

# **Whatcom County Council**

**COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010**



## **Minutes - Final**

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL 360.778.5010); AGENDA**

**REVISED 5.4.2021  
Tuesday, May 4, 2021  
6 PM**

### **COUNCILMEMBERS**

Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## COUNTY COUNCIL

### CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 6 p.m. in a virtual meeting.

### ROLL CALL

**Present:** 6 - Rud Browne, Barry Buchanan, Todd Donovan, Ben Elenbaas, Carol Frazey, and Kathy Kershner

**Absent:** 1 - Tyler Byrd

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, reported about COVID-19 vaccination.

### MINUTES CONSENT

*Donovan moved* to accept the minutes consent items. The motion was seconded by Kershner (see votes on individual items below).

1. MIN2021-034 Water Work Session for April 13, 2021

**Donovan moved and Kershner seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

2. MIN2021-035 Special Council for April 15, 2021

**Donovan moved and Kershner seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

3. MIN2021-037 Committee of the Whole Executive Session for April 20, 2021

**Donovan moved and Kershner seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

4. MIN2021-039 Regular County Council for April 20, 2021

**Donovan moved and Kershner seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

5. MIN2021-040 Committee of the Whole for April 20, 2021

**Donovan moved and Kershner seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

## **PUBLIC HEARINGS**

Council staff played a short instructional video about how to speak at the meeting.

1. AB2021-243 Ordinance ordering the closure of a portion of Manley Road to motorized vehicular traffic

Jim Karcher, Public Works Department, briefed the Councilmembers.

Buchanan opened the Public Hearing and the following person spoke:

- Sean Campbell

Hearing no one else, Buchanan closed the Public Hearing.

**Donovan moved and Frazey seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

Enactment No: ORD 2021-027

2. AB2021-244 Resolution adopting the Whatcom County Americans with Disabilities Act (ADA) Transition Plan within the Public Rights-of-Way

Jim Karcher, Public Works Department, briefed the Councilmembers.

Buchanan opened the Public Hearing and, hearing no one, closed the Public Hearing.

**Frazey moved and Browne seconded that the Resolution Requiring a Public Hearing be APPROVED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

Enactment No: RES 2021-016

3. AB2021-245 Resolution supporting a Community Development Block Grant (CDBG) Public Services Grant application

Tyler Schroeder, Executive's Office, briefed the Councilmembers.

Buchanan opened the Public Hearing and the following person spoke:

- Greg Winter

Hearing no one else, Buchanan closed the Public Hearing.

**Donovan moved** and Frazey seconded that the Resolution Requiring a Public Hearing be APPROVED.

Donovan acknowledged and thanked the County staff and non-profits that keep these grants going.

**Donovan's motion that the Resolution Requiring a Public Hearing be APPROVED carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

Enactment No: RES 2021-017

### **OPEN SESSION (20 MINUTES)**

The following people spoke:

- Mark Ambler
- Markis Dee Stidham
- Misty Flowers
- Dena Jensen
- Melissa Wisener
- Mary Stidham
- Doug Gustafson
- Rebecca Meloy
- Jean Purcell
- Behnoosh Armani
- Desiree (Last name inaudible)
- Synthia Seidel
- Gail Adderley

## **CONSENT AGENDA**

**(From Council Finance and Administrative Services Committee)**

Browne started reading a different item but then stopped and went to the Consent Agenda.

***Browne*** reported for the Finance and Administrative Services Committee and ***moved*** that Consent Agenda items 2 and 3 be AUTHORIZED BY CONSENT.

Councilmembers voted on these two items and the motion carried 6-0 (see motion and votes on individual items below).

2.        AB2021-254      Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Mount Baker School District to lease tower access at the Kendall Elementary School Tower Site, in the amount of \$0.00

**Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

3.        AB2021-262      Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to provide rental assistance for

people with co-occurring disorders in the amount of \$15,000 for a total amended contract amount of \$84,843

**Browne reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

Browne then reported and motions were made on Consent Agenda Items 1 and 4 individually (see motion and votes below).

1. AB2021-253 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and G6 Hospitality to extend the lease through September, 2021 in an amount not to exceed \$60,000 per month

**Browne reported for the Finance and Administrative Services Committee and moved that consent Agenda item 1 be AUTHORIZED BY CONSENT without a recommendation from Committee. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 1 - Byrd

4. AB2021-272 Request authorization for the County Executive to renew a Collective Bargaining Agreement between Whatcom County and the Deputy Sheriff's Guild for the period of January 1, 2022 through December 31, 2022

Browne reported for the Finance and Administrative Services Committee but did not make a motion because the motion to recommend authorization by consent failed in Committee.

***Donovan moved*** and Browne seconded that the Contract be AUTHORIZED BY CONSENT.

Councilmembers discussed the motion.

**Donovan's motion that the Contract be AUTHORIZED BY CONSENT carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

## **OTHER ITEMS**

**(From Council Finance and Administrative Services Committee)**

1. AB2021-256 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Military Department for FFY20 Operation Stonegarden, in the amount of \$405,600.00

Browne reported for the Finance and Administrative Services Committee but skipped to the second item (AB2021-263). See action taken on this item below.

2. AB2021-263 Request authorization for the County Executive to enter into Agreement Amendment No. 1 for Funding Support and Implementation of the Duffner Ditch Culvert and Flood Gate Replacement Project (Council acting as the Flood Control Zone District Board of Supervisors)

**Browne** reported for the Finance and Administrative Services Committee and ***moved*** to approve this item as item 1 on the agenda ***then withdrew*** his motion so that they could consider the items in the order of the agenda. See action on this item below.

1. AB2021-256 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Military Department for FFY20 Operation Stonegarden, in the amount of \$405,600.00

**Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Elenbaas, Frazey, and Kershner

**Nay:** 1 - Donovan

**Absent:** 1 - Byrd

2. AB2021-263 Request authorization for the County Executive to enter into Agreement Amendment No. 1 for Funding Support and Implementation of the Duffner Ditch Culvert and Flood Gate Replacement Project (Council acting as the Flood Control Zone District Board of Supervisors)

**Browne reported for the Finance and Administrative Services Committee and moved that the Contract (FCZDBS) be AUTHORIZED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

**(From Council Planning and Development Committee)**

3. AB2021-257 Discussion and Council motion to approve the Public Participation Plan for Whatcom County Comprehensive Plan and Development Regulation Amendments

**Browne reported for the Planning and Development Committee and moved that the request to approve the plan be APPROVED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

### **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

1. AB2021-255 Appointment to the Business and Commerce Advisory Committee - Higher Education vacancy, applicant(s): Eva Schulte

***Kershner moved*** and Browne seconded that the Council Appointment Requiring Introduction be APPOINTED.

Councilmembers discussed the motion and why these positions are non-voting members.

Eva Schulte, applicant, addressed the Councilmembers.

**Kershner's motion that the Council Appointment Requiring Introduction be APPOINTED carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

### **EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

1. AB2021-266 Request confirmation of the County Executive's appointment of Dave Bren to the Development Standards Technical Advisory Committee

**Kershner moved and Frazey seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0



**Absent:** 1 - Byrd

### **ITEMS ADDED BY REVISION**

1. AB2021-278 Ordinance submitting to the qualified voters of Whatcom County a proposal to amend Whatcom County Charter Sections 5.40 and 5.41 to align signature requirements for citizen initiatives with Washington State norms

***Browne moved*** and Donovan seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING.

Councilmembers discussed the Ordinance and when it will be scheduled for a public hearing.

**Browne's motion that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 1 - Byrd

2. AB2021-279 Ordinance submitting to the qualified voters of Whatcom County a proposal to amend Whatcom County Charter Section 8.22 to align requirements for amending the Charter by citizen initiative with Washington State norms

***Donovan moved*** and Frazey seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING.

Councilmembers discussed the difference between this item and the previous item (AB2021-278).

**Donovan's motion that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING carried by the following vote:**

**Aye:** 4 - Browne, Buchanan, Donovan, and Frazey

**Nay:** 1 - Elenbaas

**Absent:** 1 - Byrd

**Abstain:** 1 - Kershner

3. AB2021-281 Resolution concluding the work of the Homeless Strategies Workgroup and transferring responsibilities to the Whatcom County Housing Advisory Committee

***Browne moved*** and Frazey seconded that the Resolution be APPROVED.

Councilmembers discussed the motion and how this resolution would affect the Homeless Strategies Workgroup.

**Browne's motion that the Resolution be APPROVED carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Elenbaas, Frazey, and Kershner

**Nay:** 1 - Donovan

**Absent:** 1 - Byrd

Enactment No: RES 2021-018

## **INTRODUCTION ITEMS**

*Donovan moved* to introduce items one through five. The motion was seconded by Frazey (see votes on individual items below).

1. AB2021-264 Ordinance amending the Whatcom County Budget, request no. 7, in the amount of \$5,156,985

**Donovan moved and Frazey seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**

**Aye:** 4 - Browne, Buchanan, Donovan, and Frazey

**Nay:** 2 - Elenbaas, and Kershner

**Absent:** 1 - Byrd

Enactment No: ORD 2021-030

2. AB2021-185 Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone in the Drayton Harbor area of Whatcom County

**Donovan moved and Frazey seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

**Aye:** 4 - Browne, Buchanan, Donovan, and Frazey

**Nay:** 2 - Elenbaas, and Kershner

**Absent:** 1 - Byrd

3. AB2021-186 Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone to be known as the Dearborn No Shooting Zone

**Donovan moved and Frazey seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

**Aye:** 4 - Browne, Buchanan, Donovan, and Frazey

**Nay:** 2 - Elenbaas, and Kershner

**Absent:** 1 - Byrd

4. AB2021-258 Ordinance amending the Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities (2021-2026)

**Donovan moved and Frazey seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

**Aye:** 4 - Browne, Buchanan, Donovan, and Frazey

**Nay:** 2 - Elenbaas, and Kershner

**Absent:** 1 - Byrd

Enactment No: ORD 2021-028

5. AB2021-261 Ordinance granting Cellco Partnership d/b/a Verizon Wireless, a non-exclusive franchise for the provision of wireless telecommunications services

**Donovan moved and Frazey seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

**Aye:** 4 - Browne, Buchanan, Donovan, and Frazey

**Nay:** 2 - Elenbaas, and Kershner

**Absent:** 1 - Byrd

### **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

Councilmembers gave committee reports.

Satpal Sidhu, County Executive, spoke about the response to the moving of Camp 210 homeless camp.

Councilmembers and Sidhu discussed other topics including services for the homeless and the response to COVID-19 in Australia, Whatcom County, and other states.

**Buchanan** reported for Committee of the Whole and **moved** that they accept the recommendations put forward by the Homeless Strategies Workgroup as presented in Committee of the Whole. The motion was seconded by Browne.

The motion carried by the following vote:

**Aye:** 6 - Frazey, Kershner, Browne, Buchanan, Donovan, Elenbaas

**Nay:** 0

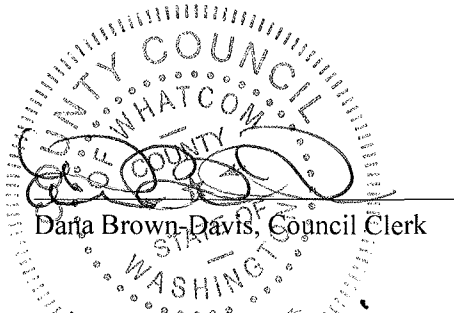
Absent: 1 - Byrd

**ADJOURN**

The meeting adjourned at 7:55 p.m.

The County Council approved these minutes on May 18, 2021.

ATTEST:



Dana Brown-Davis, Council Clerk

*Kristi Felbinger*  
\_\_\_\_\_  
Kristi Felbinger, Minutes Transcription

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

*Barry Buchanan*  
\_\_\_\_\_  
Barry Buchanan, Council Chair