

Langley City Council Meeting Minutes

July 6, 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; Michael Davolio, Planning Director; Dave Marks, Chief of Police and Debbie Mahler, Clerk/Finance Director. Mayor McCarthy led the flag salute.

MOTION: To approve the agenda as amended. Motion - Allen, 2nd - Black. The Street vacation ordinance was listed as a resolution and citizen comments were moved to after commission and board reports. Motion carried.

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

CONSENT AGENDA

- a. Approval of council meeting minutes of 6/15/15
- b. Approval of claims warrants Nos. 33303, EFT 6/2/15 & 6/26/15 33398-33430 in the amount of \$154,438.49
- c. Liquor License – Special Occasion - Whidbey Island Fair
- d. Confirmation of the Mayor’s appointment of Sharon Betcher to the Ethics Board
- e. Confirmation of the Mayor’s appointment of Monica Guzman to the Ethics Board

RECOGNITION/APPRECIATION

Mayor McCarthy recognized Nadine Zackrisson for her service on the Langley Library Board. She was presented with a certificate and city pin. Kim Hoelting was also recognized for the beautiful live edge tables that he created for the Council Chambers. Chief David Marks was also recognized for receiving a Police Force Training Certificate from the Washington State Criminal Justice Commission for completing all required in-service training. Mayor McCarthy praised our police department and their community policing efforts.

COMMISSION AND BOARD REPORTS

Library Report – Vicky Welfare, Librarian reported that Robin Obata has retired and Ben Metz has been promoted to her position and Kate Moss, a former employee, has come back. The summer reading program for youth is ongoing. Friends of the Library have ordered new door curtains for sale. They will have a booth at Choochokum and are also available at the library.

CITIZEN COMMENTS

Mayor McCarthy asked that people be respectful of others when making their comments and to not interrupt other speakers. Many citizens were present to talk about the mobile food truck. Mayor McCarthy stated that he had received many comments from the public and those have all been shared with the City Council. He stated that this is a complicated issue and legal counsel is involved. There is a compliance issue with the ordinance which involves the permitted length of the vehicle. The City received a complaint about the food truck from a credible business owner and resident of the City regarding the code

violation and compliance issues. A stop work order was issued for the food truck pending an investigation of the issues, and/or modification of the ordinance. The Council met in a special meeting on the evening of July 3rd and passed a weekend stay of the stop work order to allow the vendor to sell all the product he had purchased for the holiday weekend at an alternative location on Second Street. It is now up to the City Council as to whether they will modify the ordinance pertaining to the food truck or wait to take action once the investigation is complete.

Joe Wierzbowski, owner of the food truck, spoke regarding the problems with his new food truck business. He explained that the truck's length had been discussed at the Council in which the food truck was approved. Everyone missed that the length exceeded the ordinance requirements by 3'10". Danzie Thomas, a high school student, stated that she represents young people in the community who are very fond of the food truck and very disappointed because it's a wonderful business and then it was taken away. Monica Guzman, a city resident, said that she has a bed and breakfast and her guests over the weekend were very happy with the food truck and she thinks it is a wonderful addition. Les McCarthy is neighbor of Joe Wierzbowski, who was very disappointed that the food truck was pulled from business. She thinks it is awful after all the money and work Joe has put into it and feels it was very unkind and unprofessional to pull his permit after approving it. Dan Haldeman, a business owner on First Street said he was sorry to see the food truck leave First Street. His clients were upset about it leaving, and he feels we should allow more food trucks and more diversity in cuisine. He asked the Council "who are your constituents?" He feels young people are not being heard or represented. Food trucks are a standard way of purchasing meals these days. Louise Fiori loves Langley and loves that she can walk into town and get everything she needs. She feels she is missing the diversity the food truck brings to the city. Freeland already has three food trucks, and Langley is behind the times. She would also like to have more than one food truck in the city. Kimberly Tiller owns Whidbey Island Natural Soap Company. She stated that the Ordinance says it is a pilot program for one year and the city signed a contract with Joe and it should honor that contract and let him proceed in business. David Tiller also feels that Joe's food truck is a draw and more vendors would be nice. Gail Fleming stated that with all the talk about economic development, it is short sighted to turn away this kind of business, and she thinks the ordinance should be changed to a limit of 24 feet and that would be the end of the matter.

Mayor McCarthy explained it was an administrative action to pull the permit – he has a duty to enforce the existing ordinances and he received a credible complaint that the truck was not in compliance with the code. Gary Knight thought the food truck was a great idea; the City knew the length of the truck at the beginning, and should not change the ordinance, but approve an exception to the ordinance for Joe. Dan Haldeman also stated that the length of the truck was known before it was approved. He asked why not let him finish the season and then review the ordinance. Mayor McCarthy explained that legal counsel advised that he perform an investigation of the issue. The only alternatives are to amend the ordinance or discontinue the permit. He advised that the Council continue the stay of the stop work order and allow the truck to continue in the new location until the investigation is complete. They could then look at revising the ordinance, or if they feel they have the information they need, the Council could amend the ordinance now. Robert Levine commented that the Council should move on this now.

MOTION: To move the Council's food van discussion after citizen comments. Motion - Neff, 2nd – Gill. Councilman Sundberg abstained. Motion was passed with four yes votes.

Food Van Relocation. Bruce Allen stated that this is a new activity here in Langley and mistakes happen. The Council wants to fix this issue and wants the food van to be successful. Rene Neff was very excited about the food truck and didn't pay much attention to hearing the length of the truck. She did not visualize it. When it opened, she said it did look very big and she thinks the first area on First Street was also not a

good location and learned the truck cannot be on a tilt or near a cross walk. Nobody wanted to shut the food truck down, but needed to follow the code and fix the error. The Council instantly stayed the shutdown to keep the truck operating during the holiday weekend. She apologized for the errors and stated that we are all learning from the mistake. She thinks the truck fits perfectly on Second Street and is a better location. She also feels that all businesses need to go through Design Review and that the food truck should also. She thinks that is another mistake that design review was not in the ordinance. Councilman Gill stated that when he received the email on the 2nd about the order to stop business, he was very angry after all the work that Joe had been through. He is definitely pro food truck and thinks this is very stressful for Joe. He said the Council screwed up, the ordinance was created by one person, refined by another and then passed by council. It was the right solution in the wrong location. He hopes to get to a solution that will get Joe and others through this season and a permanent solution found.

Mayor McCarthy recommends waiting until investigation is complete, give an additional stay to keep Joe in business until further action is taken. He said the Council can amend the ordinance tonight if they so choose; Michael Davolio has prepared an amended ordinance for the Council's review. This has been a learning curve for all concerned. The recommended location had view issues that many had an emotional response to. Michael has gone over the ordinance to find if there are any other issues that need to be looked at. Michael summarized the ordinance changes he has suggested. Councilwoman Robin Black stated that the locations in ordinance need to be looked at, but those are a separate issue to be looked at later. Councilwoman Neff wants design review in the ordinance. Councilman Sundberg feels that should be looked at later. Michael said design review applies only to real estate, and he would have to look into that issue. Daphne Myer stated that she loves that Langley residents are passionate about how they feel, but the Wierzbowski's livelihood is in jeopardy and this has been very hard for them. She asked for a solution tonight. Mr. Haldeman stated that his business is in an office in a building that is substandard and has black mold. He stated that is also a code violation, and the City is not doing anything about it. Mayor McCarthy told him to file a complaint form with the City and the issue will be investigated. Joe Kintana stated that he is a lobbyist in Seattle and works with food trucks there. He said that Gary Johnson in the City of Seattle is an expert on food trucks and would probably be happy to talk to the city about these issues and gain the benefit of further information. Sharon Emerson was in favor of the food truck, but thinks the council needs to wait until all issues are resolved before the ordinance is amended.

MOTION: To adopt the prepared ordinance (No. 1017) by Planner Davolio as presented, amending Ordinance 1009 and waive the two reading requirement. Motion – Gill, 2nd – Allen. It was decided that any further changes that are necessary can be made after the investigation is complete. Motion was approved unanimously. A Five minute recess taken at 7:05 PM.

PUBLIC HEARING – To consider a petition submitted by the Star Store for a vacation of a portion of the public right of way in the dedicated alley between First Street and Second Street in Block 12 of the Plat of Langley in exchange for equal property owned by the petitioner and the intent to convey interest therein. Mayor McCarthy opened the public hearing at 7:10 PM. Stan Berryman explained that the Star Store is making some improvements to the 2nd Street entrance to the Star Store which would be in the public right-of-way. This vacation would exchange a small portion of r-o-w for other property (actually 77 square feet more than present r-o-w). He will rebuild the staircase and make other improvements to the compressors and equipment that are outside of the building. There was no further comment and the hearing was closed at 7:15 PM.

MOTION: To waive the two reading 2 requirement and adopt an Ordinance conditionally vacating a portion of an alley

abutting the Star Store between First Street and Second Street in Block 12 of the Plat of Langley in exchange for the acquisition of alternative right-of-way. Motion - Gill, 2nd - Black. Motion was approved without opposition.

Duncan McPhee, Harbormaster at the Langley Port, reported that is getting a golf cart to help with transporting people who need to park off site when they come to the harbor. He asked for quotes for electric and gas 6 person carts for rentals. Only gas powered carts are available for rental. He asked for approval to have a gas powered golf cart for two months this year.

MOTION: To allow the use of gas powered carts for use this summer. Motion Neff, 2nd – Gill. Motion carried.

MOTION: To adopt Ordinance No. 1016 –amending the Langley Municipal Code, Chapter 18, Zoning. Motion - Gill, 2nd - Allen. Motion carried with all in favor. Shannon and David Arndt stated that they want to create a wellness healing center in Langley and this ordinance would allow that.

MAYOR’S REPORT

Mayor McCarthy reported the FEMA process to approve the flood plain maps and the hazard plan resulted in changes to the flood plain maps. This may give many waterfront homes better flood insurance rates. The County will be holding a meeting on those changes and he encouraged all waterfront property owners to attend. The meeting will explain how the changes affects property and insurance rates. The Quarterly economic development workshop on the Arts was very successful. More than 40 people attended. Langley has a very vibrant Arts community. The next workshop is in September. Speakers for that workshop actually attended the arts workshop and toured Langley while they were here. Mid year supervisor evaluations are complete, supervisors are completing the evaluations of their employees. Substance abuse training was also given to supervisors who are completing the training with their staffs. Robin Black is attending Port meetings for Jim Sundberg while he is recuperating. The “Here for You” program has 57 businesses that have agreed to be involved in posting open days and hours. These will be posted on the Chamber and Main Street websites. The Ethics Board announcement has been reposted. A man and a woman who are Langley residents still need to be appointed. We currently have four members appointed. The Post Office has been repainted and the gardens have been cleaned up. A new Maxwellton power substation will be placed right off the highway at Maxwellton Road. PSE says that it will improve electric transmission.

Information sharing of perspectives on the sale of the old firehouse building. Council woman Black reported that several people have asked her to not sell the fire hall property and that the city should hold on to it. Councilman Gill has been approached with the same comments. Councilman Sundberg reminded Council that it is a double property with the potential of two uses. Chad Glass who represents Callahan McVay who has requested to purchase the property, stated that Mr. McVay has agreed to leave the majority of the land in city ownership if he purchases the building. He stated there are few buyers out there for the type of building; it would require a considerable rebuild for any other type of business. The proposal to purchase maintains the existing public spaces as they are now with easements, etc. Kim Tiller asked why sell the building and not continue to lease? There were interesting ideas presented when the building was first offered for rent, she does not feel that glass blowing is the only option for that building. Ed Halloren asked if the city really wants to be a landlord for commercial business. Kim understood that the lease only provided a certain number of parking spots for the business and thinks it is a great place for additional public parking. Mr. Glass stated that the public does use the parking lot all the time. It is also

an alternative loading zone for some businesses that are not part of the firehouse building. Mr. Glass stated that Callahan would also consider a long term lease, if the building is not sold to him.

COUNCIL REPORTS

Thomas Gill attended the Substance Abuse Prevention Coalition and received very positive comments from the Sheriff. He feels the Coalition is doing something very positive. Councilman Sundberg reported that Island Transit decided current level of sales tax revenue are not sufficient to continue going into neighboring counties to make connections. Other counties do not want to take on those routes because they then have to provide para-transit services. The Legislature passed a bill that will provide an extra two million dollars to provide those connections, but the State's budget has still not been adopted. Island Transit's resources run out July 31st. Robin Black attended a recent Chamber meeting. A Christmas committee is being formed and the Chamber's website is up and running. It is a very great site. Michaleen did a super job on it. Robin had some ideas for Langley to embrace the SCOTS ruling on marriage. A rainbow painted sidewalk at First and Anthes has been suggested, but she would like do something different as that has not been done in Seattle such as a Peace pole. She suggested a call to artists to have a locally designed pole to show our openness to all people. She feels it should be sooner than later to commemorate this historic event. Bruce Allen reported that Choochokum is this coming weekend. Rene Neff reported the Shakespeare Festival opens this weekend also. Tempest begins the 17th of July. She attended the Cemetery Board meeting where they were working on refining green burial procedures.

EXECUTIVE SESSION

Council went into Executive Session at 8:20 PM for approximately 20 minutes to consider the minimum price at which real estate will be offered for sale.

The executive session was adjourned and the regular session was reconvened at 8:41 PM.

MOTION: To decline the sale offer of the firehouse at this time and consider an extension of the lease. Motion – Allen, 2nd – Gill. The motion was approved with all in favor.

The meeting was adjourned at 8:44 PM.

Respectfully submitted,

Debbie L. Mahler, Finance Director/Clerk