

City of Langley

Council Meeting July 6, 2010

Mayor Samuelson called the meeting to order at 6:30 PM. Present were City Council Members Robert Gilman, Rene Neff, Bob Waterman, Russell Sparkman and Fran Abel. Also present were Larry Cort, Director of Planning; Challis Stringer, Director of Public Works; and Debbie Mahler, Director of Finance/City Clerk. The flag salute was lead by Russell Sparkman.

**CONSENT AGENDA**

- a. Council Meeting Minutes – June 21, 2010
- b. Claims Warrants 26675-26696, 26617, 26644-26648 in the amount of \$28,539.96
- c. Approval of Agenda

**MOTION:** To approve the consent agenda as amended to add administrative issues on ordinances 911, 912, 937. Motion – Waterman, 2<sup>nd</sup> – Neff. Motion carried.

**MAYOR'S REPORT**

Dwayne Gimble of Island County Children's Commission and South Whidbey Youth presented two Caught in the Act Awards. Frankie Petitclerc, Hub program manager nominated Lukas Corradini, 15, for his contributions to the South Whidbey Youth Connection's Hub after-school teen program at Langley United Methodist Church. Gina Krah, from South Whidbey Commons nominated Samantha Estill, 17, for her work at the coffee house bookstore and with the Youth Engagement Squad.

Sherry Mays reported that Choochokum begins on Saturday morning. There will be 91 booths this year. A Board meeting is coming up this week, 6 positions will be up for election this year; nominations are needed. The 14<sup>th</sup> of this month is the Merchant's meeting to discuss upcoming events, 6 PM at Brookhaven. Sassy Sirens opened up last weekend, a new business on First Street. Whidbey Rice opened in Living Green also. Life magazine has named Langley one of the top ten underrated beach towns and will be doing an article. Seattle Weekly is running ads on Langley now. KPLU radio is sponsoring Langley for the month. First and Anthes from Park to Wharf and First Street to Third Street will be closed on Friday to prepare for Choochokum.

Vicky Welfare, Librarian announced the summer reading program is off to a good start. 80 people were present to see Aqua man, 190 signed up for summer reading. There are programs for teens and adults also.

Port of South Whidbey Commissioner Chris Jerome reported that the Ports meeting will be held next Tuesday. Engineering work and permitting work is beginning for the floats.

Administrative issue on Ordinances 911, 912, and 937. Mayor Samuelson went through a history of the ordinances. Ordinance 912 has a line stating the Mayor shall be deemed an employee of the city. Debbie brought forward an issue in December regarding the Mayor's hours and vacation. Ordinance 937 was passed to deal with the issue of timekeeping, but did not deal with the language deeming the Mayor an employee and his vacation benefits. Mayor Samuelson read the letter to Prosecuting Attorney's office from Debbie Mahler and Greg Banks reply. He also read a Municipal Research Services Center opinion on the matter. Council waived attorney client privilege so that a memo from the City Attorney's office could be shared.

**MOTION** – To waive the attorney/client privilege and share the City Attorney memo regarding the ordinances on the Mayor's salary. Motion - Sparkman, 2<sup>nd</sup> – Waterman. Motion carried.

Attorney Paul McMurray said that in a Mayor/Council Code city form of government that the Mayor is the head of the Executive branch and an elected official. Council cannot tell the Mayor when and how to do his job or specify hours. Council members declared that their intent was for salary and benefits such as healthcare, not vacation. A two person council committee will be formed to review the issue. Council members Waterman and Neff stated that when the city changed from a part time Mayor and full time administrator (3/4 time), Council wanted to compensate the Mayor for that. Paul closed his business to devote time to the city and they wanted to compensate him accordingly. They stated that the designation as employee, was a mistake and they didn't mean to tell the Mayor how to spend his time. Council consensus is to amend the ordinance 912 to take out "employee" language and clarify the Mayor's benefits. Councilman Sparkman stated that if there was a natural disaster, there would be no overtime or way to compensate the Mayor for that time. Councilman Gilman stated that the city used Coupeville's ordinance as a model and didn't realize the "employee" language was in there. He said we won't know who will be elected and if that Mayor will be part time or full time, so the Council wanted the ordinance to be changeable for each mayor. They didn't think through the contents of the benefit package.

Craig Carty asked that the issue be addressed with the State Auditor to make sure that this complies with all financial requirements. He also thanked Debbie Mahler for stepping up and bringing forward an uncomfortable situation that she was concerned about. James Anderson state that he is happy to hear the explanation that council asked the Mayor to expand his duties and feels he should get vacation. Mayor Samuelson said

that when he visits his granddaughters in California, it's not a vacation; he is on the phone and computer doing city business. Bob Trenchard did some research on what other cities do in Washington. There is a strong mayor form and a weak mayor form. Clear division of who does what in the city. Paul McMurray, attorney reported the checks and balances are set forth in state law. They set out the duties and responsibilities of the Mayor and Council. The City is what is called a "strong mayor form".

## **COUNCIL REPORTS**

Robert Gilman reported that he and Paul attended the Association of Washington Cities annual convention in Vancouver, WA. There were lots of good material and chances to get a better understanding of what is going on in other cities. Robert did not run again for the AWC board of directors. He stated that it was good to be on the board, but has many other things going on in his life. He is still part of the small cities advisory committee. Fran Abel reported the Parks & Open Space Committee discussed priorities and Fosseck open space, the creation of park management plans and inventories, etc. She feels Fred Evander is doing an incredible job. A survey on what parks are most used and the least used parks was done by Fred. A trails plan for a new trail to the Highlands, with volunteers to create it on city land, and community agriculture were also discussed.

Russell Sparkman reported that the Anderson Community Garden is coming along splendidly. Cary Peterson is helping all with the water system and other details. Renee Neff reported that there was no Cemetery board meeting this month. There will be one at the Cemetery in August. Russell Sparkman reported that the Mayor's council on economic health has new members that are just getting going on specific tasks based on priorities established last year. The Mayor is working on signage with DOT for highway signs directing people to Langley. They are negotiating where the signs will be placed and discussing cleaning up the clutter of signs on Langley Road and Maxwellton Road and Coles Road to look better and be more informative. Mayor Samuelson said he is working on a "Langley Loop" which would be an area from Ken's corner thru Langley to Bayview Road to create a draw here and to direct folks. He is working with Island County on that. Russell also reported that Experience Langley will pick up again in the fall with more programs.

Bob Waterman reported that there are two vacancies on the Historic Preservation Commission and they have four applicants. Two have been chosen, and they will be confirmed later in the meeting. The library board discussed annexation to the district and recommended the City proceed with the ballot issue. Harrison Goodall did a maintenance plan for the library building.

## **DEPARTMENT REPORTS**

Larry Cort reported that the Langley Passage Plat is still in public hearing review and will continue on July 14<sup>th</sup>. There will be at least one more meeting after that. The City must update its Shoreline Master program by December 2012. The City's program dates to 2001, relatively recently. Funding will be provided by the state to update it. The City will receive a \$50,000 grant and most work will be done in house with some technical assistance. The council recommends passage of the plan to the State who has final authority on it.

Debbie Mahler reported on the financial status of the City through May and passed out graphs and reports. She explained that the mid-year review will be presented to the Finance Committee next week and will be brought to Council at the next meeting along with the Finance Committee's recommendation for an interfund loan to the General Fund.

Challis Stringer reported that the consumer confidence report that went out on the City's water quality included an article on a water saver's challenge. Residents can sign up individually or in the neighbor to neighbor category. The City has had no violations for minerals above EPA guidelines or bacterial counts. The City was able to get the water loss percentage way down. Wayne Body painted the entrance doors at City Hall as a volunteer with paint donated by Cynthia Tilken.

## **CITIZEN COMMENTS**

Craig Carty feels that it is appropriate for the Administration, staff and Council to respond in writing to any correspondence that comes in written form. Kathleen Waters-Reihl stated that she sent a letter saying she was concerned with a council member presenting issues that the Council would vote on. She sent an additional letter requesting a response which she didn't get. She heard in workshop today that the Council is addressing the issue by taking it out of the municipal code. Mayor Samuelson stated that the subject came up after the last meeting and he brought forward some data and possible solutions. If the Council chooses to act on that there will be a first and second reading with public discussion. Kathleen stated that it is still the ordinance now and was when she brought up the question and changing it in the future does not answer her. Russell asked if each council member is obligated to answer every letter. Mayor Samuelson will get an answer to that. Bob Trenchard asked if anyone is looking at business signage within the City. Council has not decided to bring the issue forward yet. Russell asked that it be taken to the Mayor's Council on Economic Health for a recommendation. Leanne Finley said that the audience is not given documents that Council is talking about in the workshop meetings. She thinks copies should be available to the audience so they know what is being discussed.

## **PUBLIC HEARING – 2011-2016 Transportation Improvement Plan**

Mayor Samuelson opened the public hearing at 8:04 PM. Challis Stringer, Director of Public Works, gave an overview of the six year plan and explained that these are the City's priorities for street improvements that have possible federal grant funding. Local access roads do not qualify. Streets included on this list must be a minor collector or above. Challis answered questions from the Council and then the audience. Fran Abel suggested other forms of transportation be added to the projects such as bike lanes. The public hearing was closed at 8:11PM.

**MOTION:** To bring to a first reading, a resolution adopting the 2011 – 2016 Transportation Improvement Plan. Motion – Waterman, 2<sup>nd</sup> – Sparkman. Motion carried unanimously.

### **ACTION ITEMS**

**MOTION:** To bring to a first reading, a resolution Declaring the city's intent to join and be annexed by the Sno-Isle Intercounty Rural Library District and requesting a special election. Motion - Waterman, 2<sup>nd</sup> - Abel. Motion passed with all in favor.

Bob Waterman reported that the City's Library Board recommended that the annexation be brought forward so that an election can be held and the voters can decide. There are approximately 19 libraries in the Sno-Isle system and only the city of Langley and one other city contract for service. If annexed, the residents pay for services through property taxes for the running of the library. In cities that contract, the cost of library services come out of the city's general fund. Annexation would provide more money to the District and ensure sustained service and be a reduction of cost for the City. Jonalyn Woolf-Ivory, Director of Sno-Isle was present and explained that since 1980 over 100 cities have annexed to their library districts. Oak Harbor annexed in the early 80's. All residents in Island County, unincorporated Snohomish County and annexed cities, pay the property tax to the library district. If the voters approve this, Langley residents would also pay the tax. The City must decide each year if library services will continue. If the budget doesn't allow it, it could be closed. If the City were part of the district, the district is required to keep the library open and operating. The City would still have to maintain the library building. Presently, outside city residents are paying for library services at a higher rate and the district feels it is inequitable and may ask to renegotiate the contract if not annexed.

**MOTION:** To bring to a first reading, a resolution requesting an election regarding annexation

by the Sno-Isle Intercounty Rural Library District. Motion - Neff, 2<sup>nd</sup> - Waterman. Motion carried without opposition.

**MOTION:** To bring to a first reading, an Ordinance adding a new Chapter 8.10 to the Langley Municipal Code entitled "Public Disturbance Noise". Motion – Sparkman, 2<sup>nd</sup> – Neff. Motion carried.

Robert Gilman had a few suggestions for minor changes. Bob Waterman stated he has a problem with amplified sound. MaryJo McArdle stated that she feels Langley is too small for amplified music and that acoustic music can be heard well. Some small changes will be made and the ordinance brought back to the next meeting for consideration.

**MOTION:** To Approve and authorize the Mayor to sign Amendment No. 2 to the Inter-local Agreement with South Whidbey Port District. Motion – Waterman, 2<sup>nd</sup> – Neff. Motion carried.

**MOTION:** To confirm the Mayor's appointments of Brena Gustafson and David Rogan-Levine to the Historic Preservation Commission. Motion - Neff, 2<sup>nd</sup> - Waterman. Motion was unanimously confirmed.

## **DISCUSSION ITEMS**

*Draft Zoning and Subdivision Code – Staff/Administration comments and phase II concepts.*

Larry Cort and Fred Evander gave a presentation on the staff and administration's perspective on the draft amendments and the innovative tools explained by Councilman Gilman. Larry and Fred believe the subdivision code can stand on its own and the land use budgeting, TDRs and subarea planning can be worked on in a later phase. Larry feels the City should get back to the draft subdivision code proposed by the Planning Advisory Board and make the changes needed in it and bring it up for approval. Then the City can continue work on further phases.

Craig Carty referred to ES8 policy 2 in the Comp Plan. He understands that the comp plan can be revised only one time per year, and that he thinks these regulations

make amendments to the comp plan. Leanne Finley thinks these tools are too difficult for property owners to understand. She feels that Langley is too small and it would be too costly and a knowledgeable and devious person can take advantage of others before they understand what is happening. Bob Trenchard feels the subdivision code should be finished and then comp plan issues taken up. Jim Anderson said the tools require appropriateness of scale and budget, and cautioned the Council about creating fees to fund the creation of the programs. .Tiny Tillman applauded the presentation by the Planners and thought they made very practical considerations. Craig Carty thanked council for their patience.

**MOTION:** To adjourn the meeting at 10:56 PM. Motion – Waterman, 2<sup>nd</sup> – Gilman. Motion carried.

Respectfully submitted,

Debbie L. Mahler, Director of Finance/City Clerk