

**MINUTES
PIERCE COUNTY COUNCIL MEETING
APRIL 23, 2002**

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(Note: These minutes are not verbatim. Recorded tapes are available upon request.)

I. CALL TO ORDER

The regular meeting of the Pierce County Council was called to order at 3:00 p.m. by Vice Chair O'Malley.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by O'Malley.

III. ROLL CALL

Councilmembers Present: Wendell Brown, Calvin Goings, Pat O'Malley, Jan Shabro, and Kevin Wimsett; Karen S. Biskey and Harold Moss were excused.

Council Staff Present: Susan Long, Legal Counsel; Gerri Rainwater, Administrator/Clerks & Operations; and Tom Weber, Administrator/Research & Policy.

There were approximately 39 visitors present.

IV. APPROVAL OF AGENDA

Brown moved approval of the Agenda; motion seconded and passed.

V. CONSENT AGENDA

a. Approval of Minutes

b. Action on Ordinances (refer, set date of hearing)

1. PROPOSAL NO. 2002-46, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2001-86s3, AS AMENDED; ESTABLISHING AN EMPLOYEES' ASSISTANCE PROGRAM FUND AND A FEDERAL FOREST SERVICES FUND; PROVIDING FOR A 2002 BUDGET APPROPRIATION FOR THOSE FUNDS; AND INCREASING THE 2002 BUDGET FOR THE 9-1-1 SYSTEM FUND.

For referral to the Rules and Operations Committee
Suggested date of Council hearing: May 21, 2002

c. Action on Resolutions (refer, set date of hearing)

d. Other Items

Brown moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of five to zero.

VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY

1. A message from the Executive transmitting the following Ordinance, which was approved and signed on April 9, 2002, was read into the record:

ORDINANCE NO. 2002-28, AN EMERGENCY ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2002-3s, WHICH CREATED THE FILUCY BAY WATERSHED PROTECTION DISTRICT, BY INCORPORATING A NEW EXHIBIT "B" TO THE ORDINANCE, WHICH IS ENTITLED "FILUCY BAY CLOSURE RESPONSE MATRIX."

VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND COMMISSIONS

PROPOSAL NO. R2002-44, A RESOLUTION OF THE PIERCE COUNTY COUNCIL RECOGNIZING AND HONORING THE MANY CONTRIBUTIONS MADE TO PIERCE COUNTY BY THE DAFFODIL FESTIVAL AND ITS ROYAL COURT FOR THE PAST 69 YEARS.

Brown moved adoption; motion seconded. The Clerk read the Proclamation into the record.

Queen Katrina Woldseth, Franklin Pierce High School, accepted the Proclamation from presenters Councilmember Calvin Goings and Lyle Quasim, Chief of Staff, Executive's Office, and introduced the Royal Court.

Members of the Daffodil Board of Directors introduced themselves, and thanked the Council for their recognition.

The Proposal passed on a roll call vote of five to zero.

PROPOSAL NO. R2002-41, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE PROCLAIMING THE DAY OF SATURDAY, APRIL 27, 2002, AS PARKS APPRECIATION DAY IN PIERCE COUNTY, WASHINGTON.

Brown moved adoption; motion seconded. The Clerk read the Proclamation into the record.

O'Malley announced the Proclamation would be delivered to the County Executive, who had requested its passage.

The Proposal passed on a roll call vote of five to zero.

PROPOSAL NO. R2002-42, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER, AND THE REAPPOINTMENT OF TWO EXISTING MEMBERS, TO THE AGING AND LONG TERM CARE ADVISORY BOARD (DONNA MILLER, CARL RITTING AND TED DAHL).

Brown moved adoption; motion seconded. The Clerk read the title into the record. The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of five to zero.

PROPOSAL NO. R2002-43, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE PIERCE COUNTY ARTS COMMISSION (TISH ANDRESEN).

Brown moved adoption; motion seconded. The Clerk read the title into the record.

Tish Andresen stated she looks forward working with the Arts Commission, and making art accessible to all. She thanked the Council for confirmation of her appointment.

The Proposal passed on a roll call vote of five to zero.

VIII. ORDINANCES

PROPOSAL NO. 2002-7, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL PROHIBITING THE DISCHARGE OF FIREARMS WITHIN UNINCORPORATED PORTIONS OF PIERCE COUNTY IN THE SPANAWAY, GRAHAM, PUYALLUP, AND SOUTH HILL AREAS. (TITLE SUMMARY: PLEASE SEE SECTION 2. OF THE ORDINANCE FOR COMPLETE LEGAL DESCRIPTION.)

Brown moved that the Proposal be continued to May 7, 2002; motion seconded and passed.

PROPOSAL NO. 2002-8, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL PROHIBITING THE DISCHARGE OF FIREARMS WITHIN UNINCORPORATED PORTIONS OF PIERCE COUNTY, IN THE BONNEY LAKE, SOUTH PRAIRIE, BUCKLEY, AND LAKE TAPPS AREAS. (TITLE SUMMARY: PLEASE SEE SECTION 2. OF THE ORDINANCE FOR LEGAL DESCRIPTION OF THE AREA.)

Brown moved that the Proposal be continued to May 7, 2002; motion seconded and passed.

PROPOSAL NO. 2002-12s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS3-01, CHARLES AND BEVERLY CROW - GRAHAM AREA)

Brown moved adoption; motion seconded. The Clerk read the title into the record.

Brown moved adoption of Council Amendment No. 1 as set forth in Attachment I to these minutes; motion seconded and passed.

Public Testimony

Michael Nelson stated it is difficult for the public to follow Council action if they do not understand the Proposal before them.

The Chair called on Airyang Park, Planning and Land Services Department, to provide an explanation of the effects of Open Space Classification, and the particulars of the Application OS3-01.

The Proposal passed as amended on a roll call vote of five to zero.

PROPOSAL NO. 2002-13s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS4-01, ROLLIN W. AND MARY J. MORFORD - GIG HARBOR PENINSULA AREA)

Brown moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Airyang Park provided an explanation of the application, and set forth the public benefit rating system points.

The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of five to zero.

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At the tape change it appeared Side B was defective; there is no testimony on Side B of Tape 1.

PROPOSAL NO. 2002-14s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS5-01, BLAIR AND MARIAN COCKERLINE, PUYALLUP AREA)

Brown moved adoption; motion seconded. The Clerk read the title into the record.

Brown moved adoption of Council Amendment No. 1 as set forth in Attachment II to these minutes; motion seconded and passed.

Staff Testimony

Park provided an overview of the Ordinance, and set forth the public benefit rating system points. Park responded to a question from Brown regarding lot size in Rural Separator zoning.

The Proposal passed as amended on a roll call vote of five to zero.

PROPOSAL NO. 2002-17, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 3.16 OF THE PIERCE COUNTY CODE, AND ADOPTING A NEW TITLE FOR CHAPTER 3.16, EQUAL EMPLOYMENT OPPORTUNITY POLICY.

Brown moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Betsy Sawyers, Director, Personnel Department, stated this Proposal had been continued from April 9, 2002, to address some questions the Council had relative to this Ordinance. She referenced an April 16, 2002, E-mail message from Denise Greer, Prosecuting Attorney Office, to Betsy Sawyers setting forth the rationale behind the changes to the EEO policy. A copy of Greer's letter is contained in the Ordinance file.

Shabro moved a technical amendment on page 3 of Exhibit "A" at line 8-1/2 to delete the words "if any employee believes that they" and add the language "if employees believe that they"; motion seconded and passed.

The Proposal passed as amended on a roll call vote of five to zero.

PROPOSAL NO. 2002-43, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ESTABLISHING A WEIGHT RESTRICTION OF TEN TONS ON ALDER CUTOFF ROAD, FROM MAY 10, 2002, TO JULY 16, 2002, INCLUSIVE.

Brown moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Bruce Duncan, Public Works & Utilities Department, stated this weight restriction on the Alder Cutoff Road is being requested to allow the repaired road time to cure. He stated schools and trucking businesses in the area have been notified of the change. The change has been posted and noticed in the newspaper. He stated this repair will not solve the slide problem that occurs on this road, but does smooth the surface.

The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of five to zero.

PROPOSAL NO. 2002-9, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2001-86s3, BY ADDING A PROVISIO FOR A FISH STOCKING PROGRAM TO THE PARKS AND RECREATION SERVICES DEPARTMENT'S BUDGET.

Brown moved adoption; motion seconded. The Clerk read the title into the record.

Brown moved adoption of Council Amendment No. 1 as set forth in Attachment III to these minutes; motion seconded. Brown read the amendment into the record. The amendment passed.

Public Testimony

Randy Boss spoke in favor of the amendment, and thanked the Council for the change.

The Proposal passed as amended on a roll call vote of five to zero.

IX. RESOLUTIONS - None

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Presentation on AT&T Broadband's proposed merger with Comcast Corporation: Consultant, Mr. Kenneth S. Fellman, Kissinger and Fellman.

XI. GENERAL PUBLIC COMMENTS

Michael Nelson stated cable TV is important to citizens, and it is important to have a choice in service.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:30 p.m.

Attest:

Gerri Rainwater, Clerk of the Council

Approved:

Harold Moss, Council Chair

Date Approved