

POULSBO CITY COUNCIL MEETING OF SEPTEMBER 7, 2011

MINUTES

Present: Mayor Erickson, Berry-Maraist, Bauman, Henry, Lord, McGinty, Musgrove, Stern.

Staff: Boltz, Booher, Kasiniak, Loveless, McCluskey, Stephens

MAJOR BUSINESS ITEMS

- * * * Budget Amendment BA11-0305, Fjord Drive
- * * * Resolution No. 2011-13, Salaries and Wages
- * * * Introduction of New North Kitsap School District Principals
- * * * Amos 7th Avenue Agreement
- * * * Ordinance No. 2011-14, Medical Marijuana Moratorium – Collective Gardens
- * * * Agreement for Donation of Property – N.W.I. Trust
- * * * Final Acceptance- Old City Hall Demolition Contract

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

Mayor Erickson announced, due to technical issues, the Council meeting will not air live on Bremerton Kitsap Access Television (BKAT); however it will air on Friday and Saturday at the normal rebroadcast times.

2. COMMENTS FROM CITIZENS

- a. Tony DeCarlo, Port of Poulsbo, stated the Port is waiting for a return call from the City regarding the transfer of property at the marina and they are still waiting for approval for the parking lot on Jensen Way.
- b. Troy Barber, Sensible Washington, spoke to the moratorium of medical marijuana and asked the Council not to extend the moratorium, expressing concern with information contained within the agenda staff report.

3. MAYORS REPORT AND COUNCIL COMMENTS

a. Councilmember Stern acknowledged Councilmember Henry who was honored by the Suquamish Tribe as an Honorary Elder, at Chief Seattle Days.

b. Mayor Erickson reported:

- Addition to the agenda, business agenda item 5b - Amos 7th Avenue Agreement.
- Bob Theal, American Legion Post of Poulsbo, announced the Annual Freedom Walk will be held on Sunday, September 11th at 10:00 AM, beginning at the Poulsbo Parks and Recreation building. Theal explained event details and the walk route.

c. Councilmember Bauman reported on the Poulsbo Historical Society will be presenting “Early History of Keyport” on Friday, September 9th at 7:00 PM.

d. Councilmember Berry-Maraist expressed her appreciation for the completion of the Noll Road project in time for the first day of school.

e. Councilmember Lord announced the Poulsbo Artist League will be displaying artwork in City Hall, on a rotational basis.

4. **CONSENT AGENDA**

Motion: Move to approve Consent Agenda items a and b. **Action:** Approve, **Moved by** McGinty, **Seconded by** Stern.

Motion passed unanimously.

The items listed are:

- a. Budget Amendment BA # 11-0305, Fjord Drive
- b. Resolution No. 2011-13, Salaries and Wages

5. **BUSINESS AGENDA**

a. **Introduction of New North Kitsap School District Principals**

Rick Jones, North Kitsap Superintendent, introduced Robyn Chastian, Director of Communications & Community Relations; Charley McCabe, Vinland Principal, Tim Garrison, Poulsbo Elementary Principal; Matt Vandeleur, Poulsbo Middle School Principal; and new principals Deb Foreman, Pearson Elementary Principal and Judson Miller, North Kitsap High School Principal.

Mayor Erickson thanked the school district staff for taking the time to come to the Council meeting and stated she looks forward to continued partnership and working together in the future.

b. ► Amos 7th Avenue Agreement

Engineering Technician Batemen outlined the history of the Amos 7th Avenue road dedication including the 2008 Letter of Intent and traffic impact analysis (TIA). As noted in both documents, the construction of 7th Avenue more than mitigated traffic impacts of the development. The agreement vests the property for development of a size as proposed in the TIA; or a development greater than 45,000 square feet traffic mitigation will be due at the current rate for the additional area greater than 45,000 square feet.

Councilmember Stern questioned if the Public Works Committee has reviewed this agreement; Mayor Erickson stated the committee has not has a chance to review the agreement.

At 7:36 PM Mayor Erickson recessed the meeting for a 10-minute break, to allow the Council to review the material provided. The meeting reconvened at 7:44 PM.

Mayor Erickson stated the agreement is before the Council tonight, prior to going to the Public Works Committee, because it needs to be finalized promptly, as Mr. Amos would like to do something with his property. The agreement has been in the works since 2008, going back and forth between the City's attorney and Mr. Amos attorney.

Motion: Move to authorize the Mayor to sign the Road Dedication agreement between the City of Poulsbo and the Robert Amos, Eloise Amos and Castle Medical Center Inc. **Action:** Approve, **Moved by** McGinty, **Seconded by** Henry.

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 1).

Yes: Bauman, Berry-Maraist, Henry, Lord, McGinty, Musgrove.

Abstain: Stern.

c. ► Ordinance No. 2011-14, Medical Marijuana Moratorium – Collective Gardens

Associate Planner Nelson stated the new moratorium includes legislature enacted to include collective gardens. The City is working on an updated zoning code that will address this as part of the review, which is expected to be presented to the Council before the end of 2011. A public hearing will be held, as required, within 60 days after adoption of the moratorium.

Council discussion included impacts if the moratorium is not passed, language included in the ordinance regarding negative impacts to other jurisdictions around the country, implications of the previous adopted moratorium and the need to extend the

current moratorium.

Motion: Move to adopt City of Poulsbo Ordinance No. 2011-14, an ordinance of the City of Poulsbo, Washington, imposing a six month moratorium of the establishment of medical cannabis collective garden; adopting preliminary findings in support thereof; setting the date for a public hearing on the moratorium; providing for severability, declaring an emergency and establishing an immediate effective date.

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

Motion passed unanimously.

Councilmember requested clarification from the City Attorney Haney on the status of the previous moratorium and if it needs to be extended.

d. ► Agreement for Donation of Property – N.W.I. Trust

Motion: Move to approve the Agreement for Donation of Real Property with N.W.I. Trust as presented and authorize the Mayor to sign the agreement. **Action:** Approve, **Moved by** Lord, **Seconded by** McGinty.

Motion passed unanimously.

e. ► Final Agreement – Old City Hall Demolition Contract

Motion: Move to accept the Old City Hall Demolition Project as completed and authorize release of all retained funds in accordance with state law and contract requirements. **Action:** Approve, **Moved by** Henry, **Seconded by** McGinty.

Motion passed unanimously.

6. ► COUNCIL COMMITTEE REPORTS

a. Finance/Administration Committee: Councilmember Bauman reported on the Clerk, Legislative, Executive, and Central Services department budget presentations; and announced the Council Budget Retreat will be held on November 4th.

b. Councilmember Berry-Maraist reported the Public Works Committee began the review of the Public Works budget.

7. ► DEPARTMENT HEAD COMMENTS

a. City Engineer Kasiniak reported the contract for the Fjord Drive Slide Repair has been signed and work will begin September 8th; the Traffic and Parking Impact Fee Open

House will be held Thursday, September 8th and the Council workshop will be held September 28th.

- b. Public Works Director Loveless reported the Pugh Wells painting contract was awarded and the project will begin soon.

8. CONTINUED COMMENTS FROM CITIZENS

- a. Tony DiCarlo spoke to the state regulations on medical marijuana and questioned the impact by the federal regulations.
- b. Andrew Clayan, suggested a blotter report be included in the community newspaper so the public is aware of any crimes in the community.

9. COUNCILMEMBER COMMENTS/BOARD/COMMISSION REPORTS

- a. Councilmember Musgrove congratulated Councilmember Henry on his appointment as Honorable Elder and volunteered to work with the Lions Club to have the American Flags placed on Front Street for the Freedom Walk on September 11th.
- b. Councilmember Henry reported on his attendance at a meeting with the Suquamish Tribe regarding fish habitat restoration.
- c. Mayor Erickson reported the City received a formal application from Safeway to build a grocery store.
- d. Councilmember Bauman reported on his attendance at the Parks & Recreation commission meeting and Poulsbo Park Days will be held on Saturday, September 17th.
- e. Councilmember Berry-Maraist reported on her attendance at the Puget Sound Partnership Eco-system Coordination Board meeting and spoke to potential grant opportunities through Hood Canal Coordinating Council for Kitsap Shorelines, in regards to the recent budget discussion at the Council Retreat.

10. EXECUTIVE SESSION

At 8:46 PM Mayor Erickson adjourned the meeting into a 20-minute Executive Session pursuant to RCW 42.30.110(i) for the purpose of discussing potential litigation.

At 9:09 PM Mayor Erickson extended the executive session an additional 20-minutes.

11.ADJOURNMENT

Move to adjourn at 9:30 PM.

Rebecca Erickson, Mayor
ATTEST:

Jill A. Boltz, City Clerk, CMC