Langley City Council Meeting Minutes
February 2, 2015

Mayor McCarthy called the meeting to order at 5:30 PM. Present were City Council Members Rene Neff, Thomas Gill, Jim Sundberg, Bruce Allen and Robin Black. Also present were Stan Berryman, Public Works Director; David Marks, Chief of Police; and Debbie Mahler, Clerk/Finance Director. Mayor McCarthy led the flag salute.

MOTION: To approve the agenda. Motion - Allen, 2nd - Gill. Motion passed.

MOTION: To approve the consent agenda. Motion - Neff, 2nd - Sundberg. The consent agenda was unanimously approved.

CONSENT AGENDA
a. Approval of council meeting minutes of 1/20/15
b. Approval of claims warrants in the amount of $40,532.33
c. Liquor Licenses — Gori’s Gourmex (new) 
   Inn at Langley – renewal 
   The Star Store – renewal 
   Mo’s Pub & Eatery - renewal
d. Confirmation of the Mayor’s appointment of Joe Weizerbowski to the Historic Preservation Commission

RECOGNITION/APPRECIATION

a. Jack Lynch, Interim Planning services. Mayor McCarthy presented Jack Lynch with a twenty year City pin. Jack served as the City’s planner for 22 years and came out of retirement to help the city while we were searching for a new planner and then to help the new planner get acquainted with the city and the current projects. His help has been immensely appreciated.

COMMISSION AND BOARD REPORTS

a. Langley Library- Vicky Welfare, Librarian reported that a staffing change is happening at the library. On May 4th open hours will be from 10-7 Monday thru Wednesday, 10-5 Thursday and 11-5 on Fridays and Saturdays. This Friday at 10:30 am will be a program called “What’s love got to do with it” and also another class on downloading kindle and e-books on the 13th; a children’s writer will be speaking on being a “Fiction Magician, Card Tricks & Tips for Writers” on Saturday the 14th. Friday the 20th will be a program on Washington’s music pioneers such as Bing Crosby, Kurt Cobain and Jimi Hendrix. The Library will be open on Sunday the 22nd for Mystery weekend and that Saturday, the 21st, there will be a program to solve the real life mystery of Agatha Christie, and on Saturday the 28th, local Paul Goldfinger’s – “Rule of Thumb” on bidding basics and other tips for playing bridge better.

CITIZEN COMMENTS

Mayor read a statement regarding Council meetings and participation by staff and the audience. He stated that while some public comment is allowed by the Council, it is really a time where the Council does their
business in front of the public, but it is not a time for open debate between Council, staff and the public. Sheereee Bricker of Coupeville, works in and loves Langley. She feels there is a parking problem in the City, and she stated her point of view that the winter months when businesses are slow it is easier to park in front of business she works at. Last Monday she had a blown tire, and parked across from Brackenwood until it could be fixed. The car tires were chalked by the Police Chief. She believes the four hour parking is not well parked. Ms. Bricker moved her car later. When she worked at the Greenbank Farm, she was asked to park in front of the business so that it looked busy. The City lost parking spaces when Second Street was redone, the third Street parking lot is often full, and she is asking for parking solutions for workers and merchants.

Sharon Emerson thanked the city for posting more information about the Council business on the website. Kim Tiller feels the mobile vendor ordinance is not in character for Langley. She stated that loud, food trucks are not in keeping with Langley’s quiet beauty or what tourists come here for. Food trucks are exempted from the design review of color and signage that permanent businesses are subject to and she believes they will drive permanent businesses out. She is worried about generator noise, food odor, and loss of parking. Ms. Tiller stated that she believes the problem is too few visitors to Langley during winter the months. The City is already negatively impacted by the loss of parking spaces due to the Second Street makeover and the food trucks will take up more parking spaces during the busiest time of the year.

Fred Lundahl of Chamber and Main Street feels differently. Chamber members have spoken with existing restaurants and feel the food trucks will increase tourism to Langley. The Main Street Board also supports the food trucks.

MAYOR’S REPORT

Mayor McCarthy reported that on January 8th he met with the assistant secretary of transportation regarding Ferries in Coupeville. It was a good meeting with lots of feedback. He also attended a Hazard Mitigation meeting in Coupeville. Langley’s plan was completed and submitted this morning. It will be reviewed by FEMA and then will be available for citizens for a 30 day comment period and then the Council can adopt it. It was a real team effort to get it done. Mayor McCarthy attended an EDC meeting in Coupeville on January 21st. He received good information about the economy on the Island and recent developments. On the 22nd he met with Kathy Coffee who runs Leadership Snohomish and Island County. She will be holding a class for leaders in the community at WICA in the near future. Last week he took a webinar with Cheryl on public records disclosure. On January 28th he attended four meetings in Coupeville: Council of Governments, RTPO, Law and Justice Commission (which is talking about a law and justice property tax levy), and the Substance Abuse Coalition which Mayor McCarthy Chairs. January 29, 2015 Mayor and Councilman Allen attended the Community Leaders Briefing at the Whidbey NAS Officers Club. A City Council retreat and visioning workshop is scheduled for Thursday, February 26th from nine AM to Noon. On March 31st a workshop will be held at City Hall to teach entrepreneurs how to market their products on a bigger scale. It will be from 10:30 to Noon.

UNFINISHED BUSINESS

a. Langley/Police Guild Agreement.

MOTION: To approve the City of Langley/Police Guild Agreement of January 22, 2015 for the term January 1, 2015 through December 31, 2017. Motion - Allen, 2nd - Neff. Motion was approved unanimously. Sharon Emerson commented on the differences between our Guild contract and those of other small
cities she had looked at. She felt that Langley’s contract was particularly generous to the police officers.

b. Mobile Food Vendor Licensing.

**MOTION:** To adopt Ordinance No. 1009 establishing licensing requirements and fees for mobile food vendors in Title 12 of the Langley Municipal Code with several amendments recommended by Council. Motion – Neff, 2nd - Black. Ordinance 1009 was adopted with four members in favor and one opposed. Food trucks on private property would be subject to design review. Food trucks on city property have design review requirements built in. Michael Davolio intends to put out an RFP for vendors for the two allowable spots on City property. The Ordinance sunsets December 31st of this year. It will be a pilot program and council can later make a determination whether to continue, amend or discontinue the program. Thomas Gill and Bruce Allen had several questions about the ordinance which were answered by Michael Davolio, Planning Director.

**NEW BUSINESS**

a. Annual appointment of City Council Organizational representatives.

**MOTION:** To confirm the list of presented affiliations (attached). Motion – Neff, 2nd – Aller, Motion carried unanimously with the addition of the HUB & Island Shakespeare representatives.

b. Ordinance amending LMC 10.20.

**MOTION:** To bring to a first reading, an Ordinance amending Langley Municipal Code Title 10.20 and Ordinance 980 re bicycles, roller skating, scooters and skateboards. This section is being amended to exempt Police Officers in the performance of their duties from the provisions of the ordinance, which does not allow bicycles on sidewalks. Motion - Allen, 2nd - Sundberg. Motion was approved with all in favor. Discussion ensued for some time regarding the possible allowance of roller skates and scooters for children.

c. Ordinance amending LMC 10.12

**MOTION:** To waive the first reading, and adopt Ordinance 1010 amending ordinance 464 and LMC 10.12, Stopping, standing and parking generally. This is simply to correct the word “parking” strip, which should be “planting” strip. Motion - Sundberg, 2nd - Gill. Motion carried unanimously.

Debbie Mahler passed out the forms that will be posted online and advertised for contracting to promote tourism. The Tourism fund has budgeted $10,000 for small contracts for promoting tourism. Debbie asked for a Council member to join her in reviewing applications and making recommendations for funding.

**e. Fee Resolution re Mobile Vendor Licensing Fees**

*MOTION:* To waive the first reading, and approve a Resolution amending the Municipal Code Fee Schedule regarding mobile vendor licensing. Motion - Allen, 2nd - Neff. Motion carried. Calendar year added.

**f. Approval of Memo of Understanding between Island County, South Whidbey Parks and Rec Dist., the City and Port District for mutual assistance and support for parks and park facilities within each jurisdiction.**

*MOTION:* To approve the MOU between Island County, South Whidbey Parks and Rec District, the City and Port District for mutual assistance and support for parks and park facilities within each jurisdiction. Motion - Allen, 2nd - Neff. Motion passed without opposition.

**COUNCIL REPORTS**

Robin Black passed out the updated Langley promotional brochure that she has developed as her project with Leadership Snohomish/Island County. Jim Sundberg reported that there has been progress on a proposal to reinstate some routes on the Island Transit bus lines. There will be a series of public meetings on the subject. Meetings will be held on the 3rd, 5th and 12th of February. Times and places are listed on the Island Transit website. Bruce Allen reported that the annual salmon dinner was very successful, and it raised $2,900 for HUB. The meeting at NAS Whidbey was very informative. The Navy is bringing units in from Hawaii that will bring in sixteen new planes to the base. There are 7,000 soldiers on base now, with plans to expand that to 9,000 in the near future. Rene Neff stated the Cemetery Board would like to have better flow in its water service. She asked Public Works Director Stan Berryman about improving service when the new water line is brought in for the Upper Langley development. Stan will look into the issue. New Garbage cans with lids were placed at the Cemetery.

The meeting was adjourned at 7:44 PM.

Respectfully submitted,

[Signature]

Debbie L. Mahler, Clerk/Director of Finance
Good Evening,
Welcome to this formal meeting of the City Council of the City of Langley. Our meetings have tended to become more and more informal lately and at recent meetings citizens and staff have spontaneously entered into the discussions between council members over various issues. This is not the normal practice for this to happen. Occasionally a council member might ask for audience feedback or a specific question might be directed at an audience member or a staff member. Responding when asked a question like this is appropriate. To clarify the procedures here the elected City Council Members are conducting the city's business in an open public meeting. The intent of this process is not that the meeting be an open exchange of ideas between anyone who attends the meeting and wants to speak spontaneously on an issue. There is a scheduled time in each of the council meeting agendas for hearing citizen comments. If anyone wishes to speak during this citizen comment time we ask them to let the clerk/treasurer know ahead of time and state their name and address for the record. This is to confirm whether or not they are speaking as a citizen of Langley. These processes are followed to respect the elected positions of the council members representing the citizens of Langley.
Dear City Council Members:

Unique Qualities and Distinct Character
You are considering an ordinance that will diminish the very qualities that make Langley unique and desirable to both islanders and visitors. Visitors to Langley are not seeking a lively circus atmosphere; that they can find in the city from which they are escaping. They come here for the quiet, the peace and the serenity. Here they can hear the cries of gulls and eagles, the bell tolling when whales are sighted, the laughter of children playing on the beach and the waves lapping against the shore. They come to embrace Langley’s small town charm. Behemoth, garishly painted food trucks with loud unceasing generator noise and greasy food odors are a better fit for large, noisy metropolitan areas not small bucolic seaside towns.

Application of Design Standards
Langley’s Design review Board Standards were established to preserve these very qualities. Quoting from that standard, "Langley is fortunate to have a strong sense of place and unique quality. This comes in part from its special setting along Saratoga Passage, from the overall layout of the town, and the distinctive character of many of its buildings. It is the desire of its people to preserve and enhance this unique quality."
To achieve that end all business owners are required to meet the criteria and seek the approval of the Design Review Board as to the colors of their buildings and the size and locations of their signage. Exempting Food Trucks from these same design standards is to disregard the desire of the people as stated in its Design Review Standard.

Negative Impact to Potential Future Restaurants
Three large restaurants are empty and have been for years. Possible tenants to those restaurants will view food trucks as a draw on their potential customer base. Their scavenging of summer diners may very well contribute to a decision to NOT open a new, year-round restaurant in one these vacant buildings.

Negative Impact to Existing Restaurants and Businesses
A new Spanish restaurant is opening at 220 First Street. The owner will need all the custom he can handle during the summer months to see him through the leaner winter season.
The Mobile Food Vending Site at the intersection of Anthes and First Street is just outside the front door of the Dog House restaurant. Have you considered or asked how the owners, how they will be impacted by the presence of a food truck located nearly on its doorstep?

Have you considered or asked the two professional counselors, located on the 2nd floor above First Street near to the same Mobile Food Vending Site, how they and their patients will be impacted by the incessant generator noise?

Parking
Chapter 8 of Robert Gibbs’ *Principles of Retail Planning and Development* addresses Parking. It begins, “Parking is one of the most critical issues facing any retailer or shopping district today. Unlike work, school, or obligatory tasks, most shopping trips are elective activities. People do not have to shop and will often avoid downtown commercial districts or suburban shopping centers if parking is difficult to find or challenging. If parking is not readily available, potential customers will simply continue on their way, often to alternative shopping areas. If a street space or surface parking is available, even for a small fee, these customers will likely stop and shop. Easy-to-use, clean, well-lit parking is **essential to the sustainability of shopping districts and their individual stores.** It should be logically organized, hassle-free, and nonthreatening to the consumer.” None-the-less, many parking spaces were permanently removed last year during the Second Street renovations. Our year-round businesses have been harmed. They will be negatively impacted by the loss of even one additional customer parking space, much less **three** to every food truck. The impact is "especially" severe during the summer months when parking near to the shops is scarce. It is these months, the most active shopping days of the year, that generate most of the annual revenue for Langley’s small year-round businesses. Parking during these summer months is **crucial** to our economic sustainability.

You’ve indicated that a food truck can be safely parked at the intersection of Anthes and First adjacent the park. You might instead mark these as customer parallel parking spaces.

Remedy the Problem not the Symptom
Admitting food tucks to Langley is a short-sighted attempt to treat a **symptom** of a more difficult **problem.** The **symptom** is that a couple of our restaurants have more diners then they can handle during the summer months, but too few diners to tolerate competition from additional new restaurants during the winter months. The **problem** is too few visitors to Langley during the winter months such that opening a new restaurant or any new business here is a poor business decision. Your rush to treat the **symptom**, will make it more difficult to solve the **problem** – The **problem** is too few visitors to Langley during the winter months. Work on that problem. It adversely effects both our restaurants and our retail business and indeed all of Langley's residents due to the decreased tax revenues.

Don’t rush through the approval of this food truck ordinance tonight. Take the time to fully consider these seven points:
1. Food trucks are the antithesis of the very qualities that make Langley unique and desirable.
2. The new ordinance disregards the Design Review Standards.
3. That the presence of food trucks will have a negative effect the decision of potential new year-round restaurants to locate here.
4. The negative impact of generator noise and food odors.
5. The income loss to all businesses due to the loss of customer parking spaces.
6. Take the opportunity to create additional customer parking.
7. Work to solve the real problem - too few visitors to Langley during the winter months.

Thank you for your time and attention.

**Prohibition of business owners and their employees from parking on 1st, 2nd and Anthes within the Business District**

Before yet another summer season commences, I would like to know when the council will address the concerns that I and other business owners have repeatedly raised regarding prohibiting both business owners and their employees from parking in those precious public spaces on First Street, Second Street and Anthes within the Central Business District.