



**CITY COUNCIL MINUTES**

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**Regular Meeting**  
**Monday, November 17, 2014**  
**7:00 p.m.**

**CALL TO ORDER**

Mayor Perry called the meeting to order at 7:00 p.m. and led the flag salute.

**ROLL CALL**

Present: Mayor Perry, Mayor Pro Tem Taylor, Councilmembers Whalen, Jones, Ott, Morton, Manley, and Zaroudny

**STAFF PRESENT**

Public Works Director Neal, Interim Finance Director Garrison, Police Chief Hernandez, Associate Planner Larson, and City Clerk Bolam

**ADDITIONS / DELETIONS**

Councilmember Zaroudny suggested moving the Planning Commission Work Plan item down to Item C. Mayor Perry confirmed.

**CITIZEN PARTICIPATION**

<b>Speaker</b>	<b>Address</b>	<b>Comments</b>
Tom Boyle	1109 9 <sup>th</sup> Ave	Would like to see the City's meetings broadcast on public television and the associated costs added to the 2015 budget.  Expressed disappointment with the decision to add additional executive and administrative space to city hall, saying the money would have been better spent on public safety features.

**CONSENT AGENDA**

Approval of:

A. Minutes

- a. November 3, 2014 Regular Meeting
- b. November 10, 2014 Special Meeting
- B. Voucher and Payroll Approval
  - a. Checks/vouchers 55922-55958 in the amount of \$ 304,425.85.
  - b. Payroll of 11/5/14 in the amount of \$ 261,689.11.
- C. Executive Remodel Acceptance
- D. Sole Source
- E. Surplus Vector Truck
- F. King County ILA – Fingerprint Capture

Councilmember Ott asked to pull item 5C, Executive Remodel Acceptance. Mayor Perry moved it the top of the Regular Agenda as Item 7A.

**COUNCILMEMBER MORTON MOVED**, seconded by Whalen, to approve the rest of the Consent Agenda – **Passed 7/0**.

**PUBLIC HEARINGS**

A. 2015 Budget – Final Public Hearing

Mayor Perry opened the Budget public hearing at 7:15 pm.

Interim Finance Director Garrison explained the budget document changes that have been made.

Speaker	Address	Comments
Jacquelyn Whalen	1605 13 <sup>th</sup> Ave	As a citizen, expressed thanks to council and staff for this budget, saying the city is on the right track and she understands fine tuning is coming early next year.

Mayor Perry closed the Budget public hearing at 7:19 pm.

B. Marijuana Regulations

Mayor Perry opened the Marijuana Regulations public hearing at 7:19 pm.

Associate Planner Larson explained this packet item. He reviewed previous council review and actions, the Planning Commission’s review and actions, and the proposed ordinance. He reviewed the city’s visioning project and how marijuana uses might fit into each district. He reviewed Chief Hernandez’ comments to the Planning Commission from the police perspective, and he explained that there is no direct funding to the city for marijuana sales beyond the standard sales tax.

<b>Speaker</b>	<b>Address</b>	<b>Comments</b>
Dan Ho	1414 23 <sup>rd</sup> Ave	Expressed concern with the unknowns of allowing marijuana presence in the community, referring to the known negatives associated with alcohol presence. Said that retail businesses are in Milton's vision; marijuana product might not be.
Gloria Fredickson	1801 Emerald	Spoke against allowing marijuana uses in the City, referring to it as a gateway drug, and citing the easy access to it that youth have.
Jacki Strader	1809 13 <sup>th</sup> Ave	Supports the ordinance from the Planning Commission to ban marijuana uses, citing the BPA issue as her main concern.
Tom Boyle	1109 9 <sup>th</sup> Ave	Spoke in favor of allowing marijuana uses on an interim basis for two years, setting a date to review how it's going, modeling after the City of Tacoma. He would like to see the planning commission tasked with recommending regulations, saying that as a 4/2 board they will restrict the use until it is safe and confined.
Jacquelyn Whalen	1605 13 <sup>th</sup> Ave	As a citizen AND planning commissioner, in favor of banning marijuana uses in the City. She asks for the planning commission to be tasked with recommending regulations rather than allowing the moratorium to expire. Referred to the council's oath to uphold federal law. Encouraged council to listen to the police facts, statistics, and concerns.
Bill Rowling	Truck City CB Radio	Letter received read into the record by Clerk Bolam. The letter included the opinion to allow medical marijuana coop in the City of Milton.
Lila Carpenter	Resident of Milton since 1966	Letter received read into the record by Clerk Bolam. The letter included the opinion to disallow all marijuana related uses in the City of Milton.
Diana Pag	2405 10 <sup>th</sup> Ave	Letter received read into the record by Clerk Bolam. The letter included the opinion to disallow all marijuana related uses in the City of Milton.

Mayor Perry closed the Marijuana Regulations public hearing at 7:47 pm.

Planner Larson said the city has the authority to ban, allow, or adopt regulations above and beyond those allowed by the state. The current moratorium is set to expire on January 4 (later determined to be January 7), 2015. These regulations are for recreational marijuana businesses only; these regulations will not relate to the current ban on medical marijuana uses. If no action is taken by council by January 7, the interim regulations would go into effect.

Mayor Perry clarified that Planner Larson's comments belong with the regular agenda item on this topic and will be considered when we get to that point on the agenda.

### **REGULAR AGENDA**

- Executive Remodel Acceptance

Councilmember Ott spoke to his reason for pulling this item from the Consent Agenda. He said that the final cost of the project requires some council input. It wasn't fair for the police department to have spent \$25,000 and to have done all the work on their own. He's concerned that, while he wanted it done right the first time, it was a lot of money.

Councilmember Jones noted that, when it was approved, the space was to be for the Mayor, City Clerk and the City Administrator, and it would be available for executive sessions.

Councilmember Morton said that he was the only one who voted no for this project.

**MAYOR PRO TEM TAYLOR MOVED**, seconded by Councilmember Whalen, to accept the Executive Remodel Project, subject to the requirements of appropriate State agencies, and the subsequent release of retainage to the contractor.

Mayor Pro Tem Taylor said it is council's responsibility to support our city as a whole, and that includes our administrative staff. Before the remodel, this was not set up well, with no place to accept guests and not conducive to operations. Perhaps the money was too much, but it was well spent – the area had to be addressed as it was in very poor shape. This was necessary for efficiency.

Councilmember Whalen concurred with Mayor Pro Tem Taylor, offering history on this item: when the space was vacated by the police department last April, it was recognized that the space was inadequate for any use. It was deemed appropriate for the city to remodel the space; otherwise it would have continued to deteriorate. This is the cost of the project.

Mayor Perry reminded council that the lack of public reception space, the lack of adequate meeting space, and the necessity of the public to stand outside during executive sessions were all cited for support of the project. And that the reason we are moving forward without a city administrator is to cover other more pressing needs, such as a roof for the city hall building.

**The motion was voted on and passed 6/1. (Ott)**

- Pierce County Proposed Annexation Amendment (Countywide Planning Policies)

Associate Planner Larson explained this packet item, saying the county's main goal is to speed up annexations of county land into city jurisdictions. He explained the process at the county level. And he explained why staff is requesting that council oppose the amendments, by explaining the effect these amendments would have had on the city's recent Pacific Highway annexation. He confirmed that Pierce County Council has adopted this amendment.

**COUNCILMEMBER JONES MOVED**, seconded by Councilmember Whalen, to adopt the attached resolution, opposing the 2014 amendments to the Pierce County county-wide planning policies. **Passed 7/0.**

- Marijuana Regulations

Councilmember Ott stated that his oath to uphold the US Constitution, which takes precedence over state law, leads his reasoning to support the planning commission's recommendation to ban marijuana uses in the City of Milton.

**COUNCILMEMBER OTT MOVED**, to adopt the attached ordinance banning recreational marijuana uses in the city of Milton. **There was no second to the motion.**

**COUNCILMEMBER OTT MOVED**, seconded by Councilmember Whalen, to adopt permanent regulations banning marijuana related businesses from locating within the City of Milton; repealing Ordinance 1846-14 and Section 17.44.120 of the Milton Municipal Code; providing for severability; and establishing an effective date.

Councilmember Whalen also stated his stand with federal law, saying the ban of marijuana uses in Milton is the right course to take.

Councilmember Zaroudny expressed her appreciation for the work of the Planning Commission, while speaking in opposition to the motion. She expressed her concern that the Planning Commission was not given the time or the resources to adequately study the subject. She is in favor of continuing the ban on the production and growth of marijuana in the city and allowing for retail establishments.

Councilmember Manley expressed confusion regarding the Planning Commission's role, saying he did not think council sent this back to them in the first place so they could ban, but so that they could recommend regulations on where to allow. He's in favor of allowing retail establishments with strict regulations, saying this is a step toward making illegal sales unprofitable and his commitment to represent the majority voters of Milton who voted for I-502.

Chief Hernandez confirmed that, while it has been stated by some at the federal level that states will be left alone on this matter, the fact is the laws have not been changed.

Councilmember Morton agrees that we have to look back to what the voters approved. He doesn't believe that having legal retail drugs will affect the availability of drugs to youth. He addressed the BPA issue, saying that if any legal business use wanted to set up shop in the old Harland-Clarke building, we would not site the increased energy costs as a reason to disallow that business.

Mayor Pro Tem Taylor pointed out that we must put an end to the moratorium, but he doesn't feel that council has clear enough direction.

Councilmember Zaroudny said that, while she is not a proponent of using marijuana, this is a business for adults who are. She wants to send this back to the Planning Commission to craft regulations tailored to the City of Milton.

Mayor Perry clarified that, although Attorney Park could not be present tonight, he is aware the item is being reviewed, and he is available by phone if necessary.

Clerk Bolam called Attorney Park and relayed his statement:

There are risks associated with extending the moratorium. Milton has extended twice already over 1.5 years. If challenged, the challenge would be that it is a "rolling moratorium", essentially a permanent ban disguised as a moratorium.

However, due to the ongoing uncertainties, other jurisdictions have chosen to extend moratoriums more than two times, including King County recently. Since no one is currently seeking to open an establishment within the City of Milton, and given that other jurisdictions are extending moratoriums without seeing suits, his opinion is that at this time it is okay to extend it for one more 6-month period.

**The motion was voted on a failed 4/3.** Roll call: Yes votes were Whalen, Taylor, and Ott.

Discussion ensued.

**COUNCILMEMBER ZAROUDNY MOVED**, seconded by Mayor Pro Tem Taylor, to direct staff to consult with the city attorney to extend the moratorium and determine what steps we should take to move this along, whether by forming a special committee or sending back to the Planning Commission.

Director Neal explained the process details for extending the moratorium.

**The motion was voted on and passed 5/2.** (Ott, Whalen)

- Planning Commission 2015 Work Plan

Planner Larson briefly covered the proposed work plan for 2015. The marijuana work that may be directed at a future council meeting can be added at that time.

**COUNCILMEMBER MORTON MOVED**, seconded by Councilmember Jones, to approve the Planning Commission Work Plan for 2015 with the change of adding marijuana discussion by the March 25 meeting. **Passed 7/0.**

- 2015 Budget Adoption

Mayor Perry reminded council they do not have to approve the budget tonight, only by 12/31.

Interim Finance Director Garrison explained the changes in the current proposed document. She confirmed there's confidence in the numbers contained in the ordinance, and clarified the interfund transfer from the General Fund to the Criminal Justice Fund.

**COUNCILMEMBER WHALEN MOVED**, seconded by Councilmember Morton, to approve the budget ordinance adopting the 2015 Operating and Capital Budget.

Council expressed appreciation for the easier format, and confidence in this budget with the understanding that some changes will be necessary during the first quarter of 2015.

**The motion was voted on and passed 6/1. (Ott)**

- Authorize Approval of December Vouchers

Interim Finance Director Garrison said that the city attorney's recommendation changed after the packet went out, explaining there's no need for the finance committee to meet to approve, but that council can choose to authorize the mayor to approve with the understanding that council will ratify after the fact in January.

**COUNCILMEMBER JONES MOVED**, seconded by Councilmember Whalen, to authorize the mayor to approve the December vouchers for payment, with the caveat that they will be brought to council for ratification in January. **Passed 7/0.**

### **COUNCIL REPORTS**

Mayor Pro Tem Taylor

- Appreciated Sergeant Hume and Reserve Officer Huecker coming to Heather Hills to receive a donation to the Police Department.

Councilmember Jones

- Thanked Public Works and the Police Department for their work during the Veteran's Day storm, and he's grateful for very little power outage.
- Requested street sweeping.

Councilmember Whalen

- Expressed appreciation to the fire department for their response to a recent house fire.

Councilmember Zaroudny

- The newly paved streets are amazing.
- Kudos to staff during storm.

Councilmember Manley

- Kudos to staff during storm.

Councilmember Morton

- The newly paved streets are amazing.
- Requested street sweeping.

Councilmember Ott

- The new streets look really nice.
- The reroof on the Activity Center looks great.
- Thanked those able to attend the VFW Veteran's Day celebration.

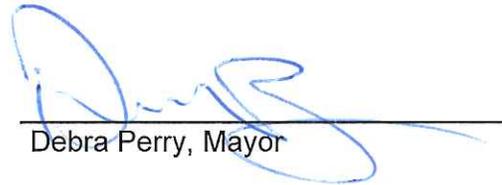
### **MAYOR'S REPORT**

- Attended the VFW Veteran's Day celebration; it was sunny but really windy. There was a good turnout, including the Police Department, Rangers, Boy Scouts, and East Pierce Fire.

- Kudos to Public Works crews, who were out tending to the storm debris during a scheduled holiday.
- The Heather Hills event was very nice, with the police donation a great gesture.
- Held an interesting meeting with King County's "Sound Cities Association" (SCA) – discussion included some cross-participation with PCCTA (Pierce County Cities and Towns Association)
- PCCTA is taking AWC's advice seriously, addressing the legislature regarding property tax ruling, asking for some of own taxing authority; and also tackling public transit issues.
- Attended the Chamber lunch with the Rangers and met the new Captain.

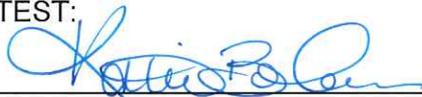
**ADJOURNMENT**

Adjourned at 11:00 p.m.



Debra Perry, Mayor

ATTEST:



Katie Bolam, City Clerk