

POULSBO CITY COUNCIL MEETING OF SEPTEMBER 18, 2013

MINUTES

PRESENT: Deputy Mayor McGinty, Berry-Maraist, Henry, Lord, Musgrove, Nystul, Stern.
Absent: Mayor Erickson.

Staff: Bateman, Boltz, Loveless, McCluskey, Stenstrom, Stephens, Weaver

MAJOR BUSINESS ITEMS

- * * * Special Event Request – NKHS Homecoming Parade and Rally
- * * * Public Hearing (continued): Interim Zoning Regulations
- * * * Sewer Connection Variance - Finn Hill Office Conversion – Continued
- * * * Engineering Fees, Resolution No. 2013-10
- * * * 2013 Hotel-Motel Tax Funding Request
- * * * Resolution No. 2013-11 ,Mental Health Sales and Use Tax
- * * * Set Public Hearing for Revenue Sources

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Deputy Mayor McGinty called the meeting to order in the Council Chambers at 7:00 PM and led the Pledge of Allegiance.

2. COMMENTS FROM CITIZENS

- a. Art Sestack expressed concern with Bob Middlebrook, Sound Works, vacating his location. Sestack stated the services provided were wonderful and requested the City re-establish his location.
- b. Rita Hagwell spoke to an email sent by Councilmember Berry-Maraist, which stated Berry-Maraist was surprised to learn that opposition to trails is often couched in terms of property rights and environmental protection. Hagwell expressed her opposition to trails on private property.
- c. Janetmarie Valiga announced Gateway Fellowship, North Kitsap Fishline, and North Kitsap Herald will be hosting a Volunteer Fair, September 12th. Valiga also stated Sound Works is still searching for a location and continues to provide services to North Kitsap residents.
- d. David Shields, Poulsbo Historical Society (PHS), presented a proposal to construct a display structure to house a Poulsbo boat that is being restored, in Waterfront Park. Shields showed images of the boat, the proposed display structure and proposed location.

Councilmember Stern explained the Mayor had requested to bring this proposal to the Council for consideration and asked for the Council's indulgence in responding to the request during Citizen Comments. Stern stated PHS is looking for comments, concerns and/or concurrence.

Councilmember Berry-Maraist and Musgrove expressed concern with limited grass area and view obstruction. Berry-Maraist recommended the request be reviewed by the Community Services Committee and Park Board; Council concurred.

- e. Mark Music began to speak to the discussion on marijuana establishments. Deputy Mayor McGinty stated the public hearing for Interim Zoning Regulations would be held during the business agenda and Music's comments should be made at that time.
- f. Herb Kai expressed concern with proposed exclusive use of Waterfront Park for a historical display and requested other sites be considered.
- g. Troy Barber stated he is advocate for mental illness and applauded the Council for considering the mental health tax and being proactive in mental health.

3. MAYOR'S REPORT AND COUNCIL COMMENTS

None.

4. CONSENT AGENDA

Motion: Move to approve Consent Agenda items a.

Action: Approve, **Moved by** Berry-Maraist, **Seconded by** Musgrove.

Motion passed unanimously.

The items listed are:

- a. Special Event Request – NKHS Homecoming Parade and Rally

5. BUSINESS AGENDA

a. **Public Hearing (continued): Interim Zoning Regulations**

Associate Planner Weaver stated the Public Hearing is being continued from the September 11, 2013 meeting.

Deputy Mayor McGinty asked for public testimony.

- i. Troy Barber stated he has come before the Council for a number of years advocating for medical marijuana and understands the political process is slow. Barber stated his main concern is for safe and affordable access by medical marijuana patients and pointed out the number of people he has spoken with in support of medical marijuana, including his mother who suffered from colon cancer. Barber urged the Council to take time to find out a little more about what the marijuana plant can offer.

Additionally, industrial hemp can bring job creation in the community and the other healthy uses such as dairy products. Barber recommended the Council visit some of the facilities where medicinal marijuana is provided.

- ii. Royella Jaynes stated she is a breast cancer patient and asked the Council to find a way educate the public on the benefits of medical marijuana. Jaynes explained her involvement with a collective garden in Puyallup, which has been very successful with approximately 900 patients, approximately \$30,000 per month, and helps a range of patients including those with PTSD, injuries from war, autism and epilepsy. There are several patients in Poulsbo that must go to Gorst or Belfair for their medical needs, and would benefit the community in positive ways to have a medical marijuana establishment in North Kitsap. In these types of establishments, business is not done in view of the public and regimented according to state law.
- iii. Michael Paxhia stated he opened his store in Gorst and has several Poulsbo patients, whose doctors (from Poulsbo) are prescribing medical marijuana. The idea is to allow safe access for the people in Poulsbo to obtain their medicine. The current access is limited to the patients. Paxhia stated there is no reason why this type of business cannot go in the retail areas; it is important Poulsbo citizens have access to their medicine without going to Gorst.

Gareth Moore, Director of Operations at Golden Mean Dispensary in Seattle, and spoke to a patient who was suffering from cancer, became very weak due to chemotherapy and was not able to eat; a family member requested baked goods with cannabis for the patient, which helped give him an appetite. Moore also told a story about a five year old boy who had seizures every fifteen minutes, because of his use of cannabinoids (no THC) he is no longer having seizures and his mother is now able to get to know her son's personality. Moore stated they want to provide a safe place for people to get their medicine, support their community, and they are willing to do whatever it takes to get the Council support to have an establishment in Poulsbo.

- iv. Mark Music, resident and Pastor of TrueVine Pentecostal Church, spoke to a North Kitsap Herald article regarding marijuana regulations and putting marijuana shops within Poulsbo. In previous public comments, it was said that marijuana is not addictive, which is contrary to his personal experience with marijuana addiction. Music stated he does not support marijuana shops in the City of Poulsbo. The law was passed and permits medicinal purposes and recreational purposes; he understand the need for medicinal purposes, however the recreational side has negative impacts. Music recited a quote from Councilmember Stern from the North Kitsap Herald, expressing concern with the proximity of the allowable light industrial space to the baseball fields used by youth and suggested the south end of Viking Avenue, near Bovela Lane be considered for marijuana establishment. Music stated Sterns statement could have also been made in the reverse, because there is church and children's clothing store on Bovela Lane, which is not a good place for an establishment.

- v. Christy Stanley, Kingston resident, addressed economic viability of an emergent new industry, and the number of countries where cannabis is legal. Currently, hemp can and is used as a basic component in biofuel; and is a viable economic and natural resource. Stanley stated she has worked for dispensaries where patients with serious medical conditions come to get their prescriptions filled; and these individuals need to be treated with respect and dignity, and should be able to get their medicine just as they would at local drug stores.

Deputy Mayor McGinty closed the Public Hearing closed at 7:52 PM.

Councilmember Stern requested clarification whether churches and/or children's clothing stores were restricted under State law. Weaver stated those types of locations are not restricted under State law. Stern further questioned if the public hearing pertains to recreation use, medicinal use or both; Weaver stated the public hearing is for both uses.

Councilmember Musgrove questioned if the combined uses in the proposed regulations are a State requirement or the City's choice; Weaver stated combining the use was at the suggestion of the City Attorney. Musgrove requested that additional information be brought back to the council, and for the public's information, on the basis for combining the uses.

Councilmember Nystul suggested, due to the complexity of the issue, this be further reviewed by a committee and asked Chief Townsend for his viewpoint on the subject. Chief Townsend stated he has concerns from a criminal and public safety standpoint; and while there are many people who need and will benefit from medicinal marijuana, there are equally as many people that will take advantage of it.

Motion: Move to take no additional action.

Action: Approve, **Moved by** Henry, **Seconded by** Lord.

Discussion: Councilmember Musgrove recommended the council consider separate the regulations between recreational and medical uses.

Motion passed unanimously.

b. Sewer Connection Variance - Finn Hill Office Conversion – Continued

Public Works Director Loveless reported the conditions of approval have been revised based on Council discussion at the September 11, 2013 meeting.

Motion: Move to approve a sewer connection variance request for the proposed Finn Hill Office Conversion, subject to conditions of the City and Kitsap Public Health District.

Action: Approve, **Moved by** Berry-Maraist, **Seconded by** McGinty.

Motion passed unanimously.

c. Engineering Fees

Engineering Technician Bateman presented the proposed interim up to the Engineering fees, making Consumer Price Index (CPI) adjustments and adjusting the flat labor fee.

Berry-Maraist stated the Public Works Committee has reviewed this and recommends approval.

Motion: Move to adopt Resolution 2013-10, a Resolution of the City of Poulsbo, Washington, amending the Engineering Department application fee worksheet to update Engineering fees pursuant to Section 3.12.010(b) of the Poulsbo Municipal Code.

Action: Approve, **Moved by** Berry-Maraist, **Seconded by** Musgrove.

Motion passed unanimously.

d. 2013 Hotel-Motel Tax Funding Request

Parks and Recreation Director McCluskey reported on the joint application submitted by the Mayor and the Port of Poulsbo for 2013 Hotel-Motel Tax funding for the 2013 Dreamspeaker Cruising Guide. The HDPa has also contributed towards this book. The guide is targeted towards Puget Sound boaters, and contains a full chapter and charts for Poulsbo.

Because this project is complete, both the Port and the Mayor's budgets would be reimbursed by the Hotel-Motel Tax funds. The funding for this project would come from Hotel-Motel Tax reserves. The Lodging Tax Advisory Committee reviewed this application and recommends approval.

Motion: Move to approve funding of the Dreamspeaker Cruising Guide through Hotel-Motel tax reserves at a onetime fee of \$2,400.00.

Action: Approve, **Moved by** Musgrove, **Seconded by** Nystul.

Motion passed unanimously.

e. Resolution No. 2013-11, Mental Health Sales and Use Tax

Councilmember Stern reported on the sales and use tax increase being considered by the Kitsap County Commissioners as allowed by the Washington State Legislature. The tax of 1/10th of 1% (one penny for every \$10 spent) would fund mental health and chemical dependency treatment programs in Kitsap County.

Council discussion included:

- Concern for another tax, not having a sunset clause
- The increasing need for mental health programs
- Oversight of how the funds are allocated

Motion: Commit for one cycle to bring up at the next Council meeting, with a committee recommendation; and to give the Council an opportunity get additional information and have questions answered.

Action: Approve, **Moved by** Musgrove, **Seconded by** Lord.

Discussion: Councilmember Lord stated while she is in full support of improving the resources for mental health issues, she has concerns with the setup of the committee and technical advisory team and questioned if the positions are salaried. Police Chief Townsend stated the advisory team is made up of Joe Rask, Kitsap Mental Health; Scott Bosch Harrison Hospital, and himself, are not paid as part of this program.

Deputy Mayor McGinty asked for clarification, whether the intent of the motion was to table the item until further information was received. Councilmember Musgrove stated the intent was to commit to the resolution, with additional information to be brought forward and Public Safety/Legal committee review. McGinty reminded the Council the next Public Safety/Legal committee meeting is not for three weeks.

Police Chief Townsend stated he could get answers to the Council's questions and report back.

Motion withdrawn: Councilmember Musgrove withdrew his motion; Councilmember Lord withdrew her second.

Police Chief Townsend stated the County Commissioners plan to act on this item at their meeting next week; and most likely will approve it.

The council agreed to not take any action.

f. Set Public Hearing for Revenue Sources

Motion: Move to set a Public Hearing for October 16, 2013, at 7:15pm to review revenue sources for 2014.

Action: Approve, **Moved by** Berry-Maraist, **Seconded by** Lord.

Motion passed unanimously.

6. COUNCIL COMMITTEE REPORTS

- a. Economic Development Committee: Councilmember Musgrove reported the Planning Department budget was presented to the committee.
- b. Public Safety/Legal Committee: Deputy Mayor McGinty reported on a presentation by Police Chief Townsend on RaidsOnline accessible through the Police Departments webpage; announcement of the new Public Defender; Coffee Oasis has been added to Community Services approved list; and further review of the speed limit on Finn Hill Road and Lincoln Road.
- c. Lodging Tax Advisory Committee: Councilmember Nystul announced the next meeting will be held Wednesday, September 25th at 8:00am.
- d. Finance/Administration Committee: Councilmember Stern reported on the proposed preliminary budget and how it is moved forward; and development of the proposed Council Workshop agenda development on Council Committees. Council concurred to hold the Council Workshop on Wednesday, October 23rd, from 6:00pm to 9:00pm.
- e. Councilmember Henry also announced the Police Department will be hosting Poulsbo Kids Day on September 21st at 1st American Bank.

7. DEPARTMENT HEAD COMMENTS

None.

8. CONTINUED COMMENTS FROM CITIZENS

- a. Mark Music commented on marijuana shops opening up in Poulsbo, and urged the Council to consider the law and distinction between recreation and medicinal marijuana. An alternative to locating a shop in Poulsbo could be outside shops to provide delivery service.
- b. Jim Laughlin expressed support of the waterfront trail and encouraged the Council to continue the discussion.

9. COUNCILMEMBER COMMENTS/BOARD/COMMISSION REPORTS

- a. Councilmember Musgrove presented photos of flowers and plants that are in the downtown area, provided by Petula Plants.

- b. Councilmember Berry-Maraist commented on the opportunity spruce up the downtown with more color.
- c. Councilmember Lord commented on her attendance at the Martha & Mary's 30th Anniversary celebration today.
- d. Councilmember Stern thanked Councilmember McGinty for chairing this evening's meeting.

10. ADJOURNMENT

Motion: Move to adjourn at 9:34 PM.

Action: Approve, **Moved by** Henry, **Seconded by** Stern.

Motion passed unanimously.

Rebecca Erickson, Mayor

ATTEST:

Jill A. Boltz, City Clerk, CMC