

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

April 28, 2009

1. Call to Order – The Chairperson called the regular meeting to order at 6:05 p.m.
2. Pledge of Allegiance – Dr. Diana Yu led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Lynda Ring Erickson; Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Ross Gallagher.
4. Correspondence and Organizational Business
 - 4.1 Correspondence
 - 4.1.1 The Washington State Liquor Control Board sent notice of establishments in Mason County with liquor licenses due to expire on July 31, 2009; Bayshore General Store and Hoodsport Keg & Cannon have discontinued sales and service of liquor; George Kenny has submitted a new liquor license application; and Harstine Island Community Club and Colony Surf Club have submitted applications for special occasion liquor licenses.
 - 4.1.2 The League of Women Voters Mason County are beginning a study of the County budget process.
 - 4.1.3 The Federal Emergency Management Agency submitted their determination of Special Flood Hazard Area for Lot 189 of Lake Limerick, Division 4.
 - 4.1.4 Williams Northwest Pipeline will be conducting vegetation management operations starting in mid April through September 2009.
 - 4.1.5 Nancy Byrd would like to be assured that no tax increases are imminent.
 - 4.1.6 Melitta Holland submitted information regarding broadcasters' rights.
 - 4.1.7 Tim Wing submitted his resignation from the Mason County Planning Commission.
 - 4.1.8 Jai B. Kim sent information regarding a method for increasing the load carrying capacity of aged steel truss bridges.
 - 4.1.9 The Mason County Water Conservancy Board submitted their comments regarding the Countywide Stormwater Management Plan.
 - 4.1.10 Washington State University will announce their budgets on or about May 1, 2009.
 - 4.1.11 Green Diamond Resource Company expressed their support of approving a balanced and sustainable budget.
 - 4.1.12 The Washington Public Ports Association announced the completion of the 2009 Marine Cargo Forecast.
 - 4.1.13 The Mason County Historic Preservation Commission supports the survival of the St. Edwards Catholic Church building.
 - 4.1.14 Mason County PUD #1 clarified their responsibilities under the Tri-Party Agreement.
 - 4.1.15 The Port of Shelton expressed concerns regarding the draft Interlocal Agreement between Mason County and the City of Shelton regarding urban growth area zoning and development standards.
 - 4.1.16 Belfair Water District #1 submitted an unsolicited proposal for collaboration on the Belfair Wastewater and Water Reclamation Facilities project.
 - 4.1.17 Pam Kiesel submitted comments regarding the draft Temporary Outdoor Public Event ordinance.
 - 4.2 News Release – Planning Advisory Commission Vacancy. Barbara Adkins, Department of Community Development Co-Manager, presented the news release. There is one vacancy to be filled with the term ending July 2012. The applicant must be from Mason County Commissioner District No. 2.

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- 4.3 News Release – Squaxin Island Tribe Sponsorship. Betty Wing, Director of Central Operations, presented the new release thanking the Tribe for their sponsorship of the Mason County Employee Appreciation Breakfast.
- 4.4 Cmmr. Sheldon commented on the financial condition in the County in regards to timber sales. There has been an unprecedented drop in DNR timber sales. 60% of the timber that the Department of Natural Resources puts up for sale does not receive a bid. The County receives a fair amount of money from timber sales.

Cmmr. Ring Erickson stated she has seen the projected numbers for DNR timber sales and they are shocking. The revenue for Timber Counties has been dramatically affected. The Board will be looking at how that impacts the County's budget.

- 5. Open Forum for Citizen Input –
 - 5.1 Frank Kenny, North Mason Chamber of Commerce, presented the Board with the inaugural issue of the Chamber's quarterly printed newsletter.
 - 5.2 Jeff Carey noticed that when checking current pricing for sewer connections the old code was still on the website. He would like the issue addressed. He also heard that receivables are not being collected as well as they should be in the North Bay sewer system. The County should stay on top of that.
- 6. Adoption of Agenda - **Cmmr. Gallagher/Ring Erickson moved and seconded to adopt the agenda as published. Motion carried unanimously. RE-aye; S-aye; G-aye.**
- 7. Approval of Minutes – March 23, 2009 briefing minutes, April 7 and April 14, 2009 regular meeting minutes.

Cmmr. Ring Erickson commented that there are a few grammatical corrections to be made that do not affect the content of the minutes.

Cmmr. Ring Erickson/Gallagher moved and seconded to approve the March 23, 2009 briefing minutes, April 7 and April 14, 2009 regular meeting minutes. Motion carried unanimously. RE-aye; S-aye; G-aye.

- 8. Approval of Consent Agenda:
 - 8.1 Approval for the Chair to sign the permission forms for the Wild Fish Conservancy to access Mason County property to update the Mason County stream maps. This is funded from the Washington State Salmon Recovery Board and there is no cost to Mason County.
 - 8.2 Approval to execute a resolution setting a hearing date on Tuesday, May 26, 2009 at 1:00 p.m. with the Hearing Examiner for Road Vacation No. 367. This is to consider public comment on the petition for a vacation of a portion of excess right of way on Dalby Road in Mason County, Washington. **Resolution No. 34-09 (Exhibit A)**
 - ~~8.3 Approval of a revised resolution for County Road Project 1922, Countywide Paver project on Brockdale Road, County Road Number 90090, and authorize Public Works to advertise, set bid opening date, award contract, and authorize the Chair to sign all pertinent documents. The contract award will be announced during a regular meeting of the Board of County Commissioners. REMOVED~~

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- 8.4 Approval of the resolution establishing lane limits for traffic control on eight Mason County Bridges. The bridges are the Hliboki Bridge, Gosnell Creek Bridge, Eich Road 1 Bridge, Eich Road Bridge, Weaver Creek 1 Bridge, Hunter Creek Bridge, Finch Creek 1 Bridge and Tahuya River 2 Bridge. **Resolution No. 35-09 (Exhibit B)**
- 8.5 Approval of the Interlocal Agreement between Mason County and the Port of Shelton for County participation in the Port's Millwright Road reconstruction project in exchange for a lease termination for premises located at 410 Business Park Road.
- 8.6 Approval to accept the bid received from U.S. Oil Trading, LLC of Tacoma to provide Mason County with Emulsified Asphalt for 2009. Mason County does not guarantee a minimum purchase of these materials.
- 8.7 Approval of Warrants
- | | | |
|----------------------|--------------------------|----------------|
| Claims Clearing Fund | Warrant #s 156283-156790 | \$1,475,396.83 |
| Direct Deposit Fund | Deposit #s 11941-12331 | \$610,073.50 |

Cmmr. Gallagher/Ring Erickson moved and seconded to approve Consent items 8.1 through 8.7, with the exception of item 8.3, which has been removed. Motion carried unanimously. RE-aye; S-aye; G-aye.

9. 6:30 p.m. Public Hearings and Items Set for a Certain Time.

- 9.1 Continuation of public hearing from April 14, 2009 to consider adoption of a revised Title 5, Section 5.18 regulating temporary outdoor public events. Barbara Adkins presented the staff report. This is a continuation of the public hearing from April 14, 2009 to consider revising Title 5, Section 5.18. As it is currently written this chapter relates to permitting of music festival. She is trying to revise the chapter to encompass all large outdoor temporary events. There has been a lot of public comment and concerns. On April 21, 2009 there was a stakeholders meeting at the Port of Allyn. There were several community representatives present that are involved in various events in Mason County. There was discussion about proposed revisions and concerns. The document available online is still the original document and has not been revised at all. She is recommending tabling the hearing or continuing the hearing to June 2, 2009 to incorporate the comments that have been received.

Cmmr. Ring Erickson asked when the revised ordinance would be available for the public to view online.

Ms. Adkins stated she would make sure it was available to the public at least two weeks prior to the next hearing.

Cmmr. Sheldon suggested the ordinance be changed to only be applicable to events in the urban growth area with greater than 5,000 people, events outside the urban growth area with 3,000 people and new events with 1,000 people. Those changes would calm the fears of the existing event organizers and would exclude all existing events except Oysterfest.

Cmmr. Ring Erickson noted that Oysterfest takes place at an existing facility and wouldn't be covered under this ordinance anyway.

Ms. Adkins stated that is correct if the property they are on remains public.

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Questions for Staff

Leslie Peterson asked for clarification. Activities that are already going on would not be affected, but new activities would be subject to the ordinance if there were more than 1,000 people?

Ms. Adkins stated there is currently no wording that grandfathers any event.

Ms. Peterson stated it isn't fair to subject new events to the ordinance if they have more than 1,000 people.

Cmmr. Sheldon explained that new events don't have the history of working with the County.

Ms. Peterson asked why this came about.

Cmmr. Sheldon stated there needs to be considerations of public health, safety and traffic. The ordinance that is on the books only applies to music events and there is another ordinance that applies to circuses and carnivals. There needs to be an ordinance that covers unanticipated issues.

Cmmr Ring Erickson noted there have been several proposed events on a property on Hwy. 3 that caused concern for neighbors in that area. There was also a proposed festival in Matlock that raised a lot of concerns.

Wendy Ervin asked how this ordinance might affect an event like the Drag Races.

Cmmr. Ring Erickson stated this doesn't cover established locations, such as the Port.

George Rickle is concerned about patriotic events that may start out small and build into something bigger. Could they grow into this ordinance? It would be discriminatory to grandfather in some events but not to include smaller events that grow into larger events. He is concerned about events not coming to Mason County.

Cmmr. Sheldon clarified that under his suggestion, there would need to be 3,000 people at the event if it were outside of an urban growth area to be covered by this ordinance. The ordinance does not include events on public property.

Gary Hanson represents the Union Tourism Association. He doesn't think the attendance threshold is fair.

Pat Tarzwell asked about spontaneous events like the tea parties on the news. How do you collect fees for that?

Cmmr. Sheldon stated you need to get a permit from the State Capital for things like that.

Mr. Rickle asked if there was a definition in the ordinance that protects the demonstration of free speech.

Cmmr. Sheldon stated there isn't any effort here to throttle community free speech. Doesn't the community want some regulation? There needs to be a happy medium.

Cmmr. Ring Erickson asked if the ordinance covers events that last under 4 hours.

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Ms. Adkins stated it does not.

Cmmr. Ring Erickson noted the political events being described wouldn't last four hours.

Ms. Ervin stated the people that organized the tea party in Olympia didn't know how many people would respond. There was only a permit for 500 people and 5,000 showed up. Nothing was abused or damaged. That crowd controlled itself.

Cmmr. Sheldon commented that there is quite a difference. That was a regular type of gathering in Olympia. This is a County with less than 1% of the State population. It's a different situation.

Chief Richard Knight suggested an alternative that is already on the books. The Emergency Planning Preparedness of the National Fire Code covers pretty much everything that is already being talked about. He read the code for the Board and presented them with a copy.

Dutch Brehmeyer asked if this is going to cover the Old Timers Fair?

Cmmr. Sheldon stated he believes the Old Timers Fair would be exempt. It's on school property.

An audience member asked what mechanism would be used to count the attendees of an event.

Ms. Adkins explained the number of attendees would be considered at any given time and it is up to the organizers of the event to make estimations of how many people are there.

Ms. Peterson asked who would decide if an event could occur.

Ms. Adkins stated the Department of Community Development.

Mr. Rickle asked if you to need to apply for a permit if you don't anticipate 1,000 people.

Ms. Adkins stated no you do not.

Cmmr. Sheldon noted these events aren't going to happen all of the time but a prudent government has something on the books that will cover a contingency like this. This is a small county will a lot of volunteers in the fire departments and a Sheriff's office that is stretched.

Cmmr. Ring Erickson stated that it is her understanding that surrounding counties have similar types of ordinances.

An audience member asked for a rundown of exactly what is exempt.

Ms. Adkins read Section 5.18.010, which lists examples of events that would be exempt.

John Eaton asked what happens if you anticipate 500 people and get 5,000. What do you do in that situation? Would there be penalties if you were acting in good faith?

Betty Wing clarified there needs to be a mechanism for people to come in and talk about existing regulations that are in the books regarding public safety, water, food, and traffic. We are not talking about creating a whole new gambit of regulations. We are trying to get people to come in and sit down with County staff to talk about what kind of impacts your event may have. If

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5,000 people show up to an event someone will hear about it and the next time you try to hold your event again the County will talk to you about that.

Ms. Peterson asked if there are no consequences.

Ms. Wing stated it's just implementing something for the books.

Cmmr. Ring Erickson stated the consequences would be the Sheriff's department, Fire department or Health department could close the event down. You could be issued a citation.

Mr. Hanson stated everyone understands the Commissioners obligations for public safety, but they are fearful of over regulation.

Cmmr. Sheldon reiterated his suggested changes to the ordinance. There is no intention to discourage events.

Ms. Ervin stated the things listed in the proposed ordinance are already taken care of. It isn't necessary to draw up a law when things are already happening.

Jim Peterson stated he has planned a lot of events and he thinks they have done a good job of planning things in the past. Has there been a problem?

Cmmr. Ring Erickson stated there have been concerns regarding certain proposed events. The Board is trying to be fair and consistent with everyone.

Jerry Obendorf asked if those events were not held because of existing ordinances.

Cmmr. Sheldon explained those events weren't held because the organizers couldn't meet the regulations of the Department of Transportation. As elected officials, the Board has to think about the ramifications of a large number of people coming to a rural county and what could happen. He reminded everyone that it is the Board's intent to continue the hearing and make changes to the ordinance.

Public Testimony

George Rickle thinks there are already regulations in place to stop some of these events. He thinks a group could come together that starts out small and grows to be regulated by this ordinance. In that sense a 1,000 people might be too low.

Ken Wilson thanked the Commission for providing staff, department heads and the Sheriff at the stakeholders meeting. He asked that the hearing be continued to June 2, 2009 so they can continue to work with staff to iron out issues. We do need an ordinance.

Gary Hanson stated it's important to look at the history of the existing ordinance. This ordinance was specifically designed to deter large music festivals. It's very onerous. You don't want to deter tourism. The original ordinance is a poor basis to start from. It should be from scratch. He wants to caution the Commission on grandfathering events. In the real world this ordinance is too onerous. The threshold is a great idea but this needs a lot more work.

Chief Richard Knight stated he is anxious about this because he was involved in an event on Hwy. 3 that came into operation under the Music Festival law and it turned out to be a free for

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all. The fire department would have relied on something like this ordinance. There is time to work on this ordinance. There is a vehicle that gives the County time to work on something that fits with the community.

Jeff Carey, Allyn Community Association, stated they are supportive of the idea that there needs to be regulation and they appreciate having a stakeholder meeting. When they worked as a group they found there are a lot of things that could be done to the ordinance to make it friendlier towards events. Give them some time to hammer it out. A big concern is changing well managed large events or turning away new events.

Wendy Ervin reminded the Commission that the rights of freedom of assembly and the freedom of speech are god given rights. Certain elements of government aren't encouraging god given rights. The position of government is to preserve and protect citizens rights, not diminish them.

Bonnie Knight, Port of Allyn, stated she works a lot with groups throughout the county. She is concerned that Hoodsport, Union and Grapeview all have good community events. She hopes their needs are not looked at differently because they are not in an urban growth area.

Frank Kenny, North Mason Chamber of Commerce, reiterated that staff was great at the stakeholders meeting. He appreciates that the Board is looking at higher event thresholds, but just fixing the numbers isn't a complete solution. He looks forward to seeing a revised addition of the ordinance. It is good to encourage new events so he would rather not see a 1,000 person threshold there.

Darryl Cleveland, Skookum Rotary and Oysterfest, stated that even through there are large events held on public lands, that may not always be the case. With the fairgrounds lease up in 2012, those events will struggle to find new sites. Current budget issues mean there could be no money to operate the fairgrounds past 2009. He would like a stakeholders meeting regarding the fairgrounds. In regards to the traffic control and police protection portion of the ordinance, he calculated that Oysterfest would need 95 paid personnel to staff the event.

Jerry Obendorf, Oysterfest, pointed out that the draft document wasn't developed with input from stakeholders. In light of the county budget issues he expected that citizen input would have been requested. They would like to participate as much as they can. He listed several questions and concerns. He doesn't support exempting certain groups or locations of events. Criminal liability seems too heavy handed. He thinks it needs to be kept simple.

Leslie Peterson stated she had asked about penalties and didn't really get an answer, but it says there is criminal liability, a \$1000 fine or imprisonment. This is why the citizens don't trust the government.

Dutch Brehmeyer stated there are a lot of concerns in her area that the Old Timers Fair would get shut down because of this ordinance. Stakeholders need to give more input. She would like to see a much shorter friendlier document. She would like to be able to pick up the document ahead of time.

Sandy Tarzwell stated the proposed fee of \$250 doesn't cover the costs associated with implementing this. Perhaps there should just be a registration of the intent to have an event without a fee.

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Cmmr. Sheldon encouraged people to work with Ms. Adkins. A new draft of the ordinance should be available by the end of next week. This will be discussed again.

Cmmr. Gallagher/Ring Erickson moved and seconded to continue the public hearing to consider adoption of a revised Title 5, Section 5.18 regulating temporary outdoor public events to June 2, 2009. Motion carried unanimously. RE-aye; S-aye; G-aye

10. Other Business (Department Heads and Elected Officials) –

10.1 Swine Influenza Update – Dr Yu, Mason County Public Health Officer, presented the update. The primary component of Mason County's response at this time is the set up of an incident command system at the Health Department. Jess Mosley is the incident commander. They are monitoring information about the spread of the disease and are providing information to the public. All of the information going out is available on Mason County's website.

The World Health Organization declared this to be a public health emergency of international concern and the United States has declared a national public health emergency. Pandemic status has been elevated to pandemic phase 4. That means it is a new viruses that has never infected humans before and it's capable of being transferred from person to person. Things are changing minute to minute, but it's not as dire as it seems.

To protect yourself cover your cough, wash your hands, stay home when sick and avoid crowds. The Center for Disease Control has issued a travel warning that advises people to avoid travel to Mexico unless it's essential.

There are multiple countries involved and the current count in the United States is about 64 cases. There are no confirmed cases in Washington State yet, but there will be more cases reported. There is no vaccine available, but current anti-viral medications do work against swine flu. She does not know yet if schools or events will be closed. She doesn't know how wide spread the flu is or how long it will last.

Cmmr. Gallagher asked at what point do we crank up our response.

Dr. Yu stated the response will be ramped up at some point and TJ Martin will become the public information officer. She doesn't believe the first case of swine flu in Washington will be in Mason County. It will probably be in Seattle. Once other areas in the state begin closing we will follow.

10.2 Casey Salisbury, Sheriff, updated the Commission on four grants the Sheriff's office has applied for. They have not been awarded anything yet but it is imperative to show they are at least trying to obtain grant money. He also presented a letter he received from the Department of Justice commending his officers for their work on a fire investigation.

11. Board's Reports and Calendar - The Commissioners reported on meetings attended the past week and announced their upcoming weekly meetings.

12. Adjournment – The meeting adjourned at 8:05 p.m.

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BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Tim Sheldon, Chair

ATTEST:

Lynda Ring Erickson, Commissioner

Shannon Goudy, Clerk of the Board

Ross Gallagher, Commissioner