

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**September 19, 2013**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

## **CALL TO ORDER, FLAG SALUTE:**

Mayor Olness called the regular meeting to order at 7:00 p.m. and lead us all in the Flag Salute.

## **ROLL CALL:**

**PRESENT:** Councilmembers Deady, Goodwin, Edelman and Benson.

**ABSENT:** Councilmember Taylor (excused).

Staff present: Stacy Welsh, Community Development Director; Aaron Nix, Natural Resources/Parks Director; Greg Smith, Fire Chief; Jamey Kiblinger, Police Chief; Mark Hoppen, City Administrator; Chris Bacha, City Attorney; and Brenda L. Martinez, Asst. City Admin. /City Clerk.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to revise the order of the agenda to take the presentation before public comments. Motion **passed** (4-0).

## **PRESENTATIONS:**

### **“Coverage is Here King County” – Public Health – Seattle & King County**

Karen Adams, King County gave a presentation to Council regarding “Coverage is Here King County”. She discussed what health reform means for King County and noted that about 180,000 are currently uninsured in King County. She noted health reform is here and big changes are coming. Starting this fall, Black Diamond residents will have a new way to find, compare and enroll in affordable health insurance coverage and it is called Washington Health Plan Finder. Enrollment begins on October 1, 2013 for coverage that begins January 1, 2014. Partners with King County that will have enrollment sites are the Black Diamond Community Center and the Black Diamond Public Library. She thanked Council for allowing her to speak that evening.

## **PUBLIC COMMENTS:**

Cindy Wheeler, Black Diamond commented on the roll call procedure and the need to add the presence of the Planning Commissioners; concerned why we changed the agenda to allow the presentation to go first and not motioning to pull items 3 and 4; 232<sup>nd</sup> Avenue incident regarding the traffic study by Transpo.

## **PUBLIC HEARINGS:**

### **Proposed Ordinance Imposing a Six-Month Moratorium Prohibiting the Establishment, Location Operation, Licensing, Maintenance, or Continuation of any Medical Cannabis Collective Garden or any Medical Marijuana Dispensary**

City Attorney Bacha reported before Council is a proposed ordinance imposing a six-month moratorium prohibiting the establishment, location operation, licensing, maintenance, or continuation of any medical cannabis collective garden or any medical marijuana dispensary, the ordinance is also on new business for Council to consider, but not necessarily to take action on tonight.

Mayor Olness opened the public hearing at 7:16:50 p.m.

Valerie Bauer, Covington, states she is the co-owner of Lady Buds in Black Diamond and noted there have been no complaints about her Wellness Center; they connect folks with ways to get in contact with providers. A lot of folks are concerned about this ordinance and they don't want to see them shut down. She noted they are very considerate of the laws and will not break the law; they are there to help people and are very professional and are an asset to this community. She proposed the Council to work with them as it will not only hurt them, but will hurt many folks in the community.

Gwen Bartow, Covington commented she owns an evaluation clinic that gives out medical marijuana certifications and she only sends her clients to Lady Buds. She noted they are the most professional establishment around and they carry a line that does not have any THC in it but CBDs which is a pain killer it's a strain that people do not get high off of. She stated there is a real need for these establishments as they get in to more of the products, such as oils and edibles. She noted she is hoping they are not shutting down.

Kyle Hertzog, Enumclaw noted being a medical marijuana patient for back pain, he has taken and refuses to continue to use pain pills because he wants to take something natural that is not addicting. He also noted growing marijuana for his use and is in the process of buying a house in Black Diamond and if this ordinance passes he will have to pass on buying the house.

Jana Summers, Maple Valley referred to Lady Buds for her headaches. She didn't realize the small amount of ointment that you put on your forehead relieves the pain, nausea and light sensitivity. Lady Buds has helped herself and family members and they are very professional and pray Council doesn't close them down and to take in consideration all the folks they help.

Tiffany Massingale, Federal Way commented she suffers from ADHD, Depression and noted the medical industry could not help her with those medications so she got into medicinal cannabis and it really helps her. What Lady Buds has done for her is so valuable and she thanks Lady Buds and hopes Council keeps them here.

Mario Sorci, Black Diamond asked if the moratorium would affect current businesses.

Sharon Bartelds, Black Diamond commented she has MS and was taking 30 pills a day and since she started medicinal marijuana she is now off of most pills she was taking. She can now do things she couldn't do before. She does not use it to get high, but rather to take away the pain so she can do what she needs to do. The Lady Buds establishment is a safe place for folks to go to get help; if they weren't here, she doesn't know where she would go to get the same type of help.

Cheryl Togashi, Maple Valley commented she is a three time stroke survivor, fiber myalgia sufferer as well as suffering from migraines. She has been able to come off of 7 different types of prescription drugs since being able to use her medical marijuana and is blessed by the expertise and professionalism of Lady Buds and without them she would be back on the prescription drugs. She asked Council to please reconsider this. She read an excerpt from a U.S. patent.

Bob Armstrong, Black Diamond noted 21 years ago being on an eco-field trip to Black Diamond and then relocating here. He has benefited from the use of medical marijuana and if any part of this ordinance closes Lady Buds down folks will either start suffering again or they will get it anywhere they can. Those who use medical marijuana do not use it to get high, they use it to get well and be healthy and it is a health and safety issue. Council needs to look at the reality of what's going on in the real world.

Samantha Morgan, Maple Valley stated she is a community member, mother and healthcare patient, if you take away Collective Gardens those in need will go back to the black market. She is diligent about keeping her medicine away from her children, she noted these stores do more than just sell it, they test it; the black market does not. Voters in Washington have voted to legalize marijuana in the State and asked Council to please keep Lady Buds open.

Tori Ammons, Black Diamond commented that for three month she has been working on her store front which is right down from Lady Buds and does support medical marijuana and Lady Buds.

Michelle Stonarrow, Enumclaw commented that medical marijuana is a last resort for folks her age and she feels very comfortable going into Lady Buds establishment and they need a safe place to buy there medicine.

Singh Dau, Black Diamond commented he is the Landlord and discussed Lady Buds telling them there would be medical marijuana and going to the City to see if this was okay, he stated the City said yes.

Cindy Wheeler, Black Diamond commented she is concerned Council has the public hearing and voting on these ordinances in the same night. Topic of economics is huge in this town and four businesses have left town in the last two years. We have customers coming into our town from many areas and this is an economic decision you must factor into your decision. Her dad is a doctor and he did not tolerate this in former years, but he is flexible now and she invites Council to do the same. She asked Council to consider the stories, facts and economics they heard tonight and referenced an article in the Seattle Times.

Angie Rand, Covington commented she is the co-owner of Lady Buds, they have always encouraged participation in the community and the service they provide is needed and wanted and appreciated by the community and they come here to see them. She noted working with the Police Department on crimes in the area and believes they are an asset to the community not a hindrance.

Jana Sommers, Maple Valley asked Council to think about how important this is to so many, her daughter's doctor recommended Lady Buds for her condition. There will be a lot of people around that will be hurting if Lady Buds closes. It would be a mistake to let this go and asked that Council remember what they heard today.

Mayor Olness closed the public hearing at 7:56:32 p.m.

**Proposed Ordinance Imposing a Six-Month Moratorium Prohibiting the Acceptance or Processing of Applications, or Issuance of Permits and Approvals, and Uses or Activities Associated with Production, Processing, and Retailing of Marijuana and Marijuana-Infused Products**

City Attorney Bacha reported this ordinance pertains to recreational marijuana and with those regulations being issued in October the purpose is to take action on a proposed moratorium that would establish a Six-Month Moratorium Prohibiting the Acceptance or Processing of Applications, or Issuance of Permits and Approvals, and Uses or Activities Associated with Production, Processing, and Retailing of Marijuana and Marijuana-Infused Products.

Mayor Olness opened the public hearing at 7:58:24 p.m.

Cindy Wheeler, Black Diamond commented that again this is a simple matter of economics and anyone wishing to locate here will go elsewhere if the moratorium passes. Asked Council to put aside their biases; commented on the liquor store being in town and customers not using alcohol responsibly.

Mayor Olness closed the public hearing at 8:01:27 p.m.

**UNFINISHED BUSINESS: None**

**NEW BUSINESS:**

**Ordinance No. 13-1011, imposing a Six-Month Moratorium Prohibiting the Establishment, Location Operation, Licensing, Maintenance, or Continuation of any Medical Cannabis Collective Garden or any Medical Marijuana Dispensary**

City Administrator Hoppen reported the state expects to be notified tomorrow of any moratoriums put in place. He notes usually moratoriums are passed and then the public hearing is held. What the City is attempting to do is give us time to properly locate them to the maximum benefit and be seamless additions to the community. Most speaking tonight

noted very good reasons why they benefit from the use of these products, but the City needs to adopt these in an orderly and rational way.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Edelman to postpone **both** Ordinances; Ordinance No. 13-1011, imposing a Six-Month Moratorium Prohibiting the Establishment, Location Operation, Licensing, Maintenance, or Continuation of any Medical Cannabis Collective Garden or any Medical Marijuana Dispensary **and** Ordinance No. 13-1012, Imposing a Six-Month Moratorium Prohibiting the Acceptance or Processing of Applications, or Issuance of Permits and Approvals, and Uses or Activities Associated with Production, Processing, and Retailing of Marijuana and Marijuana-Infused Products until the October 3, 2013 Council Meeting. Motion **passed** (4-0).

**Ordinance No. 13-1013, relating to sign regulations applicable to non-residential zones; amending the gateway corridor overlay district BDMC 18.76.070; amending the sign code BDMC 18.82.050; providing for severability; and establishing an effective date**

Community Development Director Welsh reported city staff was approached by the owners of Diamond Square seeking revisions to code to allow for greater signage opportunities for their property. Current restrictions have in part, resulted in use of sandwich board and banners. Staff drafted revisions to both the gateway corridor overlay district and the sign code. She noted the Planning Commission held a public hearing on these potential amendments at their April 9, 2013 meeting and no public testimony was provided. The proposed gateway and sign code amendments would allow for greater signage opportunities in commercial properties throughout the city and within the gateway overlay district. The Planning Commission voted to recommend to the City Council to change the code in this manner.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Ordinance No. 13-1013, relating to sign regulations applicable to non-residential zones; amending the gateway corridor overlay district BDMC 18.76.070; amending the sign code BDMC 18.82.050; providing for severability; and establishing an effective date and to strike the word amended in Section 2 and replace it with the word adopted. Motion **passed** (4-0).

**Resolution No. 13-890, authorizing the Mayor to accept funds in the amount of \$86,625 from the Washington State Recreation and Conservation Office, within the Boating Facilities Program, to design, permit, and prepare bid documents for a dock to be located at the Lake Sawyer Boat Launch, in accordance with the City's adopted Parks, Recreational and Open Space Plan**

Natural Resources/Parks Director Nix reported staff was given direction by the Council to make applications to the Washington State Recreation and Conservation Office (RCO) in March of 2011, seeking funds for a boat dock to be added at the Lake Sawyer Boat Launch. On August 20 of this year RCO informed staff that their application had been funded by the Washington State legislature and that they were now authorized, subject to City Council approval, to move forward with the scope of work outlined within the project agreement.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Edelman to postpone Resolution No. 13-890, authorizing the Mayor to accept funds in the amount of \$86,625 from the Washington State Recreation and Conservation Office, within the Boating Facilities Program, to design, permit, and prepare bid documents for a dock to be located at the Lake Sawyer Boat Launch, in accordance with the City's adopted Parks, Recreational and Open Space Plan until the October 3, 2013 Council Meeting. Motion **passed** (4-0).

## **DEPARTMENT REPORTS: None**

## **MAYOR'S REPORT:**

Mayor Olness reported she attended:

- SCA PIC meeting

Reminders:

- Next Thursday a workstudy is scheduled on the Government Facilities Plan
- October 3 at 5:30 p.m. a workstudy is scheduled on the proposed CFD

## **COUNCIL REPORTS:**

Councilmember Benson reported she attended the SCATBd meeting and Sound Cities open house.

Councilmember Goodwin complimented Mr. Williamson and Mr. Hoppen on their approach to the minor vs. major amendments on the clearing and grading permit.

## **ATTORNEY REPORT: None**

## **PUBLIC COMMENTS:**

Cindy Wheeler, Black Diamond commented on point of order, when did the City get notified of the deadline to report to the State regarding moratoriums and our timeliness of this; commented on the decision on the dock at Lake Sawyer Boat Launch and noted this not being what we need.

## **CONSENT AGENDA:**

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Edelman to adopt the Consent Agenda. Motion **passed** with all voting in favor (4-0). The Consent Agenda was approved as follows:

**Claim Checks** – September 19, 2013, Check No. 40000 through No. 40037 (void check nos. 39998-39999) in the amount of \$98,025.01

**Payroll Checks**– September 19, 2013 No. 18113 through No. 18133 and ACH Pay in the amount of \$293,090.78

**Minutes**– Regular Meeting Minutes of September 5, 2013

**EXECUTIVE SESSION: None**

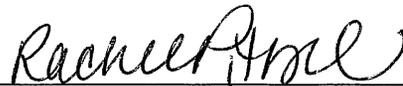
**ADJOURNMENT:**

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Deady to adjourn the meeting. Motion **passed** with all voting in favor (4-0).

ATTEST:



\_\_\_\_\_  
Rebecca Olness, Mayor



\_\_\_\_\_  
Rachel Pitzel, Deputy City Clerk