

**MEDINA CITY COUNCIL
REGULAR MEETING MINUTES**
*Medina City Hall Council Chambers
November 13, 2007; 6:15 pm*

CALL TO ORDER

Miles Adam called the November 13, 2007, Medina City Council Meeting to order at 6:15 pm.

ROLL CALL

Council Members Present: Miles Adam, Lucius Biglow, Drew Blazey, Jim Lawrence, Katie Phelps, and Robert Rudolph

Council Members Absent: Pete Vall-Spinosa (*excused*)

City Staff Present: Mark Weinberg, City Manager; Angela Belbeck, City Attorney, Ogden Murphy Wallace; Joe Willis, Director of Public Works; Steve Wilcox, Acting Director of Development Services; and Rachel Baker, City Clerk

EXECUTIVE SESSION

Council recessed into Executive Session at 6:15 pm to:

1. To review negotiations on the performance of publicly bid contracts, pursuant to RCW 42.30.110(1)(d).
2. To review the performance of a public employee, pursuant to RCW 42.30.110(1)(g).

Council Members Adam, Biglow, Blazey, Lawrence, Phelps, and Rudolph; City Manager; City Attorney; and City Clerk were present. Executive Session adjourned and the Regular Meeting was called back into session at 7:13 pm. No action was taken.

APPROVAL OF AGENDA

Phelps questioned City Attorney regarding letter received pertaining to the Historical Use Permit hearing item and attorney conveyed the matter was not related to litigation and action on matter would be to change the city code. After discussion of meeting notice content, Council elected to proceed with Historical Use Permit portion of initiative only.

PUBLIC COMMENT

Mayor opened floor to public comment at 7:16 pm.

Resident Heija Nunn stated her belief that the public hearing notice was improper for the Historical Use Permit (HUP)/Special Use Permit (SUP) ordinance change. She stated the newsletter reported the matter was an expansion of Hearing Examiner review, the Post Office notice detailed only the Historical Use Permit, and the meeting agenda provided for both Historical Use Permit and Special Use Permit changes. Ms. Nunn said the City should have notified citizens better of the issue.

Weinberg conveyed that as a conservative measure the matter was noticed for a public hearing, although it would not be necessary per code since the item was a procedural change and not a land use change. Following a reading of the meeting notice the City Attorney recommended re-noticing the Special Use Permit portion of the matter for consideration at a future meeting and determined the Historical Use Permit portion of the item was noticed properly and may be considered by Council. Following discussion, a Council majority favored to continue with the Historical Use Permit portion of agenda item.

Resident Pat Boyd commented that the public would not benefit from the outcome of a Council discussion when matters first go to a public hearing without prior discussion. He said that as a result, the public cannot provide an informed opinion to the City Council. He stated the Council rarely concludes discussion with an action and action is typically delayed to another meeting. He concluded stating the process would be unusual for the Council.

Resident Henry Paulman addressed matters relating to the Clearwire cell tower. He questioned if the tower was a gift to the City and if the statutory limit of \$5,000 was exceeded. Mr. Paulman conveyed the City Manager has not completed his investigation of a complaint filed against Chief Chen and was unsure whether the matter would be considered open or closed.

Mayor closed participation period at 7:40 pm.

REMARKS AND ANNOUNCEMENTS

Mayor congratulated two of the three newly elected council members in attendance, Mark Nelson and Shawn Whitney.

City Manager congratulated Chief Chen and Records Manager Linda Crum for a successful inaugural "Shredder Day", which occurred on Saturday, November 10 and resulted in approximately 100 participants. Weinberg thanked Data Base Records Destruction for its donation of bags, time and labor for the event.

CONSENT AGENDA

MOTION PHELPS AND SECOND BLAZEY TO APPROVE CONSENT AGENDA ITEMS AND MOTION CARRIED 6-0 AT 7:43 PM.

1. Approval of October 8, 2007 City Council Minutes
2. Approval of October 2007 Checks/Finance Officer's Report
3. Approval of 2008 Fee Schedule
4. Agreement for Interim Planning Services

PUBLIC HEARINGS

2008 Property Tax Levy (7:43 pm)

Weinberg summarized item and Mayor opened floor to public comment at 7:45 pm.

Resident Pat Boyd encouraged the Council to make the City the best city it can and not the City run the cheapest. Mr. Boyd said it would be fine to take an additional eight dollars a year from him if that would make the City a better city.

Mayor closed floor to comments at 7:46 pm and Council Members expressed their positions.

MOTION LAWRENCE AND SECOND BLAZEY TO ADOPT ORDINANCE APPROVING THE 2008 PROPERTY TAX LEVY. MOTION CARRIED 4-2 (PHELPS AND RUDOLPH OPPOSED) AT 7:56 PM.

2008 Preliminary Budget (7:56 pm)

Mayor opened floor to public comment at 7:57 pm.

Resident Pat Boyd called attention to Item number 4200, videotaping, and stressed to the Council that videotapes are laborious to watch. He remarked to Council that it should not take into consideration the fact that no one is watching the videos, because no one is interested. He stressed the viewing format is not friendly and urged the Council to consider a better system.

Resident Diane Stein remarked the budget should be increased for police services, especially at night.

Resident Heija Nunn said the \$25,000 currently budgeted for videotaping should be applied towards a better council communications system. She said the City Council should take another look at what is feasible and proven in other communities and the citizens deserve that as much as police coverage.

Resident Wilma Edmonds suggested to the City Manager that to increase public participation at a low cost, he should include dogs in the park and police on the streets on the agenda.

Mayor closed public comment at 8:01 pm and Council comments followed.

MOTION BLAZEY AND SECOND BIGLOW TO ADOPT ORDINANCE ACCEPTING 2008 BUDGET. MOTION CARRIED 4-2 (PHELPS AND RUDOLPH OPPOSED) AT 8:09 PM.

An amendment to the motion was proposed by Phelps and seconded by Rudolph to utilize \$100,000 from the City's reserves to fund the Granicus program. The amendment failed by a vote of 2-4.

Hearing Examiner Decisions: Lot Coverage/Variances (8:11 pm)

Adam introduced and summarized initiative. He conveyed the City Attorney advised the Council to hold discussions on the matter during a public hearing since it would involve changes to the City's land use code. Mayor opened floor to public comment at 8:15 pm.

Resident Heija Nunn agreed the procedure was a nice way to approach the topic and suggested discussion on next topic to follow suit. She said the proposal was nice and the City should encourage people to make changes within their budgets and within neighborhood character. Ms. Nunn suggested an R-9 zone, a review of setback requirements, and a review of variances from the past five to ten years. She stated change should be in place to solve practical problems for homeowners that desire simple changes and hoped the matter would go to the community for a lengthy public discourse.

Resident Pat Boyd said initiative was a great idea and it would make the community more approachable. He favored recommendation and added that he would like to see the Planning Commission take a look at it. Mr. Boyd suggested it could change the character of the neighborhood for the good.

Resident Mark Nelson favored Council's review and expressed a preference to receiving input from the Planning Commission. He said there are several lots slightly above 10,000 square feet that should also be considered in proposal and suggested Council consider looking at a sliding scale from a 16,000 square foot lot at 25% lot coverage to an 8,000 square foot lot.

Mayor closed floor to comment and Council discussion followed. Council requested Planning Commission look at item without looking at reducing setbacks and without a sliding scale, unless there would be a rationale for that.

Historical Use Permit Ordinance Revision (8:30 pm)

Lawrence introduced and summarized initiative. Mayor opened floor to public comment at 8:44 pm.

Resident Mark Nelson favored moving the Historical Use Permit and Special Use Permit process to the Hearing Examiner for the reasons outlined in the meeting packet. He expressed that a Hearing Examiner may not understand a proposal's impact to the community and may not apply additional conditions. He said he likes to have a body of

citizens, such as the Planning Commission, review a project and to receive public input to know how a project could impact the community. He stated his concern about the ability to get conditions properly applied if it would be constructive to the citizens of Medina.

Resident Pat Boyd said discussion was good and that both sides presented good arguments. He worried that divisive and difficult items would be taken out of City's hands and placed into a neutral party that would not know the community. He said Council should do the hard work, make a decision, and not spend more money on the Hearing Examiner.

Resident Heija Nunn said it seemed to be more of a process change since there would be a change in the code and additional criteria would be added to the Historical Use Permit process. She referred to page three of the draft ordinance. She stated that the Council is comprised of elected members and the Historical Use Permit should be given to the Council as a body to reflect the input and will of the community. She continued to say that neighbors would have less of an ability to influence if the process was given to the Hearing Examiner and suggested that a decision on the matter needs more time. Ms. Nunn stated that community input would be taken away and timing of the issue seemed unusual and politically motivated. She claimed the Council was playing fast and loose with taxpayers' money to go after a single property again and again. She told the Council to let the property owners in the City have a fair hearing on the matter.

Resident Diane Stein questioned how the City could regain the decision-making authority if it was given to the Hearing Examiner and asked how many Historical Use Permits there are in the City. Council addressed her concerns. She said it would be a waste of taxpayers' money and would provide a scapegoat for what should be handled in public.

Resident Wilma Edmonds said the Board of Adjustment received many complaints during its time, there were a lot of hard feelings, and neighbors would campaign with the Board of Adjustment just as they do now with the Planning Commission and the City Council. She stated there would be no place to go, except to Superior Court when she didn't like the decision. She expressed that she liked the proposal and the Historical Use Permit should go to the Hearing Examiner and be treated as any other variance in the City.

Mayor closed floor to comment at 9:00 pm. Council discussion followed.

MOTION LAWRENCE AND SECOND BIGLOW TO PASS ORDINANCE TO AMEND MMC 2.78 17.56 17.56A AND 17.94 AND DELETING ALL REFERENCES TO SPECIAL USE PERMITS AND RETAIN PORTIONS RELATING TO HISTORICAL USE PERMITS. MOTION CARRIED 4-2 (PHELPS AND RUDOLPH OPPOSED) AT 9:28 PM.

OTHER BUSINESS

Park Board Appointment, Position One (9:29 pm)

Mayor recommended appointment of Susan Flagg to the remaining term of Position Number One on the Medina Park Board.

MOTION BLAZEY AND SECOND BIGLOW TO APPOINT SUSAN FLAGG TO REMAINING TERM OF PARK BOARD, POSITION ONE AND MOTION CARRIED 5-0-1 (PHELPS ABSTAINED) AT 9:30 PM.

City Manager's Monthly Activity Report (9:30 pm)

- A. Police Department
- B. Development Services
- C. Public Works
- D. City Manager

Weinberg summarized reports and answered Council questions. He specifically called out the reactivation of the Police Reserve Program. Reports were received and filed.

Agenda Calendar (9:44 pm)

Council discussion included direction to table appointment procedures for the new Council, to postpone waste management contract, and to schedule Special Use Permit hearing for November 26 if there would be sufficient time to notice. Council Member Blazey introduced noise ordinance initiative.

ADJOURNMENT

MOTION BLAZEY AND SECOND ADAM TO ADJOURN NOVEMBER 13, 2007 CITY COUNCIL MEETING AND MOTION CARRIED 6-0 AT 9:49 PM.

The November 13, 2007, Regular Meeting of the Medina City Council adjourned at 9:49 pm.

The next Regular Meeting of the Medina City Council will be held Monday, November 26, 2007 at 7:00 pm.



Miles R. Adam, Mayor

Attest:


Rachel Baker, City Clerk