



**SPECIAL CITY COUNCIL MEETING
TUESDAY, MAY 12, 2020**

MEETING MINUTES

1) CALL TO ORDER/ROLL CALL

Mayor Schneider called the meeting to order at 5:01 p.m. on the Zoom webinar platform.

Mayor Schneider, Deputy Mayor Nassar, and Councilmembers Deets, Hytopoulos, Medina and Pollock participated in the video conference.

2) EXECUTIVE SESSION

2.A Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.
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Mayor Schneider adjourned the meeting to an executive session pursuant to RCW 42.30.110(1)(i). Council extended the executive session until 5:50 p.m.

Council returned from executive session, and Mayor Schneider reconvened the meeting at 5:55 p.m.

3) APPROVAL OF AGENDA/CONFLICT OF INTEREST DISCLOSURE

Councilmember Medina moved and Councilmember Deets seconded to approve the agenda as presented. The motion was approved by unanimous consent. There were no conflicts of interest disclosed.

4) PUBLIC COMMENT

4.A Instructions for Providing Public Comment in Remote Meetings - City Clerk
[Cover Page](#)
[Instructions for Providing Public Comment at Remote Meetings.docx](#)

Public Comment

Beth Morgan, Urban Bainbridge, spoke in favor of storage facilities.

5) MAYOR'S REPORT

Mayor Schneider thanked all the candidates who applied for the South Ward position, noted International Nurses Day, and commented on the the Safe Streets pilot project.

6) CITY MANAGER'S REPORT

City Manager Smith provided an update on the City's COVID-19 response.

7) APPOINTMENT

7.A [Appointment of Candidate to Fill the District 3, South Ward Council Vacancy - Mayor Schneider](#) [Cover Page](#)

Mayor Schneider introduced the agenda item.

MOTION: I move to appoint Christy Carr to the District 3, South Ward City Council position.

Pollock/Deets: The motion carried unanimously, 6 – 0.

AYES: Deets, Hytopoulos, Nassar, Pollock, Schneider, Medina

NOES: None

ABSENT: None

ABSTAIN: None

8) FUTURE COUNCIL AGENDAS

8.A [Future Council Agendas](#) [Cover Page](#) [Special City Council Meeting May 19, 2020.pdf](#)

Council discussed future Council agendas.

Mayor Schneider moved and Councilmember Medina seconded to add a policy discussion on Councilmember participation in committee meetings to the next agenda. It was approved by unanimous consent.

Councilmember Hytopoulos asked to have City Attorney Levan address concerns about executive sessions at the next meeting. Councilmember Pollock seconded the request, and it was approved by unanimous consent.

Deputy Mayor Nassar asked and Councilmember Pollock seconded to add a draft resolution on COVID-19 under Council Discussion at a future meeting.

Deputy Mayor Nassar will provide a report on her Zoom meeting on the Winslow Hotel project under Committee Reports at the May 19, 2020 Council meeting.

City Manager Smith asked Council for input on the structure of upcoming meetings. Council agreed to return to the regular 6:00 p.m. start time for the June Council meetings.

9) **PUBLIC HEARING**

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[Ordinance No. 2020-12 Extending the Moratorium on Self-Service Storage Facilities](#)

[Ordinance No. 2019-40 Adopting a Moratorium on Self-Storage Facilities Approved 112619.pdf](#)

Mayor Schneider introduced the agenda item. Mayor Schneider opened the public hearing at 7:10 p.m.

Public Comment

Ron Peltier spoke in favor of the moratorium.

Beth Morgan spoke against the extension of the moratorium.

Mayor Schneider closed the public hearing at 7:16 p.m.

Councilmember Medina recused himself from this discussion because his foundation (Kitsap Community Foundation) is involved with employees of Bainbridge Self Storage and their fundraising efforts.

Planning Director Wright provided information on the proposed timing for the workplan discussion and options.

City Attorney Levan suggested Council make a motion to approve the ordinance, and then he would propose amendments to the ordinance for Council's consideration.

MOTION: I move to adopt Ordinance No. 2020-12 and the attached work plan as amended to extend the moratorium related to certain self-service storage facilities for an additional six months to November 26, 2020.

Deets/Nassar: The motion carried, 4 – 1, following approval of the motions below.

AYES: Deets, Hytopoulos, Nassar, Pollock

NOES: Schneider

ABSENT: None

ABSTAIN: Medina

MOTION: I move to adopt option 2 into the ordinance.

Deets/Nassar: The motion carried 5-0.

AYES: Deets, Hytopoulos, Nassar, Pollock

NOES: Schneider

ABSENT: None

ABSTAIN: Medina

MOTION: City Attorney Levan proposed to amend the ordinance with the addition in bold: On page 2 of the ordinance, 17th WHEREAS clause; to read: at that April 28, 2020 meeting, the City Council, based on public comment and Council discussion, directed the City Manager to amend the moratorium to exempt projects that are partially constructed and/or at some point built **because the Council did not intend for the moratorium to apply to such projects, and this ordinance includes an exemption to meet the Council's intent in that regard; and...**

Pollock/Deets: The motion carried, 5 – 0.

AYES: Deets, Hytopoulos, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: Medina

MOTION: City Attorney Levan proposed to amend the ordinance with the revision in bold: On page 4 of ordinance, under Option 2, section B to read: ***The moratorium imposed under Section 2 of this ordinance shall not apply to building permits and other land use approvals related to self-service storage facilities that received land use approval for such a facility prior to the effective date of this moratorium and for which self-service storage facilities exist currently on the subject property, and for which any new structures are included within what was approved for the site prior to the effective date of the moratorium.***

Hytopoulos/Deets: The motion carried, 5 – 0.

AYES: Deets, Hytopoulos, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: Medina

MOTION: City Attorney Levan proposed to amend the ordinance with the revisions in bold: On page 4 of the ordinance, Section 7. to read: Effect on Vested Rights. The moratorium extended under Section 2 of this ordinance shall apply prospectively only and shall operate to prevent acceptance of Permit Applications submitted after the effective date of this ***moratorium.*** Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Bainbridge Island regulations, provided that such a permit applicant has filed a complete Permit Application before the effective date of this ***moratorium.***

Deets/Nassar: The motion carried, 5 – 0.

AYES: Deets, Hytopoulos, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: Medina

MOTION: City Attorney Levan proposed to amend the ordinance with the revision in bold: On page 6 of the ordinance, first paragraph, to read: On November 26, 2019, the City Council imposed a temporary six-month moratorium on the acceptance of building permit or land use permit applications for new self-service storage facilities in the Business/Industrial (B/I) and ***Neighborhood Center (NC)*** zoning districts. The moratorium does not apply to permits required for upkeep, repair, or maintenance of existing self-service storage structures. The moratorium was in effect for 6 months, or until May 26, 2020. On May 12, 2020, the Council voted to extend the moratorium in an amended form for an additional 6 months via adoption of this current ordinance, Ordinance 2020-12. As a result, the moratorium will be in effect until November 26, 2020, unless terminated earlier or extended by the Council.

Nassar/Deets: The motion carried, 5 – 0.

AYES: Deets, Hytopoulos, Nassar, Pollock, Schneider
NOES: None
ABSENT: None

ABSTAIN: Medina

Mayor Schneider adjourned the meeting for a break at 7:47 p.m. and reconvened the meeting at 7:56 p.m.

10) NEW BUSINESS

10.A Update on 2020 Fiscal Impacts and Revenue and Expenses Forecasts - Executive

[Cover Page](#)

[COVID-19 Fiscal Impacts to 2020 Budget - May 12 Update](#)

City Manager Smith and Deputy City Manager Schroer provided a presentation on 2020 fiscal impacts and revenue and expenses forecasts and responded to Council's questions.

10.B Review Impacts to 2020 Citywide Workplan Priorities - Executive

[Cover Page](#)

[Impacts to 2020 Citywide Workplan Priorities.pdf](#)

[2020 Citywide Workplan Priorities.pdf](#)

[2020 City Council Priorities March Revision.pdf](#)

City Manager Smith provided information on impacts to 2020 Citywide workplan priorities.

10.C 2021-2022 Biennial Budget Process - Executive

[Cover Page](#)

[Update_2021-22 Budget Process and Calendar for CC 05122020](#)

[2021-2022 Council Budget Priorities - DRAFT.pdf](#)

Deputy City Manager provided a presentation on the biennial budget process.

11) CONSENT AGENDA

11.A Agenda Bill for Consent Agenda

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11.B Accounts Payable and Payroll

[Cover Page](#)

[Payroll.pdf](#)

[AP Report to Council of Cash Disbursements 05-13-20.pdf](#)

Payroll: normal direct deposit check sequence 47790 – 47916 = \$344,024.69; regular payroll check number 109342 = \$1,996.86; vendor check run sequence 109343 – 109355 = \$321,976.93; Federal Tax Electronic Funds Transfer = \$147,646.77; ACH \$237.50. Total disbursement = \$815,881.75.

Accounts Payable: check number 353946 from previous run = \$162.06; manual check number sequence 353947 – 353503 = \$59,949.09; regular check number sequence 3533504 – 353611 = \$171,587.49; EFT 387 = \$13,048.39; ACG 388 = \$15,836.71; retainage 189 = \$332.36. Total disbursement = \$259,971.43.

11.C Special City Council Meeting Minutes, April 21, 2020

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[Special City Council Meeting Minutes, April 21, 2020](#)

11.D Special City Council Meeting Minutes, April 28, 2020

[Cover Page](#)

[Special City Council Meeting Minutes April 28, 2020](#)

Councilmember Deets moved and Councilmember Medina seconded to approve the Consent Agenda, as presented. The motion was approved by unanimous consent.

12) COMMITTEE REPORTS

None offered.

13) FOR THE GOOD OF THE ORDER

Councilmember Pollock left the meeting at 9:15 p.m.

Councilmember Deets asked to invite Planning Commissioners or other committee members to participate in Council agenda items that relate to topics that the committee is working on, and Council concurred.

Councilmember Medina offered to provide committee updates to Council following health board meetings.

Councilmember Hytopoulos commented on following up on public comments.

14) ADJOURNMENT

Mayor Schneider adjourned the meeting at 9:44 p.m.

/s/
Leslie Schneider, Mayor

/s/
Christine Brown, CMC, Deputy City Clerk