

**Town of Coupeville
Regular Council Meeting
Tuesday, December 13, 2011
6:30 p.m.**

PRESENT: Mayor Nancy Conard, Councilmembers Bob Clay, Larry Cort, Ann Dannhauer, and Molly Hughes.

Council Action: A motion was made by Councilmember Clay, second by Councilmember Hughes, to excuse Dianne Binder from the meeting. The motion passed 4-0.

STAFF PRESENT: Town Planner Larry Kwarsick, Town Marshal Dave Penrod, Clerk-Treasurer Judy Thomas

CHANGES AND APPROVAL OF THE AGENDA

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Cort, to approve the Agenda as submitted. The motion passed 4-0.

APPROVAL OF MINUTES

The minutes of the regular meeting of November 22, 2011, were approved with the following three changes: 1) Page 3, Council Reports, first paragraph, fourth line, should read, "...attended the wind damage workshop at ~~CRI~~ PRI, sponsored by the Extension..."; 2) Same paragraph, at the end of the last sentence, should read, "...and conducting an annual review-: Consider phytoremediation for Community Green."; 3) Page 5, Holbrook Barn, line eight, should read, "Council responded with the following: would like input from Harrison Goodall; one of..."

MAYOR'S REPORT

- Mayor Conard gave the status on filling the Town Marshal position. The assessment center was held on November 29th, the Civil Service Commission met on November 30th and approved the three top scoring candidates. She interviewed the final three candidates and expects to make a decision by the end of the week.
- She will meet with representatives from Island Disposal on December 15th, to discuss curbside recycling.
- The launch of the new ferry (on the Coupeville/Port Townsend run), the Kennewick, is scheduled for 11:00 am on Friday, January 6, 2012, in Port Townsend.
- There is a Washington State Ferry planning meeting scheduled for Friday, December 16th.
- Just a reminder, there will be a retirement open house for Marshal Penrod at the Rec Hall on Thursday, December 29th from 11:00 to 1:00; which is open to the public.
- She tried to schedule a Parks & Recreation Commission meeting for this month, to review the draft plans for the Community Green, but one of the consultants cannot attend; so we are looking at January for the meeting.
- This week, Ms. Thomas mailed the letters to those entitled to refunds for unused Park Impact Fees.
- Today, Larry Kwarsick and Bob Snyder, joined 23 staff from Island County for the first training on the Joint Unified Code for the Ebey's Reserve; the second training will be on Thursday, December 15, 2011.

- Friday, December 16th is the hearing for Colton Harris-Moore, at the Island County Superior Court, and it is possible that there could be a big turnout. The Marshal's department is working to make sure we have good access to our businesses.
- She thanked Councilmember Ann Dannhauer for four years of diligent service on the Town Council; she has worked hard and put in a lot of time serving the community. Councilmember Clay thanked Ann for her service and presented to her (from the Council) a gift certificate to Sally's Garden for a Dogwood tree.

AUDIENCE INPUT

Gary Piazzon, Coupeville, expressed sadness that Councilmember Dannhauer would no longer be on the Town Council. He thanked her for her progressive ideas, championing trees, has sought to bring forward a more walkable and bikable community; thinking outside the box; ivy removal in the parks, and the other issues she has brought forward.

Jerome Rosen, agreed with Gary's comments and expressed his gratitude to Ann Dannhauer for her service on the Town Council. Ann was thorough and diligent in her efforts to improve the quality of life in Coupeville; she is a model of a good citizen, a physician, and noted that she has studied the issues she has presented.

PUBLIC HEARINGS

Ordinance No. 697 setting various user fees and charges for 2012 for permits, services, and procedures administered by the Town Staff – *Staff recommends a motion to adopt Ordinance No. 697 setting the 2012 User Fees and Charges for 2012 for permits, services and procedures administered by the Town Staff.*

Mayor Conard explained that this ordinance was reviewed at the last meeting and the errors have been corrected.

Mayor Conard declared the public hearing open at 6:55 pm. There was no public comment and Mayor Conard declared the public hearing closed at 6:56 pm.

Council Action: A motion was made by Councilmember Clay, second by Councilmember Cort, to approve Ordinance No. 697 setting the 2012 User Fees and Charges for permits, services and procedures administered by the Town Staff. The motion passed 4-0.

ORDINANCE NO. 697

An Ordinance of the Town of Coupeville, Washington, setting various user fees and charges for 2012 for permits, services, and procedures administered by the Town Staff and repealing ordinance 685.

Ordinance No. 695 permitting chicken hens within the Town – *Staff recommends a motion to adopt Ordinance 695.*

Mayor Conard explained that this proposal was proposed by Councilmember Dannhauer and herself. It has been discussed at several workshops, and has been in the works for a while. She asked for received citizen input. The ordinance was reviewed by our Town Attorney. The homeowners association for Peaceful Valley prohibits the keeping of livestock in that area, and their covenants 'trump' this ordinance; i.e. this ordinance will not apply to properties within the Peaceful Valley development.

Council discussed changes to Page 2, 'B. Administrative Modifications (1) and (2)'. Councilmember Dannhauer suggested a change to Page 2, (4) Chicken Hens shall be contained at ~~all times~~ night within a fully enclosed fence, pen or coop which is constructed...".

Mayor Conard declared the public hearing open at 7:09 pm.

Albert Bowers, 705 NE Sixth Street, Coupeville, expressed the following concerns about the chicken ordinance: Who the administrator will be, and their duties; will this be a new position? Who will enforce the regulations? Is it was humane to enclose a chicken in a 2' x 2' pen? Will the Town hire a surveyor to confirm the property lines. He would like to see the ordinance rewritten and brought back to Council. Mayor Conard responded that the Planning Director is 'administrator' but that is only for modifications to the regulations. Violations of the regulations will be handled by law enforcement (the Police Department).

Gary Piazzon, Coupeville, spoke in favor of the ordinance and it is timely with what is happening. He discussed climate change and how it will affect global food security. This ordinance will allow people to grow their own food. We need to prepare for the food needs of our community.

There was no more public comment and Mayor Conard declared the public hearing closed at 7:19 pm.

Council discussed and agreed upon the following changes to the ordinance:

1. Page 2, '(4) Chicken Hens shall be contained at all times within a ~~fully enclosed~~ fence, pen or coop...''.
2. Page 2, "(5) For each chicken hen, a fenced open yard area of at least twenty (20) square feet and a fully enclosed shelter of at least...''.
3. Pages 2 and 3, remove all of "B. Administrative Modifications. (1) and (2).
4. Page 2, (2) Chicken hens may be kept, as provided in this section, by the owner or tenant of any single-family or duplex residence, provided that the hens are kept on the same ~~premises parcel~~ where the owner of the hens resides- or on a contiguous parcel under the same ownership.
5. Page 2, (3) One Chicken hen is allowed for each one thousand five hundred (1,500) square feet of lot area to a maximum of six hens, ~~on any lot or contiguous property under the same ownership.~~

Mayor Conard explained that because of the suggested changes, she wanted to re-open the public hearing if anyone had any comments they wanted to make.

Mayor Conard re-opened declared the public hearing reopen at 7:29 pm. There were no more public comments and the public hearing closed at 7:29 pm.

Council Action: A motion was made by Councilmember Clay, second by Councilmember Cort, to adopt Ordinance No. 695, permitting chicken hens within the Town, by amending Coupeville Town Code Section 6.04.020 and adding a new chapter 6.16 "Chicken Hens", as modified (the the above five changes). *Discussion:* Councilmember Clay added that owning chickens was no worse than owning a cat or dog. Councilmember Cort supported the ordinance in its revised form. The motion passed 4-0.

ORDINANCE NO. 695

An Ordinance of the Town of Coupeville, Washington, permitting chicken hens within the town by amending Coupeville municipal code section 6.04.020 and adding a new chapter 6.16 "Chicken Hens".

Ordinance No. 696 to establish a golf cart zone and adopting regulations related to the use of golf carts in Town - Staff recommends a motion to adopt Ordinance No. 696.

Mayor Conard explained that this has been discussed at several Council workshops and the ordinance is consistent with the RCW (Revised Code of Washington). In addition to the requirements of the RCW, this ordinance will require that operators must be licensed drivers and carts may be operated after dark, provided they have lights. She pointed out that on page 2, Section 10.24.010 (2) that golf carts are defined as electric powered four-wheeled vehicle...; but gas powered carts could be considered. The only place that the cart would be allowed to cross Highway 20 is at the intersection of Main Street, at the light.

There was discussion by the Council about the maximum speed of the cart; which is designed to be 20 mph. Also it was suggested that on page 3, (8) to read, 'The use of Golf Carts shall be prohibited on all Town Sidewalks, Trails, and designated bicycles...'.

Mayor Conard declared the public hearing open at 7:44 pm.

Mike Czarnick, Fourth Street, Coupeville, commented that this ordinance addresses all his concerns, and is consistent with other ordinances from areas around. Golf carts can be set up with a governor to set the maximum speeds. He has a golf cart that he has modified with lights, turn signals, and brake lights. He was glad to see this ordinance coming before Council.

Island County Sheriff Mark Brown, expressed some safety concerns and suggested the Town require turn signals, brake lights and headlights on all vehicles. He suggested signage at all entrances to town to make people aware that this is a golf cart zone.

Mayor Conard responded that she spoke with the mayor of Arlington and they did not require turn signals or brake lights because the speed limit was only 25 mph. If Council wants to further consider the suggestions, she preferred that the ordinance not be adopted tonight, and it could be further researched to see how we can deal with that requirement. In speaking with WSDOT, there is only one crossing of Highway 20, within the Town limits, and that is at the Main Street intersection. She added that having electric vehicles on the road will help the Town's commitment to reduce CO² emissions.

Jack Tingstad, 508 NE Broadway, Coupeville, explained how his neighbor, Vicki Chambers, was directed by Marshal Penrod to move 'Coupe's Last Stand' (the hot dog cart) from Broadway to the Wharf; which was to stay off the main roads. From what he has seen, a lot of golf cart drivers are senior citizens and felt that allowing golf carts on main streets, would bog down traffic. He suggested that specific routes be designated to golf cart drivers; that would be provided by the police department when they get their permit.

Ricardo Reyes, Coupeville, asked if there would need to be special parking spaces for golf carts and Mayor Conard responded that they would use the regular parking spaces.

Dan Miranda, 603 NE Lindsey, Coupeville, applauded the Council for this ordinance, allowing golf carts and he will use it. You can buy a kit for about \$275, that include brake lights, turn signals and headlights.

Gary Piazzon spoke in favor of the ordinance; he thinks this is a great idea. Regarding the safety, he is in favor of a requirement for brake lights and turn signals. The cost for signage will be made up on less wear and tear to the roads.

Al Bowers, 705 NE Sixth Street, Coupeville, agreed that this is a great idea. A few things he disagreed with was the parking, as they will use a whole parking space; and asked who will register the vehicle; and will the Town need to hire another clerk?

Sue Tingstad, 508 NE Broadway, Coupeville, commented, that she was a little confused, do we expect 500 golf carts? She couldn't imagine that there would be that many applications for golf carts.

Marshal Penrod spoke with three police departments that have a golf cart ordinance and Mill Creeks was the only city that had any issues. He agrees that the carts need brake lights and turn signals.

Mark Brown explained that golf carts can be gas or electric and Mayor Conard explained that ours is only for electric powered golf carts.

At 8: 12 pm, Mayor Conard and Council agreed to continue this public hearing to the next Council meeting and rewrite the ordinance to eliminate the additional reflectors and add headlights, brake lights and turn signals.

Council Action: A motion was made by Councilmember Cort, second by Councilmember Clay, to continue the public hearing to January 10, 2012. The motion passed 4-0.

Mayor Conard called for a short recess at 8:15 pm and reconvened at 8:23 pm.

NEW BUSINESS

Approval of CUP 11-01, a conditional use permit to construct a new single family residence in the Town Commercial zone (within the Historic Restoration Overlay zone) – Staff recommends accepting the Planning Commission's recommendation to approve CUP 11-01 subject to the Planning Commission's Findings of Fact and Conclusions of Law, and Conditions of Approval.

Larry Kwarsick explained that this application was reviewed at a public hearing of the Planning Commission. The application is for a new single family residence to be constructed in the Town Commercial Zone, within the Historic Restoration Overlay zone, which is allowed upon approval of the Conditional Use Permit. The Design Review Board met and reviewed the removal of the contributing structure, the design of the new structure and site location. The Planning Commission held a public hearing and recommends approval of CUP 11-01 based on the Findings of Fact and Conclusions of Law and subject to the seven conditions, as provided in the December 1, 2011 Staff Report.

Mayor Conard noted that upon approval of this conditional use permit, it should be recorded on the title so that changes in use must go through an approval process.

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Clay, that after due and proper consideration of the public comments received at the predecision public hearing, the staff report, the record of the predecision public hearing, the requirements of the Town Code and the recommendation of the Planning Commission, move to accept the recommendation of the Planning Commission and adopts the Findings of Fact and Conclusions of Law and approves CUP 11-01 with the seven recommended conditions; and modifying Condition 2. The applicant shall provide and maintain 4 (four) off street parking spaces for the single family residential use and the accessory ~~commercial use, which are similar in scale to that of a home occupation;~~ home occupation use. And add condition 8. The conditional use permit will be recorded on the deed. The motion passed 3-1 (Dannhauer).

Approval of Special Events Permit Application for CHWA for "Red Ticket Drawing" on December 18, 2011 – Staff recommends approval of the Special Events Permit Application for the Red Ticket Drawing.

Mayor Conard explained that this event is similar to previous years.

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Clay, to approve the Special Event Permit Application for the Red Ticket Drawing on December 18, 2011. The motion passed 5-0.

Approval of Town Attorney Agreement for 2012 – *Mayor recommends renewing the Town Attorney agreement with Weed, Graafstra & Benson, Inc. for 2012.*

Mayor Conard explained that we have a continued good relationship with this firm and she has nothing but good things to say about the service.

Council Action: A motion was made by Councilmember Clay, second by Councilmember Cort, to approve the Town Attorney Retainer Agreement for calendar year 2012 with Weed, Graafstra and Benson, Inc. (WGB). *Discussion:* Councilmembers Clay, Hughes and Cort agreed with Mayor Conard's comments and their experiences were that the attorneys (in the firm) were very knowledgeable and easy to work with. Councilmember Dannhauer explained that she had originally had a number of concerns, not the least of which was brought out in the Langley newspaper. Much of their (WGB) advice is not in writing, which makes it difficult to evaluate their work and leaves us open to liability, like the advice on Park Impact fees. Also, Council members are discouraged from direct contact with the attorneys which makes it hard to assess their work. When she saw that it was on the agenda to renew the contract she contacted MRSC for advice, checked some websites and there has been no disciplinary action against Weed, Graafstra & Benson, Inc. On the ratings sites, they have high ratings; and Grant Weed has been listed as a super lawyer. She spoke with him (Grant) and he said that no action has been taken against him and no cities have ever dropped them as a client; so based on that, she changed her mind in favor of renewing the contract. The motion passed 4-0.

Reappointment – Bob Clay to Island Transit Board – *Mayor recommends confirmation of She reappointment of Bob Clay to the Island Transit Board of Directors.*

Mayor Conard explained that the Town has one position on the Island Transit Board and Bob Clay has been on the Transit Board for several years, and has been the Chair of the Board for the past few years, and she recommended Bob Clay for reappointment.

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Cort, to approve the reappointment of Bob Clay to the Island Transit Board of Directors for 2012. The motion passed 4-0.

Appointment of Mayor Pro-Tem - *Council appoints Mayor Pro-Tem every six months.*

Mayor Conard explained that appointing of a mayor pro tem is done every six months and the term of this appointment is January through June 2012.

Council Action: A motion was made by Councilmember Cort, second by Councilmember Dannhauer, to appoint Councilmember Hughes to serve as mayor pro tem for January through June 2012. The motion passed 4-0.

Approve appointments to the Historic Preservation Commission – *Mayor recommends approving the appointments as recommended.*

Mayor Conard explained that since she submitted the recommendation, one of the suggested appointments, Steven Byler, has withdrawn his name so she would like to recommend the following applicants: Stig Carlson, Denis Hill, and Ron Boyer, and to approve the joint appointment of Wilbur Bishop. Council agreed that they will make the third appointment at the next Council meeting.

Council Action: A motion was made by Councilmember Clay, second by Councilmember Cort, to appoint to the Historic Preservation Commission: Stig Carlson, Denis Hill, and Ron Boyer, and to approve the joint appointment of Wilbur Bishop. The motion passed 4-0.

Approval of Resolution No. 11-06 accepting a gift of the Holbrook Barn – *Staff recommends a motion to adopt Resolution 11-06 accepting a gift of the Holbrook Barn.*

Mayor Conard has discussed this proposal with Council and the Community Green Steering Committee, and she has heard many favorable comments on how the barn might be used and located on the southwest corner of the Municipal Parking Lot.

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Clay, to adopt Resolution 11-06 accepting a gift of the Holbrook Barn. *Discussion:* Councilmember Cort explained that after much consideration of this donation he thinks that this building can be used and he's happy to support this resolution. Councilmember Hughes added that she too, had concerns but after considering the whole proposal of Mr. Miranda's donation she supports approval of the resolution. The motion passed 4-0.

RESOLUTION NO. 11-06

A Resolution of the Town of Coupeville for the acceptance of the gift of certain real property improvements to be relocated to Town property.

Approval of Interlocal Agreement between Island County, Town of Coupeville and Trust Board of Ebey's Landing National Historical Reserve relating to Historic Preservation – *Staff recommends a motion to approve the Interlocal Agreement and authorize the Mayor to sign the agreement.*

Mayor Conard explained that this is the final agreement that has been reviewed by the Town and County Attorneys.

Council Action: A motion was made by Councilmember Clay, second by Councilmember Clay, to approve the Interlocal Agreement and authorize the Mayor to sign the agreement. The motion passed 4-0.

Approval of December 13, 2011 Claims and November Payroll Vouchers – *Staff recommends approval of the December 13, 2011 claims vouchers/warrants #24506 through #24569 for a total of \$43,217.61; and November payroll warrants #13653 through #13695 for a total of \$123,897.97.*

Several questions were asked and answered about the vouchers and no changes were suggested.

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Cort, to approve the December 13, 2011 claims vouchers/warrants #24506 through #24569 for a total of \$43,217.61; and November payroll warrants #13653 through #13695 for a total of \$123,897.97. The motion passed 4-0.

ADJOURNMENT: 9:25 pm

Respectfully Submitted:

MAYOR:

Judy A. Thomas, Clerk Treasurer

Nancy Conard, Mayor

A complete audio recording of this meeting is available upon request from the Clerk-Treasurer.