

City of Oak Harbor
City Council Meeting

Agenda
for
Tuesday, January 5, 2010
6:00 p.m.

HAPPY NEW YEAR

Oak Harbor City Council
Tuesday, January 5, 2010, 6:00 p.m.

Welcome to the Oak Harbor City Council Meeting

As a courtesy to Council and the audience, PLEASE TURN YOUR CELL PHONES OFF before the meeting begins. During the meeting's Public Comments section, Council will listen to your input regarding subjects of concern or interest that are not on the agenda. For scheduled public hearings, please sign your name to the sign up sheet, located in the Council Chambers if you wish to speak. The Council will take all information under advisement, but generally will not take any action during the meeting. To ensure your comments are recorded properly, state your name and address clearly into the microphone. Please limit your comments to three minutes in order that other citizens have sufficient time to speak.

Thank you for participating in your City Government!

CALL TO ORDER

OATHS OF OFFICE FOR COUNCIL MEMBERS

PLEDGE OF ALLEGIANCE

INVOCATION David Lura, First United Methodist Church

ROLL CALL

MINUTES 12/15/09 Regular Meeting

NON-ACTION COUNCIL ITEMS:

1. Proclamation – Navy League Sailors and Marine of the Year Recognition.
2. Introduction/Recognition – Fire Department – Ron Hancock.
3. Proclamation – North Whidbey Relay for Life Day.
4. Public Comments.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS:

5. Consent Agenda:

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a. Appointment – Civil Service Commission.

b. Approval of Accounts Payable Vouchers (Pay Bills).

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6. Council Selection – Mayor Pro Tempore.

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7. Nightclub License – TOCG's, tabled from 12/15/09 City Council Meeting.

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8. Public Hearing – Block Grant Application for Pioneer Way.

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9. Agreement with Washington State Arts Commission – for Marina Park's bronze statue titled "Waiting."

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10. Executive Session – Property Acquisition, Collective Bargaining

11. City Administrator's Comments

12. Councilmembers' Comments

Standing Committee Reports

13. Mayor's Comments

ADJOURN

If you have a disability and are in need of assistance, please contact the City Clerk at (360) 279-4539 at least two days before the meeting.

Be always at war with your vices, at peace with your neighbors, and let each new year find you a better man.
~Benjamin Franklin

**Regular City Council Meeting
Tuesday, December 15, 2009, 6:00 p.m.
City Hall – Council Chambers**

CALL TO ORDER Mayor Slowik called the meeting to order at 6:00 p.m.

INVOCATION Pastor David Lura, First United Methodist Church

ROLL CALL

Jim Slowik, Mayor
Seven Members of the Council,
Rick Almberg
James M. Campbell
Eric Gerber
Jim Palmer
Beth Munns
Danny Paggao, Mayor Pro Tem
Bob Severns

Paul Schmidt, City Administrator
Bill Hawkins, City Prosecuting Attorney
Doug Merriman, Finance Director
Steve Powers, Development Services Director
Cac Kamak, Senior Planner
Cathy Rosen, Public Works Director
Eric Johnston, City Engineer
Rick Wallace, Chief of Police
Mark Soptich, Fire Chief
Mike McIntyre, Senior Services Director
Mack Funk, Harbormaster
Renée Recker, Executive Assistant to the Mayor

MINUTES

Motion: Councilmember Severns moved to approve the 12/1/09 regular meeting minutes; the motion was seconded by Councilmember Campbell and carried unanimously.

NON-ACTION COUNCIL ITEMS

Island County Update – Commissioner Angie Homola

Commissioner Homola presented an overview of the budget and staffing challenges being faced by Island County. Her remarks are attached to these minutes as Exhibit A. A longer budget presentation will be given to City Council in January.

Farewell to Councilmember Eric Gerber

Mr. Paggao talked about Councilmember Gerber's accomplishments during his eight-year tenure as a City Council Member. Mr. Gerber will be pursuing a career in the National Guard. Mayor Slowik presented Mr. Gerber with a certificate, fleece jacket, and free entry for the Whidbey Island Marathon. Mr. Gerber thanked the Mayor, Council, and his family and presented Mayor Slowik and Council with parting tokens of appreciation along with recognition of Doug Merriman. Mr. Gerber talked about his passion for Oak Harbor and the honor and experience of being an elected official. In closing, Mr. Gerber paraphrased Abraham Lincoln by saying that if you still have the same friends at the start and finish of your term you will not have done your job well. He complimented Council – stick together, speak as one voice, construct a better community for all of us.

Mayor Slowik called for a break at 6:20 p.m. so Council and visitors could congratulate Mr. Gerber. The meeting reconvened at 6:35 p.m.

Public Comments

Kelly Beedle, Oak Harbor Tavern, 940 SE Pioneer Way. Reconsider the one way or two way street options; reopen the meeting to public comment and rethink your choice. One way is wrong; reconsider this decision. Ms. Beedle thanked Councilmembers Campbell, Munns, and Severns for talking with her and distributed a handout titled *Mainstreet News* which is attached to these minutes as Exhibit B.

Terry LeDesky, 411 NW 3rd Avenue. It has been ten years since a three-day workshop was held with the Harbor Pride Association. Dr. James Moore spoke about small communities removing one way streets since they have a negative impact on businesses. A new Council Member could have made the vote 4 to 3 the other way. We can't afford this divisive issue in these economic times. Thanks for taking this leadership, but the street was identified as a two way pattern in the community. This change isn't worth the value of trying to create a change. Engineers work on taming problems but we need to preserve and establish the best possible solution to allow business to thrive. We can both grow and heal our community. Reconsider this one decision for the well-being of our community.

Cheryl Wieldraayer, Manager – Ace Hardware, 150 SW Pioneer Way. You are here to be the voice of the people. This vote was taken without hearing every voice. The theory was good – a small, quaint downtown – but a year or more under construction is not. One way will decrease traffic flow downtown. Don't hurt our friends and neighbors with a vote that doesn't make sense at this time. Didn't we open a street from one way to two way to help traffic flow? We are here for the people.

Mayor Slowik noted that the street will be torn up, with either a one way or two way decision, and the project will take the same amount of time.

Angela Newton, owns property on SE 8th and Regatta. Ms. Newton saw the petitions at downtown businesses opposing the one way option. This decision and traffic diversion will affect my travel and the way I enjoy downtown. Reconsider the decision. Lower the speed limit on Pioneer Way and choose an alternate diversion onto Flintstone Freeway.

Frank Scelzi, P.O. Box 2249. Mr. Scelzi also addressed the one way street decision. You cannot revitalize a community by destroying a community. I think the numbers are off. The plan shows incorrect parking areas and incorrect dimensions. What do we stand to gain? The parking garage was brought up but nothing was said about additional parking areas in town. We do not know the affect of a one way design on surrounding streets. I have concerns about Perteet, Inc. and Mick Monken's comments. I worked for one of the largest mechanical contractors in the country for 23 years. We have already seen impacts from the one way decision and have lost potential tenants. Kristi Jensen's voice is not being heard. Tenants ask about traffic counts and we are about to see traffic cut in half. I would like to see positive information concerning one way streets. Listen to those on Pioneer Way, not those who do not have an interest in downtown. As Mr. Paggao said, if we lose Pioneer Way, it is like losing NASWI. This is impacting us in a negative way. I would hate to see the City in the same position as the County. There will be additional costs to our taxpayers and a loss of livelihood to downtown merchants. People have put their blood and sweat into the downtown area.

Mel Vance, P.O. Box 2882. Mr. Vance spoke with concern about Pioneer Way. Former Councilmember Dr. Fred Henninger urged a temporary one way street on Pioneer Way rather than incurring this cost. Do this as soon as possible. It is "apples and oranges" information when looking at one way and two way. We need some hard facts. A temporary one way gives the City a chance to try it before buying it. The City would have to change signage, re-stripe the street and change the signal lights. Allow two months to collect meaningful data and then bring a report back to Council. If there are catastrophic effects from a temporary one way, it would give the City a chance to pull the plug.

Kristi Jensen, 1380 SE 8th. Ms. Jensen spoke with concern about the one way decision but addressed parking this evening. I am confused about the scaled maps which were provided by Eric Johnston. For the two way option, 30 foot wide sidewalks are shown with no parking. The design flip-flops and then there are more 30 foot wide sidewalks. The one way option has parking with more stick outs. Revise the parking on the two way plan. When you have plans, you go back and forth to get them right. Give the two way plan back to Pertee to get it right.

Paul Wolvey, 1040 SW Harbor Vista Circle. There will be problems with traffic going to and coming from the Seaplane Base. I sometimes think that the downtown merchants are their own worst enemy. They are not customer-friendly and customers can be ignored. I won't go back to these stores. You can't compete with Wal-Mart. Ace Hardware is effective and gives you good service. I would gladly support any business and don't want to see them fail but they have an obligation to their customers.

Gloria Carothers, 2130 Stoney Beach Lane, Owner of the Jewelry Gallery. Ms. Carothers referred to page 3 of the Main Street News handout which shows positive statistics on six towns which have converted from one way to two way streets. Aggregate numbers on vacancy rates are also shown at the bottom of this table.

Sylvia Salgato, 997 NW Longview Drive, Owner of the Sports Shop in Harborside Village. I am all for the two way. I work with wonderful people and I am glad that we are sticking together. Support the two way, listen to us, understand our points, and feel how we feel.

Norman McCrea, 583 SE O'Leary Street. I lost two business friends this year that had businesses on Pioneer Way. Mr. McCrea also asked to comment on WAIF and Mayor Slowik noted that he could comment when that agenda item is presented this evening.

With no other comments coming forth, Mayor Slowik closed public comments at 7:00 p.m.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS

Consent Agenda

- A. Adopt Updated Wellness Policies and Procedures
- B. Appointments to the Marina Advisory Committee: Reappoint Dave French and appoint Robert Nelson
- C. Reappointment of Councilmember Jim Palmer to the Island Transit Board of Directors
- D. Resolution Prohibiting Gender Discrimination in Athletics
- E. Approval of Accounts Payable Vouchers (Pay Bills)

Motion: Councilmember Palmer moved to approve consent agenda items A through E with item E paying accounts payable check numbers 139428 – 139432 in the amount of \$5,016.38; accounts payable check numbers 139426 and 139433 – 139555 in the amount of \$212,582.53; accounts payable check numbers 139427 and 139556 – 139757 in the amount of \$846,202.86; and payroll check numbers 93441 – 93449 in the amount of \$90,090.00. The motion was seconded by Councilmember Campbell and carried unanimously.

Public Hearing – Marina Rate Increase and Project Funding Approach

Councilmember Munns was recused since she slips a boat at the Marina; Councilmember Severns was recused since he rents a Marina storage facility. Steve Powers, Development Services Director, presented this agenda bill which proposed certain rate increases for the Marina and a funding approach for its redevelopment project. The City Council was asked to conduct a public hearing and consider approving an ordinance amending the Municipal Code, and approve a resolution which in combination will establish new rates for certain Marina services. The Marina is operated as an enterprise fund. It supports its operations, maintenance, and funding of capital improvements through the revenue it generates. It has been some time since rates have been evaluated for their sufficiency to support Marina operations and its capital replacement needs.

1. Marina rates must support its operation and maintenance needs and must be set accordingly. Rates should not only be benchmarked to those of other marinas.
2. Marina rates must generate enough revenue to build up a cumulative reserve. These funds will be allowed to accumulate and will be used to pay for future capital projects (e.g. float replacement). The annual target for the cumulative reserve is \$300,000 per year.
3. Any dredging project will not be funded by the cumulative reserve but will instead be funded through a separate dredging fee.
4. It will be necessary to borrow the money to dredge using the dredging fee as the revenue stream. The City may choose to issue bonds or to borrow from itself.

During the introduction of this agenda bill at the December 1, 2009 Council meeting, the City Council received comment from members of the public and the Marina Advisory Committee recommending that proposed increases should be phased in over time. It was suggested that perhaps three, five (5) percent increases over the period of 2010-2012 would be more appropriate than a single eleven (11) percent increase for 2010. Staff revised the draft resolution for the rate schedule accordingly. Mr. Powers noted a small typographic error in the resolution's environmental compliance fee as re-distributed to Council Members.

Mayor Slowik opened the public hearing at 7:10 p.m.

Bob Nelson, newly appointed to the Marina Advisory Committee. Since the object is to get to \$300,000 in revenue over costs in the next three years, we need to find ways to increase revenues and decrease expenses. If we can get to \$300,000 in the third year, then can we adjust the rates to maintain the \$300,000 (a potential rate cut).

Steve Schultz, Marina tenant. The drive to get money is too aggressive. I have a 41 foot boat at the Marina. Somehow, my boat has grown and I now pay by the foot for 45.8 feet (slip rent is calculated by the boat's length). Along with this is the rate increase of 11 percent or increments of 5 percent. I can decrease my boat's length by 2 feet if I take the anchor off. Are you going to measure my boat every month? Mayor Slowik asked that Mr. Schultz talk with Harbormaster Mack Funk about his boat's measurement and rate.

W.D. Mayotte, Skipper of the M/V Silvia, Marina tenant. As of last week, there is going to be a charge for launching vessels at the Seaplane Base. Why can't the City do the same and charge for vessel launches. The Seaplane Base built a booth to collect these fees. This could be a revenue source for Oak Harbor's Marina.

With no other comments coming forth, Mayor Slowik closed the public hearing at 7:15 p.m.

Council Discussion

Discussion followed about commercial use and guest moorage fees (will return to Council in 90 to 120 days), slip availability/waiting lists at comparable marinas (Oak Harbor's Marina is at 83% occupancy), the \$300,000 goal for the Marina's cumulative reserve fund, the phasing approach to reach this goal and the strong reserve needed for bonding, the Marina's capital projects, and the request for a one-page summary sheet noting what the City has been doing on the Marina project and what will be done in the future. It was suggested that City Council and the Marina Advisory Committee meet jointly during this next quarter. A five – ten year rate study is needed. Mr. Powers noted that the City is reacting in order to keep up with capital projects. Phase One is underway, Phase Two will address dredging, and before moving on to Phase Three, the City needs to look at the balance of the redevelopment plan. Remaining projects could be sequenced and construction estimates determined along with a long-term rate.

MOTION: Councilmember AlMBERG moved to approve the ordinance amending portions of Oak Harbor Municipal Code Chapter 3.63, and adopt the revised resolution establishing a Marina rate schedule. The motion was seconded by Councilmember Gerber and carried unanimously.

OH-Mazing Discount Card

Mayor Slowik asked Chamber of Commerce Executive Director Jill Johnson to explain the card which offers discounts from merchants to shop locally. The card will be good through the end of January 2010. Councilmember Gerber was also thanked for his clear questions and outstanding support of the business community.

Comprehensive Plan Amendment Process Code (Public Hearing was continued from the December 1, 2009 Council Meeting)

Development Services Director Steve Powers presented this agenda bill describing a new chapter to the Oak Harbor Municipal Code, Chapter 18.15, entitled "Comprehensive Plan Amendment Process." The purpose of this new chapter is to codify the process and schedule by which annual amendments to the Comprehensive Plan are submitted, processed and acted upon.

Mr. Powers touched upon highlights of the process:

- Formalize the amendment process and meet the requirements of RCW 36.70A.140
- Increase public involvement
- Provide a consistent and predictable schedule for the amendment process
- Provide a mechanism to proactively advance goals and policies within the comprehensive plan

The table below summarizes the process and schedule:

Initiate amendment process by publishing notice in newspaper	October
Deadline for applications	December 1
Preliminary docket published in local newspaper	December
Planning Commission to hold public hearing and make a recommendation on the preliminary docket to the City Council	Before January 31
City Council to hold public hearing and approve the annual docket	Before March 31
Review and analysis of approved amendments	April - July
Neighborhood meeting, public discussions, open houses etc	August - September
Notice to Department of Commerce	August 31
Planning Commission to hold public hearing on amendments and make a recommendation to the City Council	Before October 31
City Council to hold public hearing on amendments and take action	December 31

Mayor Slowik re-opened the public hearing at 7:40 p.m. which had been continued from the December 1, 2009 Council meeting. There were no comments so the public hearing was closed.

Council Discussion

Discussion followed about the Comprehensive Plan and Comprehensive Plan Process as legal documents which the City must follow, the Comp Plan Task Force which will be eliminated in favor of technical advisory groups for specific topics (community task forces, subcommittees and/or focus groups), and Council's sentiment that this will be a good process.

MOTION: Councilmember Munns moved to adopt the ordinance adding a new chapter to the Oak Harbor Municipal Code entitled "Comprehensive Plan Amendment Process." The motion was seconded by Councilmember Gerber and carried unanimously.

Public Hearing – Nightclub License, TOCG’S

City Prosecuting Attorney Bill Hawkins explained the appearance of fairness and quasi-judicial procedure and began with ex parte communications.

As stated in RCW 42.36.060:

During the pendency of any quasi-judicial proceeding, no member of a decision-making body may engage in ex parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding unless that person:

- Places on the record the substance of any written or oral ex parte communication concerning the decision of the action; and
 - Provides that a public announcement of the content of the communication and of the parties’ rights to rebut the substance of the communication shall be made at each hearing where action is considered or taken on the subject to which the communication related.
- This prohibition does not preclude a member of a decision-making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the record when it pertains to the subject matter of a quasi-judicial proceeding.

Mr. Hawkins then asked each Council Member to state, for the record, what ex parte contacts they have had, whether written or oral, concerning the matter to be decided. Each Council Member stated they had no ex parte contacts regarding TOCGS.

Mr. Hawkins continued to these appearance of fairness questions which were individually asked of each Council Member:

1. Do you have knowledge of having conducted business with either the proponents or opponents of this project?	Mr. Almberg	Mr. Campbell	Mr. Gerber	Ms. Munns	Mr. Paggao	Mr. Palmer	Mr. Severns
	No	No	No	No	No	No	No
2. Do you have either a pecuniary or a non-pecuniary interest in the outcome of this proceeding?	Mr. Almberg	Mr. Campbell	Mr. Gerber	Ms. Munns	Mr. Paggao	Mr. Palmer	Mr. Severns
	No	No	No	No	No	No	No
3. Do you know whether or not your employer has a financial interest in the land or area which will be impacted by the decision in this proceeding?	Mr. Almberg	Mr. Campbell	Mr. Gerber	Ms. Munns	Mr. Paggao	Mr. Palmer	Mr. Severns
	No	No	No	No	No	No	No
4. Do you live or own property within 300 feet of the area which will be impacted by the decision in this proceeding?	Mr. Almberg	Mr. Campbell	Mr. Gerber	Ms. Munns	Mr. Paggao	Mr. Palmer	Mr. Severns
	No	No	No	No	No	No	No

5. Do you have any special knowledge about the substance of the merits of this proceeding which would or could cause you to prejudge the outcome of this proceeding?	Mr. Almberg	Mr. Campbell	Mr. Gerber	Ms. Munns	Mr. Paggao	Mr. Palmer	Mr. Severns
	No	No	No	No	No	No	No
6. Do you believe that you cannot sit and hear this matter fairly and impartially, both as to the respective positions of the proponents and the opponents in this proceeding?	Mr. Almberg	Mr. Campbell	Mr. Gerber	Ms. Munns	Mr. Paggao	Mr. Palmer	Mr. Severns
	No	No	No	No	No	No	No
7. Is there any member of the audience who because of the "Appearance of Fairness" doctrine wishes to disqualify any member of the Council from hearing this matter? If so, please state the name of the Council Member and the reason or reasons why you believe that Council Member should be disqualified.							
No audience members came forward.							

Chief of Police Rick Wallace presented this agenda bill and application for a nightclub license pursuant to OHMC Chapter 5.22. The applicants are Leon and Robin Dix. Since no disqualifying restrictions prevent the issuance of a nightclub license to the applicants, the City Council will hold a public hearing to determine what conditions should be imposed to mitigate noise, traffic and other similar public health and safety impacts on operation of TOCG's. TOCG's is a restaurant and lounge located in a single story building at 880 SE Pioneer Way in Oak Harbor. The business area is comprised of two main areas, the restaurant portion where meals are served to those of all ages and alcohol is served to those 21 years of age and over. There is also a separate section of the building, closed to those under the age of 21, where there is seating for dining and alcohol service. Recorded and live music is played and there is an area for social dancing. From November 1, 2008 through October 31, 2009, there were 32 calls for service at that address. Eight (8) of those calls have no significant bearing on this issue and should not be viewed as having a negative connotation towards the nightclub as these types of calls for police service could occur at any business or private residence. The twenty-four (24) remaining calls for service did pertain to the license conditions and were described in the agenda bill.

Mayor Slowik opened the public hearing at 7:55 p.m.

Manuel Escojido, 1176 SE Hathaway. Mr. Escojido lives above TOCG's and asked if there are rules that address nightclubs which have apartments above them. Can the apartments be taken into consideration when addressing the hours that music can be played?

With no other comments coming before Council, Mayor Slowik closed the public hearing at 7:58 p.m.

Council Discussion

Council asked about restrictions on nightclubs with apartments above, mixed use zoning, how to address noise in mixed use zoning, if the rental contract addresses such use, and which part of the Municipal Code might apply to this circumstance. Council asked that a letter be sent to Mr. Escojido once these questions have been answered. Discussion continued about the complaints noted in the agenda bill, the use of security, closure time (2:00 a.m.), and whether the applicants are in agreement with the proposed conditions for this nightclub license. Chief Wallace noted that Mr. and Mrs. Dix were concerned about extra costs but could meet the conditions. Council was concerned with approving this nightclub license without answers to the mixed use questions. Prosecuting Attorney Hawkins felt the safer approach would be to research these concerns and come back to Council. Questions continued about the timeframe for their temporary nightclub license (extend it beyond this final December Council meeting), the differences in addressing noise inside or outside of the premises, and how best to define premises which will require review of the noise and zoning ordinances.

MOTION: Councilmember Munns moved to table approval of TOCG’s nightclub license until the noise and zoning ordinances could be reviewed. The motion was seconded by Councilmember Paggao.

Mayor Slowik asked if a “date certain” was needed but Mr. Hawkins felt a date did not have to be set at this point.

VOTE ON THE

MOTION: The motion carried unanimously.

Mayor Slowik called for a short break at 8:25 p.m. and the meeting reconvened at 8:35 p.m.

WAIF Contract – (Continued from the December 1, 2009 Council Meeting)

Chief of Police Rick Wallace presented this agenda bill and contract which had been continued from the December 1, 2009 City Council meeting. The proposed contract is between the City of Oak Harbor and the Whidbey Animal Improvement Foundation (WAIF) for the purpose of providing animal shelter services for the City of Oak Harbor.

In late October 2009, the City of Oak Harbor and the WAIF Executive Director, on behalf of the WAIF Board of Directors, tentatively agreed to use the terms and conditions of the existing 2009 agreement for 2010. The current agreement expires December 31, 2009. This proposed Contract would expire December 31, 2010. The City shall pay to Contractor monthly payments of Seven Thousand and Eighty Three Dollars, and Thirty Three Cents (\$7,083.33) for services under the contract after the month for which the services are rendered. Additionally, the City shall pay \$30.00 per call-out for after hours (before 8:00 a.m. and after 5:00 p.m. or on holidays) for service requests deemed necessary by Oak Harbor Police Department, upon proper billing by Contractor within 30 days of service. The City shall verify that the Contractor has provided the services required under this agreement in a form acceptable to the City. The City of Oak Harbor and Whidbey Island Animal Foundation originally came to the terms of agreement in 2005 following a request for proposal and contract bidding process and the contract has been agreed to in one year increments since then.

Mayor Slowik called for public comments at 8:37 p.m.

Public Comments

Kit Marit, WAIF Board of Directors; Stephen Paysee, WAIF Executive Director; Shari Bibich, WAIF Shelter Operations Manager were available for comments and questions.

Ms. Marit thanked Council for the City's past and continued support of WAIF. WAIF has rescued over 2,000 animals that have been placed in adoptive homes. 600 animals come to Oak Harbor's shelter each year. Ms. Marit, who is a longtime member of the WAIF Board, also sat on the committee that designed the proposal for the City. By design, some expenses were pulled out of the total costs and total costs have not been passed on to the City. Direct costs are approximately \$143,000 but the City's payment to WAIF constitutes \$85,000 annually in monthly increments of \$7,083.33. WAIF meets the difference in expenses through fundraising and 200 volunteers as their labor pool. Mr. Paysee also noted that WAIF runs a negative number each year and the annual amount of the City's contract does not meet actual costs. Ms. Bibich also thanked the City for working with WAIF.

Norman McCrea, 583 SE O'Leary Street. What a gem you have in WAIF and what they are able to do with so little. The City and the Navy should make some steps to change the shelter, it is a disgrace. Animals cannot be left on their own; Oak Harbor's shelter conditions are poor. WAIF's workers are doing the best they can.

With no other comments coming forth, Mayor Slowik closed comments at 8:45 p.m.

Council Discussion

Discussion followed about the difference in WAIF expenditures and the amount of the City's contract, how WAIF contracts with the County, WAIF's ability to raise funds through grant programs and their donation base, their annual budget and mission to provide services that benefit the animals. Ms. Marit responded that WAIF does not intend to pass through 100% of their costs to the City or County and will find the balance to cover additional expenses. Materials and veterinary services are increasing but employment costs can be controlled. Mr. Paysee is a full-time executive director and that expense is not in the City's contract; there was a conscious decision to pull some administrative costs out of the contract. The same is true for Ms. Bibich's salary. Discussion continued around the 600 animal number and it was confirmed that the number represents Oak Harbor's animals. The City's animal control officer covers only the City and Navy Base although he is available for assistance to the County officer just as the County officer can assist our officer. Council asked about the percentage of feral or stray animals versus voluntary abandonment within the 600. Chief Wallace responded that 75% of the dogs and 50% of the cats are brought in by our animal control officer. WAIF reiterated that their objective is to not have animals warehoused but rather to find them homes. Dog counts, on average, are down. 95% of WAIF's animals are delivered to new homes. Discussion followed about fines for abandonment, transitioning to more enforcement and less warnings, increasing licensing and fines fees, and a discussion of fines fees and boarding fees retained by WAIF to help cover food, medical fees, and materials which are provided by WAIF. WAIF's donation base helps keep the foundation out of the red. Discussion returned to the difference in the City and County (\$60,000) contracts and the differences in each operation. Council asked about the 5-day policy and transfer of ownership in 5 days with the redemption time being at 5 days with WAIF taking ownership after that 5-day period. Council felt that the military impact on WAIF's population should be

discussed with the Navy, as well. Council asked if County animals are being housed in the City's shelter. In actuality, City animals are transferred and housed in the WAIF facility outside of Coupeville. Oak Harbor has very limited space. This is not a matter of County residents surrendering animals to Oak Harbor. Council also asked about the \$30 call out fee which has never been used by Ms. Bibich. She has not charged the City for call outs.

MOTION: Councilmember Munns moved to approve and authorize the Mayor to sign the contract with WAIF on behalf of the City of Oak Harbor. The motion was seconded by Councilmember Campbell.

Amendment to the Original

Motion: Councilmember Almberg moved to amend the original motion and modify the document to reflect the intent of the document by removing the language referring to County animals being brought to the shelter, and instead refer to NASWI. Also, remove the \$30 per call-out for after hours clause from the contract. The amendment to the original motion was seconded by Councilmember Paggao.

Vote on the Amendment to the Original

Motion: Councilmember Almberg voted in favor of the amended motion. Councilmembers Campbell, Gerber, Munns, Palmer, Paggao, and Severns opposed. The motion did not carry.

Second Amendment to the Original

Motion: Councilmember Almberg moved to delete all references to the County and replace those references with NASWI. The motion was seconded by Councilmember Gerber.

Vote on the Second Amendment to the Original

Motion: Councilmembers Almberg, Gerber, Campbell, and Paggao voted in favor of the motion. Councilmembers Severns and Munns opposed. Councilmember Palmer abstained. The motion carried.

VOTE ON THE ORIGINAL MOTION (AS AMENDED):

Councilmembers Almberg, Campbell, Gerber, Munns, Paggao, and Severns voted in favor of the original motion (as amended). Councilmember Palmer abstained. The original motion carried.

Mayor Slowik and Council thanked WAIF's representatives and expressed appreciation for the work that WAIF does on behalf of the animals.

Sale of Boats – Three Agenda Bills

1. Vessel ID# WN 86 AR – Columbia Sailboat
2. Vessel ID# WN 189 FF – 1980 Watkins
3. Vessel ID# WN 1569 X – 1973 Fiber Form

MOTION: Councilmember Campbell moved to consider the next three agenda bills addressing the sale of three vessels at one time. The motion was seconded by Councilmember Gerber and carried unanimously.

Harbormaster Mack Funk presented the three agenda bills requesting resolutions be approved by Council authorizing the sale of these vessels in order to collect unpaid moorage charges.

MOTION: Councilmember Almberg moved to pass the resolutions authorizing the Mayor to approve the sale of these vessels:

1. Vessel ID# WN 86 AR – Columbia Sailboat
2. Vessel ID# WN 189 FF – 1980 Watkins
3. Vessel ID# WN 1569 X – 1973 Fiber Form

The motion was seconded by Councilmember Severns and carried unanimously.

Engineering Services Contract – Marina Redevelopment Project Phase 2, Dredging Design

Development Services Director Steve Powers presented this agenda bill for a proposed engineering services contract with Reid Middleton, Inc. in the amount of \$145,322 for the Marina Redevelopment Project Phase 2, Dredging Design. Mr. Powers noted a correction in the recommended action to reflect this \$145,322 amount. During the award of Phase 1 of the Marina Redevelopment Project, the City Council directed staff to develop a schedule for Phase 2, dredging. The schedule proposed by staff provided for dredging to begin in the summer of 2010. The proposed engineering services contract for dredging and mitigation design is presented to the City Council with the goal of meeting that schedule. Should the City Council award this contract, two important decisions related to dredging will still remain. The first is the scale or amount of dredging to be undertaken. The second is how the dredging will be funded.

Mayor Slowik called for public comments but there were none.

Council Discussion

Discussion followed about the timeline with regard to permits from Fish and Wildlife and Corps of Engineers, that dredging is within the Marina and not the channel, the separate dredging fee or bonding in the future, bonding capacity, and that this is a scope of work contract with Reid Middleton, Inc. Discussion continued about the remaining decisions related to dredging: scale or amount of dredging to be undertaken; and, how the dredging will be funded.

MOTION: Councilmember Munns moved to authorize the Mayor to sign the Marina Redevelopment Project, Phase 2 Dredging Contract with Reid Middleton, Inc. in a not to exceed amount of \$145,322. The motion was seconded by Councilmember Severns and carried unanimously.

Contract – Public Works Administration (Engineering) Remodel

City Engineer Eric Johnston presented this agenda bill which recommended award of a construction contract for the Public Works Department Administration Remodel to Volonta Corporation in the amount of \$36,979.58. A reorganization authorized in the fall of 2008 resulted in the City's Engineering Division moving from the Development Services Department to the Public Works Department effective January 1, 2009. The Division

physically moved into temporary spaces at Public Works in January of 2009 with plans for remodeling the Public Works Administration area to provide working spaces for the relocated Division. This contract will provide those working spaces. Staff received and opened four sealed bids on December 2, 2009, reviewed the bid prices, and is familiar with the qualifications and experience of the low bidder, Volonta Corporation.

There were no public comments.

MOTION: Councilmember Munns moved to authorize the Mayor to sign a contract with Volonta Corporation in the amount of \$36,979.58, and authorize the City Engineer to administratively approve changes to the construction contract totaling not more than \$4,000.00. The motion was seconded by Councilmember Gerber and carried unanimously.

Contract – Impaired Driving Impact Panel of Island County (IDIPIC)

Chief of Police Rick Wallace presented this agenda bill. The City of Oak Harbor was approached by a representative of the Impaired Driving Impact Panel of Island County (IDIPIC) requesting funding support to continue providing impact panel presentations in Oak Harbor. IDIPIC began presenting impact panels in 2000 to reduce DUI behavior by providing accessible education and awareness presentations to offenders and general members of the community. Island County has agreed to help fund IDIPIC for 2009 by sponsoring 18 panel impact presentations for a cost of \$3,600. The City of Oak Harbor is being asked to help sponsor 12 impact panel presentations for a total annual cost of \$2,400 for 2010. Funding for this activity was not included in the City's 2009/2010 Biennial Budget. However, the City receives direct funding from the State of Washington for DUI prevention in the budgeted amount of \$3,000. These funds are currently included as general fund revenue and do help fund police activities that also qualify as eligible criminal justice activities. It appears the City conservatively budgets \$3,000 from the State but it fluctuates from year to year based on alcohol sales. As such, the City received \$5,149 in 2007 and \$4,101 in 2008, so subsequently, it could be argued there might be a direct funding source with remaining funds that could be allocated to IDIPIC for the single year of 2010. A professional services agreement has been prepared with the appropriate scope of work for a single year contract. The intent is, if the City wishes to continue with future funding support, it could be considered in the 2011/2012 Biennial Budget.

Public Comments

JoAnn Hellmann, Executive Director of IDIPIC. Ms. Hellmann talked about the history and growth of IDIPIC which began with 12 panels and now numbers 44 panels. Over 16,000 people have attended. While IDIPIC's budget shows we can bring in funds to cover costs, we also cover outreach through panel user fees. IDIPIC youth programs are projected to cost over \$20,000 per year. IDIPIC meets and exceeds Washington State Victim Impact Panel Coalition Minimum Standards since it was established.

Council Discussion

Both Councilmember Severns and Councilmember Palmer had visited IDIPIC panel presentations as guests of the program and talked about their positive experience. Council discussion followed about the \$40 fee, which ranges from \$20 to \$50 in Washington, and if it

could be raised (it was raised a year ago), if there are agencies participating beyond the City and County, and if the public is subsidizing violators. Both Chief Wallace and Ms. Hellmann noted that violators are required to participate as set by the court. The City's funding would assist IDIPIC's youth and outreach programs. Ms. Hellmann went on to say that IDIPIC's cost for panels is \$7,200 for 36 or more panels. 234 people have attended and 225 have paid. IDIPIC has raised enough funding for the operational costs of the panels. IDIPIC is unique by offering education and prevention, driver's education, and elementary, middle, and high school programs along with the offender panels. Outreach provides a needed community service. Discussion followed about the state's \$3,000 which does not go to the police department (OHPD does not have its own program) but is a revenue going to the City's general fund and that these funds derive from Liquor Control Board profits and liquor excise tax. Councilmember Gerber specifically noted that the \$16,000 in the City's youth services fund could be tapped since it is not being used and IDIPIC does youth outreach. Councilmember Campbell talked about his work as a drug education specialist, the small amount being requested which is well worth saving even one life, and the importance of this program to the community. Council thanked IDIPIC for these valuable services.

MOTION: Councilmember Campbell moved to adopt Resolution 09-29 which declares the need for educational services to address the emotional, physical, and financial suffering of victims of alcohol-related offenses and authorizes the Mayor to enter into an agreement with IDIPIC for the period of January 1, 2010 through December 31, 2010 in the amount of \$2,400. The motion was seconded by Councilmember Munns.

Amendment to the Original

Motion: Councilmember Palmer moved to amend the motion to take this funding from Youth Services. The motion was seconded by Councilmember Almborg.

Vote on the Amendment to the Original

Motion: Councilmembers Almborg, Campbell, Gerber, Munns, Palmer, and Severns voted in favor of the amendment to the original motion. Councilmember Paggao opposed. The motion carried.

VOTE ON THE ORIGINAL

MOTION: The original motion carried unanimously.

Non-Represented Employee COLA for 2010

Finance Director Doug Merriman presented this agenda bill along with a PowerPoint presentation. On October 8, 2002, the City Council adopted Resolution No. 02-14 which revised the "City Employee Handbook." Chapter 5.2 of the "City Employee Handbook" addressed salary administration and cost of living adjustment provisions. At that time, the "Cost of Living Adjustment" policy stated *non-bargaining and non-contracted employees will receive an automatic cost of living wage increase equivalent to ninety percent (90%) of the percentage change in the Seattle Area Consumer Price Index annual percentage for the period January through December of the previous year, however, said percentage adjustment shall not be less than two percent (2%), nor shall it exceed four percent (4%).* On August 8, 2007, the City Council adopted Resolution No. 07-16 which again revised the "City Employee Handbook" but in a more extensive fashion. In doing so, Resolution No. 07-16

superseded the former resolutions on cost of living adjustments in their entirety. The City Attorney and Human Resources Department are again reviewing City personnel policies due to recent state law revisions and for needed corrections in personnel processes. In the course of this recent review, it was discovered that by revising Resolution No. 02-14 with Resolution No. 07-16, the provision for providing automatic cost of living adjustments was inadvertently omitted. This left the Mayor without authority to make any cost of living adjustments for non-bargaining or non-contracted employees of the City for budget year 2010. The 2009/2010 Annual Budget included a 3.5% cost of living adjustment for non-represented employees for 2010. In the spirit of the prior "City Employee Handbook" provision concerning cost of living adjustments, Resolution No. 09 -28 proposes a 2% COLA adjustment for 2010. The Seattle Area Consumer Price index for 2009 (June 2008 to June 2009) is at 0.70% which would, under prior practice, result in a 2% COLA for 2010. The upcoming revision of the City's Personnel policies will again require some means in which to address inflation and compensation rates for City employees.

There were no public comments.

Council Discussion

Council discussion followed about the difference in COLA percentages (from 3.5% to 2%), the \$143,000 cost savings, and this positive impact on the City's budget.

MOTION: Councilmember Munns moved to adopt Resolution 09-28 adjusting non-bargaining employee compensation for cost of living inflation by an increase of two percent for 2010 wages and salaries. The motion was seconded by Councilmember Campbell and carried unanimously.

City Administrator's Comments

City Administrator Paul Schmidt talked about the upcoming Marina Christmas Party, standing committee dates, and NLC and CLAC Conferences.

Council Members' Comments

Council Members gave standing committee reports, AWC updates, Lodging Tax Advisory Committee update, and County Joint Tourism Board update. Councilmember Gerber had a closing remark: In the 1990s, a study was done to try and determine what made an Olympic athlete. Parents and siblings were interviewed, it was found that these athletes were not necessarily the best or fastest, but it was found that dedication, hard work, passion, and vision seemed to set these athletes apart. Mr. Gerber challenged the Council to work hard on their relationships and to keep respecting each other as Council Members.

Mayor's Comments

Mayor Slowik thanked Mr. Gerber for his dedication and service over the last eight years – a lot of work and sacrifice of family time. Mayor Slowik wished Mr. Gerber all the best and congratulated him on his new endeavors; you will always be in our hearts.

MOTION: Councilmember Palmer moved to appoint Councilmember Severns as Chair of the Public Safety Standing Committee. The motion was seconded by Councilmember Gerber and carried unanimously.

Council consensus was to appoint Scott Dudley to the Public Safety Standing Committee after he has taken the oath of office.

ADJOURN

With no other business coming before Council, **Councilmember Campbell moved to adjourn; the motion was seconded by Councilmember Gerber** and carried unanimously.

Connie T. Wheeler
City Clerk

Good Evening, Honorable Mayor Slowik and Council members of the City of Oak Harbor. I was graciously offered time next month to present the Council with a brief on the County Budget. Because time would not allow this tonight I appreciate the opportunity to provide you with a 5 minute executive summary.

Our nation is facing the largest economic down turn since the great depression. The local budgetary challenges facing Island County Commissioners Helen Price Johnson, John Dean and myself are immense, yet we remain committed to our values and vision.

Although our main priority has been for public safety, allocating \$12.8 million of the General Fund budget to Law and Justice, we continue to keep critical community programs in tact. It is our amazing volunteerism and strong community that allow us to enjoy low crime. Those programs garner over 1000 volunteers and provide the necessary match to leverage \$350,000 in grants. If we don't get them, another county will.

Those volunteers live here and spend money here. They also educate our youth, aid the elderly, support regional agricultural and provide economic development.

The 21 million dollar Current Expense budget has declined over 5.2 million dollars or nearly 20% in the last few years. Employee wages and benefits account for 67% of that budget.

These budget reductions were achieved in three cuts over the past 12 months:

The first 2 million dollar cut for 2009 was announced after the election results last November and took 33 full time equivalents of "FTE's".

The second 2009 cut last spring took an additional 2 million dollars and another 24 FTEs.

The third or 2010 budget will cut 1.2 million dollars and 6 to 8 more jobs.

Total FTE's eliminated due to General Fund revenues lost in the past year: 65 or approximately 20 % of our staff.

With the economic downturn, it became painfully evident that there were inherent weaknesses in the county revenue structure. New construction and the associated sales and real estate excise taxes were used to back fill what the voter approved property tax levy increase failed to provide.

There was no incentive to instill fee based full cost recovery services or to fully realize modern technology that could reduce staff and increase efficiencies.

In essence we have been living on a construction ponzi scheme.

With the collapse, some people are saying government should simply reduce and live within their means.

But the people the boom brought did not go away. They need licenses, courts, law enforcement, roads, water, power, communication, vehicle registrations, marriages (and divorces), land assessments, elections, land use planning, a coroner, emergency infrastructure, public health programs, refuse disposal, prosecution, public defense and by law, we must have elected officials to oversee all of this.

The current County Commissioners responded to the budget crisis by availing our staff, department heads, elected officials and the public the opportunity to participate in identifying areas for reductions. These have been realized in the following cuts:

Reduced hours to the public to enable staff time to meet statutory deadlines; cut employee hours; cut funding to non-mandated programs; cut back on park and grounds maintenance, utilizing inmate help where possible; reduced janitorial services; reduced lights and heat to where staff are literally wearing coats and gloves at their desks. Training has been diminished to levels that leave staff behind compared to their peers. Cost of living raises have not been offered in two and in some cases three years. Our jailor is so thrifty he mends the bedding and makes the mandated toilet kits.

In order to reduce the county's contribution to medical premiums, non-represented employees were required to reduce their medical policy to set an example in hopes that union employees will follow suit. Some of our elected officials have declined medical coverage and travel reimbursement and a portion of their salary. Department heads have forfeited pay and still work

those hours. The Board of Commissioners has, for the second year running, donated back 10% of their salary.

These solutions are not sustainable.

County government no longer has the resources to provide public services at adequate levels. We have cut beyond our means to provide the services you expect and deserve.

Returning to the level of growth we had in 2005 and 2006 in order to boost the short term economy will simply add more people and additional costs to support them. We must stabilize and grow within our means.

We live in an amazing place. Our freedom and quality of life style is what makes this country preferable to uncivilized countries void of government and safety. But this life of freedom comes at a cost, in our military might and in the taxes necessary to support these comforts and privileges.

I can not imagine that anyone here really believes that a 1% property tax levy increase is in step with inflation, yet that is what Washington voters have allocated our government entities, unless we vote otherwise.

I leave you tonight and ask you to prioritize what is important to you.

Be safe, warm and fed. Support and help those who are in need and revere this place we call home in Island County.

I sincerely thank the Council for allowing me this opportunity to reach out to you and to our community.

I wish you all Happy Holiday

MainStreetNews

THE MONTHLY PERIODICAL of THE NATIONAL TRUST'S



in this issue

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Transportation policies can have a major impact on the economic vitality and visual appearance of main streets. Read the second in our series on "Smart Growth Tools for Main Street." Learn the basics of transportation planning so you can protect the accessibility of your main street district.

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Looking for new ways to raise funds and promote your Main Street program? See how Walla Walla, Wash., has taken advantage of the nation's coffee craze. Find out how Rushville, Ill., has brought its downtown movie palace back to life through volunteer management. Put your school online. The National Trust has an online data base of 19 successful school rehab projects.

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Join us in welcoming Valecia Crisafulli to the Main Street Center and congratulating Mac Nichols on his new position at the National Trust. Find out about National Trust lobbying efforts on behalf of two state Main Street programs and read about the fall sessions of the National Main Street Institute.

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Do you have a "white elephant" on your main street? Find out how our online Building Opportunities Network can help you find a new use for that "difficult-to-redevelop" property.

Managing Traffic on Main Street

By John D. Edwards

There has been a resurgence of interest in downtown redevelopment in the past two decades. Whether this is the result of programs such as Main Street or simply a renewed interest in downtown from "baby boomers" and municipalities that now recognize the importance of the downtown tax base, it is happening. Along with this "broader" interest in traditional commercial districts, we see more concern and interest in the 'nuts and bolts' of what makes a downtown actually work better. One of those nuts and bolts is the downtown street system.

In the 1960s and '70s, the primary traffic issue for downtowns was how to reduce "congestion" and make traffic move faster, i.e., provide maximum mobility. In the late '80s and '90s, there was a realization that maybe some traffic congestion downtown is good.

MAIN STREET



NATIONAL TRUST
for HISTORIC PRESERVATION



con't from page 1

Maybe we don't have to "give over" the entire commercial district to the automobile and make all systems subservient to vehicular mobility. As a result of the resurgence of central business districts and the need to slow traffic to make the area more pedestrian friendly, we have begun to look at those operational techniques that cause high-volume and high-speed traffic. One-way traffic is one of those systems that has come under recent scrutiny.

districts (CBD) had begun to decline. By the 1980s, not only had retail growth declined but other downtown land uses were relocating as well. Finally, the construction of many bypass facilities both as a part of, and in addition to, the growth of the interstate highway system, put a virtual stop to traffic growth in most CBDs; and many downtowns experienced actual declines in traffic volume on some of their streets.

Given this history, why even be concerned about converting one-way streets?

Why One Way?

How did one-way streets become so popular downtown anyway? There were several problems that led to commercial districts adopting one-way traffic systems:

- > Needed increases in capacity;
- > Preservation of on-street parking;
- > Increasing traffic; and
- > The lack of by-pass facilities for through traffic (motorists who didn't want to drive through downtown anyway).

Increases in capacity were needed during the 1950s and '60s because of dramatic increases in travel. As a result, there was a tendency to remove on-street parking to make more travel lanes, thereby giving preference to *mobility*. By switching to one-way traffic, it was possible to preserve on-street parking in many districts while increasing the traffic-carrying capacity of the existing street network.

In the 1960s and '70s, traffic continued to increase on main street because of the growth of urbanized areas, although retail growth in central business

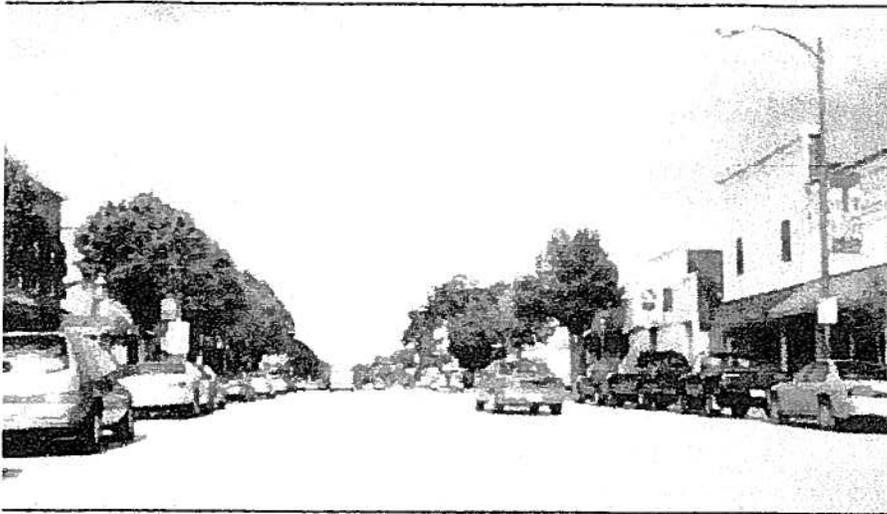
Making Main Street "Customer Friendly"

Many factors combine to make main street economically successful. One important, but often overlooked, aspect is the traffic pattern. One-way streets are efficient but they are not customer friendly for people coming downtown to shop two or three times a month. For these infrequent visitors, the downtown circulation system needs to be as easy to use and as easy to understand as possible.

A major concern of organizations working to revitalize traditional commercial districts is to improve retail sales, and, more specifically, to boost the visibility and accessibility of the retail segment of the district's complement of government, services, and retail. In this regard, making the circulation system more "customer friendly" is a prerequisite to increasing the retail segment of downtown and appealing to investors and merchants who are interested in



Along with other downtown revitalization activities, the conversion of one-way streets to two-way traffic has had a positive impact on Washington, Mo. Since the conversion, the downtown vacancy rate has dropped from 30% to 2%.



One-way streets are designed to increase travel. Often, they are so efficient at moving traffic that downtown streets may feel empty.

coming back to main street.

Retailers aren't the only businesses dependent on easy-to-understand traffic operations, however. Service operations and professional offices also need a circulation system that is easy to understand and to navigate; and in most small to medium-sized communities (10,000 to 50,000 in population), two-way streets are preferable.

One-way streets *increase* travel. Because most one-way systems do not allow motorists to travel directly to every destination, there are some locations that one must drive past, turn around, and then drive back in order to gain access. So in any downtown grid, there will be "dead blocks"—meaning from an access standpoint, they require circuitous routing to arrive at a destination located in that block. (see Figure 1)

Another perception that affects the success of downtown retailing is "does it feel exciting, are there lots of people?"—which means a certain degree of congestion. One-way circulation is so efficient at moving traffic that the streets may feel empty! Thus a commercial district needs to have a certain level of traffic congestion so that it appears busy.

How fast cars travel on downtown streets is another issue. Any successful main street district will have considerable pedestrian traffic, and where pedestrians are present, operating speeds should be low—15 to 20 miles per hour. One-way streets, especially one-way road pairs of 10 to 15 blocks in length, tend to encourage higher operating speeds, usually in the range of 35 to 40 mph.

Why Convert?

When should a community consider converting a street or network of streets from one-way to two-way traffic? The most important consideration is whether it will help the revital-

ization effort. If the area affected by the conversion is a retail district that is experiencing a comeback, then a conversion may be warranted. If, however, the area adjacent to the one-way street is primarily office, warehousing, or industrial, with high peak-hour traffic, then a conversion may not be worth it.

Perhaps the most important reason for changing the traffic flow of a downtown street is to improve the economic well-being of the commercial district. A survey of 25 towns and cities that have converted their main streets show that many have experienced significant reductions in vacant floor space after the conversion. (See Table 1.)

All of the communities sur-

veyed reported positive results after converting their one-way streets to two-way traffic, and many reported substantial private investments stimulated by conversions that were coupled with streetscape projects. West Palm Beach, for example, reported \$300 million in private investment in areas where city hall had invested \$10 million in public funding.

Changing the downtown environment so that it better serves pedestrians is another major reason for converting one-way streets. In several communities, operating speeds were reduced from 30 to 45 mph to 20 to 25 mph. Slowing traffic has the advantage of reducing noise, water and snow splash,

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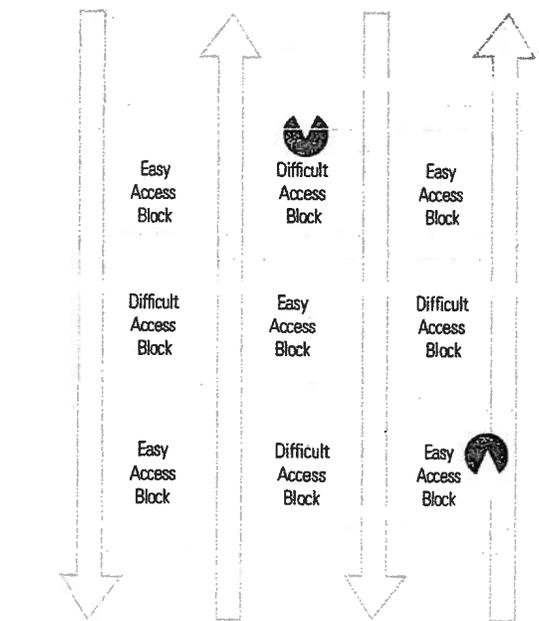


FIGURE 1

TABLE 1: How One-way to Two-way Conversions Affect Main Streets

COMMUNITY	POPULATION	VACANCY RATE		REMARKS
		Before	After	
Sheridan, Wyo.	14,000	25%	1%	Traffic increase of 200%.
W.Palm Beach, Fla.	85,000	80%	0%	Positive impact on reducing drug use.
Lafayette, Ind.	50,000	20%	15%	Manager reports positive results.
Washington, Mo.	12,000	30%	2%	Business is very supportive.
Anniston, Ala.	26,400	6%	1%	Even those who opposed conversion now support it.
North Little Rock, Ark.	61,700	75%	60%	

Source: Ted Brovitz, Survey of communities.

Handwritten notes: 39.3% (with a line above it), 13.2% (with a line above it), and 24.





Charles Plant @ NTHP

For a street conversion to be successful in improving the pedestrian environment, there must be existing or anticipated activity on the sidewalks. If pedestrian traffic volume is less than 200 people an hour, the benefits will likely be minimal.

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and fumes—all problems for people walking on the sidewalk.

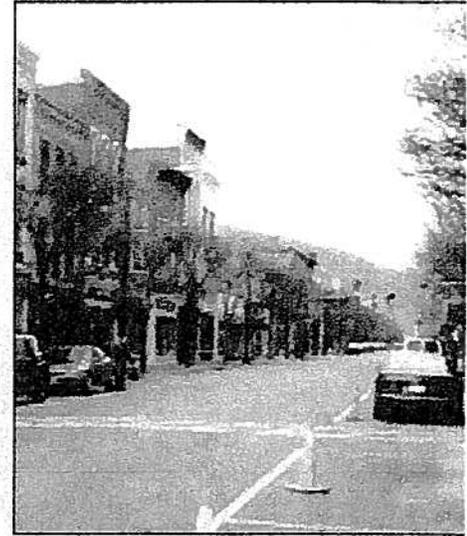
An even more important benefit is the increase in pedestrian safety. In the booklet, *MAIN STREET-When a Highway Runs Through It*, published by the Washington State Department of Transportation, speed is related to driver perception and the severity of injuries at various speeds. For instance, at 40 mph,

the driver's focus is on the roadway at a distance; at 30 mph, the driver begins to see things at the road's edges; and at 20 mph, the foreground comes into focus. At 15 mph, the motorist sees pedestrians and other elements on adjacent buildings. The booklet also points out the chances of fatality to a pedestrian who is struck at various speeds: at 40 mph, the chance of death is 85%; at 30 mph, it is 45%,

while at 20 mph, the chance of a fatal injury is 15%.

Another factor to consider is the type of traffic flow. If it is mostly throughway traffic with few people stopping at downtown destinations, then the conversion may have little or no impact on revitalization of district.

Along with type of traffic is the amount of traffic. If traffic volumes exceed 15,000 vehicles per day (vpd) on each of the



Street width is an important factor when considering a street conversion, especially if there is on-street parking. A two-way street with parallel parking on both sides (above) needs to be at least 49 feet wide; with angle parking (below), it must be 68-70 feet in width.



one-way streets and if there are numerous cross streets with no suitable parallel or bypass routes, the conversion to two-way may increase congestion to unacceptable levels and actually deter shoppers.

A final consideration is street width, and its impact on on-street parking and off-street parking access/egress. If streets are narrow, there may be a significant loss of parking. Streets less than 22 feet wide are not good candidates for two-way operations; left-turn movements will cause congestion. For off-street parking lots and garages, the access design of the entrance/exit may require substantial reconstruction to accommodate a change to two-way operation. Another potential expense to consider is the cost of changing traffic signals and signs to accommodate the conversion. These changes can be expensive, especially if electrical wires are underground. In Greensboro, N.C., for example, the estimate to convert one street was \$30,000 per intersection.

What You Need to Know

What information do you need to determine the desirability of a street conversion and where do you get it? The types and level of analysis depend on a variety of factors, including:

- > the jurisdiction under which the street(s) operate;
- > street widths;
- > amount of daily and peak-hour traffic;
- > adjacent building use;
- > pedestrian activity;
- > level of congestion;
- > possible economic impacts; and
- > how the facilities relate to the local and regional transportation network.

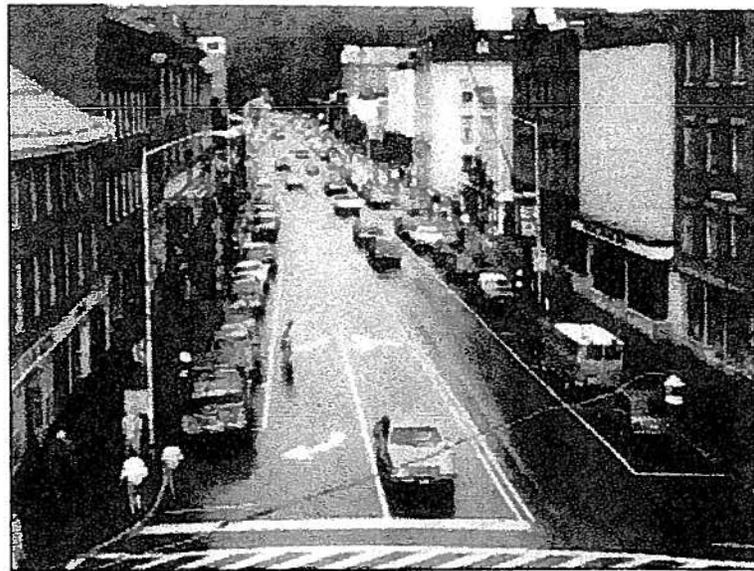
Street Jurisdiction

Street jurisdiction refers to the legal authority under which the street operates. Is it a federal, state, or local route? If it is a federal or state route, it will be necessary to get approval to make the conversion and the

studies required may be fairly rigorous. If the street is under local jurisdiction, the conversion will be under local control, and the decision may be dependent only on traffic volumes and parking needs. Several streets in Green Bay, Wis., and other small downtowns have been converted to two-way operation with little study or negative impact.

Street Width and Lane Use

Perhaps the most important consideration is street width. Obviously, two-way operation requires a minimum width of 24 feet. If there is parallel parking on both sides of the street, the required width may be 36 to 38 feet; and with angle parking on both sides, the width expands to 64 to 68 feet. These widths do not provide any left-turn lanes, so if there is a heavy amount of left-turn traffic, additional width may be required. Table 2, below, gives minimum curb-to-curb widths for various parking and traffic lane configurations. As you can see, angle parking increases minimum required widths considerably due not only to the depth of the parking aisle but also the maneuvering space required.



A heavy amount of left-turn traffic can affect a street conversion to two-way operations. In such cases, the street must be wide enough to accommodate a left-turn lane to prevent traffic congestion from causing undue delays.

Daily and Peak-Hour Traffic

The amount of traffic, both daily and during peak hours, must also be considered. For streets carrying more than 10,000 vehicles per day, make sure that most of the traffic consists of local shoppers; otherwise severe complaints will ensue. Peak-hour volumes of more than 500 vehicles per lane can cause considerable delay due to the new left-turn movements generated by the conversion. If you plan to convert streets with high traffic volumes, look for alternative routes with surplus capacity that can be used by drivers who aren't planning to stop at any of the businesses on the converted streets.

Adjacent Building Use

Building use along the street is another important factor. The basic reason for converting a street to two-way traffic is to make the circulation system easier to understand and use. For people who work or live downtown, this may not be an important issue. For shoppers, it's a different story; two-way streets can help them reach their destinations more quickly and easily. Thus, streets with predominantly retail uses are usually the prime candidates for conversion.

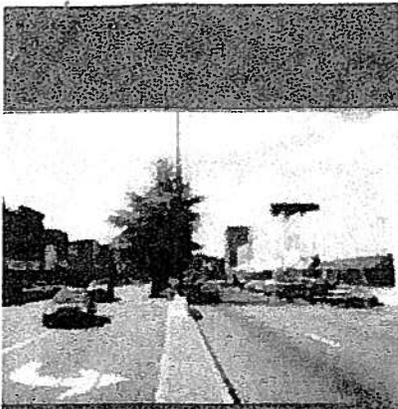
Another significant building use that can affect two-way conversions is the presence of a

Continued on page 13

TABLE 2: Street Width: Minimum Required Widths for Two-Way Traffic

NUMBER OF LANES			BASIC LANE WIDTH		REQUIRED MINIMUM WIDTH
Traffic	Parking	Turning	Traffic	Parking	
2	0	0	12'		24'
2	parallel 1	0	12'	8'	32'
2	parallel 2	0	11'	8'	38'
2	parallel 2	1	11'	8'	49'
2	angle 1	0	15'	19'	49'
2	angle 2	0	15'	19'	68'
2	angle 2	1	11-15'	18'	70'

Source: John D. Edwards, Transportation Consultant, Inc.



Bringing Back the Two-way Street:

Why communities are changing their ways

The conversion of streets from one-way to two-way traffic seems to be a growing trend across North America. In the United States and Canada, many cities and towns have already made the change or are in the process of considering such conversions. While the circumstances motivating such changes and the logistical issues involved vary from place to place, most of the communities contemplating the conversion process cite easier access, traffic calming, and support for local businesses as reasons to make the transformation.

Anniston, Alabama converted its downtown streets from two-way to one-way back in 1972 as a "temporary" measure during road construction. Those changes remained in place until the late 1990s when a new mayor, responding to requests from downtown businesses, promised to bring two-way traffic back.

The downtown organization, *Spirit of Anniston*, worked closely with local newspapers and radio stations to educate the community about change. Radio "drive-time" reminders during

the weeks that followed the conversion kept confusion down.

While some banks with drive-through windows were initially concerned that the switch to two-way traffic would be dangerous, no traffic accidents were reported during the first two months of the conversion. *Spirit of Anniston* director Scott Barksdale says the conversion made access to stores more convenient and reduced traffic speeds. "Before," says Barksdale, "downtown streets were more 'pro-car'; afterwards, they became 'pro-pedestrians.'"

Lafayette, Indiana instigated the change as a result of major transportation infrastructure projects. Relocation of rail lines and a new bridge across the Wabash River made the previous one-way pairs of streets illogical. The resulting traffic system had three major one-way pairs—two in one direction, one in the other. Downtown business owners were concerned about loss of visibility and access as a consequence of the new bridge.

The plan for converting the pairs was not without concerns about loss of parking spaces and the cost of installing new traffic signal lights and signs. When the city did an actual traffic count, however, it found that the downtown didn't need so many traffic lights or stacking lanes.

Downtown is "easier to get around," says Director of Development Sherry McLauchlan. "Because it is our historic downtown and we are trying to build our tourism market, it is easier for out-of-towners to find their way around."

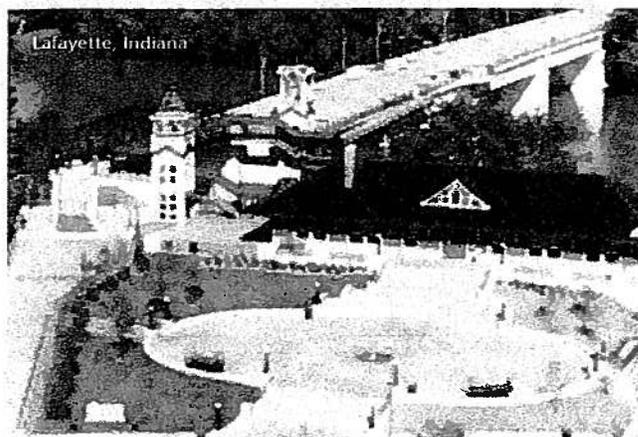
Independence Square, the historic town center of *Independence, Missouri*, is a traditional town square with businesses on four sides. Bordered by one-way pairs of streets, it is the center of government activity as well as a tourist destination. The Truman Historic District, which includes the Truman Home and Visitor Center, draws many visitors into the downtown.

One concern in Independence is the need to create transit-supportive design to improve the pedestrian environment and link to a planned transit center. The proposed plan recommends conversion of one-way streets to two-way to improve retail exposure and calm traffic in a heavily pedestrian area, particularly near the Visitor Center. On-street parking would be returned to provide additional capacity while protecting pedestrians on sidewalks from moving vehicles.

Neighborhood residents may also see the advantages of converting one-way streets. In *St. Petersburg, Florida*, the city is considering several conversions as a means of slowing traffic through residential areas. Nearby *Tampa* is studying conversions as well.

The North Shore Neighborhood Association in St. Petersburg, fearing the impact of the new CVS drugstore in the neighborhood, requested a two-way conversion. Along Dr. M. L. King Street at the western end of downtown St. Pete, neigh-

Continued on page 13



con't from page 12

bors began advocating for a change years ago as way to help entrepreneurs in the MLK (9th) Street Business District. The project will take longer to complete, as the streets' interstate highway ramps must be considered.

Freeway ramps were a concern in Milwaukee, Wisconsin, as well when it considered conversions. The mayor wanted to increase traffic circulation down-

con't from page 7

parking garage or deck. Parking structures specifically designed for one-way operations may require redesign and reconstruction of their entrances and exits to accommodate the new traffic flow. While parking lots may also need modification, changes to surface lots are, in general, much easier to make than alterations to parking structures.

Pedestrian Activity

Improving the pedestrian environment on adjacent sidewalks is one of the major reasons for converting one-way streets to two-way operations. This can occur by reducing traffic speeds, noise, rain and snow splash, and vehicular-pedestrian conflicts. To obtain significant benefits through the above actions, there must be either existing or anticipated pedestrian traffic on the sidewalks. If the buildings along the street do not generate significant pedestrian activity, the conversion will generate fewer pedestrian benefits. Areas in which pedestrian traffic volume is less than 200 to 300 people an hour will probably experience minimal benefits. Pedestrian studies that include existing counts of activity on downtown sidewalks can help determine whether a conversion will benefit the district.

Levels of Congestion

Typically, traffic engineers and transportation planners strive for intersection levels of service of "C" or above; which means vehicular delays of 30 seconds or less. Most downtowns, however, must be willing to accept higher levels of

town, but several freeway ramps fed into the one-way system. Milwaukee's traffic engineers solved the problem by maintaining a section of the one-way system, which was connected to the freeway ramps, while switching the other areas and thus allowing the two-way system to unfold gradually.

There was initial concern about the changes on the ramps and the lessening of capacity,

service because pedestrians are present and drivers are turning or pulling into or out of parking spaces. The wait at intersections is less important because conditions in the middle of a block may exert more control over vehicular delay than traffic signals. For commercial districts, especially retail areas, levels of service of "D" or "E" are acceptable: this means average waits of up to 60 seconds at intersections. Capacity and level of service analyses are essential studies for any proposed street conversion.

Levels of traffic congestion affect operating speeds as well. From the standpoint of pedestrian safety, vehicular speeds of more than 25 miles per hour for retail streets are undesirable. On-street parking will slow the speed of traffic as well, making it desirable for the retail areas of main street districts.

Conversions and the Regional Transportation Network

One-way to two-way conversions may depend on the way the proposed streets fit within the regional roadway network. When considering a conversion, it is necessary to look at the network and see how a change will affect traffic operations regionally. For instance, if a freeway interchange system is designed to operate with the one-way system in the commercial district, it may not be possible to make a change. On the other hand, if there are parallel routes to which "through" traffic can be diverted, a conversion may be possible. In any event,

"... but there wasn't any traffic really backing up the ramps onto the freeways as some had feared," says Milwaukee traffic engineer Jim Ito. "The two-way system has allowed downtown circulation to improve. It's easier for suburbanites to come back downtown. You used to have to be pretty creative just to get around. Now there's easy access."
—Mac Nichols, Director, Preservation Development Initiatives, NTHP

studies should be conducted to determine how much of the traffic flow is "through" and how much is "local."

Truck traffic is another consideration. Is there a high volume of truck traffic on the streets to be converted? If so, thought must be given to the diversion of truck operations to a parallel route in order to reduce congestion on the proposed two-way street.

The Benefits of Street Conversions

Street conversions to two-way traffic should be based upon real and anticipated economic benefits, such as reduced vacancy rates, increased retail sales and employment, increased pedestrian activity, and/or increased property tax assessments. While a growing number of communities are opting for two-way traffic in their business districts and there is significant anecdotal evidence that positive changes occur after most street conversions, there has been limited research on actual retail sales and property value increases. More economic data is needed to support the economic benefits of these conversions.

John D. Edwards has more than 35 years experience in traffic, planning, and parking. He worked as a transportation planner for the City of Cincinnati, as a project engineer for the North Carolina Department of Transportation, and as a principal in consulting firms.

MainStreet News

Main Street News is published 11 times a year as a benefit of membership in the National Main Street Network, an organizational membership program of the National Main Street Center[®], National Trust for Historic Preservation, 1785 Massachusetts Avenue, N.W., Washington, DC 20036. Tel: 202/588-6219 Fax: 202/588-6050 E-Mail: mainst@nthp.org Website: <http://www.mainstreet.org> Annual dues are \$195. ©2002 National Trust for Historic Preservation

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The National Trust for Historic Preservation is the only national, private organization chartered by Congress to encourage public participation in the preservation of sites, buildings, and objects significant in American history. The National Main Street Center[®], a program of the National Trust, provides technical assistance in downtown and neighborhood commercial district revitalization to communities throughout the nation.



City of Oak Harbor

OFFICE OF THE MAYOR
JIM SLOWIK
MAYOR



PROCLAMATION IN RECOGNITION OF

PETTY OFFICER FIRST CLASS BRIAN J. BOYLE, SHORE SAILOR OF THE YEAR
PETTY OFFICER FIRST CLASS AMANDA SUE HACKFORD, SEA SAILOR OF THE YEAR
SERGEANT LEE ROBERT OLIVEIRA JONES, MARINE OF THE YEAR

WHEREAS, The selection of the Shore Sailor of the Year, the Sea Sailor of the Year and the Marine of the Year at Naval Air Station Whidbey Island by the United States Navy League is predicated on the commitment of these individuals to both the military and their community; and,

WHEREAS, the candidates selected for this recognition each have demonstrated exemplary professional performance and have additionally dedicated their efforts to the betterment of the community in which they live; and,

WHEREAS, these honorees have demonstrated the highest levels of professionalism, an outstanding "can do" attitude, and a devotion to their careers, their command, their country and their community that set each of them apart from their contemporaries; and,

WHEREAS, Petty Officer First Class Brian J. Boyle is not only very active in the Oak Harbor Boys and Girls Club where he has given 450 hours of service and helped raised \$10,000 but he also volunteers at the Crescent Harbor Elementary School and is a Wolf Cub Den Leader for Troup 4059; and,

WHEREAS, Petty Officer First Class Amanda Sue Hackford gives her time to various programs; she is a member of the First Class Association, she assists with Help House Food Drives, she mentored youth attending the Navy Sea Cadet Program and volunteers at the Bar-T Ranch for special needs children; and,

WHEREAS, Sergeant Lee Robert Oliveira Jones distinguished himself not only by his military service but also through his volunteer efforts with Toy's for Tots, Navy JROTC Drill competitions, NJROTC Leadership Academy and Basic Leadership Training, and coaching youth soccer; and,

WHEREAS, these honorees have set and achieved the highest standards and personify the ideals of "honor, courage and commitment".

NOW, THEREFORE, I, Jim Slowik, Mayor of the City of Oak Harbor do hereby recognize
Petty Officer First Class Brian J. Boyle, Shore Sailor of the Year
Petty Officer First Class Amanda Sue Hackford, Sea Sailor of the Year
Sergeant Lee Robert Oliveira Jones, Marine of the Year

for 2009, and present this Proclamation in appreciation of their dedication to the United States Navy, the United States Marine Corps and the citizens of Oak Harbor.

Signed this 11th day of December, 2009

Jim Slowik, Mayor

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City of Oak Harbor City Council Agenda Bill

Bill No. 2

Date: January 5, 2010

Subject: Ron Hancock Retirement &
Reassignment

FROM: Mark Soptich, Fire Chief

**INITIALED AS APPROVED FOR
SUBMITTAL TO THE COUNCIL BY:**

Jim Slowik, Mayor

Paul Schmidt, City Administrator

Doug Merriman, Finance Director

Margery Hite, City Attorney, as to form

SUMMARY STATEMENT

Ron Hancock joined the Oak Harbor Fire Department August 15, 1973. After serving the community for over 36 years, Ron will be retiring from the department as a Paid On-Call (POC) member.

Over the years, Ron has worked his way through the ranks earning the rank of a POC Captain. He served in many positions throughout his career from firefighter to officer. He has earned several certifications including Emergency Medical Technician, which skills he has used treating many citizens injured from motor vehicle accidents to those suffering from heart attacks. He has played a part in saving many lives.

He has sat on oral boards as part of the selection process for new personnel.

Ron is always willing to help those in need. Ron's dedication to the department is surpassed only by his passion to serve the community he loves.

He has received letters from Governor Gregoire and Representative Larsen in recognition of his service.

Ron has accepted the Volunteer Chaplain's position to begin the first quarter of 2010. This new position is part of the department's re-organization plan.

STANDING COMMITTEE REPORT

None

RECOMMENDED ACTION

Congratulate Ron for his years of service.

ATTACHMENTS

MAYOR'S COMMENTS

City of Oak Harbor

OFFICE OF THE MAYOR
JIM SLOWIK
MAYOR



PROCLAMATION IN RECOGNITION OF

NORTH WHIDBEY RELAY FOR LIFE DAY JANUARY 6, 2010

WHEREAS, In May 1985, Dr. Gordy Klatt, a colorectal surgeon and avid runner, took the first step of his 24-hour walk/run around a track in Tacoma, Washington. He clocked 83 miles raising \$27,000 to support the American Cancer Society. The following year, 220 supporters on 19 teams joined Dr. Klatt in this overnight event and the American Cancer Society Relay For Life was born; and,

WHEREAS, over the last 25 years, Relay For Life has spread to over 5,000 communities in the United States and over twenty foreign countries. What began as one man's statement in the fight against cancer has led to the development of a worldwide event to help find a cure for cancer; and,

WHEREAS, the Relay For Life is a fun-filled overnight event designed to celebrate survivorship and raise money for research and programs of the American Cancer Society. During the event, teams of people gather at schools, fairgrounds, or parks, and take turns walking or running laps. Each team tries to keep at least one team member on the track at all times; and,

WHEREAS, the Relay For Life represents hope that those lost to cancer will never be forgotten, that those facing cancer will be supported, and that one day, cancer will be eliminated; and,

WHEREAS, Island County raised \$207,399.00 in 2009; and

WHEREAS, the twenty-fourth anniversary Relay For Life of North Whidbey "Celebrating Life With More Birthdays" Kickoff Celebration is Wednesday, January 6, 2010.

NOW, THEREFORE, WE, Jim Slowik, Mayor, and Councilmembers of the City of Oak Harbor do hereby proclaim, **January 6, 2010** as **North Whidbey Relay for Life Day** in the City of Oak Harbor, and urge all citizens of Oak Harbor to participate in the 2010 Relay For Life; and join us in recognition of the many volunteers that dedicate their time and efforts to help find a cure for cancer.

Signed this 5th day of January, 2010



Jim Slowik, Mayor

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**City of Oak Harbor
City Council Agenda Bill**

Bill No. 4
Date: JANUARY 5, 2010
Subject: PUBLIC COMMENTS

FROM: Jim Slowik, Mayor

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:



Jim Slowik, Mayor
Paul Schmidt, City Administrator
Doug Merriman, Finance Director
Margery Hite, City Attorney

SUMMARY STATEMENT

City Council will accept public comments for items not otherwise on the agenda for the first 15 minutes of the Council meeting. You may also speak to any of the consent agenda items.

City of Oak Harbor
City Council Agenda Bill

Bill No. C/A 5A
Date: January 5, 2010
Subject: Civil Service Commission
Appointment – Gerry Oliver

FROM: Jim Slowik
Mayor

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Paul Schmidt, City Administrator
 Doug Merriman, Finance Director
 Margery Hite, City Attorney, as to form

PURPOSE

The purpose of this agenda bill is to recommend the appointment of Gerry Oliver to the Oak Harbor Civil Service Commission due to the resignation of Scott Dudley. Mr. Dudley has been elected to the Oak Harbor City Council and thus ineligible to continue serving on the Commission. If confirmed, Mr. Oliver would serve the duration of Mr. Dudley's term, ending May 2014.

AUTHORITY

Per Oak Harbor Municipal Code Chapter 2.32 Civil Service Commission:

2.32.010 Established.

A civil service commission is established. The commission shall consist of three members who shall be appointed by the mayor. No person shall be appointed who is not a citizen of the United States and a resident of the city of Oak Harbor for at least three years preceding his appointment and who is an elector of Island County. The term of office of each commissioner shall be for six years; except the present civil service members shall serve for the duration of their respective unexpired terms. Any member of such commission may be removed from office for incompetency, incapability and dereliction of duty or malfeasance of office, or other good cause after charges have been preferred against him in writing, and due notice and a full hearing have been held by the council. Two members of such commission shall constitute a quorum and the vote of any two members of such commission concurring shall be sufficient for the decisions of all matters and the transaction of all business. (Ord.632 § 2,1983).

SUMMARY STATEMENT

Mr. Oliver has been interviewed by Mayor Slowik; meets the statutory criteria; and appears to be both motivated and qualified to fill the position.

STANDING COMMITTEE REPORT

None

RECOMMENDED ACTION

Approve the appointment of Gerry Oliver to the Oak Harbor Civil Service Commission whose term would expire May 2014.

ATTACHMENTS

None.

MAYOR'S COMMENTS

**City of Oak Harbor
City Council Agenda Bill**

Bill No. 6
Date: **January 5, 2010**
Subject: **Mayor Pro Tempore
Selection**

FROM: **Paul Schmidt**
City Administrator

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Jim Slowik, Mayor
 Doug Merriman, Finance Director
 Margery Hite, City Attorney, as to form

PURPOSE

City Council needs to select a Mayor Pro Tempore for 2010 and 2011.

AUTHORITY

Pursuant to RCW 35A.12.065:

Biennially at the first meeting of a new Council, or periodically, the members thereof, by majority vote, may designate one of their number as Mayor Pro Tempore or Deputy Mayor for such period as the Council may specify, to serve in the absence or temporary disability of the Mayor; or, in lieu thereof, the Council may, as the need may arise, appoint any qualified person to serve as Mayor Pro Tempore in the absence or temporary disability of the Mayor. In the event of the extended excused absence or disability of a Councilman, the remaining members by majority vote may appoint a Councilman Pro Tempore to serve during the absence or disability.

STANDING COMMITTEE REPORT

None.

RECOMMENDED ACTION

Consider nominations from City Council members and, by majority vote, select a Mayor Pro Tempore for the term of 2010 and 2011.

ATTACHMENTS

None.

MAYOR'S COMMENTS

City of Oak Harbor City Council Agenda Bill

Bill No. 7
Date: January 5, 2010
Subject: Nightclub License, TOCG's

FROM: Rick Wallace, Chief of Police

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Jim Slowik, Mayor
 Paul Schmidt, City Administrator
 Doug Merriman, Finance Director
 Margery Hite, City Attorney

and Ott, for MH, 12-23-09 approval of addendum to Agenda Bill

PURPOSE:

This is an application for a nightclub license pursuant to OHMC Chapter 5.22. The applicants are Leon and Robin Dix. Since no disqualifying restrictions prevent the issuance of a nightclub license to the applicants, the City Council will hold a public hearing to determine what conditions should be imposed to mitigate noise, traffic and other similar public health and safety impacts on operation of TOCG's.

AUTHORITY:

OHMC 5.22.045(4) states:

"The city council shall hold a public hearing with respect to the issuance of the nightclub license. The applicant(s) shall be entitled to respond to any findings of the police chief or other city officials and any proposed conditions on the nightclub license. Unless the applicant is restricted from holding a nightclub license pursuant to OHMC 5.22.030, the city council shall then determine whether the noise, traffic and other similar public health and safety impacts of the nightclub require mitigation through specified conditions and, if so, shall impose such conditions on the license. In no event shall the expressive content of any music, singing or dancing be the basis for denial of a nightclub license or any conditions placed thereon."

DESCRIPTION:

On September 11, 2009, Leon and Robin Dix, owners of TOCG's located at 880 SE Pioneer Way, Oak Harbor, WA applied for a nightclub license. A temporary license was issued at the time of application as provided for in OHMC 5.22.040.

As required in OHMC 5.22.045(2), an investigation was conducted by the Oak Harbor Police Department. The business is located 880 SE Barrington Drive.

City of Oak Harbor City Council Agenda Bill

TOCG's is a restaurant and lounge located in a single story building at 880 SE Pioneer Way in Oak Harbor. The business area is comprised of two main areas, the restaurant portion where meals are served to those of all ages and alcohol is served to those 21 years of age and over. There is also a separate section of the building, closed to those under the age of 21, where there is seating for dining and alcohol service. Recorded and live music is played and there is an area for social dancing.

From November 1, 2008 through October 31, 2009, there were 32 calls for service at that address. Eight (8) of those calls have no significant bearing on this issue and should not be viewed as having a negative connotation towards the nightclub as these types of calls for police service could occur at any business or private residence. The twenty-four (24) remaining calls for service do pertain to the license conditions and are described as follows:

Assault Complaints – 11

Closed by arrest – 6
Settled by contact – 4
Gone on arrival – 1

Disorderly Conduct Complaints – 3

Closed Unfounded – 1
Settled by contact – 1
Gone on arrival – 1

Noise Complaints – 1

Unfounded – 1

Strongarm Robbery – 1 (This case is still open)

Suspicious Person – 1 (Gone on arrival)

DUI Report – 1 (Gone on arrival)

Liquor Violation Complaints – 5

Closed by arrest – 3
Gone on arrival – 1
Assist agency – 1 (ICSO)

Weapons Complaint(Airsoft pellet gun) – 1 (Closed by arrest)

In a review with the Director of Development Services and the Oak Harbor Fire Chief regarding this business, it was determined there were no issues about the building that were of concern as related to the issuance of the nightclub license.

City of Oak Harbor City Council Agenda Bill

As a result of my investigation, which included a review of the police responses to TOCG's from November 2008 through October, 2009 and discussions with several of the nearby business owners, I believe that the nightclub license should be approved with additional conditions, as described below with the recommended actions.

PUBLIC SAFETY STANDING COMMITTEE RECOMMENDATIONS:

This agenda item was reviewed by the Public Safety Standing Committee on November 19, 2009.

RECOMMENDED ACTION:

- (1) Hold a public hearing pursuant to OHMC 5.22.045(4). (The public hearing was opened and closed during City Council's December 15, 2009 regular meeting.)
- (2) Consider approval and issuance of the nightclub license to TOCG's with the following conditions:

The nightclub license-holder shall:

1. Adhere to all laws, regulations, ordinances and zoning conditions of the State of Washington and the City of Oak Harbor applicable to the nightclub business located at 880 SE Pioneer Way, Oak Harbor, Washington.
2. With the exception of ingress and egress to and from the building, ensure that doors and windows remain closed at all times while any type of music or entertainment is playing.
3. Ensure that there is no smoking within twenty-five feet of any door or window located at 880 SE Pioneer Way, Oak Harbor, Washington as described in RCW 70.160.075.
4. Provide two designated and visible security personnel and implement security measures sufficient to reduce the potential for illegal activity, noise violations or any other public health and safety violation as described in the Oak Harbor Municipal Code, inside and outside the business to include the front sidewalk and the adjacent properties.
5. The license-holder shall implement and enforce a ban policy, that will ban patrons from the club, for a three month period, who:
 - a. Engage in activities in the business and/or parking lot which either result in arrest or would constitute probable cause for arrest.
 - b. Create noise violations in the business and parking lot.
 - c. Loiter in the parking lot for more than ten minutes.
 - d. Engage in illegal activity immediately adjacent to the business property, after leaving the club.
 - e. The license-holder will provide the Oak Harbor Police Department with a copy

City of Oak Harbor City Council Agenda Bill

- f. The license-holder shall implement and enforce a policy which requires club employees to call the police, as soon as possible, when they witness potentially criminal activity in the business, in the parking lot, and adjacent to the club property.

Any violation of the above conditions shall subject the license-holder to the penalties of Oak Harbor Municipal Code 5.22.065 and may subject the license-holder to license revocation per Oak Harbor Municipal Code Section 5.22.070 or revision of license conditions pursuant to OHMC 5.22.090.

ATTACHMENTS:

1. Addendum to Original Agenda Bill.
2. Temporary License and License Application.
3. Investigative Report.
4. Oak Harbor Municipal Code Chapter 5.22.

MAYOR'S COMMENTS:

ADDENDUM TO AGENDA BILL
Nightclub License TOCG's
Originally Presented –December 15, 2009

As requested, this is additional information for the City Council based on information and comments received during the December 15, 2009 Council meeting.

During the December 15, 2009 public hearing for TOCG's nightclub license, it was asked if anything could be done about restricting music or other noise coming from the nightclub during business hours of operation and afterwards, which can be heard from the apartment that is part of the actual building housing the nightclub. Staff was unable to answer this question at that time causing this agenda item to be carried over to another meeting. The Police Chief was directed to work with the City Attorney and the Director of Development Services in order to answer this question, which is as follows:

1. The Building Code section of the Oak Harbor Municipal Code is silent on this issue.
2. Neither state law nor municipal code specifically authorize nor prohibit music to be played in an otherwise lawful location, in this case TOCG's nightclub, where the same building also has an apartment and this music, although played in an otherwise legal manner, might be considered a nuisance to that apartment occupant.

Considering the uncertainties of this issue, the Police Department and the Legal Department looked at separating the times in which the music is being played. Since there is no legal or business reason for TOCG's to play any music or make any other non-business related noise after closing time, TOCG'S would be subject to the enforcement of the OHMC noise ordinance.

Therefore, music or any other noise specifically prohibited under OHMC 6.56 Public Nuisance Noises, not associated with reasonable routine cleaning or maintenance of the nightclub after the hours of 2:00 a.m. until the business reopens, will be considered a violation of OHMC 6.56.030 – Specific Noises Prohibited.

The City Attorney contacted the resident of this apartment who stated that he had no intention in trying to stop or regulate the music played at TOCG's during their normal business hours but simply wanted the music that is being played after hours to stop.

RECOMMENDED ACTION:

Approve the Nightclub License for TOCG's with the previously presented conditions from December 15, 2009.

CITY OF OAK HARBOR
 865 S.E. BARRINGTON DR.
 OAK HARBOR, WA 98277
 (360) 679-5551

BUSINESS LICENSE

TOCGS
 880 SE Pioneer Way
 Oak Harbor, WA 98277

LOCATION OF BUSINESS
 THIS CERTIFIES that the business or individual listed below is hereby licensed
 to do business within the

CITY OF OAK HARBOR

Leion and Robin Dix
 TOCGS

Oak Harbor, WA 98277

This license is to be displayed conspicuously at the location of business, and is not transferable or assignable.

Temporary License

EXPIRATION DATE		Upon final Council action on pending application.	
DATE ISSUED	LICENSE NUMBER	SIC NUMBER	SALES TAX CODE
9/11/09	NC-0007 Nightclub		1503

FINANCE DIRECTOR

 DUPLICATE DUPLICATE DUPLICATE DUPLICATE
 CITY OF OAK HARBOR
 865 SE BARRINGTON DR
 OAK HARBOR, WA 98277-4092
 360-279-4530

 Reg# #/Rcpt#: 001-00174851 [SV]
 Accounting Date: Thu, Sep 10, 2009
 Date/Time: Thu, Sep 10, 2009 3:36 PM

 0156/NIGHTCLUB LICENSE
 REF#:TOCGS

FEE AMOUNT:\$200.00
 0048/BACKGROUND CK - WSP WATCH
 REF#:TOCGS

FEE AMOUNT:\$10.00

RECEIPT TOTAL = \$210.00

Payment Data:

Pmt# :1
 Payer: TOCGS
 Method: CK
 Ref#: 4259
 AMOUNT = \$210.00-

RECEIPT SUMMARY

 TOTAL TENDERED = \$210.00
 RECEIPT TOTAL = \$210.00
 CHANGE DUE = \$0.00

THANK YOU!!

 DUPLICATE DUPLICATE DUPLICATE DUPLICATE



City of Oak Harbor
865 SE Barrington Drive
Oak Harbor, WA 98277
Phone: (360)279-4500
Fax: (360)279-4507

Application for Nightclub License Oak Harbor Municipal Code Chapter 5.22

Ordinance No.: 1544

Application Fee: \$200 plus \$10 for WATCH background check = \$210

Personal Information

Name of Business:

TOCGS

Address of Business:

Where nightclub will be conducted.

880 SE Pioneer Way
Oak Harbor WA 98277

Owner of Business:

Leon + Robyn Dix

Owner's Address:

Oak Harbor WA 98277

Owner's Phone/Cell Number

Date of Birth:

Social Security No.:

Driver's License No.:

Please answer the following questions:

1. Are you a citizen of the United States of America? YES
2. Have you been convicted of a felony within the last five years? NO
3. Have you been convicted of a violation of any federal or state law or city ordinance concerning the manufacture, possession, or sale of liquor subsequent to the passage of the Washington State Liquor Act? NO
4. Have you ever been convicted of a violation of any federal or state law, or city ordinance concerning the manufacture, possession, or sale of narcotics? NO
5. Have you ever forfeited a bond to appear in court to answer charges of any violations as stated above? NO
6. Are you the owner X manager _____ or agent _____ of this business?

NOTE: Per OHMC Chapter 5.22.030 (2):

No license shall be issued to a person whose place of business is conducted by a manager or agent, unless such manager or agent also applies and qualifies for a nightclub license for the same business location.

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7. Are you a co-partner of this business? YES
NOTE: Per OHMC Chapter 5.22.030 (3):
No license shall be issued to a co-partnership unless all the members thereof shall be qualified to obtain a license as provided herein.

8. Is this business a corporation? YES
NOTE: Per OHMC Chapter 5.22.030 (4):
No license shall be issued to a corporation, unless all of the officers, directors and stockholders thereof shall be qualified to obtain a license as provided in this chapter. Such license shall be issued to the manager or other directing head thereof.

9. If this is a partnership or corporation, please include names, addresses, and phone numbers of same. If more space is needed, please attach an additional sheet.
ON Front Page

10. Indicate the type of musical entertainment you will provide.
BANDS

11. Describe the hours of operation, expected attendance figures, and activities that will take place on the premises. If more space is needed, please attach an additional sheet.

Summer Hours 2 PM TO 2 AM Winter Hours 5 PM TO 2 AM M-S closed Sun
MUSIC FRI + SAT 9 PM TO 11:30 PM

12. Describe the floor plan, parking areas, fire exits, and other physical features of the nightclub. If more space is needed, please attach an additional sheet.

Bar AREA, Dance Floor SEATING AREA POOL Table Area
3 FIRE EXITS Parking IN ROAD

I do solemnly swear that I have read the City of Oak Harbor's Ordinance No. 1544 regulating nightclub licensing and that I will abide by the rules set forth therein and I furthermore swear that the facts I have stated in this application are true.

[Signature]
Signature

8/24/09

Upon application, you will immediately be issued a temporary license. OHMC 5.22.040. After investigation by City officials, you will be notified of their report and the date upon which the City Council will conduct a hearing for issuance of a regular license. OHMC 5.22.045 sets forth these procedures.

Background Check Information

DRIVER'S CHECK – Run each state listed on the application and enter state name below.				
STATE _____	STATE _____	STATE _____	STATE _____	STATE _____
VEHICLE REGISTRATION/CHECK STOLEN				
WATCH _____	WACIC/NCIC _____	LOCAL RECORDS _____		
POLICE DEPT. APPROVAL _____				DATE _____

Received by City Clerk and forwarded to Chief of Police, Oak Harbor Police Department
 on: 9-10-09 [Signature]
 Date City Clerk's Signature

Oak Harbor Police Department

Date Received: _____

Attach investigation report and recommendations and any reports requested of other City departments.

City Council Action

Date: _____

Decision/Findings (show below or attach report):

License Conditions:

Review Date (if any scheduled):

OAK HARBOR POLICE DEPARTMENT MEMORANDUM

To: Paul Schmidt
City Administrator

From: R. Wallace
Chief of Police

Date: November 19, 2009

Subject: Investigative Report – TOCG's Nightclub License

On September 11, 2009, Leon and Robin Dix, owners of TOCG's located at 880 SE Pioneer Way, Oak Harbor, Washington, applied for a nightclub license. A temporary license was issued at the time of application as provided for in OHMC 5.22.040.

As required in OHMC 5.22.045(2), an investigation was conducted by the Oak Harbor Police Department.

TOCG's is a restaurant and lounge located in a single story building at 880 SE Pioneer Way in Oak Harbor. The business area is comprised of two main areas, the restaurant portion where meals are served to those of all ages and alcohol is served to those 21 years of age and over. There is also a separate section of the building, closed to those under the age of 21, where there is seating for dining and alcohol service. Recorded and live music is played and there is an area for social dancing.

From November 1, 2008 through October 31, 2009, there were 32 calls for service at that address. Eight (8) of those calls have no significant bearing on this issue and should not be viewed as having a negative connotation towards the nightclub as these types of calls for police service could occur at any business or private residence. The twenty four (24) remaining calls for service do pertain to the license conditions and are described as follows:

**Investigative Report
TOCG's Nightclub License
Page 2**

Assault Complaints - 11

Closed by arrest - 6
Settled by contact - 4
Gone on arrival - 1

Disorderly Conduct Complaints - 3

Closed Unfounded - 1
Settled by contact - 1
Gone on arrival - 1

Noise Complaints - 1

Unfounded - 1

Strongarm Robbery - 1 (This case is still open)

Suspicious Person - 1 (Gone on arrival)

DUI Report - 1 (Gone on arrival)

Liquor Violation Complaints - 5

Closed by arrest - 3
Gone on arrival - 1
Assist agency - 1 (ICSO)

Weapons Complaint(Airsoft pellet gun) - 1 Closed by arrest

In a review with the Director of Development Services and the Oak Harbor Fire Chief regarding this business, it was determined there were no issues about the building that were of concern as related to the issuance of the nightclub license.

As a result of my investigation, I could find no disqualifying restrictions which would prevent the issuance of a nightclub license to the applicant.

Chapter 5.22 NIGHTCLUBS

Sections:

5.22.010	Definitions.
5.22.020	License required.
5.22.030	Issuance restrictions.
5.22.040	Filing of application.
5.22.045	License conditions.
5.22.050	Annual license fee.
5.22.060	Proration of license fee.
5.22.065	Violation of license conditions.
5.22.070	Revocation of license.
5.22.080	License – Compliance required.
5.22.090	Revision of license conditions.
5.22.100	Appeal to court.
5.22.010	Definitions.

(1) "Nightclub" means any "premises" as defined herein on which any music, singing, dancing or other combination of these activities is permitted as entertainment after 10:00 p.m., on one or more days per week. The playing of incidental music on any premises where the receipts for the sale of food constitute 75 percent or more of the gross business income of the establishment shall not be considered a "nightclub" for purposes of this chapter, unless an opportunity for social dancing is provided on the premises.

(2) "Premises" means any room, place, or space whatsoever in the city of Oak Harbor which is open to the general public in connection with any hotel, restaurant, cafe, club, tavern or eating place directly or indirectly selling, serving, or providing the public liquor, with or without food.

(3) "Liquor" means all beverages defined in RCW 66.04.200.

(4) "Person" means one or more natural persons of either sex, firms, copartnerships and corporations; whether acting by themselves or by servant, agent or employee. The provisions of this chapter shall not apply to temporary activities conducted pursuant to a city special event permit issued pursuant to Chapter 5.50 OHMC and lasting no longer than 48 hours. (Ord. 1544 § 1, 2008; Ord. 321 § 1, 1972).

5.22.020 License required.

It is declared to be unlawful for any person to conduct, manage or operate a nightclub unless such person is the holder of a valid license from the city of Oak Harbor so to do, obtained in the manner provided in this chapter. A first violation of the requirement to obtain a license shall be a civil infraction filed pursuant to Chapter 1.28 OHMC, punishable by a fine of \$250.00. A second violation shall be a civil infraction punishable by a fine of \$500.00. A first or second violation of the requirement to obtain a license shall be a civil offense subject to the procedures of Chapter 1.28 OHMC. Thereafter, further violation of the requirement to obtain a license of this chapter shall be a misdemeanor punishable by a fine not exceeding \$1,000, up to 90 days in jail, or both such fine and jail time. (Ord. 1544 § 1, 2008; Ord. 321 § 2, 1972).

5.22.30 Issuance restrictions.

No license shall be issued to:

- (1) A person who has not resided in the state of Washington for at least one month prior to making application.
- (2) A person whose place of business is conducted by a manager or agent, unless such manager or agent also applies and qualifies for a nightclub license for the same business location.
- (3) A copartnership, unless all the members thereof shall be qualified to obtain a license as provided herein.
- (4) A corporation, unless all of the officers, directors and stockholders thereof shall be qualified to obtain a license as provided in this chapter. Such license shall be issued to the manager or other directing head thereof. (Ord. 1544 § 1, 2008; Ord. 588 § 1, 1981; Ord. 321 § 3, 1972).

5.22.40 Filing of application.

Application for a nightclub license shall be made to the city clerk, together with a receipt from the city finance director or designee for the amount of the license in full. The license application shall include personal identification information requested by the city including date of birth and Social Security number. The application shall also specify the business location upon which the nightclub will be conducted. The application fee includes the fee to cover the cost of a WATCH criminal background check, as provided in OHMC 3.64.100. Upon filing of the application and fees, the applicant(s) shall be issued a temporary license which shall expire upon the city council determination set forth in OHMC 5.22.045, unless stayed by filing of a judicial appeal within 30 days of the city council decision appealed. (Ord. 1544 § 1, 2008; Ord. 321 § 4, 1972).

5.22.045 License conditions.

(1) Upon receipt of an application for a nightclub license, the city clerk shall transmit the application to the chief of police, who shall immediately conduct a WATCH criminal background check of the applicant(s).

(2) The chief of police shall also investigate the business location to determine whether there are any features of the establishment which pose noise, traffic or other similar public health or safety concerns for the operation of a nightclub. The chief of police may request the assistance of other city departments, including the fire department and/or the building official, in assessing the impacts of the proposed business location if used as a nightclub.

(3) The chief of police shall report to the city council the result of his investigation and make recommendations concerning any conditions that should be placed upon the nightclub license to reduce noise, traffic or other similar public health and safety impacts. Allowable conditions may include, but are not limited to, restrictions upon the hours of operation, structural improvements to the premises to reduce noise impacts on neighboring uses, limitations on the numbers of patrons at any one time, landscaping or other screening, and requirements for traffic control. Periodic review of the efficacy of the imposed conditions may also be a condition of the nightclub license.

(4) The city council shall hold a public hearing with respect to the issuance of the nightclub license. The applicant(s) shall be entitled to respond to any findings of the police chief or other city officials and any proposed conditions on the nightclub license. Unless the applicant is restricted from holding a nightclub license pursuant to OHMC 5.22.030, the city council shall then determine whether the noise, traffic and other similar public health and safety impacts of the nightclub require mitigation through specified conditions and, if so, shall impose such conditions on the license. In no event shall the expressive content of any music, singing or dancing be the basis for denial of a nightclub license or any conditions placed thereon.

(5) The decision of the city council shall be the final decision of the city. (Ord. 1544 § 1, 2008).

5.22.50 Annual license fee.

Any person desiring to operate a nightclub shall first procure a nightclub license. The annual fee for a nightclub license shall be \$200.00 plus \$10.00 for an annual WATCH criminal background check. (Ord. 1544 § 1, 2008; Ord. 321 § 5, 1972).

5.22.60 Proration of license fee.

There shall be no prorating of the fee mentioned in OHMC 5.22.050, and such license fee shall expire on December 31st of each year; except that in the event that the original application be made subsequent to June 30th, then one-half of the annual license fee may be accepted for the remainder of the year. The license shall not be assignable. (Ord. 1544 § 1, 2008; Ord. 321 § 6, 1972).

5.22.065 Violation of license conditions.

A license holder who violates any license condition of his/her nightclub license shall be subject to civil penalties as follows:

- (1) First violation of a license condition: \$500.00 fine per violation;
- (2) Second violation of same license condition: \$750.00 fine per violation;
- (3) Third violation of same license condition: \$1,000 fine per violation.

First, second and third violations of license conditions shall constitute civil offenses and shall be governed by the procedures of Chapter 1.28 OHMC.

The fourth or greater violation of the same license provision shall constitute a misdemeanor punishable by a fine not exceeding \$1,000, up to 90 days in jail, or both such fine and jail time. (Ord. 1544 § 1, 2008).

5.22.70 Revocation of license.

The city council reserves unto itself the power to revoke any license issued under the provisions of this chapter at any time upon a finding that:

- (1) The license was procured by fraud or false representation of fact; or
- (2) The applicant is barred from holding a nightclub license due to violation of any of the restrictions of OHMC 5.22.030; or
- (3) The conditions imposed upon the license pursuant to OHMC 5.22.045 were knowingly and willfully violated by the person holding such license or at his/her direction; or

(4) A crime or offense involving moral turpitude is committed on the premises in which the nightclub is conducted with knowledge of the licensee. Before revoking any such license, the city council shall, upon at least 10 days' notice to the licensee, hold a public hearing concerning such revocation, at which time the licensee shall be entitled to be heard and introduce the testimony of witnesses. Members of the public may also be permitted to testify at such public hearing. The action of the city council after such hearing, relative to such revocation, shall be final. (Ord. 1544 § 1, 2008; Ord. 996 § 1, 1995; Ord. 321 § 7, 1972).

5.22.80 License – Compliance required.

In addition to the conditions imposed pursuant to OHMC 5.22.045, all nightclub licensees shall comply with the rules or regulations of the Washington State Liquor Control Board relating to the sale of intoxicating liquor. A finding of violation by the Washington State Liquor Control Board shall also constitute a violation of license conditions pursuant to OHMC 5.22.065. (Ord. 1544 § 1, 2008; Ord. 321 § 8, 1972).

5.22.90 Revision of license conditions.

The city council also reserves to itself the power to revise the conditions of the nightclub license upon information received indicating that the existing conditions are not sufficient to mitigate the noise, traffic and public health and safety impacts associated with the nightclub business location. A revision proceeding shall be initiated by an investigative report by the chief of police, fire chief, building official or other city official. In the event that such investigative report is filed, the license holder shall be sent a copy of the complaint and/or report and provided at least 10 days' notice of a hearing to determine whether the conditions of the license shall be modified. At a public hearing before the city council, the license holder shall have the opportunity to respond to the investigative report, and to present any evidence in opposition to a modification of conditions. The city council shall base any change in conditions on the license upon noise, traffic or other similar public health and safety impacts. In no event shall the expressive content of any music, singing or dancing be the basis for denial of a nightclub license or any conditions placed thereon. The decision of the city council, after a public hearing on the proposed change in conditions, shall be final. (Ord. 1544 § 1, 2008; Ord. 321 § 9, 1972).

5.22.100 Appeal to court.

Appeal of any final decision of the city under this chapter shall be to superior court. The city's decision shall be stayed upon appeal filed within 30 days of the city council decision appealed, pending judicial review. (Ord. 1544 § 1, 2008).

**City of Oak Harbor
City Council Agenda Bill**

Bill No. 8
Date: January 5, 2010
Subject: Community Development Block
Grant Application for Pioneer
Way Improvements

FROM: Cathy Rosen, Public Works Director
Eric Johnston, City Engineer

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Jim Slowik, Mayor
 Paul Schmidt, City Administrator
 Doug Merriman, Finance Director
 Margery Hite, City Attorney, as to form

PURPOSE

This agenda bill outlines a strategy to fund the relocation of overhead utilities as part of the Pioneer Way Improvements project. In addition, the agenda bill requests authorization to submit a grant application to the Washington State Department of Commerce together with the necessary public hearing and resolutions.

AUTHORITY

The City has had a standing policy requiring City Council authorization for all grant applications. The City has authority under RCW 35A.11.020 to both regulate its own affairs in planning and budgeting and to apply for the grants as may be necessary in providing for municipal services, such as street improvement projects.

SUMMARY STATEMENT

The Pioneer Way Improvements project extends along SE Pioneer Way between City Beach Street and Midway Boulevard. The emergency replacement of the water main in 2008 focused attention on the failing underground utilities, sidewalks, drainage, street surfacing and other infrastructure along SE Pioneer Way. With the need to make a significant investment for the rehabilitation of basic infrastructure comes the opportunity to make an improvement beyond basic functionality and promote economic development through public investment. The purpose and intent of the project is to promote economic development and revitalization of the City of Oak Harbor, and specifically the downtown business corridor, through the improvement and rehabilitation of the public infrastructure and the beautification of the streetscape.

On November 17, 2009, the City Council adopted Resolution 09-26 committing real estate excise tax funds and enterprise utility funds to the project. However, the funding commitment resolution did not identify or commit funding necessary to relocate overhead utilities. While additional information is needed to develop a true and complete cost estimate for the utility

relocation, it is recommended that the City plan for approximately \$2.0 million dollars for the City's share of the relocation costs. Note that the utility companies will also have costs but that the \$2.0 million represents the out of pocket cost to the City.

In considering the various options several assumptions were made. First, it is assumed that spending additional REET funds on this project will result in long delays or elimination of other significant street and parks projects included in the Capital Improvement Plan. Second, it is assumed that the general fund cannot afford an \$2.0 million one time expenditure without an additional revenue source. Third, that regardless of the funding source or the guarantee of fund availability, design of the utility relocation should be started in order to keep the project on schedule. This means that the design engineer will design the project assuming that funding will be available at the time of construction. If funding is not available, there will be cost incurred for the design effort. Fourth, it is assumed that the utility relocation is an integral part of the project thereby increasing the project cost from \$6.35 million to \$8.35 million. By making this assumption, funding from outside sources is for the entire project and not specifically for the utility relocation as a stand alone element. Finally, it is assumed that the potential revenue generated through formation of a Local Improvement District for power relocation would not justify the cost.

With those assumptions in mind, staff has identified two potential sources of grant funds for use on the Pioneer Way project. The first is the U.S. Department of Housing and Urban Development program administered through the Washington State Department of Commerce known as the Community Development Block Grant (CDGB). The second is the Island County Economic Development Grant program. It is recommended that the City pursue grants from both sources in the amount of \$1.0 million dollars each for the Pioneer Way Project. The funding strategy, with the assumed grant funding application is shown in the attached spreadsheet.

In order to proceed with the CDBG grant application (due on January 21, 2010), there are certain requirements that must be met in the application process. An applicant's local legislative body must pass a resolution authorizing the chief administrative official to submit the CDBG application to the Department of Commerce and certifying compliance with state and federal laws and specific program requirements. In order to make the application, the City Council must hold a public hearing on the application and adopt a resolution authorizing the submittal of the application. There is also a requirement for a grievance procedure that applies to the project.

Attached is the proposed resolution authorizing the application. The authorizing resolution follows the prescribed CDBG language. Also attached is the proposed grievance procedure which establishes a 15 day response period by staff as required by the CDGB program and references OHMC 1.24 for the appeals process. As one of the requirements for the application, a handout describing the CDBG program is attached as well for inclusion with the official record.

It is recommended that the City Council hold the hearing to accept comments related to the application for CDGB funds. Upon completion of the public hearing, the Council should consider adopting the attached resolutions.

January 5, 2010

Community Development Block Grant Application for Pioneer Way Improvements

Page 2 of 3

STANDING COMMITTEE REPORT

This item was reviewed by the Government Services Standing Committee on December 14, 2009.

RECOMMENDED ACTION

1. Conduct the Public Hearing.
2. Adopt Resolution No. 10-01 authorizing the Mayor to submit the CDBG application and certifying compliance with state and federal laws and specific program requirements.
3. Adopt Resolution No. 10-02 establishing grievance procedures related to the CDBG grant application.

ATTACHMENTS

- Funding Plan
- Resolution No. 10-01
- Resolution No. 10-02
- Public Hearing Handout

MAYOR'S COMMENTS

PIONEER WAY FUNDING PLAN

Status	Source	Amount	Purpose
2009-2010 Approved Budget	REET 1	\$ 1,500,000	Street Improvements
	REET 2	\$ 2,000,000	
	Island County Economic Development Grant	\$ 1,000,000	
	subtotal	\$ 4,500,000	
proposed budget amendments	Wastewater	\$ 1,000,000	City Utilities
	Stormwater	\$ 650,000	
	Water	\$ 200,000	
	subtotal	\$ 1,850,000	
Other Funding Sources pending approval	Community Development Block Grant	\$ 1,000,000	
	Island Count Economic Development Grant	\$ 1,000,000	
	total funding plan	\$ 8,350,000	
Project costs	construction cost estimate (15% contingency)	\$ 5,600,000	
	design fee	\$ 650,000	
	overhead utility relocation	\$ 2,000,000	
	construction management/city programs	\$ 100,000	
	total project cost	\$ 8,350,000	
	difference	\$ -	

55

RESOLUTION NO. 10-01

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE WASHINGTON STATE DEPARTMENT OF COMMERCE AND CERTIFYING COMPLIANCE WITH STATE AND FEDERAL LAWS AND SPECIFIC PROGRAM REQUIREMENTS

WHEREAS, the City of Oak Harbor is applying to the State Department of Commerce for funding assistance; and

WHEREAS, it is necessary that certain conditions be met as part of the application requirements; and

WHEREAS, The Mayor is authorized to submit this application to the State of Washington on behalf of the City of Oak Harbor.

NOW, THEREFORE, be it resolved that the City of Oak Harbor authorizes submission of this application to the State Department of Commerce to request **\$1,000,000.00 for the SE PIONEER WAY IMPROVEMENTS PROJECT**, and certifies that, if funded, it:

Will comply with applicable provisions of Title I of the Housing and Community Development Act of 1974, as amended and other applicable state and federal laws;

Has provided opportunities for citizen participation comparable to the state's requirements (those described in Section 104(a)(2)(3) of the Housing and Community Development Act of 1974, as amended); and has complied with all public hearing requirements and provided citizens, especially low- and moderate-income persons, with reasonable advance notice of and the opportunity to present their views during the assessment of community development and housing needs, during the review of available funding and eligible activities, and on the proposed activities;

Has provided technical assistance to citizens and groups representative of low- and moderate-income persons that request assistance in developing proposals;

Will provide opportunities for citizens to review and comment on proposed changes in the funded project and program performance;

Will not use assessments against properties owned and occupied by low- and moderate-income persons or charge user fees to recover the capital costs of CDBG-funded public improvements from low- and moderate-income owner-occupants;

Will establish a plan to minimize displacement as a result of activities assisted with CDBG funds; and assist persons actually displaced as a result of such activities, as provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;

Will conduct and administer its program in conformance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act; will affirmatively further fair housing (Title VIII of the Civil Rights Act of 1968); has adopted (or will adopt) and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights

demonstrations; and has adopted (or will adopt) and implement a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community Development Act of 1974, as amended; and

The City of Oak Harbor designates Jim Slowik, Mayor of the City of Oak Harbor as the authorized Chief Administrative Official and the authorized representative to act in all official matters in connection with this application and the City of Oak Harbor's participation in the State of Washington CDBG Program.

PASSED by the City Council this _____ day of _____, 2010.

CITY OF OAK HARBOR

Jim Slowik, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 10-02

A RESOLUTION ESTABLISHING A GRIEVANCE PROCEDURE TO BE USED ON THE SE PIONEER WAY IMPROVEMENT PROJECT.

WHEREAS, the City of Oak Harbor is applying to the State Department of Commerce for funding assistance; and

WHEREAS, it is necessary that certain conditions be met as part of the application requirements; and

WHEREAS, adoption of a Grievance Procedure is one of those conditions.

NOW, THEREFORE, be it resolved that the City of Oak Harbor establishes the following Grievance Procedure for the SE Pioneer Way Improvement Project:

1. Anyone may submit a complaint in writing to the attention of the City Administrator, 865 SE Barrington Drive, Oak Harbor, WA 98277 for resolution. A record of the complaint and action taken will be maintained. A response will be provided within 15 working days.
2. If the complaint cannot be resolved to the complainer's satisfaction by the City Administrator, the complaint may be resolved in accordance with the appeals process outlined in OHMC 1.24.
3. A record of action taken on each complaint will be maintained as a part of the records or minutes at each level of the grievance process.

PASSED by the City Council this _____ day of _____, 2010.

CITY OF OAK HARBOR

Jim Slowik, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



Community Development Block Grant Program

For More Information:

Bill Cole
CDP Managing Director
360.725.3005
bill.cole@commerce.wa.gov

Kaaren Roe
CDBG Program Lead
360.725.3018
kaaren.roe@commerce.wa.gov

Lynn Kohn
General Purpose Grant Manager
360.725.3042
lynn.kohn@commerce.wa.gov

Janea Eddy
Administrative Assistant
360.725.3006
janea.eddy@commerce.wa.gov

Laurie Dschaak
CDBG Contract Assistant
360.725.5020
laurie.dschaak@commerce.wa.gov

Steve Saylor
Economic Development
Grants & Loan Services
360.725.4046
steve.saylor@commerce.wa.gov

www.commerce.wa.gov/cdbg

Dates and amounts are proposed in the 2010 Action Plan

Introduction

The Washington State Community Development Block Grant (CDBG) program provides funds on a competitive basis for public facilities, community facilities, economic development, housing rehabilitation, public services and planning projects that principally benefit low- and moderate-income households.

Since 1982, the Washington State CDBG Program has distributed and managed over \$419 million from the U.S. Department of Housing and Urban Development (HUD). With this funding, the CDBG Program improves and maintains the environment of eligible, rural cities and counties to enhance the quality of life for low- and moderate-income residents, and as a result, make a difference for the entire community.

2010 Funding Set-Asides

In 2010, approximately \$15 million in federal CDBG funds will be awarded to Washington State. It is proposed that funds be distributed as follows:

- **General Purpose Grants** **\$12,000,000**
 Contact: Lynn Kohn
 Annual grant cycle during which eligible applicants may request up to \$1 million for public facilities, community facilities, housing rehabilitation, or economic development projects principally benefiting low- and moderate-income persons. If total project costs exceed \$10 million, the maximum grant can be \$1.5 million. Applications are due by January 21, 2010, with awards announced by early May 2010.
- **Planning-Only Grants** **\$400,000**
 Contact: Janea Eddy
 Grants support a range of planning activities that lead to implementation of priority projects for eligible small communities and rural counties. Funding levels vary by type of project, with the maximum grant for a single jurisdiction at \$35,000. Joint planning efforts may receive up to \$50,000. The application handbooks for 2010 will be available by February 2010 and can be submitted year round (on funds available basis) beginning March 2010, with first awards announced by early May 2010.
- **Housing Enhancement Grants** **\$1,000,000**
 Contact: Kaaren Roe
 Companion funds to support priority applications submitted to the Washington State Housing Trust Fund, which fund necessary off-site infrastructure or community facility components of the affordable housing project

- **Imminent Threat Grants** **\$200,000**
Contact: Kaaren Roe
Provides funds to address unique emergencies posing a serious and immediate threat to public health and safety on a funds availability basis. Upon formal Declaration of Emergency and completion of an Imminent Threat grant application, costs can be covered for a temporary repair or solution while funding for a permanent fix is secured.
- **Public Services Grants** **\$1,557,612**
Contact: Kaaren Roe
Provides funds to the 12 eligible counties and community action agencies to fund new or expanded direct services for persons with low- and moderate-incomes.
- **CDBG Loan Portfolio** **\$15,000,000**
Contact: Steve Saylor
Provides eligible jurisdictions with short-term loans for economic development/job creation financing on CDBG-eligible activities meeting a HUD National Objective. Applications may be submitted after adoption of the 2010 Action Plan.
 - Float Loan - Economic Development/Job Creation
 - Rural Washington Loan Fund
 - HUD Section 108 Guarantee Loans

HUD National Objectives

CDBG project activities must meet one of three HUD National Objectives:

- Principally benefits low-and moderate-income persons
- Aids in the prevention or elimination of slums or blight
- Addresses imminent threat to public health or safety

CDBG Eligibility Guidelines

- Eligible applicants are Washington State cities and towns with less than 50,000 in population or counties with less than 200,000 in population that are non-entitlement jurisdictions and are not participants in a HUD Urban County Entitlement Consortium.
- Non-profit organizations, Indian tribes, public housing authorities, port districts, community action agencies, and economic development councils, are not eligible to apply directly to the CDBG Program for funding, but may be partners in projects and subrecipients of funding through eligible jurisdictions.
- Applicants may submit one request per fund each program year, except for local microenterprise program applicants seeking a General Purpose Grant.

**City of Oak Harbor
City Council Agenda Bill**

Bill No. 9
Date: January 5, 2010
Subject: Agreement with Washington
State Arts Commission for
an ownership transfer of a
sculpture entitled "Waiting".

FROM: Paul Schmidt, City Administrator 

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Jim Slowik, Mayor
 Doug Merriman, Finance Director
 Margery Hite, City Attorney, as to form

PURPOSE

The purpose of this agenda bill is to enter into an Agreement with the Washington State Arts Commission to transfer ownership of a bronze sculpture entitled "Waiting" to the City of Oak Harbor.

AUTHORITY

The City has authority under RCW 35A.11.020 to regulate its internal affairs and to provide for the improvement and beautification of public ways in the rendering of local social, cultural, recreational, educational, governmental, or corporate services.

SUMMARY STATEMENT

In 1975 the Washington State Arts Commission (WSAC) commissioned Daniel Sowards to create an artwork for the Catalina Shores Park by the Marina. The work was funded through the Comprehensive Employment and Training Act (CETA), along with local funding from the City of Oak Harbor. The commissioning process was coordinated through CETA staff at WSAC and the resulting artwork ("Waiting") is owned by WSAC.

The Washington State Arts Commission is currently responsible for the administration of the State Art Collection. Because this artwork was funded by CETA and not through specific state capital construction, the work is not part of the State Art Collection.

As the sculpture is now over thirty years old, it is in need of repair. Upon discussion with the State Arts Commission representative, it was proposed the ownership of the sculpture be transferred to the City of Oak Harbor under conditions outlined in the attached Assignment of State's Interest in Artwork (Exhibit A). Discussion followed regarding the present condition of the artwork and an agreement was reached that the WSAC would arrange for a conservator to examine the sculpture and prepare a condition report and treatment proposal, attached as Exhibit

B. It was also agreed the WSAC would pay for any necessary repairs or treatment as a part of the transfer of ownership.

The Assignment of State's Interest in Artwork has been reviewed and agreed upon by a representative of the Washington State Arts Commission.

STANDING COMMITTEE REPORT

None

RECOMMENDED ACTION

Approve the Agreement and authorize the Mayor to sign the Assignment of State's Interest in Artwork.

ATTACHMENTS

1. Assignment of State's Interest in Artwork.
2. Landrieu Conservation Condition Report and Treatment Proposal.
3. Newspaper clippings regarding the sculpture.

MAYOR'S COMMENTS



ASSIGNMENT OF STATE'S INTEREST IN ARTWORK

THIS AGREEMENT is made and entered this ___ day of January, 2010, by and between the Washington State Arts Commission, hereinafter called the "Assignor", and the City of Oak Harbor, hereinafter called the "City".

WHEREAS, the Assignor commissioned the Artist Daniel Sowards in 1975 to create an artwork for the City's Catalina Shores Park; and

WHEREAS, the work was funded through the Comprehensive Employment and Training Act (CETA) together with funding from the City; and

WHEREAS, the resulting artwork, a sculpture entitled "Waiting" (the Artwork hereafter), is owned by the Assignor but is located at the City's Catalina Shores Park; and

WHEREAS, the Assignor assumed certain obligations with respect to the Artwork pursuant to the Agreement for Artwork entered November 12, 1975 among the Assignor, the City and the Artist, Daniel Sowards; and

WHEREAS, the Assignor presently has responsibility for administration of the Artwork; and

WHEREAS, administration of the Artwork by the City would be more suitable and would relieve the Assignor of the difficulty of administering a work of art outside the State Art Collection; and

WHEREAS, the Assignor wishes to transfer ownership of the Artwork to the City provided the City accepts the Assignor's obligations under the original 1975 contract;

WHEREAS, the Artist is no longer living at the address contained in the original Agreement for Artwork;

WHEREAS, both the Assignor and the City have attempted to locate the Artist with no success; and

WHEREAS, Section XIX of the original Agreement requires the Artist to notify the Assignor and the City of changes in his/her address and failure to do so waives the Artist's rights contained in Articles XI and XII.

NOW, THEREFORE, the parties hereto agree as follows:

Assignor hereby transfers, assigns, and sets over to the City, free and clear of any claims, liens, or other encumbrances whatsoever, all of Assignor's right, title and interest, legal and equitable, in and to the Artwork located at the City's Catalina Shores Park. Assignor further agrees to

1. Transfer copies of all relevant documents in the Assignor's possession or control related to the artwork to the City of Oak Harbor upon execution of this Agreement.
2. Credit the Artwork as a transfer from the Washington State Arts Commission to the City of Oak Harbor whenever photographs of the Artwork are published.
3. Pay for the cost of the Artwork conservation in accordance with the Condition Report and Treatment Proposal by Landrieu Conservation dated April 23, 2009 and in an amount not to exceed \$3,900.

The City hereby accepts all of the rights, interest and obligations of the Assignor arising out of the Agreement for Artwork entered November 12, 1975 among the Assignor, the City and the Artist, Daniel Sowards. The City acknowledges that the Assignor's rights and interests in the Artwork are those conveyed to the Assignor by the Artist, Daniel Sowards. The City further agrees:

1. The City will credit the Artwork as a "transfer of the Washington State Arts Commission" whenever photographs are published and on any plaque identifying the artwork.
2. The City will maintain the Artwork hereafter at its own expense.
3. The City will honor commitments made by the Assignor in sections XI – XIV and XX of the Agreement for Artwork entered November 12, 1975 among the Assignor, the City and the Artist, Daniel Sowards.

Entered this ___ day of January, 2010.

Washington State Arts Commission
By:

City of Oak Harbor
By:

Jim Slowik, Mayor

LANDRIEU CONSERVATION

REVISED CONDITION REPORT and TREATMENT PROPOSAL

To: Washington State Arts Commission
Attention: Janae Hubert
711 Capital Way S., Suite 600
PO Box 42675
Olympia, WA 98504-2675

Date: 5/25/09

Re: Condition report and treatment proposal for the following:

“Waiting” 1976 by Daniel Sowards. (Cast at the Blue Haron Foundry)
Bronze sculpture: H 5’ W 20” D 10”. Concrete aggregate platform:
H 2’ W 2’ D 18”
Located in the Oak Harbor marina, on Whidbey Island.

Condition:

Structure:

The sculpture appears structurally sound overall. Several elements are missing: the handle of the lamp being held by the figure (#2477), the light bulb which sits inside the lamp, possibly a circular glass shield around the light bulb, and a round bronze bead (#2518) at one of the tips of the figure's string belt.

Surface:

_____ The surface of the sculpture is rough overall, pitted on the face, and pockmarked with what appears to be bronze disease from top to bottom on the front, where it faces the bay (#2482, 2472, 2479, 2480). On the inside of the proper right wrist is a large lesion of bronze disease (#2478 and 2504). The surface on the back of the sculpture shows little sign of disease (#2475).

There is an unusually thick and dull patina on the sculpture, brownish black in color, which almost looks like paint (#2486, 2499). Where the patina (or paint) is worn off a grey metal surface appears, with patches of grey-ish/white corrosion (#2487, 2489, 2490, 2494). This grey metal surface and its corrosion product are unlike the typical appearance of bronze, and may be indicative of a bronze alloy containing 85% copper, 5% zinc, 5% tin and 5% lead, which was often used in the 1970's.

_____ The bronze has numerous small holes throughout and what appears to be the

65

occasional peeling of a top metal layer (#2500 in the middle of the image, 2516 along the edge of the fabric between the metal rod and the proper right foot). One small peeling fragment on the front of the skirt at mid thigh level fell off and shows copper sulfate on both sides (see enclosed fragment). The peeling layer and holes in the surface are suggestive of a casting flaw, where the metal being poured at inconsistent speed splashes upwards into areas of the mold, resulting in a superficial bind to the surrounding metal. As moisture and oxidation penetrate the narrow gaps formed in areas where the metal didn't bind, thin pieces of metal may start to peel.

_____ There is some copper staining on the concrete aggregate base, particularly in the front between the feet, on the back of the base, and around the plaque. The bronze plaque shows signs of corrosion.

Treatment Proposal:

A couple of small areas on the sculpture should be tested to determine the best cleaning method, and to ascertain whether the dark coating is indeed a patina rather than a paint layer.

Assuming it is a patina, one cleaning method would involve mechanically removing the corrosion products using nylon and brass brushes, bronze wool, and deionized water. The areas with bronze disease would be treated with silver oxide, and the sculpture would be wrapped in plastic overnight. The next day the sculpture would be rinsed off, and wiped with acetone.

If upon closer examination there appears to be investment material leaching out to the surface, it will be mechanically removed using brass and nylon brushes. If appropriate weep holes may have to be drilled to allow moisture to escape from inside the sculpture.

If the surface of the sculpture appears stable enough, another cleaning method would involve pressure washing the sculpture, and following up with a mechanical brush and bronze wool cleaning. The bronze disease would be treated as described above. The sculpture would then be rinsed and wiped with acetone.

The stains on the base should be removed with SafeRestore, then rinsed off and the entire base pressure washed. The plaque should be cleaned the same way as the sculpture.

Next, some small tests in inconspicuous areas should be done in order to match the patina. Once the right formula is found, the patina should be applied to the sculpture in the areas where the original patina is worn off. The patina will have to settle on the metal for a few days.

As a final step a protective coat of water-based Incralac should be applied to protect from the marine environment.

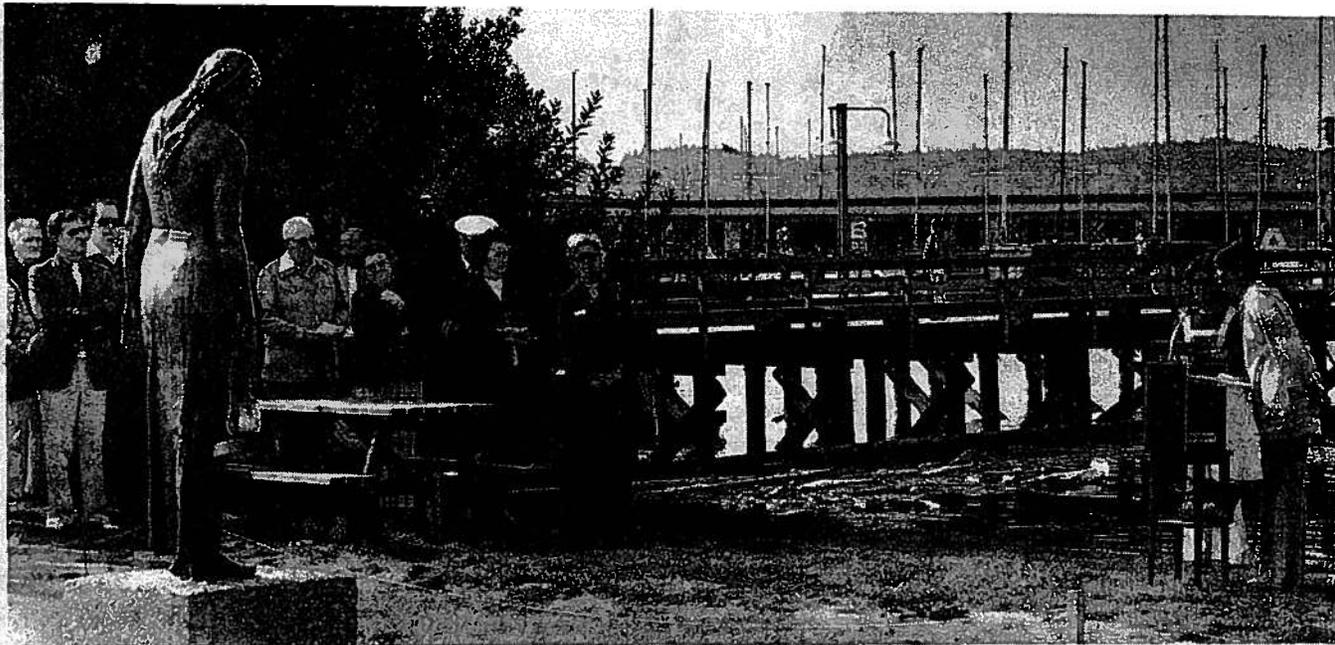
If the dark coating turns out to be a paint layer -which is doubtful- tests should be done to determine the type of paint. The paint should be matched, and the sculpture should be repainted.

Cost Estimate:

Materials:	\$220
Pressure washer rental:	\$135
Conservation 4 1/2 days:	\$2,520 (\$560/day)
Accommodations 3 nights:	\$330
Meals 4 1/2 days:	\$165
Mileage (2 round trips):	\$175.53 (\$.53/mile)
Sub-total:	\$3,545.53
WA state tax (Island County 8.4.%)	\$297.82
Total:	\$3,843.35

Corine Landrieu, PA
2301 NE 115th St
Seattle, WA 98125

Tel: 206-715-2549
landrieu.conservation@hotmail.com



Washington State Arts Commission representative Mary Frye praises local initiative while addressing the crowd at the Tuesday dedication of the new playground and sculpture at the Oak Harbor Marina. Patty Cohen (left), mistress of

ceremonies at the event, introduced guests including sculptor Daniel Sowards and his wife, Barbara, who was Sowards' model for the art piece. The playground was donated by the Oak Harbor Rotary Club.

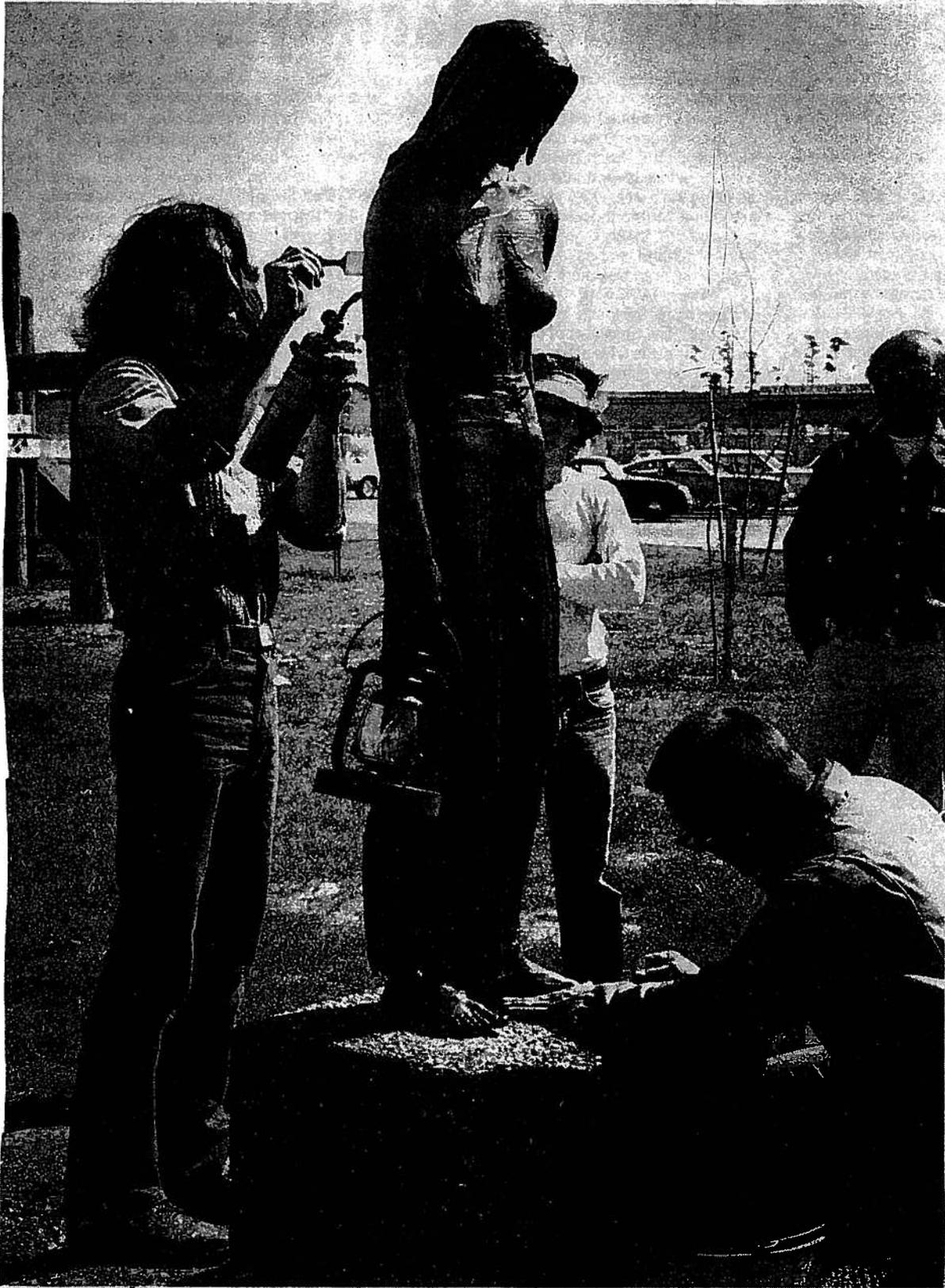


NEW STATUE — Langley artist Daniel Sowards presented his statue, "Waiting", to the city of Oak Harbor in a special bicentennial ceremony held Tuesday at the Oak Harbor marina. A native of Zanesville, Ohio, Sowards used his wife Barbara (left) as the model for

From wax to bronze

A pot for melting gelatine sitting behind them, microcrystalline wax forms which will be used to cast bronze by the lost wax method sit on a cabinet in Dan Sowards studio. When all of the parts have been completed in wax, plaster and sand "investments" will be placed around them in preparation for casting. Molten bronze will then melt out the wax and take the same image. Finally, all of the parts will be welded together and the statue mounted on a cement pedestal near the Oak Harbor Marina.

the statue. "I thought about Oak Harbor being the home of so many women who wait for the Navy ships to return," Sowards said, "and that gave me the theme of the statue." Here Sowards greets Oak Harbor mayor Al Koetje near the 400-pound bronze sculpture.



Sculptor Dan Sowards, with torch in hand, put the finishing touches on "Waiting," shortly after four men hefted the 400 pound bronze statue into place at the marina Tuesday afternoon. The State Art Commission financed the project while Everett Bros. Const. donated the base and Oak Harbor plans to pay for landscaping which will be installed by the Men's Garden Club. Dedication ceremonies for the statue will be held 11:30 Sept. 28.

**City of Oak Harbor
City Council Agenda Bill**

Bill No.

10

Date:

January 5, 2010

Subject:

Executive Session

FROM: Paul Schmidt 
City Administrator

**INITIALED AS APPROVED FOR
SUBMITTAL TO THE COUNCIL BY:**

 Jim Slowik, Mayor
 Doug Merriman, Finance Director
 Margery Hite, as to form

SUMMARY STATEMENT:

Pursuant to *RCW 42.30.110*, Executive Sessions, and *RCW 42.30.140*, which exempts collective bargaining from the Open Public Meetings Act, City Council will hold an executive session during their regular January 5, 2009 business meeting to discuss:

1. Property acquisition
2. Collective bargaining

As stated in *RCW 42.30.110*, before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

No action will be taken in the executive session.

