said that because he just received the memo, he would like additional time to ask questions before making a decision. Councilmember Young said that there would be time to add this before the next reading and adoption. David Rodenbach explained that it would not require a budget amendment in the formal sense because the proposal for this funding will come from the property development and park acquisition funds, a legal purpose for these monies. Mark answered questions on how the process would proceed if Council recommended that the funds be allocated for the project. A resolution will be brought back at the next meeting for consideration.

Councilmember Young then explained that at the budget workshops, Councilmembers instructed staff to remove \$4000 from the amount for maintaining a tourism database and website support at the Chamber of Commerce. He said that he found out that the increase from last year was due to the fact that Pierce County removed their support, not an increase in the services being provided. He asked that this amount be added back in.

MOTION: Move to increase the amount back to \$8500 on item number 4 on page 104 of the budget.
Young / Ekberg – six voted in favor. Councilmember Franich voted no.

Councilmember Young left the meeting at this time.

3. First Reading of Ordinance – Authorizing the Issuance and Sale of a Local Improvement District No. 99-1 Bond. David Rodenbach explained that this is the last step in the LID No. 99-1 for construction of Borgen Boulevard. He gave an overview of interest rates and offered to answer questions. This will return for a second reading at the next meeting.

4. First Reading of Ordinance – Providing for the Issuance and Sale of a Water and Sewer Revenue and Refunding Bond. David Rodenbach explained that this bond will refund the current outstanding balance for the 1994 Water / Sewer Revenue Refunding Bonds. He gave an overview of the bond process and offered to answer questions. This also will return at the next meeting.

5. First Reading of Ordinance – Zoning Text Amendments to Allow Structural Changes to Non-Conforming Signs. Councilmember Franich asked if the definition of freestanding signs in the municipal code referred to pole signs. Kristen Riebli explained that there is no definition of pole signs in the code. He then asked how tall a new sign would be allowed on that site. Kristen answered that a new sign could be 8 foot high and 100 square feet wide.

Councilmember Ekberg asked for clarification on the minutes of the Planning Commission, because there was no decision was made to forward to Council. Steve Osguthorpe explained that he asked the Planning Commission for clarification at the next meeting and was told that the intent was to recommend denial. Councilmember Ekberg asked for a copy of the minutes of that meeting reflecting the intent.

Councilmember Franich said that it was important to study this very carefully because part of what makes Gig Harbor a nice area is that there isn't a great deal of sign clutter. Although the changing of the Ford sign seems to be a simple matter, if variations from the code are allowed, fairness becomes subjective. He added that he hopes that an agreement could be reached because it is important that the Ford dealer remain in Gig Harbor.

Councilmember Dick said that it may be better not to address the text amendments and to allow the appeal process to determine whether the new sign is a reduction in non-conformity. If so, then the sign would be specifically allowed and this would occur without damaging the well-crafted sign code.

Carol Morris advised Councilmembers to not comment on the pending appeal because the Hearing Examiner had not acted on it and the requested interpretation has been denied.

Councilmember Picinich mentioned that the dealer does have the option of placing a monument sign and he agreed that it would be best to wait for the appeal process.

Councilmember Ruffo said that he too agreed that there should be a way to come to an agreement. This is a long-time business next to Highway 16, and may have special needs that need to be addressed in a positive way. He said that he understands the dilemma of both sides and hoped that something could be worked out.

Steve Osguthorpe addressed Council's questions of the non-conformity of the proposed sign.

Councilmember Owel explained that she remembered two of the most bitterly discussed issues of the sign code were highway visibility of signage and the desire for corporate signage. She agreed that the proposal is a much better looking sign, but consideration must be given to the wishes of the citizens who worked hard on the sign code.

Steve Osguthorpe pointed out that the Ford site was not located in the highway visibility node per the Design Guidelines and would require screening from the freeway if it were developed new today.

Councilmember Owel said that it is important to review things from time to time to allow improvements.

Councilmember Dick asked if the deletion of the stripe would bring the sign less non-conforming. Steve said that he was hesitant to make that determination, adding that they must make the determination on what is submitted. He said that he would bring back information on the existing pole signs around town.

Jack Bujacich -Mr. Bujacich spoke in favor of allowing the dealer to change the sign.

6. Resolution – Adopting Amendments to the Pierce County Countywide Planning Policies. Mark Hoppen explained that this is an attempt to define specific urban centers and manufacturing centers, which requires a percentage of the participants to approve the amendments.

MOTION: Move to adopt Resolution No. 617 authorizing the amendments to the Pierce County County-wide Planning Policy.

Owel / Dick – unanimously approved.

7. Vernhardson Street Overlay Project Bid Award. John Vodopich described this project to overlay the street from North Harborview to the city park in conjunction with the sidewalk project.

MOTION: Move to authorize the execution of the contract with Woodworth and Company in the amount of thirty-one thousand twenty dollars (\$31,7120) including retail sales tax for the overlay of a portion of Vernhardson Street.
Dick / Picinich – unanimously approved.

STAFF REPORTS: None scheduled.

COUNCIL COMMENTS / MAYOR'S REPORT:

PUBLIC COMMENT:

Jack Bujacich. Mr. Bujacich explained that he attended an informational meeting on the proposed hospital where the Certificate of Need had been discussed. He asked Council to pass a resolution in support. Mark Hoppen explained that the hearing for the Certificate of Need had been delayed from December 1st and had not been rescheduled, allowing Council time to consider a resolution.

ANNOUNCEMENT OF OTHER MEETINGS:

Public Workshop on Building Size Analysis at the Gig Harbor Civic Center, November 17th at 6:30 P.M.

EXECUTIVE SESSION: For the purpose of discussing pending litigation per RCW 42.30.110(1)(i).

MOTION: Move to adjourn to Executive Session for approximately thirty minutes at 9:05 p.m. for the purpose of discussion pending litigation.
Franich / Picinich - unanimously approved.

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

ADJOURN:

MOTION: Move to adjourn at 9:40 p.m.
Ekberg / Franich – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 10.

Disc #2 Tracks 1 – 7.

Gretchen Wilbert, Mayor

Molly Towslee, City Clerk