

**MINUTES
PIERCE COUNTY COUNCIL MEETING
APRIL 29, 2003**

930 TACOMA AVENUE SOUTH, ROOM 1045
TACOMA, WASHINGTON 98402
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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 Chair Moss.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Moss, followed by a Moment of Silence in tribute to our men and women in the Military.

III. ROLL CALL

Councilmembers Present: Paul Bocchi, Shawn Bunney, Barbara Gelman, Calvin Goings, Terry Lee, Harold Moss, and Kevin Wimsett.

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

There were approximately 43 visitors present.

Gelman acknowledged the death of Tacoma Chief of Police David Brame, and stated the Public Safety & Human Services Committee would be doing an in-depth study on domestic violence issues.

IV. APPROVAL OF AGENDA

Wimsett moved approval of the Agenda; motion seconded and passed on a voice vote.

V. CONSENT AGENDA

- a. Approval of Minutes
 1. The minutes of the April 15, 2003 regular Council meeting
- b. Action on Ordinances (refer, set date of hearing)
 1. PROPOSAL NO. 2003-37s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW CHAPTER 2.85 OF THE

PIERCE COUNTY CODE ENTITLED "KEY PENINSULA ADVISORY COMMISSION"; AND ESTABLISHING AND CREATING A NINE-MEMBER LAND USE ADVISORY COMMISSION IN THE KEY PENINSULA COMMUNITY, TO BE KNOWN AS THE KEY PENINSULA ADVISORY COMMISSION.

Sponsored by: Councilmember Terry Lee

Contact person: Anna Graham, 798-6253

DO PASS AS SUBSTITUTED RECOMMENDATION - PLANNING & ENVIRONMENT COMMITTEE (Calvin Goings, Chair; Terry Lee, Vice Chair; Paul Bocchi, Member; Barbara Gelman, Member; Kevin Wimsett, Member)

Suggested date of Council hearing: May 27, 2003

2. PROPOSAL NO. 2003-46, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING SUPPLEMENTAL FRANCHISE NO. 11 TO THE CITY OF TACOMA, DEPARTMENT OF UTILITIES, WATER DIVISION, A MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY.

Sponsored by: Councilmember Shawn Bunney

Contact person: Jerry West, 798-3687

For referral to the Public Works Committee

3. PROPOSAL NO. 2003-47, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO FOX ISLAND MUTUAL WATER ASSOCIATION, FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE.

Sponsored by: Councilmember Shawn Bunney

Contact person: Jerry West, 798-3687

For referral to the Public Works Committee

4. PROPOSAL NO. 2003-48, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH UNITED FOOD & COMMERCIAL WORKERS UNION, UNITED STAFF NURSES UNION LOCAL 141; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

Sponsored by: Councilmember Harold Moss

Contact person: Michael Taft, 798-3394

For referral to the Rules & Operations Committee

To be heard by the Rules & Operations Committee on May 19, 2003

Suggested date of Council hearing: May 27, 2003

5. PROPOSAL NO. 2003-49, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RESPONDING TO THE FINAL DECISION AND ORDER OF THE CENTRAL PUGET SOUND GROWTH MANAGEMENT

HEARINGS BOARD REGARDING CASE NO. 02-3-0010, AND AMENDING CHAPTER 19B.40 (PARKLAND-SPANAWAY-MIDLAND COMMUNITIES PLAN); AMENDING SECTION 18A.25.020, ZONE CLASSIFICATIONS, TO CREATE A HIGH DENSITY SINGLE-FAMILY ZONE; AMENDING SECTION 18A.25.030, ZONING ATLAS, AND CHAPTER 18A.35, DEVELOPMENT STANDARDS - ZONING CODE, TO ADDRESS SPECIFIED PORTIONS OF THE RESIDENTIAL RESOURCE AND SINGLE-FAMILY ZONE CLASSIFICATION; AND ADOPTING FINDINGS OF FACT.

Sponsored by: Councilmembers Barbara Gelman, Calvin Goings and Terry Lee

Contact person: Anna Graham, 798-6253

For referral to the Planning & Environment Committee
To be heard by the Planning & Environment Committee
on May 14, 2003

Suggested date of Council hearing: June 10, 2003

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

1. PROPOSAL NO. R2003-42s, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DECLARING AN INTENT TO INITIATE A COMMUNITY PLAN FOR THE KEY PENINSULA COMMUNITY, TO BE KNOWN AS THE KEY PENINSULA COMMUNITY PLAN; AND REQUESTING THE COUNTY EXECUTIVE TO INCLUDE FUNDING FOR THIS COMMUNITY PLAN IN THE NEXT ANNUAL BUDGET.

Sponsored by: Councilmember Terry Lee

Contact person: Anna Graham, 798-6253

DO PASS AS SUBSTITUTED RECOMMENDATION - PLANNING & ENVIRONMENT COMMITTEE (Calvin Goings, Chair; Terry Lee, Vice Chair; Paul Bocchi, Member; Barbara Gelman, Member; Kevin Wimsett, Member)

Suggested date of Council hearing: May 27, 2003

d. Other Items

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

VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY - None

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

Star Award for 2002 United Way of Pierce County Heart Club Campaign Award. Presented by Christie Hartke, United Way of Pierce County to Pierce County. Accepted by Lyle Quasim, Executive Chief of Staff.

PROPOSAL NO. R2003-62, A RESOLUTION OF THE PIERCE COUNTY COUNCIL PROCLAIMING THE WEEK OF MAY 5-9, 2003, TO BE JUROR APPRECIATION WEEK IN PIERCE COUNTY, WASHINGTON.

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

The Honorable James R. Orlando, Superior Court Judge, accepted the Proclamation, and acknowledged Jury Administration Staff present at the meeting. Orlando thanked the Council for their recognition of the importance of jurors in the judicial system.

The Proposal was adopted on a roll call vote of seven to zero.

VIII. ORDINANCES

PROPOSAL NO. 2002-127, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL PROHIBITING THE DISCHARGE OF FIREARMS IN PORTIONS OF THE UNINCORPORATED AREAS OF SECTIONS 33 AND 34, TOWNSHIP 18, RANGE 2 EAST, AND SECTIONS 3 AND 4, TOWNSHIP 17, RANGE 2 EAST, IN PIERCE COUNTY IN THE ROY AREA.

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

Staff Testimony

Weber provided an overview of the development of this Ordinance, which had been initiated by former Councilmember Pat O'Malley. O'Malley worked with residents in the affected area, the City of Roy, and the School District, to draw boundary lines for the proposed no shooting zone. He stated the City of Roy has asked for a buffer around the City. There have been shooting incidents in the past that alerted officials to the need for a restriction of the discharge of firearms as a safety precaution.

Weber stated the boundary lines that are presently before Council have been modified and reduced since the original request. The original request was in the form of a petition from affected property owners. A copy of that petition is contained in the Ordinance file.

Sergeant Rick Haltunen, Deputy Sheriff, spoke in support of the Ordinance, stating the proposed Ordinance does contain exemptions that would make it legal to shoot to protect life, property, and livestock. He stated there is a need for this Ordinance as a safety measure and enforcement tool.

Ray Dorn, Mayor, City of Roy, thanked the Council for bringing this Ordinance forward, stating the City supports it

as drafted. He said it is important for the protection of school children and citizens.

John Hawk, Police Chief, City of Roy, stated the Department supports this Ordinance. They have received many complaints about shooting in this area, and over 300 children attend the grade school that is involved.

Tom Seigel, Superintendent, Bethel School District, spoke in support of the Ordinance. He stated it would especially improve safety for the students and staff at the school. He stated he is a National Rifle Association (NRA) member, and respects the rights of sportsmen, but feels this is a safety issue.

Public Testimony

Moss asked that the individuals who live in the affected area speak first.

Robert Anderson stated a concern about his ability to fire guns on his property.

Elton Poole spoke in support of the Proposal.

Alice Sparks thanked the Council for drafting this Ordinance, stating it is needed and pointed out there could be a liability issue to the County, should an incident occur with a firearm.

Mike Johnson stated he supports the Ordinance as a safety measure.

Lisa Banister Montgomery stated she supports the Ordinance and urged Council's adoption.

Dick Roush, Planning Commission Member, City of Roy, stated he would encourage the County to have areas where shooting is allowed. He stated the current situation at Roy is a liability issue.

Allen Hodges asked that the Council follow suit with other jurisdictions, and differentiate between restrictions on shotguns and rifles.

Robert Joamis asked that the Council make the restriction on rifles, and allow the discharge of shotguns.

Larry Schorno supported the restriction of discharge of

rifles, but felt shotguns should be allowed. Jack Kominski stated the Council should look at ordinances from other jurisdictions that do differentiate between shotguns and rifles.

Jim Gonia spoke in opposition to the Ordinance, stating he could find no statistics that would bear out the need for this restriction.

Alton MacDonald spoke in support of the Ordinance, stating it was a good safety measure.

Dennis Wilcox spoke in opposition to the Ordinance, stating it is not a good approach to solving the problem.

Sherry Duvall encouraged education programs in firearms safety.

Jim Bertinas encouraged a distinction between shotguns and rifles in future restriction ordinances.

Arthur Zengota stated a concern for developments that have small parcels in residential areas, stating he prefers larger building lots.

Following Councilmember remarks, the Proposal passed on a roll call vote of seven to zero.

At 4:20 p.m. the meeting recessed; at 4:25 p.m. the meeting reconvened.

PROPOSAL NO. 2003-6, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY THAT LIES WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, AND IS LOCATED IN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN; REQUIRING PUBLIC ACCESS; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS1-02, JOSEPH AND PAMELA MAYER - SPANAWAY AREA)

Wimsett 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 six to zero; Bocchi was excused at the time of roll call.

PROPOSAL NO. 2003-7, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT

USE ASSESSMENT, ON CERTAIN PROPERTY THAT LIES WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, AND IS LOCATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 17 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS2-02, WILLIAM MILES - GRAHAM AREA)

Wimsett 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 six to zero.

PROPOSAL NO. 2003-8, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WHICH LIES WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, AND IS LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS3-02, KENNETH AND SHARRELL KILBORN - GIG HARBOR AREA)

Wimsett 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 six to zero.

PROPOSAL NO. 2003-9, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT, ON CERTAIN PROPERTY THAT LIES WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, AND IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 16 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST4-02, RICHARD HANLY - ROY AREA)

Wimsett 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 six to zero.

PROPOSAL NO. 2003-12, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 5.14.190 OF THE PIERCE COUNTY CODE, "OPERATION RESTRICTIONS - UNLAWFUL ACTS DESIGNATED", TO CLARIFY THE RESPONSIBILITY OF THE MANAGEMENT OF EROTIC DANCE STUDIOS TO ENFORCE THE RESTRICTIONS SET FORTH IN SECTION 5.14.190 OF THE PIERCE COUNTY CODE.

Gelman moved that the Proposal be re-referred to the Public Safety & Human Services Committee for an opportunity for further public hearing; motion seconded and passed on a voice vote.

PROPOSAL NO. 2003-14, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF AN ALLEY WAY LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN THE PUYALLUP AREA.

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

Staff Testimony

Les Olsen, Public Works and Utilities Department, stated this vacation request came from one property owner, and the Department supports the request to vacate.

Lee stated a concern that the County should be proactive in looking at all County-owned rights-of-way that could potentially be vacated to get that property back on the tax rolls as a revenue source.

The Chair called for public testimony; there was no response.

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

PROPOSAL NO. 2003-16, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 15 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST9-02, JANICE A. TRACY - EATONVILLE AREA)

Wimsett 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 seven to zero.

PROPOSAL NO. 2003-17, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE SOUTHWEST

QUARTER OF SECTION 9, TOWNSHIP 16 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST8-02, ALLEN AND CARLA CHASE - ROY AREA)

Wimsett 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 seven to zero.

PROPOSAL NO. 2003-18, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST11-02, MICHAEL AND VICKY MURPHY - EATONVILLE AREA)

Wimsett 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 seven to zero.

IX. RESOLUTIONS - None

X. OTHER BUSINESS/ANNOUNCEMENTS

Wimsett moved to amend the Meeting Schedule for the week of May 5-9, 2003, by deleting Proposal No. 2003-61, from the Planning & Environment Committee meeting agenda; motion seconded and passed on a voice vote.

XI. GENERAL PUBLIC COMMENTS

Alton MacDonald spoke of the recent shooting involving Tacoma Chief of Police Brame, and stated he felt the City of Tacoma could have taken actions to prevent this happening. He asked that the Council address this type of potential problem with the Sheriff's Department in a proactive manner.

