

ITEMS DISCUSSED

1. EXECUTIVE SESSION: CURRENT AND POTENTIAL LITIGATION (RCW 42.30.110(1)(i))
2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. PRESENTATIONS
 - A. ETHICS BOARD TRAINING SESSION – ETHICS BOARD
 - B. ROAD ENDS ADVISORY COMMITTEE 2013 RESULTS AND 2014 WORK PLAN, AB 14-082 – MAYOR BLAIR, LIAISON
5. PUBLIC HEARING: ORDINANCE NO. 2014-09, ESTABLISHING ZONING REGULATIONS FOR RECREATIONAL MARIJUANA PROCESSING, RETAILING AND PRODUCTION (GROWING) BUSINESSES, AB 13-136 – PLANNING
6. PUBLIC COMMENT
7. CITY MANAGER'S REPORT
 - A. NATIONAL POLICE WEEK [ADDED]
8. CONSENT AGENDA
 - A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL
 - B. SPECIAL/REGULAR BUSINESS MEETING MINUTES, MARCH 24, 2014
 - C. PUBLIC ART FUNDING (BAINBRIDGE ISLAND ARTS AND HUMANITIES COUNCIL), PROFESSIONAL SERVICES AGREEMENT, AB 14-079 -- EXECUTIVE
 - D. ORDINANCE NO. 2014-05, Q1 2014 BUDGET ADJUSTMENTS, AB 04-064 – FINANCE
 - E. ORDINANCE NO. 2014-17, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE HARBOR COMMISSION, AND AMENDING BIMC 2.46, AB 14-077 – EXECUTIVE
 - F. ORDINANCE NO. 2014-18, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE PLANNING COMMISSION, AND AMENDING BIMC 2.14.020, AB 14-077 – EXECUTIVE
 - G. ORDINANCE NO. 2014-19, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE DESIGN REVIEW BOARD, AND AMENDING BIMC 2.14.040, AB 14-077 – EXECUTIVE
 - H. ORDINANCE NO. 2014-20, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE NON-MOTORIZED TRANSPORTATION ADVISORY COMMITTEE AND CREATING A NEW BIMC CHAPTER 2.32, AB 14-077 – EXECUTIVE
9. COMMITTEE REPORT
 - A. NORTH WARD MEETING REPORT – BLAIR, BONKOWSKI AND TOLLEFSON
10. REVIEW UPCOMING COUNCIL MEETING AGENDAS
11. FOR THE GOOD OF THE ORDER
12. ADJOURNMENT

1. EXECUTIVE SESSION: CURRENT AND POTENTIAL LITIGATION RCW 42.30.110(1)(i) 6:15 PM

Mayor Blair recessed the meeting to an executive session in the planning conference room with Councilmembers Blossom, Bonkowski, Roth and Tollefson to discuss current and potential litigation with legal counsel. Councilmember Ward joined by telephone. The recording system was turned off and the door to Council Chambers was posted. At 6:47 PM, Councilmember Bonkowski indicated the executive session would be extended another 15 minutes. The meeting resumed immediately following executive session with no action being taken.

2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE 7:15 PM

Mayor Blair reconvened the meeting to order at 7:15 PM. Everyone stood for the Pledge of Allegiance.

3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE 7:16 PM

Mayor Blair added a proclamation regarding National Police Week under the City Manager's report.

MOTION: I move to accept the agenda as amended.

TOLLEFSON/ROTH – Motion carried unanimously, 7-0.

Mayor Blair noted that public comment has been placed after the public hearing.

There were no conflicts of interest disclosed.

4. PRESENTATIONS

A. ETHICS BOARD TRAINING SESSION – ETHICS BOARD 7:18 PM

Boardmember Willerford gave an overview on the program's history. He explained the differences between values and rules. Boardmember Yesley briefly discussed ethics rules, enforcement processes and council obligations.

Mayor Blair indicated the materials contained in the agenda packet is a replication of the tri-fold brochure. She shared that citizens working on citizen advisory groups or as volunteers are given information on the ethics code.

Deputy Mayor Tollefson indicated he would be recusing himself from voting on the consent agenda due to a conflict of interest related to public art funding.

B. ROAD ENDS ADVISORY COMMITTEE 2013 RESULTS AND 2014 WORK PLAN, AB 14-082 – MAYOR BLAIR, LIAISON 7:37 PM

Road Ends Chair Bitsy Ostenson gave a brief report on their 2013 results and 2014 work plan. She announced a June 1 event called *Spring Fling*.

MOTION: *I move we accept the work plan for the Road Ends Committee for 2014.*

BONKOWSKI/TOWNSEND

AMENDED MOTION: *...and the 2013 results.*

BONKOWSKI/TOWNSEND – *Motion carried unanimously, 7-0.*

Mayor Blair thanked Robert Campbell and Jack Christianson for their service on the Road Ends Advisory Committee.

5. PUBLIC HEARING: ORDINANCE NO. 2014-09, ESTABLISHING ZONING REGULATIONS FOR RECREATIONAL MARIJUANA PROCESSING, RETAILING AND PRODUCTION (GROWING) BUSINESSES, AB 13-136 – PLANNING 7:45 PM

Special Projects Planner Sutton explained the proposed ordinance establishes zoning regulations for recreational marijuana businesses and addresses medical marijuana collective gardens. She indicated the public hearing had been properly noticed and the ordinance has been revised to reflect the direction given by the council at the April 28 meeting to allow marijuana production in the business industrial district (indoor production only) and to require some renewable energy and water reuse measures to be implemented.

Councilmember Blossom indicated the proposed ordinance would allow marijuana retail in neighborhood service centers (NSC) and asked if that was only the three called out in the Comprehensive Plan or included the fourth one in Eagledale. Special Project Planner Sutton there were one or two properties in Eagledale are zoned NSC so theory it would be allowed. Councilmember Blossom then asked if there was any way to allow it in the three others (Rolling Bay, Island Center, Lynwood Center) and not in Eagledale? Planning Director Cook indicated the ordinance could be modified so that it was allowed in the NSC special planning areas because the three locations are identified as NSC special planning areas.

Mayor Blair opened the public hearing at 7:49 PM.

Kent Scott, Old Mill Road, Quince Farm, asked the council to reconsider the proposed ordinance.

Steve Romein addressed agriculture and growing issues.

Chuck Beek spoke in favor of allowing licensed, legal and controlled growing of cannabis on the island.

Sue Wilmot, Old Mill Road, spoke against the ordinance however would support locating production in the business industrial rather than residential zones.

Gary Wilmot, Old Mill Road, spoke to the uncertainty over the past few months which he believes screams out for regulation of the industry.

Alison Whiteman, Ferncliff/High School Road resident, shared her concern regarding more access to marijuana and asked folks to think carefully about how it will affect lives.

Theresa Muzzi said she was against marijuana grow production in residential areas and would prefer it in the business industrial zone.

Eric Fredricks, 7776 Yeomalt Point Drive, supported the referendum that was passed. He thought that farmers on the island should be able to grow marijuana along with other crops however did have questions on how that evolves into on site sales as well as vineyards that can sell wine on site, etc. He asked whether marijuana farmers would be able to sell marijuana on site and whether the 1,000 foot rule applied in Rolling Bay.

Jon Quitslund, 5192 NE Sullivan Road, understood the council has two options – approve the draft ordinance recommended by a majority of planning commission using language proposed by the planning department or approve alternative policy developed in conformity with opinions expressed in the minority report given by the planning commission. He addressed both options and the implication of their language.

Hap Leon, Old Mill Road, encouraged council to go with the planning commission's recommendation for allowing marijuana growing in the R2.5 zone.

Mike Bonoff, 5711 Old Mill Road, thanked the council for taking the time to read all the comments submitted and making the effort to look at the site itself. He hoped that folks do not feel like winners and losers and that people feel that they are heard.

Amii Pratt, Rolling Bay, stated her opposition to citing a marijuana dispensary in her neighborhood and wondered if there was a better location for it to go.

Kristina Pujolar, Rolling Bay, spoke to the hundreds of children living in her neighborhood and was opposed to citing a marijuana dispensary there.

Tom Golon, Point Monroe, read a prepared statement from Mr. Hong, owner of the Jiffy Mart, in which he strenuously opposes locating a business that sells marijuana in his convenient store complex.

Dylan Wilkins, 8480 Ferncliff Avenue, spoke in support of the renewable energy aspect of the proposed ordinance.

Cindy Vandersluis, Valley Road, stated a large number of citizens living in the Rolling Bay neighborhood oppose the creation of a marijuana business outlet as do business owners such as Mr. Hong, owner of the Rolling Bay property, where it would be located.

Soon Hong spoke to his opposition of citing the proposed retail store on his property.

Tim Wilkins, said although he did not vote in favor of I-502, he believed if someone has a right to put their business in Rolling Bay, they should be able to do it.

Eric Snyder, 10877 Bill Point Circle NE, commented that Colorado has shown a market decrease in residential crime, violent crime and negative impacts of marijuana are almost nothing.

Mayor Blair closed the public hearing at 8:26 PM.

Special Project Planner Sutton explained Rolling Bay Presbyterian is not considered a sensitive use since it does not have an elementary or secondary school associated with it nor does it have childcare/preschool. She addressed concerns raised regarding the Island Music Guild and indicated she would forward on those concerns to the Liquor Control Board given the close proximity of the retail application still in process. Mayor Blair noted comments made regarding the possibility of outdoor growing sites evolving into onsite sales. Special Project Planner Sutton indicated one could not have retail recreational marijuana at a production or processing site. Mayor Blair noted comments raised regarding difficulties finding information on this topic on the website. Special Project Planner Sutton noted there was a marijuana related uses page on the website containing history and information.

Councilmember Townsend asked whether the consent of the landlord was an element that the Liquor Control Board would require. Special Project Planner Sutton replied the board did not request that confirmation during the initial application window back in November however, they have since requested it from the applicant. Deputy Mayor Tollefson asked in the event council decided tonight to either take a different direction or to continue the discussion at a study session level, what would the options be. Planning Director Cook indicated the city is operating under 6-month interim regulations which are due to terminate May 25 so we do have a time constraint and would need to extend those interim regulations. Interim City Attorney Haney explained council has the right to extend those regulations provided that they find they need additional time for specific reasons and that there be findings regarding those reasons. He noted one constraint is that once we adopt interim regulations, in order to extend them you need to hold a public hearing prior to May 25.

Councilmember Townsend said he has come to the realization through all the thoughtful comments from both sides that doing nothing or not allowing an outlet for this to happen on farms will effectively be status quo. He was in favor of a rigid structure greenhouse outdoors in R4 with 2.5 acres.

Councilmember Blossom said she did not buy the idea that if we encourage people to have greenhouses in residential areas that we are somehow going to stop illegal operations. She also believed it was not about one particular applicant.

Deputy Mayor Tollefson suggested council take whatever action is necessary tonight and schedule it for a future study session to have a continued open discussion. He suggested dealing with each of the three issues separately (growing, producing and retail) under existing categories of use rather than creating a new one. He said if council decided to move forward on the ordinance before them tonight, he would be voting against the portion having to do with growing in business industrial because it is not fair from a business standpoint to impose the well-intended energy and water conservation regulations on marijuana businesses alone. He also noted if it turned out that growing marijuana in the business industrial zone was an economically viable model, there was a strong risk that it would drive up warehouse prices.

Councilmember Bonkowski said he would support growing in the business industrial zone if we needed to have growing on the island at all. He also commented on the cost of warehouse space on the island.

Councilmember Roth said he would hate to move so quickly that we ended up not being able to implement anything very well. He thought council needs to make an honest commitment to amend and move forward as more is known. He did not support the ordinance as presented specifically related to the growing issue.

Councilmember Blossom thought staff had said that these addresses were not necessarily the site location. Special Projects Planner Sutton responded these addresses are connected to the site on the current application. Councilmember Blossom did not think council could draw the conclusion that this is a finite pool of applicants and thought they should not ignore the fact that other people have applied.

Mayor Blair asked the council whether they were interested in separating the three issues or keeping them together.

Councilmember Bonkowski was supportive of separating them and extending the interim ordinance until the questions are answered.

Councilmember Townsend was favor a three-prong approach.

Councilmember Roth thought council should come to some baseline about what they think each of them is talking about.

Councilmember Blossom favored acting on the ordinance now. She asked whether the purpose of splitting them apart was to focus on them separately. Deputy Mayor Tollefson suggested dealing with the three elements (production, processing and retail sales) within the context of the categories of use that we already have in the zoning code. He also suggested adding a type for agricultural-crop (marijuana) and defining how it is permitted.

Planning Director Cook indicated the interim regulations would expire on May 25 and the city cannot meet the noticing requirements for a public hearing earlier than May 27, which would be past the deadline.

Mayor Blair was very interested in finding out whether it is possible to follow the model as described by Deputy Mayor Tollefson about integrating the different elements into our existing regulatory structure and not having a separate marijuana-use section.

Council discussed next steps.

9:11 PM **MOTION:** *I move that we adjourn to executive session until 9:30.*
TOLLEFSON/BONKOWSKI – Motion carried unanimously, 7-0.

Mayor Blair reconvened the meeting at 9:29 PM and indicated no decisions were made during executive session.

9:30 PM **MOTION:** *I move we approve Ordinance 2014-06 amended in the following fashion: that the ordinance shall expire and automatically be repealed effective November 12, 2014.*
BONKOWSKI/TOLLEFSON

RESTATED MOTION: *I move we approve the Ordinance 2014-06 and the ordinance shall expire and be automatically repealed effectively November 12, 2014.*
BONKOWSKI/TOLLEFSON

AMENDMENT: *I move to amend the motion to have the retail that is allowed in Neighbor Service Center only apply to Lynwood Center, Rolling Bay and Island Center.*
BLOSSOM/TOLLEFSON

FRIENDLY AMENDMENT: *...limited to the Neighborhood Service Center Special Planning Areas of Rolling Bay, Island Center and Lynwood Center.*
TOLLEFSON – The amendment passed unanimously, 6-0. Councilmember Ward was no longer participating via telephone.

The underlying motion, as amended, was unanimously approved, 6-0.

6. PUBLIC COMMENT 9:35 PM

There was no public comment.

7. CITY MANAGER'S REPORT 9:36 PM

City Manager Schulze reported the following: National Public Works Week, Wyckoff site and safe boating activities.

A. NATIONAL POLICE WEEK PROCLAMATION 9:37 PM

Mayor Blair read the proclamation.

9:40 PM **MOTION:** *I move we authorize our mayor to sign the proclamation for National Police Week 2014.*
BONKOWSKI/ROTH – Motion carried unanimously, 6-0.

8. CONSENT AGENDA 9:40 PM

A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL

Accounts Payable ACH Check Number 150, EFT Check Number 151, Void Check Numbers 335679 and 334373, Manual Check Numbers 335678 through 335684, Regular Run Check Numbers 335685 through 335778 for a total of \$367,594.69. Travel Advance Check Number 59 for a total of \$150.00. Payroll Direct Deposit Check Numbers 030248 through 030354, Regular Check Numbers 106626 through 106629, Vendor Check Numbers 106630 through 106642 and a Federal Tax Electronic Transfer for a total \$550,095.74.

B. SPECIAL/REGULAR BUSINESS MEETING MINUTES, MARCH 24, 2014

C. PUBLIC ART FUNDING (BAINBRIDGE ISLAND ARTS AND HUMANITIES COUNCIL), PROFESSIONAL SERVICES AGREEMENT, AB 14-079 – EXECUTIVE

D. ORDINANCE NO. 2014-05, Q1 2014 BUDGET ADJUSTMENTS, AB 04-064 – FINANCE

E. ORDINANCE NO. 2014-17, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE HARBOR COMMISSION, AND AMENDING BIMC 2.46, AB 14-077 – EXECUTIVE

F. ORDINANCE NO. 2014-18, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE PLANNING COMMISSION, AND AMENDING BIMC 2.14.020, AB 14-077 – EXECUTIVE

G. ORDINANCE NO. 2014-19, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE DESIGN REVIEW BOARD, AND AMENDING BIMC 2.14.040, AB 14-077 – EXECUTIVE

H. ORDINANCE NO. 2014-20, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE NON-MOTORIZED TRANSPORTATION ADVISORY COMMITTEE AND CREATING A NEW BIMC CHAPTER 2.32, AB 14-077 – EXECUTIVE

***MOTION:** I move that the city council approve consent agenda items A through H: A) Accounts Payable Voucher and Payroll Approval, B) Special/Regular Business Meeting Minutes, March 24, 2014, C) Public Art Funding (Bainbridge Island Arts and Humanities Council) Professional Services Agreement, D) Ordinance No. 2014-05, E) Ordinance No. 2017-17, F) Ordinance No. 2017-18, G) Ordinance No. 2014-19 and Ordinance 2014-20.*

***TOWNSEND/ROTH** – Motion carried 5-0 with Deputy Mayor Tollefson abstaining.*

9. COMMITTEE REPORT 9:41 PM

A. NORTH WARD MEETING REPORT – BLAIR, BONKOWSKI AND TOLLEFSON

There were no reports given.

10. REVIEW UPCOMING COUNCIL MEETING AGENDAS 9:42 PM

Mayor Blair indicated she would be working with Deputy Mayor Tollefson and City Manager Schulze to outline an approach and timeline regarding the marijuana ordinance discussion next week. Councilmember Bonkowski asked if council could also look at the issue of the paper or record.

City Manager Schulze commented on merging the sidewalk and right-of-way use regulations into a single ordinance. Following a brief discussion, it was decided that the sidewalk regulations come forward sooner. City Manager Schulze explained the City Hall painting and wood restoration contract exceeded his signing authority. Councilmember Bonkowski suggested adding a marijuana discussion to the June 2 study session agenda. Mayor Blair said a joint meeting with Poulsbo would be scheduled in the near future.

11. FOR THE GOOD OF THE ORDER 9:49 PM

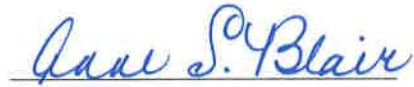
Mayor Blair reported on the proposed interview teams for citizen advisory group interviews. The following councilmember's volunteered for the remaining panels: Bonkowski-Ethics, Townsend-Design Review Board, Roth-Historic Preservation Commission, and Blossom-Road Ends Advisory Committee.

Councilmember Roth commented that Winslow Way merchants have been considerate with respect to placement of their sandwich boards, etc. He also pleased to see Public Works weeding along Winslow Way.

SPECIAL/REGULAR CITY COUNCIL MEETING
MAY 12, 2014

12. ADJOURNMENT 9:53 PM

The meeting adjourned at 9:53 PM.



Anne S. Blair



Rosalind D. Lassoff, City Clerk