



City of Port Orchard Council Meeting Minutes Regular Meeting of July 22, 2008

7:00 P.M. CALL TO ORDER AND ROLL CALL

PRESENT: Lary Coppola, Mayor
Council Members: Mayor Pro-Tem Clauson, Chang, Childs, Colebank, Olin, and Putaansuu

ABSENT: Councilmember Powers

ALSO PRESENT: Police Commander Marti, Public Works Director Dorsey, Development Director Weaver, City Clerk Kirkpatrick, and City Attorney Jacoby.

PLEDGE OF ALLEGIANCE

Gil Michael led the audience and Council in the Pledge of Allegiance

CITIZEN COMMENT

Gerry Harmon, 906 Kitsap Street, opposed the proposed sewer assessments regarding Bed and Breakfast (B&B) businesses and recommended the Council consider allowing B&B owners a similar adjustment as that given to new businesses in relation to admission taxes.

APPROVAL OF AGENDA

Councilmember Clauson moved and Councilmember Olin seconded the motion excusing Councilmember Powers from the July 22, 2008, City Council meeting. *Upon vote, the motion passed unanimously.*

Council Member Colebank moved and Council Member Olin seconded the motion approving the Agenda as amended. *Upon vote, the motion passed unanimously.*

APPROVAL OF CONSENT AGENDA

Council Member Putaansuu moved and Council Member Colebank seconded the motion approving the Consent Agenda. *Upon vote, the motion passed unanimously.*

- A. Approval of Claim Warrants #50122 through #50179 in the amount of \$160,372.52
- B. Minutes of the July 8, 2008, City Council Meeting
- C. Approval of Mayor's Appointments to the Lodging Tax Advisory Committee

PRESENTATIONS AND PROCLAMATIONS

Employee of the Quarter

Mayor Coppola announced the Employee of the Quarter for the First Quarter is Donna "DJ" Phipps, Office Manager for the Public Works Department, and the Second Quarter is Officer Beth Deatherage of the Police Department. He congratulated both employees, noting they were well-deserving of this recognition.

PUBLIC HEARINGS

Ordinance No. 022-08, Regarding the Cousins2 Annexation with Zoning and Comprehensive Plan Designations

City Attorney Jacoby reminded Council that while they normally operate in a legislative capacity, during this Public Hearing the Council is acting as a quasi-judicial body. City Attorney Jacoby asked if any Councilmember had any ex parte communication with anyone regarding this application. There was no response from any Councilmember. City Attorney Jacoby further asked if any Councilmember had any financial interest in this property, with the applicant or representative of the applicant, either directly or indirectly relating to the property involved. There was no response from any Councilmember. City Attorney Jacoby asked if any Councilmember had any reason to believe they would not be able to render a fair and impartial decision based on the information they receive today. There was no response from any Councilmember. City Attorney Jacoby asked if any member of the audience felt any of the Councilmembers should not participate in the hearing. There was no response from any audience member.

At 7:08 p.m. Mayor Coppola opened the Public Hearing.

Development Director Weaver presented his staff report, noting the applicant submitted a Petition for Annexation on September 28, 2007, to annex one parcel totaling 2.24 acres, located west of the intersection of Glenwood Road SW and SW Sedgwick Road. The parcel is adjacent to a *mixed use* zoned area and the applicant intends to extend additional commercial uses on this parcel. The parcel was incorporated into the City's Urban Growth Area by Kitsap County as part of the 10-year update of their Comprehensive Plan in December 2006 with a County Comprehensive designation of *Urban High-Intensity Commercial/Mixed Use*. The applicant is requesting to be annexed with City Comprehensive Plan and Zoning designations as *Commercial*.

Applicant Terry Cousins noted this has been a long process and urged the Council to approve her request for annexation.

Fred Depee voiced his support of the proposed annexation.

City Attorney Jacoby explained that the action before the Council was to direct staff to revise the ordinance in order for Council to approve the annexation and Comprehensive Plan designation;

and to continue approval of the zoning to the August 26, 2008 meeting. City Attorney Jacoby further clarified that previously staff has presented these issues in two separate ordinances and staff, in an effort to streamline the process, has combined the action into one ordinance. However, State law requires that there be two public hearings on zoning matters no less than 30 days apart. Should the Council approve this request, staff would bring an ordinance back at the August 12th meeting under the consent agenda and then forward to the August 26th meeting for second reading and adoption of the zoning portion.

There being no further testimony, Mayor Coppola closed the Public Hearing at 7:16 p.m.

NEW BUSINESS

Adoption of Ordinance No. 022-08, Approving the Annexation Request for the Cousins2 Property

Development Director Weaver presented his staff report, noting the public hearing for this parcel was heard previously and staff recommends Council move to adopt the annexation and comprehensive plan at the August 12th meeting under consent agenda and direct staff to hold the second reading and adoption of the zoning portion on the August 26, 2008 Council meeting.

Councilmember Putaansuu moved and Councilmember Olin seconded the motion to place an ordinance on the August 12th Consent Agenda adopting the annexation and comprehensive plan designations for the Cousins2 property and move the zoning portion for second reading and adoption at the August 26th Council meeting.

Councilmembers requested the ordinance contain the language, *“including assessments or taxes in payment of all or any portion of the outstanding indebtedness of the City contracted for, incurred prior to, or existing on, the date of annexation.”*

Upon vote, the motion passed unanimously.

Meeting with Initiating Parties Regarding Notice of Intent to Petition for Annexation of Municipal Purposes

Development Director Weaver presented the staff report, noting the City is requesting to annex 4.35 acres located on the northwest side of the intersection of SW Old Clifton Road and Fiegley Road SW. This parcel is in the Kitsap County’s McCormick Woods/ULID #6 Urban Growth Area, with a County Comprehensive Plan designation of *Urban Reserve* and *Urban Cluster Residential/Urban Reserve* zoning. The applicant is requesting City Comprehensive Plan designation of *Public and Community Spaces* and *Community Facilities* zoning. Staff recommends that the Council allow a petition to be circulated for annexation of the property described in the Notice of Intent and require the simultaneous adoption of Comprehensive Plan and zoning designations, and the assumption of existing City indebtedness by the area to be annexed.

Councilmember Clauson moved and Councilmember Olin seconded the motion to allow the applicant to circulate a petition for annexation of the property described in the Notice of Intent and to require the simultaneous adoption of Comprehensive Plan and zoning designations, and the assumption of existing City indebtedness by the area to be annexed. Upon vote, the motion passed unanimously.

COMMITTEE REPORTS

Councilmember Olin reported that the WWRP Parks Grant presentation went very well and noted that should the City receive the grant that it is obligated to connect the park to a couple of trail systems, i.e. a bike/pedestrian path from the Paul Powers Park to Tremont.

Councilmember Putaansuu noted the next Utility Committee meeting would be held on August 13, 2008, 8:00 a.m. at Myhre's and they would be discussing the Storm Water Utility.

Councilmember Childs noted the next Tourism Committee meeting would be held on August 13, 2008, 2:00 p.m. at City Hall and the next Festival of Chimes and Lights Committee meeting would be held on August 13, 2008, at 6:00 p.m. He reported he had joined Coreen Johnson, Chamber of Commerce, and Brian Sauers, Port of Bremerton, to try out some electric boats that may come to Port Orchard and noted they could hold up to 12 people and go 7 knots.

MAYOR'S REPORT

Mayor Coppola introduced Dr. Craig Johnson who is visiting from Australia and staying at the Cedar Cove Bed and Breakfast.

COUNCIL REPORTS

Development Director Weaver advised that the Herstad land use zoning approval would come forward on either the August 12th agenda or the August 26th agenda and Mr. Herstad is scheduled to attend the meeting to answer Councilmembers' questions.

Public Works Director Dorsey reported that an email had been sent to Washington State Department of Transportation regarding paving on Bay Street, noting he has not had a response as of yet.

CITIZEN COMMENTS

Gerry Harmon, 906 Kitsap, requested that additional copies of the full Council packet be made available for the citizens who come to the meeting and do not have computer access.

Diane Hubert, 226 Tremont Place, requested clarification of the location of the crosswalks for the roundabout, noting that students would not walk to the crosswalks to cross and sees this as a potential safety hazard.

Dana Harmon, 824 Kitsap Street, voiced her disappointment that the Council is moving forward with the roundabout and stated it would not be safer for the residents living within the Tremont Corridor.

Gil Michael, 228 Seattle Avenue, requested the community be notified and allowed to comment on the Tremont Corridor project as it progresses.

EXECUTIVE SESSION

At 7:38 p.m. Council moved into Executive Session for 20-minutes for the purpose of discussing potential litigation RCW 42.30.110(1). City Attorney Jacoby, Development Director Weaver, and Public Works Director Weaver were invited to attend the Executive Session. City Attorney Jacoby announced no action would be taken as a result of the executive session. At 8:02 p.m. Mayor Coppola reconvened the meeting.

Councilmember Childs invited the community to attend the Kitsap Bank Centennial on Friday, August 8, 2008, at 11:00 a.m., noting many activities and events have been planned for the community.

ADJOURNMENT

At 8:13 p.m. Mayor Pro-Tem Clauson adjourned the meeting.



Patricia J. Kirkpatrick, City Clerk



John Clauson, Mayor Pro-Tem