

**City of Kenmore, Washington
City Council Regular Meeting Minutes
October 9, 2017**

CALL MEETING TO ORDER — The Kenmore City Council meeting was called to order by Mayor Baker at 7:00 p.m.

Councilmembers present:

Mayor David Baker
Councilmember Laurie Sperry
Councilmember Milton Curtis
Councilmember Nigel Herbig
Councilmember Stacey Denuski
Councilmember Brent Smith

Councilmembers absent:

Deputy Mayor Allan Van Ness

Staff present:

Rob Karlinsey, City Manager
Nancy Ousley, Assistant City Manager
Joanne Gregory, Finance and Administration Director
Debbie Bent, Community Development Director
Lauri Anderson, Senior Planner
Dawn Reitan, City Attorney
Kelly Chelin, City Clerk

FLAG SALUTE

The Council led the flag salute.

AGENDA APPROVAL

The agenda was approved as submitted.

PRESENTATION

Introduction of Brooke Knight, New Chief Executive Officer, Northshore Senior Center - Rob Karlinsey, City Manager

Ms. Knight addressed the Council as the new CEO of Northshore Senior Center. She is excited to be in her new position.

Distinguished Budget Presentation Award from the Government Finance Officers Association to the City of Kenmore - Rob Karlinsey, City Manager

City Manager Karlinsey recognized Director Gregory and her team for the award.

CITIZEN COMMENTS

Corina Pfeil
(On file)

Ms. Pfeil spoke to the business agenda item to consider options/revisions to the zoning code addressing "small cells."

Kim Allen
113 Cherry Street
Seattle, Washington 98124

Ms. Allen is from the Wireless Policy Group for Verizon, AT&T and T-Mobile. She agrees with staff's recommendation in the packet materials.

Alex Qih
19415 77th Place NE
Kenmore, Washington 98028

Mr. Qih told the Council he just moved here from California. He asked the Council to talk to their legislators about health care issues.

CONSENT AGENDA

MOTION: Councilmember Denuski made a motion to approve the consent agenda, Councilmember Herbig seconded the motion. The motion passed unanimously.

The consent agenda included the following:

The Following Checks and Electronic Payments are Approved for Payment:

Total Check #37860 through #37972 in the amount of \$1,660,709.91.

Payroll Check #10079 in the amount of \$11,710.55.

Total Payroll/Taxes/Flexible Spending & Health Savings Account Electronic Deposits Dated 9/15/17 in the amount of \$102,028.94.

City Council Meeting Minutes of September 11, 2017

Authorize the City Manager to Execute a Contract with HDR, Inc. in an Amount not to Exceed \$132,000 to Complete Project Design NE 153rd Place Sidewalk Project

BUSINESS AGENDA

Consider Options/Revisions to the Zoning Code Addressing "Small Cells"- Debbie Bent, Community Development Director and Lauri Anderson, Senior Planner

Director Bent and Senior Planner Anderson explained that at the Council's September 11 meeting, staff was asked to provide options for addressing the size of "small cells" in the Zoning Code. The wireless carriers—primarily Verizon—expressed concern about the current small cell definition which mandates that all antennas in a small cell facility occupy a space no larger than 3 cubic feet. Being defined as a "small cell" is important to the carriers as it allows a facility to locate on a utility or light pole in the City's single-family zoning districts as an outright permitted use. If not a "small cell," a wireless facility must obtain a conditional use permit in these zones, requiring a public comment period and conformance to review criteria. (Antennas on utility or light poles in the multifamily and most non-residential zones are already an outright permitted use.)

The small cell facilities currently proposed by Verizon for Kenmore occupy a space approximately 2.98 cubic feet per antenna. Given that two or more antennas may be proposed for a facility, the 3 cubic foot limitation prevents these facilities from consideration as small cells. Instead, as described above, they must be considered as regular wireless communication facilities with attendant review processes (typically, a conditional use permit in the City's single-family residential zones). The carriers have requested that the City's definition be amended to reflect the State's small cell definition which would allow each antenna in a small cell facility to be up to 3 cubic feet in size, with no limitation on the number of antennas.

The size of the T-Mobile shroud is 3.16 cubic feet, but it meets the 3-cubic-foot State definition as it includes both the antenna and some primary equipment.

Verizon has stated that their facilities may contain up to 3 antennas, although they have not yet constructed a 3-antenna small cell facility so they could not provide photos. Wireless Policy Group on behalf of Verizon, AT&T and T-Mobile submitted additional information on the small cell issue.

Staff has contacted Puget Sound Energy (PSE) about small cell facilities on their poles. PSE representatives clarified that they might consider allowing more than one carrier on the same utility pole.

Options for Council consideration include:

1. Adopt the State small cell definition with no limitation on the number of antennas on a pole. Staff strongly recommends against this approach given the potential impact to the single-family neighborhoods. With no limitation, the neighbors would have no opportunity to provide public comment on a multiple-antenna facility.
2. Adopt the State small cell definition, but add a limitation on the total number of antennas on a pole. Staff recommends this approach with a 3-antenna limitation. This would allow 3 antennas around a pole or a single antenna on top of the pole and 2 antennas around the pole. Reviewing the photos provided by the carriers, staff believes that the single-family residential neighborhoods should have a voice in the review process for poles with more than 3 antennas.
3. Amend the existing Kenmore definition to establish a total allowable size greater than 3 cubic feet for all antennas. For two antennas, a facility total of 6 cubic feet should meet Verizon's requirements. For three antennas, 9 cubic feet would be needed. Staff recommends against this measurement approach because of the complexity of determining how many square feet are in an "imaginary enclosure" housing more than a single antenna (the Zoning Code standard). Assessing 3 cubic feet per antenna, as in options 1 and 2, would be far easier for permit applicants and permit review staff.

After discussion between the Council and staff, the Council agreed to staff recommendation 2. Staff will proceed with issuing a notice for a public hearing at a future Council meeting.

STAFF REPORT

Recreational Marijuana Home Grows: Response to Request for Input from the Washington State Liquor and Cannabis Board - Debbie Bent, Community Development Director and Lauri Anderson, Senior Planner

Director Bent and Senior Planner Anderson reviewed a draft letter to the Council as follows:

DRAFT LETTER:

Thank you for the opportunity to comment on the three options you are considering in your study of regulatory options for recreational marijuana home grows. The City of Kenmore prefers Option 3 that would prohibit this activity and maintain the status quo. Our city has a recreational marijuana retailer that serves our citizenry, and we share the concerns you have outlined in your published evaluation of this option.

If the Board were to continue in the direction of allowing recreational marijuana home grows, we prefer Option 1 to Option 2. Option 2 would require us to undertake Municipal Code amendments and potentially to set up a new local control system for recreational marijuana home grows—no small undertaking! We assume it would then become our responsibility to address federal concerns. Our police department has expressed serious reservations about both Options 1 and 2.

Council discussed the different options.

MOTION: Councilmember Smith made a motion to send a letter that we don't see Option #2 as being a viable option, Councilmember Herbig seconded the motion. The motion failed 3-3-0 with Councilmember Curtis, Councilmember Sperry and Mayor Baker voting no.

MOTION: Councilmember Curtis made a motion to send the letter as written (and proposed by staff), Councilmember Sperry seconded the motion. The motion passed 4-2-0 with Councilmember Herbig and Councilmember Smith voting no.

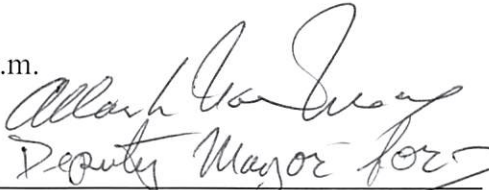
City Manager Karlinsey asked the Council if they would like an update at the next meeting from the Lake City Partners on the shelter. The Council agreed to a short, five minute, report at the October 16, 2017 meeting.

COUNCIL REPORTS

Mayor Baker reported that he talked to the Governor about the Saint Edward ballfield project.

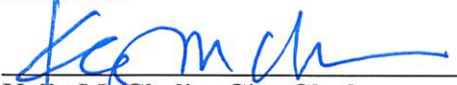
ADJOURNMENT

Mayor Baker adjourned the meeting at 7:42 p.m.



David Baker, Mayor

ATTEST:



Kelly M. Chelin, City Clerk