

# TOWN COUNCIL MINUTES

November 2, 2009

## CALL TO ORDER, FLAG SALUTE, ROLL CALL

The first Council meeting for the month of November was called to order by Mayor Carla Nichols at 7:00 p.m. at Woodway Town Hall. Councilmembers present were Bill Anderson, Kent Saltonstall, Elizabeth Mitchell, Tom Whitson and Mike Quinn. Town Administrator Eric Faison, Police Chief Doug Hansen; Public Works Director Terry Bryant; Town Attorney Wayne Tanaka and Clerk-Treasurer Joyce Bielefeld were also present.

Mayor Nichols requested a Discussion regarding Appeal of Snohomish County Land Use Decision be added to the agenda after the Discussion on View Protection.

**ACTION:** Councilmember Whitson moved to amend the agenda to add Discussion regarding Appeal of Snohomish County Land Use Decision. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

## DISCUSSION ON VIEW PROTECTION - TOWN ATTORNEY WAYNE TANAKA

Mayor Nichols explained this topic was raised by a resident at last week's Council meeting. The Council packet includes a copy of Medina's ordinance regarding view and sunlight obstruction. She clarified this was not a public hearing but an opportunity for the Council to seek guidance from the Town Attorney.

Town Attorney Wayne Tanaka explained the Medina and Clyde Hill ordinances represented two different ways cities have approached this issue. Clyde Hill involves the city regulating land use by prohibiting living fences or rows of trees/hedges that interfere with views. Medina's ordinance does not involve the city but establishes a mechanism whereby neighbors discuss the matter or take the issue to arbitration. Medina's ordinance, modeled after an ordinance in California, was repealed by the Council in the past but was recently reenacted. Other cities have considered the matter and concluded they did not want to be involved in regulation. The decisions for the Council are, 1) whether to be involved in regulation, and if so, 2) what approach to use.

Mr. Tanaka explained Medina's ordinance protects only preexisting views; the Council would need to decide whether they wanted to preserve existing views, create views, restore views that existed previously, etc. Both Medina's and Clyde Hill's ordinances address water and mountain views.

The Council briefly discussed the definition of view, determining the right to a view, and tree protection versus view protection.

## DISCUSSION REGARDING APPEAL OF SNOHOMISH COUNTY LAND USE DECISION

Mayor Nichols explained the Snohomish County Council approved an amendment to their Comprehensive Plan to change the land use designation of Pt. Wells from Urban Industrial to Urban Center. Land use decisions must be appealed within 60 days; the deadline for appeal is November 10, 2009. One of the key issues is whether Snohomish County has appropriately identified the Pt. Wells site for an Urban Center designation; one of the main criteria for that designation is it must be served by a transportation corridor.

Discussion followed regarding differences between Pt. Wells and other sites identified as Urban Centers. The five other sites that are designated "Urban Center" are all located near Interstate 5 or other major State Highways. In comparison, Pt. Wells is located near a rail line without any future plans for a train station. Access to Point Wells is limited to arterial streets only.

**ACTION:** *Councilmember Mitchell* moved that the Town appeal the Snohomish County designation for Pt. Wells to Urban Center. *Councilmember Whitson* seconded the motion. The motion carried unanimously.

**APPROVAL OF MINUTES:**

October 5, 2009

*Councilmember Saltonstall* moved to approve the minutes. *Councilmember Quinn* seconded the motion. The motion carried (3-0-2), Councilmembers Anderson and Mitchell abstained.

October 19, 2009

Following minor amendments, *Councilmember Saltonstall* moved to approve the minutes of October 19, 2009 as amended. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

**APPROVAL OF VOUCHERS:** *Councilmember Anderson* moved to approve Claims Warrants #7112 through #7130 for the total amount of \$64,095.26. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

*Councilmember Saltonstall* moved to approve Payroll Warrants #9968 through #10001. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

**AUDIENCE COMMENTS:** Mary Lou Block, 23821 115<sup>th</sup> Place West, described trees on the rear of their property that were planted in approximately 1969, noting the importance of trees in the setback for privacy in the ¼ acre zone. The Sadicks, neighbors to the east of the Blocks, purchased their home in 2006 and first contacted the Blocks in 2007. At the Sadick's request, they trimmed the trees to an estimated 25 feet in height. She summarized the Sadick's proposed amendment was discriminatory as it pertained only to their situation, punitive as it required all trees to be trimmed, and was based on an arbitrary standard of someone seated on their deck. She recommended the Town not be involved with protecting views that were never enjoyed by the complaining property owner.

Dr. Ron Cantu, Woodway, urged the Council to take a cautionary approach to the topic of view protection, anticipating the cost and time involved in establishing and enforcing regulation could be substantial. He summarized a view protection ordinance was in conflict with the tree ordinance. Next, he anticipated the appeal of Snohomish County's designation of Pt. Wells as an Urban Center also had the potential for substantial cost and risk to the Town.

Dr. Hank Landau, Woodway, a Planning Commissioner when development of the properties behind the Block's was proposed, recalled concern was expressed at that time with views from the uphill homes into the downhill homes. He pointed out there were two concepts with regard to views - vistas and protecting privacy. Before the Council proceeded with an appeal of the Snohomish County designation of Pt. Wells as an Urban Center, he recommended verifying the status of a commuter rail station in Shoreline.

**COUNCIL REPORTS:** **Councilmember Saltonstall** reported he attended the Olympic View Water District meeting tonight.

**MAYOR REPORT:** Mayor Nichols reported the *Woodway Whisper* would be finalized by the end of the week and mailed next week.

**TOWN ADMINISTRATOR'S REPORT:** Mr. Faison reported the parking lot lighting had been repaired by the Public Works crew; the lights will only be illuminated when a meeting is held at Town Hall. He referred to a report from Public Works Director Terry Bryant on the annual meeting of the Public Works Association.

Mr. Faison explained staff applied for a grant for the Twin Maples stormwater project that would provide approximately \$400,000 of the estimated \$500,000 cost. The deadline to submit the grant was October 30 and cost to submit the grant was \$12,000. With Mayor Nichols' authorization, staff proceeded with submitting the grant.

## **PUBLIC HEARING - REVENUE SOURCES AND BUDGET**

Mayor Nichols opened the public hearing at 8:00 p.m.

Mayor Nichols referenced Ordinance No. 09-345 which authorizes the levy amount for 2010. She explained in the past, the Town has had separate property tax and EMS levies; voters' approval of the operating levy in September 2009 combined those levies.

Mayor Nichols reviewed the 2010 Revenue Statement for General Taxes, Fees & Permits, Intergovernmental, Fines, Investment Interest, Miscellaneous, and Storm Drainage. The statement included 2007 and 2008 actuals, 2009 budget, and 2009 actuals year-to-date through September 20, 2009 projected year end and 2010 budget.

Mayor Nichols reviewed the proposed 2010 budget for General Government, Public Safety, Public Works & Lands, Land Use & Planning, Building & Municipal Services, and Stormwater and highlighted decision packages in each category. She also reviewed summaries of the Streets, Capital and Stormwater Funds.

Mr. Faison reviewed loans and contributions from the General Fund to the Stormwater Utility that would be made via amendments to the 2009 budget. He also identified a proposed loan for the General Fund to the Stormwater Fund in the 2010 budget.

Council and staff discussed I-1033, sales tax revenue, REET revenue, concern with the projected decrease in traffic fines, snow removal equipment, and the amount in reserves. The Council asked staff to provide the number and total value of houses sold in Town during 2009.

There were no members of the public present who wished to provide testimony. Mayor Nichols closed the public hearing at 8:42 p.m. She advised a second public hearing regarding the budget was scheduled on November 16.

## **INTERLOCAL AGREEMENT FOR JAIL SERVICES**

Police Chief Doug Hansen reviewed the current fees for booking, housing and home detention and the costs under the new agreement. He advised the fees will increase each year during the 4-year term of the agreement by a rate equal to 90% of the CPI and will not exceed 3%.

**ACTION:** Councilmember Quinn moved to approve the Interlocal Agreement for Jail Services through December 31, 2014. Councilmember Anderson seconded the motion. The motion carried unanimously.

## **ORDINANCE 09-511 - REAL ESTATE SIGN REGULATIONS**

Mayor Nichols explained the existing ordinance allows one real estate company to purchase a permit that could then be used by all agents associated with that company. The amendment requires each office to list the agents that were eligible to use the permit.

**ACTION:** *Councilmember Anderson* moved to adopt Ordinance No. 09-511, amending Chapter 14.42.010 regarding real estate sign regulations. *Councilmember Saltonstall* seconded the motion.

Mel Steinke, 22133 Chinook Road, commented many agents operate their own business within the brokerage. He suggested a \$50 fee for independent agents and a \$300 fee for offices with 10 or more agents. Mr. Faison responded that was addressed in the fee schedule related to sign permits, the next item on the agenda. He pointed out Section 5, term of permit and renewal, was also added to the Chapter.

Discussion followed regarding concern with limiting open house signs to two and a suggestion to allow four signs. It was the consensus of the Council to amend Ordinance No. 09-511 to allow a maximum of four signs.

The motion carried unanimously.

## **ORDINANCE 09-512 - UPDATING FEE SCHEDULE RELATED TO SIGN PERMITS**

Mayor Nichols reviewed the proposed fees for sign permits: \$50 individual, \$100 for 2-5 agents, \$200 for 6-10 agents, and \$300 for 10 or more agents. Clerk-Treasurer Joyce Bielefeld advised the current fee was \$50 per year with no limit on the number of agents.

**ACTION:** *Councilmember Anderson* moved to adopt Ordinance No. 09-512, updating the fee schedule related to sign permits. *Councilmember Quinn* seconded the motion. The motion carried (4-0-1), Councilmember Saltonstall abstained.

## **UPDATE POLICY AND PROCEDURES MANUAL**

Mayor Nichols explained this would establish policies for Employee Recognition and allow for payment of those meals that are associated with Town Meetings.

**ACTION:** *Councilmember Whitson* moved to approve the amendment to the Policy and Procedures Manual regarding Employee Recognition and Meal with Meetings. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

## **RESOLUTION 09-344 - INCREASE CHIPPING FEES**

Mayor Nichols advised the current chipping fee was \$84.00/hour billed in 15 minute increments; the proposed resolution would increase the fee to \$100/hour billed in 30 minute increments. Public Works Director Bryant advised that private companies charge in excess of \$250.

**ACTION:** *Councilmember Quinn* moved to approve Resolution No. 09-344, increasing the chipping fee from \$84/hour billed in 15 minute increments to \$100/hour billed in 30 minute increments. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

**AUDIENCE COMMENTS:** Maryanne Burkhart, Port of Edmonds, announced the preliminary Master Plan for Harbor Square Port would be presented at a special Port Commission meeting on November 16. Mayor Nichols advised the new Executive Director plans to meet with the Council in January 2010.

**GENERAL COUNCIL DISCUSSION – Council Choice of Topics**

Councilmember Quinn suggested information be included in the *Woodway Whisper* regarding the Council's position on Pt. Wells and reasons for filing an appeal of the Urban Center designation.

Mayor Nichols suggested scheduling a reception at the December 7 Council meeting to honor former Councilmember Bob Schillberg.

**ADJOURNMENT OF PUBLIC MEETING:** *Councilmember Quinn* moved to adjourn the meeting. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously. The meeting was adjourned at 9:16 p.m.

Respectfully Submitted,

**APPROVED BY THE TOWN COUNCIL**

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Joyce Bielefeld, Clerk Treasurer

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Carla A. Nichols, Mayor

(These minutes accurately reflect what was said at the Council Meeting. Publication does not vouch for the veracity of these statements.)