



SUMMARY OF THE MINUTES TOWN COUNCIL

Thursday, May 17, 2018 – Council Chambers – Afternoon Session

CALL TO ORDER

Mayor Ghatan called the regular session of the Town Council to order at 12:00 p.m.

ROLL CALL

Councilmembers: Position No. 1, Steve Hushebeck; Position No. 2, Noel Monin; Position No. 3, Anna Maria de Freitas; Position No. 4, Tim Daniels and Position No. 5, Barbara Starr.

Others Present: Mayor, Farhad Ghatan; Treasurer, Kelle' Wilson; Town Administrator, Duncan Wilson; and Clerk, Amy Taylor.

FLAG SALUTE

Mayor Ghatan conducted the flag salute.

ANNOUNCEMENTS

Mayor Ghatan noted the time for Safe San Juan's open house event.

PUBLIC ACCESS TIME

SJC Councilman Bill Watson roasted Administrator Wilson concerning the Spring Street roundabout.

ACTION AND DISCUSSION ITEMS

SJI Garden Club

At 12:03 p.m., Mayor Ghatan proclaimed June 3rd through June 9th as SJI Garden Club Week in the Town of Friday Harbor in appreciation of the Club's annual support and generous donations to the hanging flower baskets. Marguerite Bennett, Club President, presented the Town with a \$500 check. The Mayor and Council thanked Ms. Bennett.

Department of Emergency Management

At 12:07 p.m., Mayor Ghatan invited Brendan Cowan, Department of Emergency Management Director, to make a quarterly report. Director Cowan reported on the recent "earthquake assessment" exercise for local buildings. The purpose of the exercise was to assess local historical buildings for earthquake vulnerabilities and encourage sensible seismic retrofits. Discussion followed regarding current international building codes. Mayor Ghatan and the Council thanked Director Cowan for the update.

SJI Emergency Medical Services

At 12:19 p.m., Mayor Ghatan invited Jerry Martin, EMS Chief, to make a quarterly report. Chief Martin reported on local programs and service calls. Chief Martin reported that the EMS is working with other regional departments to streamline routines and policies in case there is an emergency requiring mutual aid. Mayor Ghatan and the Council thanked Chief Martin.

Committee Assignment – SJI Advisory Group

At 12:26 p.m., Mayor Ghatan explained that the Town should have appointed one member to the SJI Advisory Group to determine feasibility of the merging of EMS and Fire services. Administrator Wilson explained that the final 2 members of the group are selected at-large by the committee. No discussion followed.

Moved by Monin, seconded by Starr, to rescind the motion of May 3, 2018 regarding said committee appointments; and affirm the appointment of Charles (“Chuck”) Daldorff to the SJI Advisory Group. Motion passed unanimously.

PUBLIC HEARING

Rezone Application No. 71

At 12:27 p.m., Mayor Ghatan opened the continued public hearing for consideration of Rezone Application No. 71, a request by Friday Harbor Medical Investors, LLC to rezone from Professional Service to Commercial.

The subject property is identified as Tax Parcel Number 351491511 and is located at 660 Spring Street, which includes a main structure of approximately 28,300 ft² on a 2.49± acre lot. The San Juan County Assessor’s Office describes this parcel as NE 16 EX IMP 91541 & 91542 Sec 14, T 35N, R 3W, records of San Juan County, Washington. The property was commonly known as the Island’s Convalescent Center.

Mayor Ghatan asked if any member of the audience objected to his or other Councilmember’s participation in the hearing. Attorney Stephanie O’day objected to Councilmember de Freitas’ participation. Mayor Ghatan asked if any Councilmember wished to excuse themselves from participating. The Council answered in the negative. The Council stated that no conflicts of interest exist. The Council stated that they could hear the application in a fair and objective manner. Councilmember Monin and Hushebeck placed communications with the public on the record. Councilmember Hushebeck noted that he reviewed the staff report and watched the video of the April 5, 2018 hearing in order to participate in deliberations.

Administrator Wilson addressed the objection submitted by Stephanie O’day, Applicant’s legal counsel, as Exhibits B and C, regarding Councilmember de Freitas’ participation in the hearing pursuant to the Appearance of Fairness doctrine. (See Exhibits B and C.) Town Attorney Kenyon provided the legal opinion that the objection is not compelling enough for Councilmember de Freitas’ recusal.

Land Use Administrator, Mike Bertrand, officially entered additional Exhibits B-E into the record. Mr. Bertrand presented no additional facts for consideration.

Mayor Ghatan asked the Applicants to present any additional testimony.

Stephanie O’day, legal counsel for the Applicant, spoke about the Appearance of Fairness doctrine. Ms. O’day testified that Councilmember de Freitas is a hotelier and could be construed as having an interest in a property rezone with an allowable use of transient accommodation. Ms. O’day testified that the welfare of the community will be served by rezoning the property to a designation that is suitable for the use and size of the 80-room facility. Ms. O’day urged the Council to not focus on the previous use of the property as a skilled nursing facility.

Todd Fletcher, Regional Vice-President for the Applicant, described Life Care Centers of America’s experience as the owner and operator of the facility. (See Exhibit E.) Mr. Fletcher testified that the fiscal model for running a skilled nursing facility cannot be supported at that location. Mr. Fletcher stated that the Center has made several failed attempts to find another buyer for the facility.

Mayor Ghatan thanked Mr. Fletcher and noted that the Council may not focus on one potential use of the property if rezoned. Mayor Ghatan asked if there was additional information from the Applicant regarding the “welfare to the community.”

Stephanie O’day replied that the “welfare to the community” is derived by having the building occupied by business(es) that employ people that are contributing tax dollars to the community.

Bill Giesy, representative for the Applicant, listed the vacant professional zoning and commercial office spaces currently available throughout Town. (See Exhibit D.)

Mayor Ghatan thanked the Life Care Centers of America for maintaining the grounds of the vacant property. Mayor Ghatan asked if the Council had questions of the Applicants. Hearing none, Mayor Ghatan opened the hearing to public testimony. Hearing none, Mayor Ghatan closed the public testimony portion of the hearing while reserving the right to reopen if needed.

Mayor Ghatan opened the hearing to Council deliberations.

Councilmember Hushebeck reiterated that he has reviewed the record. Councilmember Hushebeck stated that he does not support the application at this time.

Councilmember Daniels stated that he supports the application. Councilmember Daniels stated that all abutting properties are zoned commercial thereby creating a “commercial corridor”. Councilmember Daniels stated that denial would be based on public sentiment about non-existent future uses of the property and that rezoning to commercial would not preclude those types of professional services.

Councilmember Monin stated that he was not fully in support of the application. Councilmember Monin noted that the rezone of the neighboring property (medical center) has not resulted in the sale or lease of the property for any use. Councilmember Monin also stated concerns regarding setting precedents for zoning changes. Specifically, that the application request comes just months following the owner’s decision to sell the parcel. Councilmember Monin stated that he was hesitant to rezone (any) property without a clearly defined need and reasonable amount of time passing between transactions.

Councilmember Daniels responded that the statement regarding the rezoning of the neighboring property is not quantifiable.

Councilmember Starr stated that she was not in support of the application at this time. Councilmember Starr stated that she has not heard testimony that persuaded her of the need to rezone the parcel.

Councilmember de Freitas stated that she was not in support of the application at this time. Councilmember de Freitas stated that there are several vacant properties and that rezoning an additional parcel would not promote sustainable economic growth.

Councilmember Daniels responded that residential uses are not allowable uses of the property in regards to the needs for affordable housing for workers.

Administrator Wilson asked the Council to clarify if they would consider any type of zoning change to allow residential uses. Councilmember Hushebeck stated that he would consider future requests as a separate matter. No consensus was offered.

Moved by Hushebeck, seconded by Starr, to decline Rezone Application No. 71 and prepare findings of fact and conclusions of law. Motion passed 4-1 with Daniels opposed.

Resolution No. 2384

At 1:19 p.m., Mayor Ghatan introduced discussion of draft Resolution No. 2384 regarding the SJC Solid Waste and Moderate Risk Waste Management Plan. Administrator Wilson explained that minor revisions were made to the Plan and are included as an exhibit to the resolution. Discussion followed regarding e-waste.

Moved by de Freitas, seconded by Monin, to adopt Resolution No. 2384, approving the final draft of the SJC Solid Waste and Moderate Risk Waste Management Plan; and authorizing its submittal to the Department of Ecology for final review and approval. Motion passed unanimously.

Resolution No. 2385

At 1:24 p.m., Mayor Ghatan introduced discussion of draft Resolution No. 2385 regarding lease of public right-of-way. Administrator Wilson explained that Cask & Schooner Restaurant has applied to use a portion of the right-of-way located at 1 Front Street for outdoor public seating during the 2018 summer season. No discussion followed.

Moved by de Freitas, seconded by Hushebeck, to adopt Resolution No. 2385, authorizing conditional private use of right-of-way located at 1 Front Street. Motion passed unanimously.

H/M Allocation

At 1:26 p.m., Mayor Ghatan introduced discussion of a request by SJ Community Theatre for allocation of hotel motel excise tax funds for operations and programs. Administrator Wilson explained the particulars of the request. Discussion followed regarding the current programming.

Moved by de Freitas, seconded by Hushebeck, to allocate \$25,000 from the 1st 2% Hotel Motel Excise Tax Grant Funding for programming; and direct staff to prepare an agreement for consideration. Motion passed unanimously.

First Street Pocket Park

At 1:51 p.m., Mayor Ghatan introduced discussion of the proposal for a pocket park at the First and Court Street (SJI Grange). Administrator Wilson explained that sidewalk repairs are need at the location and that installation of a pocket park would solve ongoing issues, improve accessible parking and add a feature to that area of the Town. Discussion followed regarding the benefits of a pocket park, conceptual design and other amenities needed in our parks. **Council consensus to draft plans and a cost estimate to include in the 2019 budget cycle.**

David Jones (Mayor)

At 2:02 p.m., Mayor Ghatan asked the Council for their thoughts on honoring Mayor Jones for his contributions to the Town. Mayor Jones’ service will be held on June 23rd. Mayor Ghatan will be present to issue a proclamation. **Council consensus to support any actions that Mayor Ghatan feels appropriate.**

ADMINISTRATOR’S REPORT

At 2:06 p.m., Administrator Wilson presented the Town Council with an update of the following:

- Spring Street Roundabout – The project is complete and appears to be working well.
- Web/A/Nichols Street Improvement Project – Mike Carlson Enterprises appeared to submit the low responsive bid. Town has forwarded the bids to the project engineer for review and recommendation. Council is requested to continue the meeting in order to award the project.
- Historic Preservation Easement – SJC is finalizing the transfer of their Malcomb Street project from the Land Bank to it General Fund. The placement of an easement is required for the transfer. The particulars of the easement were explained. **Moved by de Freitas, seconded by Starr, to authorize the Mayor to execute the historic preservation and access easement for Lots 1, 2, 3 and 4, Short Plat of**

Malcom Argyle [TPN #351391424, 3513911425, 351391426 and 351391427]. Motion passed unanimously.

- Parking Enforcement Officer – A seasonal .5 FTE employee is recommended for seasonal parking enforcement. **Council consensus to allow hire of said position for the 2018 summer season.**
- Town website – The website is online in “beta” form.
- Zach Fincher – Association of Washington Cities has awarded Mr. Fincher a scholarship from the Center for Quality Communities.
- Systems Administration – Town is interviewing candidates for the position. There are 2 finalists being considered.
- FH Film Festival – The Festival is requesting additional funding for promotion.
- Memorial Park – Another monument has been installed.

PAYMENT OF CLAIMS

Moved by de Freitas, seconded by Hushebeck, to approve the payment of Claim Warrant Nos. 44189 through 44259 in the amount of \$633,589.79. Motion passed 4-0 with Monin absent.

APPROVAL OF MINUTES

Moved by de Freitas, seconded by Starr, to approve the minutes of **May 3, 2018 as submitted.** Motion passed 4-0 with Monin absent.

FUTURE AND NON-AGENDA ITEMS

No future agenda items were forthcoming.

CITIZEN RESPONSE

No citizen response was forthcoming.

ADJOURNMENT – Hearing no further business and no objection, Mayor Ghatan continued the meeting at 2:24 p.m. The continued session is scheduled for Wednesday, May 23, 2018 at 8:00 a.m.

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These minutes were approved on [date]. The original document is retained by the Clerk in the Town Council’s permanent records. Attest: Amy Taylor, Town of Friday Harbor Clerk