

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
TUESDAY, MAY 7, 2013**

Legislative Hearing Room, Friday Harbor, WA

09:04 AM SPECIAL MEETING CALL TO ORDER

Council Chair Stephens called the special meeting to order at 9:04 AM. Present: Council Members Marc Forlenza, Rich Peterson, Bob Jarman, Patty Miller, Rick Hughes and Jamie Stephens; Acting County Manager Frank Mulcahy, Solid Waste Administrator Sam Gibboney and Clerk to the Council Ingrid Gabriel.

09:05 AM EXECUTIVE SESSION: To consider the acquisition of real estate by lease or purchase pursuant to RCW 42.30.110 (1)(c) - Sam Gibboney, Solid Waste Administrator

At 9:05 AM, Chair Stephens announced that the Council would be holding an **executive session** to discuss real property acquisition by lease or purchase, pursuant to RCW 42.30.110 (1)(c); estimated to last approximately 60 minutes. Present: Council, Acting County Manager Frank Mulcahy, Solid Waste Administrator Sam Gibboney and Clerk to the Council Ingrid Gabriel

At 10:05, Ms. Gabriel stepped out of the hearing room and announced that the session would last an additional 5 minutes. The session ended at 10:10 for a total executive session time of 1 hour and 5 minutes.

No Action was taken.

Ms. Gabriel stepped out of the hearing room and announced that the executive session had ended.

10:15 AM REGULAR MEETING CALL TO ORDER

Council Chair Stephens called the regular meeting to order at 10:15 AM. Present: Council Members Marc Forlenza, Rich Peterson, Bob Jarman, Patty Miller, Rick Hughes and Jamie Stephens; Acting County Manager Frank Mulcahy, Clerk to the Council Ingrid Gabriel and Council Staff Assistant Sue Kollet.

New Employee Introductions: David Eubanks, Permit Technician, Community Development & Planning

Approval of Minutes:

Moved by Mr. Peterson, seconded by Mr. Hughes to approve the minutes of April 16, 2013. VOTE: 4:0:2 (Forlenza and Stephens abstained); MOTION CARRIED.

Moved by Ms. Miller, seconded by Mr. Hughes to approve the minutes of April 17, 2013. VOTE: 4:0:2 (Forlenza and Peterson abstained); MOTION CARRIED.

Moved by Mr. Jarman, seconded by Mr. Hughes to approve the minutes of April 18, 2013. VOTE: 5:0:1 (Forlenza abstained); MOTION CARRIED.

Moved by Mr. Peterson, seconded by Mr. Jarman to approve the minutes of April 22, 2013. ALL AYES; MOTION CARRIED.

Moved by Mr. Hughes, seconded by Ms. Miller to approve the minutes of April 23, 2013. VOTE: 5:0:1 (Forlenza abstained); MOTION CARRIED.

Moved by Mr. Peterson, seconded by Mr. Hughes to approve the minutes of April 24, 2013. ALL AYES; MOTION CARRIED.

Review and Approve Consent Agenda:

Moved by Mr. Hughes, seconded by Mr. Peterson to approve the Consent Agenda of May 7, 2013, as follows:

- a. **Resolution:** Resolution Authorizing the Temporary Closure of Portions of County Road on Orcas Island for Various Community Events and Bayshore County Road on Lopez Island for the July 4th Fireworks Celebration
- b. **Contracts/Agreements:** Hurd Trail Easement Grant
- c. **Budget Items:**
 - EFT# 4172013 Public Works EFT in the amount of \$4,464.85
 - Warrant #124516 – 124517 County claims in the amount of \$22,973.93
 - Warrant #124655 – 124768 County claims in the amount of \$148,060.26
 - Warrant #124769 – 124814 Public Works claims in the amount of \$122,526.55
 - Warrant #124913 – 124989 County claims in the amount of \$186,372.08
 - Warrant #124990 – 125021 Public Works claims in the amount of \$85,071.58
 - Payroll Expenditures for pay period ending 4/29/2013: Payroll Gross \$1,117,428.41; Benefits \$341,737.53
- d. **Miscellaneous:** Senior and Disabled Rental Subsidies

ALL AYES; MOTION CARRIED.

Citizens Access: The following citizens submitted comments: Lee Templin, Michael Durland, Bob Gamble.

10:41 AM PUBLIC HEARING: To Adopt an Ordinance Amending the SJC Charter to Ensure Citizens' Rights to Alter Boundaries of Residency Districts via a Charter Amendment to be placed on November, 2013 Ballot – Patty Miller, Council Member

Present: Full Council, Randall Gaylord, Prosecuting Attorney, Acting County Manager Frank Mulcahy, Clerk to the Council Ingrid Gabriel. Council Staff Assistant Sue Kollet and interested members of the public.

Chair Stephens opened the public hearing to adopt the Ordinance. Mr. Gaylord presented the Ordinance and answered Council's questions. Chair Stephens opened public testimony. The following citizens offered testimony: none. Chair Stephens closed public testimony with the right to reopen. After discussion, the Council took the following action:

Moved by Mr. Peterson, seconded by Ms. Miller to approve an ordinance to submit an amendment of the Charter to the voters in November, 2013. VOTE: 6:0; MOTION CARRIED.

10:54 AM PUBLIC HEARING: To Adopt an Ordinance Regarding Code Enforcement Regulations, Repealing Sections 18.100.010 through 18.100.080; Amending Hearing Examiner Rules and Procedures; and Amending Sections 18.10.030. 18.80.130, and 18.80.140 - Rene Beliveau, Director Community Development & Planning
Present: Full Council, Randall Gaylord, Prosecuting Attorney, Acting County Manager Frank Mulcahy, Rene Beliveau, Director Community Development & Planning, Clerk to the Council Ingrid Gabriel, Council Staff Assistant Sue Kollet and interested members of the public.

Chair Stephens opened the public hearing to adopt the Ordinance. Mr. Beliveau presented the Ordinance and answered Council's questions.

Chair Stephens opened public testimony. The following citizens offered testimony: Jack Cory, Kathleen Speed, Errol Speed, Lee Templin, Michael Durland, Tim Blanchard. Chair Stephens closed public testimony with the right to reopen and continued the public hearing to after the lunch recess.

11:38 AM RECOGNITION & PRESENTATIONS TO OUT- GOING COUNCIL MEMBERS

Council Members Ms. Miller, Mr. Peterson and Mr. Forlenza were presented with a gift and letters of appreciation read by Chair Stephens and Mr. Hughes.

11:45 AM RECESS FOR LUNCH

01:00 PM PUBLIC HEARING CONTINUED: To Adopt an Ordinance Regarding Code Enforcement Regulations, Repealing Sections 18.100.010 through 18.100.080; Amending Hearing Examiner Rules and Procedures; and Amending Sections 18.10.030. 18.80.130, and 18.80.140
Present: Full Council, Randall Gaylord, Prosecuting Attorney, Acting County Manager Frank Mulcahy, Rene Beliveau, Director Community Development & Planning, Clerk to the Council Ingrid Gabriel, Council Staff Assistant Sue Kollet and interested members of the public.

Chair Stephens continued the public hearing to adopt a Code Enforcement Ordinance. Mr. Gaylord and Mr. Beliveau answered Council's questions. After discussion, the Council took the following actions:

- 1 Moved by Mr. Hughes, seconded by Mr. Peterson to create a new section 1 which moves the language in the last paragraph in current Section One starting out with "primary intent of" and within the paragraph, strike the phrase in the second sentence that say "...for other than repeat violations." VOTE: 5:1:0 (Forlenza opposed); MOTION CARRIED.**
- 2 Moved by Ms. Miller, seconded by Mr. Hughes that we modify the first sentence in Section 1. Purpose to read "The purpose of the enforcement procedures found in this chapter is to establish a fair and efficient system to enforce the building, land use and development codes of San Juan County for the benefit of the public health, safety, welfare, and environment, and not for the benefit of any person or class of persons. ALL AYES; MOTION CARRIED.**
- 3 Moved by Mr. Hughes, seconded by Ms. Miller to change the Notice of Correction to a 15 day compliance. VOTE: 1:5:0 (Forlenza, Peterson, Stephens, Miller, Jarman opposed); MOTION FAILED.**
- 4 Moved by Ms. Miller, seconded by Mr. Hughes to add in Section 5.D "after attempting contact with the appropriate person" after "investigated." ALL AYES; MOTION CARRIED.**
- 5 Moved by Mr. Hughes, seconded by Mr. Peterson to replace in Section 5.E "should" with "shall" and strike "whenever possible." ALL AYES; MOTION CARRIED.**
- 6 Moved by Mr. Hughes, seconded by Mr. Peterson to replace in Section 6.D "may" with "shall." ALL AYES; MOTION CARRIED.**
- 7 Moved by Ms. Miller, seconded by Mr. Stephens to change the word in new Section 7.H "shall" to "may". ALL AYES; MOTION CARRIED.**
- 8 Moved by Mr. Jarman, seconded by Mr. Stephens to extend the performance date in Section 7.F from 30 to 45 days. Vote 5:1:0 (Peterson opposed); MOTION CARRIED.**
- 9 Moved by Ms. Miller, seconded by Mr. Hughes to delete column in Table 8.2 labeled "Additional Repeat Violations", and change the column labeled "First Repeat Violations" to read "Repeat Violations". ALL AYES; MOTION CARRIED.**
- 10 Moved by Mr. Miller, seconded by Mr. Hughes to modify title of Table 8.1 to say "Monetary Penalties for Notice of Violations". ALL AYES; MOTION CARRIED.**

- 11 Moved by Ms. Miller, seconded by Mr. Stephens to remove the words “in the notice of violation” from new Section 8.A second paragraph. ALL AYES; MOTION CARRIED.**
- 12 Moved by Ms. Miller, seconded by Mr. Stephens to adopt the changes in Table 8.1 as identified by Mr. Gaylord. ALL AYES; MOTION CARRIED.**
- 13 Moved by Ms. Miller, seconded by Mr. Stephens to change in section 12.A “...revocation of a permit shall have 30 calendar days...” to “...45 calendar days...” ALL AYES; MOTION CARRIED.**
- 14 Moved by Mr. Stephens, seconded by Ms. Miller to add language “a violation occurring after.” ALL AYES; MOTION CARRIED.**
- 15 Moved by Ms. Miller, seconded by Mr. Peterson to modify the sentence at the end of Table 8.1 to read “repeat violators as defined in Section 19 shall be subject to double monetary penalties.” ALL AYES; MOTION CARRIED.**

Chair Stephens continued the public hearing on the Code Enforcement Ordinance until 4:15 PM.

03:09 PM PUBLIC HEARING: To Adopt an Ordinance Amending Section 2.04 of the San Juan County Code, Rules of Procedure for the San Juan County Council – Frank Mulcahy, Acting County Manager
Present: Full Council, Acting County Manager Frank Mulcahy, Clerk to the Council Ingrid Gabriel, Council Staff Assistant Sue Kollet and interested members of the public.

Chair Stephens opened the public hearing to adopt an Ordinance Amending the Rules of Procedure. Mr. Mulcahy presented the Ordinance and answered Council’s questions.

Chair Stephens opened public testimony. The following citizens offered testimony: none.

Chair Stephens closed public testimony with the right to reopen. After discussion, the Council took the following action:

Moved by Mr. Hughes seconded by Mr. Peterson to adopt an Ordinance Amending Section 2.04 of the San Juan County Code, Rules of Procedure for the San Juan County Council. ALL AYES; MOTION CARRIED.

03:11 PM PUBLIC HEARING: To Adopt an Ordinance Regarding the Rules of Order and Business Rules for Volunteer Advisory Committees Appointed by the San Juan County Council Amending Portions of San Juan County Code Chapters 2.04 and 2.116 – Patty Miller, Council Member
Present: Full Council, Acting County Manager Frank Mulcahy, Clerk to the Council Ingrid Gabriel, Council Staff Assistant Sue Kollet and interested members of the public.

Chair Stephens opened the public hearing to adopt an Ordinance Amending Rules of Procedure. Ms. Miller presented the Ordinance and answered Council's questions.

Chair Stephens opened public testimony. The following citizens offered testimony: Sharon Kivisto, Jack Cory, Michael Durland.

Chair Stephens closed public testimony with the right to reopen. After discussion, the Council took the following action:

Moved by Mr. Jarman, seconded by Ms. Miller to adopt an Ordinance Regarding the Rules of Order and Business Rules for Volunteer Advisory Committees Appointed by the San Juan County Council Amending Portions of San Juan County Code Chapters 2.04 and 2.116. ALL AYES; MOTION CARRIED.

03:23 PM PUBLIC HEARINGS: To Adopt First 2013 Budget Amendments: Ordinance Amending Ordinance 30-2012 by Revising the San Juan County 2013 Budget For Emergency Appropriations; Ordinance Amending Ordinance 30-2012, Revising the San Juan County 2013 Budget for Beginning Cash Balances; Ordinance Amending Ordinance 30-2012, Revising the San Juan County Budget for Supplemental Appropriations – Milene Henley, Auditor
Present: Full Council, Auditor Milene Henley, Acting County Manager Frank Mulcahy, Clerk to the Council Ingrid Gabriel, Council Staff Assistant Sue Kollet and interested members of the public.

Chair Stephens opened all three public hearings on the Budget Amendment Ordinances. Ms. Henley presented the Ordinances and answered Council's questions.

Chair Stephens opened public testimony. The following citizens offered testimony: none.

Chair Stephens closed public testimony with the right to reopen. After discussion, the Council took the following actions:

Moved by Ms. Miller, seconded by Mr. Peterson to adopt an Ordinance Amending Ordinance 30-2012 by Revising the San Juan County 2013 Budget for Emergency Appropriations. ALL AYES; MOTION CARRIED.

Moved by Ms. Miller, seconded by Mr. Peterson to adopt an Ordinance Amending Ordinance 30-2012, Revising the San Juan County 2013 Budget for Beginning Cash Balances. ALL AYES; MOTION CARRIED.

Moved by Ms. Miller, seconded by Mr. Peterson to adopt an Ordinance Amending Ordinance 30-2012, Revising the San Juan County Budget for Supplemental Appropriations. ALL AYES; MOTION CARRIED.

03:30 PM ACTION: Resolution to Increase the Current Expense Cash Advance to the Grant Clearing Fund – Milene Henley, Auditor

Ms. Henley presented the Resolution and answered Council's questions. After discussion, the Council took the following action:

Moved by Ms. Miller, seconded by Mr. Peterson to approve an increase of \$100k to a total of \$400K. ALL AYES; MOTION CARRIED.

03:34 PM DISCUSSION: Aerial Photography – Stan Matthews, Information Services Manager

Mr. Matthews presented the project and, along with Randall Gaylord, answered Council's questions. After discussion, the Council took the following action:

Moved by Mr. Jarman, seconded by Mr. Peterson to direct staff to contact Pictometry to see what it would cost to get out of the contract. VOTE: 5:0:1 (Forlenza abstained); MOTION CARRIED.

04:41 PM COMMITTEE UPDATE:

Ms. Miller recommended not to fill any positions on the Marine Resources Committee (MRC) at this time and will provide a written report on the status of the MRC to the Council. After discussion, the Council took the following action:

Moved by Ms. Miller, seconded by Mr. Hughes to extend the terms on the Marine Resources Committee of Michael Durland, Jim Slocomb, John Aschoff, Tina Whitman and Barbara Merrett to July 31, 2013. ALL AYES; MOTION CARRIED.

04:42 PM PUBLIC HEARING CONTINUED: To Adopt an Ordinance Regarding Code Enforcement Regulations

Mr. Gaylord continued editing the Ordinance with Council. Council took the following actions:

17 Moved by Mr. Peterson, seconded by Mr. Stephens to approve the language as submitted for Section 19. ALL AYES; MOTION CARRIED.

18 Moved by Mr. Jarman, seconded by Mr. Forlenza to adopt the changes to an Ordinance Regarding Code Enforcement Regulations, Repealing Sections 18.100.010 through 18.100.080; Amending Hearing Examiner Rules and Procedures; and Amending Sections 18.10.030, 18.80.130, and 18.80.140 as amended. ALL AYES; MOTION CARRIED.

05:00 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS

Mr. Jarman, Mr. Stephens and Frank Mulcahy will be meeting Wednesday, May 8th from 11:00 – 2:00 PM at the Whidbey Naval Air Station.

05:05 PM ADJOURN

Mr. Stephens adjourned the meeting.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Jamie Stephens, Chair
District 3

ATTEST: Clerk to the Council

By: _____
Ingrid Gabriel Date:

Bob Jarman, Member
District 1

Rick Hughes, Member
District 2