

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 OR CALL 360.778.5010); AGENDA**

REVISED 5.4.2021

Tuesday, May 4, 2021

6 PM

Virtual Meeting

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.

Frazezy 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

Enactment No: ORD 2021-032

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

Enactment No: ORD 2021-034

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

Enactment No: ORD 2021-031

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:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE