

Elenbaas' motion that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL and the hearing kept open carried by the following vote:

Aye: 6 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner

Nay: 1 - Galloway

The public hearing for this item was kept open.

4. [AB2023-248](#) Ordinance establishing a temporary closure of Kelly Road and Van Wyck Road
Buchanan opened the Public Hearing and the following people spoke:

- Christopher Diele

Hearing no one else, Buchanan closed the Public Hearing.

Donovan moved and Buchanan seconded that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL until May 9th.

Councilmembers discussed whether they are going to leave the public hearing open.

Donovan amended his motion to leave the public hearing open.

Jim Karcher, Public Works Department, answered why they are closing these roads, and whether their closure is an absolutely necessary piece of the puzzle of Washington State Department of Transportation (WSDOT) taking care of their culvert. He stated it was not.

Donovan's motion that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL and the hearing kept open carried by the following vote:

Aye: 6 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner

Nay: 1 - Galloway

The public hearing for this item was kept open.

5. [AB2023-258](#) Ordinance amending Whatcom County Code 10.34, Ferry Rates
Elizabeth Kosa, Public Works Department Director, briefed the Councilmembers on this and the next agenda item (**AB2023-259**). She stated the Lummi Island Ferry Advisory Committee forwarded the Public Works Department (last minute) new information from a community member that Public Works was able to review this afternoon. After preliminary reviews, they found there is validity in that information. It affects the balance of the fare box reserve, and therefore impacts any changes Public Works would

propose. Due to the nature of the information, Public Works is not recommending moving forward with **AB2023-259** (the next agenda item regarding the Unified Fee Schedule). They would like to take the opportunity to fully vet this new information and see what the resulting outcomes are and then bring those back to the Council at a later date. Public Works sees the following options for the Council:

1. The Council can proceed with the hearing for **AB2023-258** (this item) but Public Works recommends against proceeding with an actual decision on the Ordinance. Additionally, Public Works recommends cancelling the fee schedule hearing (**AB2023-259**) until they can fully vet that.
2. The Council could opt to postpone both public hearings (**AB2023-258** and **AB2023-259**) until Public Works has vetted the new information and they can come back to the Council with both Ordinances.
3. The Council can opt to proceed with both hearings but Public Works does not recommend proceeding with a decision on either one of those hearings tonight.

She answered whether the new information she just referenced has been forwarded to the Council and whether they know yet if it is valid. She stated they did not have enough time but as they looked at it, they realized they should take a deep dive and look to see how valid it is.

Donovan stated that when this item was in Committee he sent an email about the Ordinance having a more concrete definition of “capital” and he sent a section of the Washington Administrative Code (WAC) that might work for that, so he hopes that could be considered as well.

Buchanan asked which Ordinance Donovan’s suggestion would be applicable to and Kosa stated it would be **AB2023-258**. He asked whether changes could be coming potentially on both Ordinances and Kosa stated potentially yes. She repeated the options for the Council.

Donovan moved to hold one hearing (for this item) and cancel the hearing for **AB2023-259**.

Dana Brown-Davis, Clerk of the Council, answered whether he can move to hold one hearing and not the other.

Donovan withdrew his motion in order to deal with each file individually ***and moved*** to cancel the hearing for **AB2023-259** since a hearing is already scheduled for **AB2023-258**. But Councilmembers and the Clerk stated that

his motion is out of order since they are not considering **AB2023-259** yet. So, ***Donovan withdrew*** his motion.

Kershner asked if Public Works could forward the community member's email to the Council.

Buchanan asked whether Public Works is still recommending that the Council does not take action on the hearing they have tonight (this item), and Kosa stated that is correct.

Buchanan opened the Public Hearing and the following people spoke:

- Bob Anderson
- Mike Skehan
- Ralph Steele
- Pam Gould
- Rich Frye
- Steven Thomas
- Katherine Schornack
- Peter Earle
- David Cummins
- Patrick Vincent
- Paul Isaacson
- Kathy Zaiser
- Chris Parker
- Name not stated
- Travis Skinner
- Marissa Orada
- Steve Schneider
- (first name not audible) Dickenson
- Name not stated
- Michelle Luke
- David Kershner

Hearing no one else, Buchanan stated the Public Hearing would be left open.

Donovan moved to keep the public hearing open and hold this until the first meeting in June. The motion was seconded by Elenbaas.

Buchanan asked whether the 20th of June (as mentioned by one of the

speakers) has any significance.

Donovan amended his motion to hold this item until the *second* meeting in June (June 20).

Kershner stated this item is concerning changes to the Code. She asked, if they hold this hearing open and make no changes to the code at this time, whether they are not able to make any further advancements towards using American Rescue Plan Act (ARPA) dollars because the Code does not allow that.

Donovan's motion that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL until the second meeting in June and the public hearing kept open carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

The public hearing for this item was kept open.

6. [AB2023-259](#) Ordinance amending 2023 Whatcom County Unified Fee Schedule

Clerk's note: See discussion on this item above under **AB2023-258**.

Donovan moved to cancel the public hearing on **AB2023-259** (this item). The motion was seconded by Buchanan.

Dana Brown-Davis, Clerk of the Council, clarified whether this would also (like the last item) be back on for June 20th.

Donovan amended his motion ***and moved*** to cancel the public hearing on **AB2023-259** (this item) and have it come back at the same time as **AB2023-258** (June 20).

Brown-Davis stated if there will be substantial changes we will have to reintroduce the Ordinance.

Tyler Schroeder, Director of Administrative Services, stated there are likely going to be some substantial changes to this version, so instead of just placing the date, we would like to bring it forward to reintroduce and go through the whole process again for this item.

Donovan withdrew his amended motion and moved to hold this until staff is ready to bring it back but then just went back to his ***original motion*** to cancel the public hearing. The motion was seconded by Buchanan.