

ITEMS DISCUSSED

1. EXECUTIVE SESSION: PROPERTY DISPOSITION (RCW 42.30.110(1)(c)), COLLECTIVE BARGAINING NEGOTIATIONS, ISSUES, OR PROCEEDINGS (RCW 42.30.140) , 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. PUBLIC COMMENT
5. ORDINANCES 2ND READING: ORDINANCE NO. 2013-03, BUSINESS LICENSES FOR NON-PROFITS, AB 13-020 – PLANNING
6. UNFINISHED BUSINESS: KITSAP CONSERVATION DISTRICT INTERLOCAL AGREEMENT UPDATE – EXECUTIVE
7. CONSENT AGENDA
 - A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL
 - B. REGULAR BUSINESS MEETING MINUTES, FEBRUARY 13, 2013
 - C. SPECIAL STUDY SESSION/RETREAT MEETING MINUTES, FEBRUARY 20, 2013
 - D. SPECIAL/REGULAR BUSINESS MEETING MINUTES, FEBRUARY 27, 2013
 - E. RESOLUTION NO. 2013-06, SURPLUS VEHICLES AND EQUIPMENT – PUBLIC WORKS
8. REGIONAL COMMITTEE REPORTS
9. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS
10. FOR THE GOOD OF THE ORDER
13. RECESS [ADDED]
11. STUDY SESSION: SHORELINE MASTER PROGRAM – OUTSTANDING ISSUES – PLANNING
14. RECESS [ADDED]
15. STUDY SESSION: SHORELINE MASTER PROGRAM – OUTSTANDING ISSUES – PLANNING (CONT'D)
12. ADJOURNMENT

1. EXECUTIVE SESSION: PROPERTY DISPOSITION (RCW 42.30.110(1)(c)), COLLECTIVE BARGAINING NEGOTIATIONS, ISSUES, OR PROCEEDINGS (RCW 42.30.140) , CURRENT AND POTENTIAL LITIGATION (RCW 42.30.110(1)(i)) 6:00:44 PM

Mayor Bonkowski called the meeting to order at 6:00 PM then immediately adjourned to executive session to discuss property disposition, collective bargaining negotiations, issues, or proceedings and current and potential litigation. The recording system was turned off and the door to Council Chambers was posted.

2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE 7:03:58 PM

Mayor Bonkowski reconvened the meeting at 7:04 pm. He indicated no decisions were made during executive session. A quorum was present consisting of Councilmembers Blair, Blossom, Hytopoulos, Lester, Ward, and Mayor Bonkowski. Councilmember Scales arrived at 8:02 pm. City Clerk Lassoff monitored the recording of the meeting and prepared the minutes.

3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE 7:04:58 PM

Councilmember Ward pulled consent agenda item A.

***MOTION:** I move to accept the agenda as amended.*

***LESTER/BLAIR** – The motion carried unanimously, 6-0.*

Everyone stood for the Pledge of Allegiance. There were no conflicts of interest disclosed.

4. PUBLIC COMMENT 7:05:56 PM

Council briefly discussed how to proceed given the number of citizen present for the SMP discussion.

7:12:22 PM Darrel McNabb, 4200 Eagle Harbor Drive, B.I. Marina owner, said he received a corrected boundary map from the county showing the correct shoreline designation for his property. He asked for Council support in asking the staff to make the correction before going further in designating his property as anything other than urban aquatic.

7:14:00 PM Joe Honick, 9549 Olympus Beach Road, suggested the SMP discussion be moved up on the agenda given the number of citizens wanting to comment.

7:15:24 PM Dennis Reynolds, commented on a Councilmember's guest editorial in the Bainbridge Review.

7:18:55 PM Tom Golan, Sand Spit resident, asked the City Manager to look into the SMP advisory group process. He commented on an ethics complaint he recently filed.

7:22:49 PM Gary Tripp requested that SMP testimony be taken now rather than later in the meeting as scheduled.

5. ORDINANCES 2ND READING: ORDINANCE NO. 2013-03, BUSINESS LICENSES FOR NON-PROFITS, AB 13-020 – PLANNING 7:24:26 PM

Planning Director Cook introduced the ordinance which would require business license for non-profits with no fee attached.

7:25:31 PM Lisa Horn, West Sound Wildlife Shelter, asked the City to provide more information to non-profits on the reason behind the change. Planning Director Cook briefly explained the proposed changes and public outreach piece.

7:28:21 PM **MOTION:** *I move that the City Council approve Ordinance No. 2013-03 relating to business licenses for non-profit organizations.*

BLAIR/WARD – *The motion carried unanimously, 6-0.*

6. UNFINISHED BUSINESS: KITSAP CONSERVATION DISTRICT INTERLOCAL AGREEMENT UPDATE – EXECUTIVE 7:28:48 PM

Deputy City Manager Smith gave a brief overview. It was decided the topic be discussed at a future meeting.

7. CONSENT AGENDA 7:30:48 PM

A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL

ACH Check Number 122, EFT Check Number 123, Void Manual Check Number 332390, Manual Check Numbers 332463 through 332464, Void Manual Check Numbers 332465 through 332467, Manual Check Numbers 332468 through 332472 and Regular Run Check Numbers 332473 through 332567 for a total of \$184,490.46. Payroll Direct Deposit Check Numbers 027276 through 027381, Regular Check Numbers 106117 through 106121, Vendor Check Numbers 106122 through 106136, Payroll Check Number 103137 and a Federal Tax Electronic Transfer for a total of \$545,053.39.

B. REGULAR BUSINESS MEETING MINUTES, FEBRUARY 13, 2013

C. SPECIAL STUDY SESSION/RETREAT MEETING MINUTES, FEBRUARY 20, 2013

D. SPECIAL/REGULAR BUSINESS MEETING MINUTES, FEBRUARY 27, 2013

E. RESOLUTION NO. 2013-06, SURPLUS VEHICLES AND EQUIPMENT – PUBLIC WORKS

MOTION: *I move we approve items B. Regular Business Meeting Minutes, February 13, item C. Special Study Session/Retreat Minutes, February 20, Special/Regular Business Meeting Minutes, February 27 and Resolution 2013-06, Surplus Vehicles and Equipment Public Works.*

WARD/LESTER – *The motion carried unanimously, 6-0.*

A. Accounts Payable Voucher and Payroll

Councilmember Ward commented on an invoice from Cardno Tec. He asked whether staff has had the chance to meet with KPUD regarding flow monitoring. City Manager Schulze shared the differences in monitoring techniques and equipment. Councilmember Ward suggested cancelling the Cardno Tec contract. Council decided to discuss the issue during agenda setting later in the meeting.

MOTION: *I would move that we approve item 7A, Accounts Payable Voucher and Payroll Approval.*

WARD/BLAIR – *The motion carried unanimously, 6-0.*

8. REGIONAL COMMITTEE REPORTS 7:38:21 PM

Councilmember Lester reported on an upcoming IGWG meeting, prepared neighborhoods and community broadcasting.

9. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS 7:39:47 PM

City Manager Schulze reviewed the March 20, 2013 agenda. Councilmember Ward added a flow-monitoring discussion.

10. FOR THE GOOD OF THE ORDER 7:41:33 PM

Councilmember Lester commented on AmeriCorps week and the MS Walk.

SPECIAL/REGULAR BUSINESS MEETING
MARCH 13, 2013

13. RECESS [ADDED] 7:43:22 PM

The meeting recessed for a five-minute break and resumed immediately following with aforementioned Councilmembers and Mayor Bonkowski present.

11. STUDY SESSION: SHORELINE MASTER PROGRAM – OUTSTANDING ISSUES – PLANNING 7:50:47 PM

7:51:45 PM Joe Honick, 9549 Olympus Beach Road NE, commented non-conforming lots. He presented Council with a petition.

7:56:26 PM Dennis Reynolds, Bainbridge Island resident, asked Council not to lose sight of the social science behind the issue.

8:00:00 PM Lisa Macchio, 5315 Old Mill Road, asked that everyone to be respectful to each other during the process.

8:02:53 PM Dave Bricklin, 9133 Salmon Run Lane, commented on shoreline science and regulations.

8:06:11 PM Stafford Tharp, 10462 NE Country Club Road, addressed the issues of non-conformity and dual zoning.

8:10:50 PM Dick Haugan, 9010 Spargur Loop Road, commented on a meeting he attended last weekend.

8:13:52 PM Ericka Shriner, 8190 NE Baker Hill, spoke as an owner of a non-conforming structure.

8:16:15 PM Chris Otorowski, Port Madison, voiced his opposition to non-conforming uses.

8:18:40 PM Sunny Day, 10654 Manor Lane, believed there is no imperative for the changes to the SMP.

8:20:30 PM Eric Fredricks, 7776 Yeomalt Beach, commented on conforming and non-conforming designation.

8:22:51 PM Kinam Sohn, 7776 Yeomalt Beach, did not understand why Bainbridge was deciding to use non-conforming language when Kitsap County was not.

8:24:29 PM Jack Sutherland, 10488 County Club Road, urged Council to deal with the problem properties individually and not with a one size fits all approach.

8:28:53 PM Albert Greiner, Rockaway Beach, commented on exclusion zones.

8:30:04 PM Frank Stowell, 623 Blakely Avenue, commented on an upcoming study done by the UW regarding armoring on Puget Sound beaches.

8:32:45 PM Chiara D'Angelo, 451 Wood Avenue, asked that the Council represent the best interest of the citizens and not just the homeowners.

8:34:45 PM John Keller, 4032 Rockaway Beach, didn't understand why Bainbridge Island couldn't follow the same plan Kitsap County put forward regarding existing lawfully built homes, structures and uses conforming.

8:36:20 PM Claes Hagstromer, 12295 Wing Point, asked that retaining walls be exempt.

8:39:28 PM John Ogden, Arrow Point Loop, commented on fostering opportunities for lawyers in the process. He believed the costs and benefits to property owners should be considered in making land use decisions.

8:41:36 PM Lewis Mandell, 3720 Point White Drive, spoke to the ability to utilize one's property as you purchased it.

8:43:39 PM Eric Thompson commented on the science behind the issue.

8:45:15 PM Gary Tripp stated the three main causes of decline in Puget Sound were due to street runoff, pollution from municipal sewers and overfishing and none of them have to do with residential use.

8:50:11 PM Kari Wright, Packard Lane, felt the proposed shoreline master plan was overreaching. She commented on non-conforming lots, shoreline designations, and buffers. She did not believe shoreline homeowners were the problem.

8:53:11 PM Planning Director Cook explained the purpose of tonight's meeting was to discuss any additional topics that the Council identified for consideration as well as revisit any of the preliminary recommendations. She noted the public hearing is tentatively scheduled for April 10.

8:57:04 PM Council commented on issues and concerns raised during public comment and posed questions to staff.

9:48:12 PM **MOTION:** *That we address the non-conforming structure issue by using the word existing development and removing the word non-conforming.*
BLAIR/BLOSSOM

9:51:11 PM **CLARIFIED MOTION:** *Non-conforming structures will now become existing development.*
Motion passed 5-2 with Councilmembers Blair, Blossom, Bonkowski, Scales, and Ward voting in favor. Councilmembers Hytopoulos and Lester voting against.

9:57:31 PM **MOTION:** *I move that the City creates a consistent rebuilt percentages for the SMP, the critical areas ordinance and the zoning code.*
SCALES/LESTER – *Motion carried unanimously 7-0.*

9:58:32 PM **MOTION:** *I would move that for the rebuilt it demolish voluntary that the standard be set at 75% for all three.*
SCALES/BLAIR – *Motion was withdrawn.*

10:10:25 PM **MOTION:** *I move that we set for accidental destruction rebuilt a standard of 75% loss of replacement value.*
HYTOPOULOS/BLAIR – *Motion failed 3-4 with Councilmembers Blair, Hytopoulos, and Scales voting in favor. Councilmembers Bonkowski, Blossom, Lester, and Ward voted against.*

10:16:53 PM **CLARIFICATION OF AN EARLIER MOTION:** *That the City create goals as a policy to make rebuilt percentages for the SMP, critical areas ordinance and the zoning code.*

Staff was asked to come back with specific information about how changing the percentage might affect development in the critical areas ordinance and the zoning code.

10:18:44 PM **MOTION:** *To rebuilt if demolished through an act of God at 100%.*
LESTER/BLAIR

RESTATED MOTION: *100% if non-voluntarily, accident or natural disaster.*
Motion passed, 6-1 with Councilmember Blair, Blossom, Bonkowski, Lester, Scales and Ward voted in favor. Councilmember Hytopoulos voting against.

10:21:02 PM **MOTION:** *I would move that we set the threshold for rebuilt if demolished voluntary at 0%.*
SCALES/HYTOPOULOS – *Motion passed 4-3 with Councilmember Blair, Blossom, Hytopoulos, Lester, and Scales voting in favor. Councilmembers Bonkowski, Blossom, and Ward against.*

10:35:37 PM **MOTION:** *I move that a similar if not literally lifting out of the CAO restriction on rebuilding adjacent to a critical slope is inserted in the SMP to take care of that gap.*
HYTOPOULOS/LESTER – *Motion carried unanimously, 7-0.*

14. RECESS [ADDED] 10:36:25 PM

The meeting recessed for a 5-minute break.

**15. STUDY SESSION: SHORELINE MASTER PROGRAM – OUTSTANDING ISSUES – PLANNING
(CONT'D) 10:43:27 PM**

Following brief comments, Mayor Bonkowski proposed suspending discussion of the SMP to a future meeting.

12. ADJOURNMENT 10:47:55 PM

The special/regular meeting adjourned at 10:47 pm.



Steven Bonkowski, Mayor



Rosalind D. Lassoff, City Clerk