

**TOWN OF YARROW POINT
COUNCIL REGULAR MEETING MINUTES
January 8, 2019
7:00PM**

The following is a summary of the proceedings and is **not** a verbatim transcript.

CALL TO ORDER:

Mayor Dicker Cahill called the meeting to order at 7:00 PM

PRESENT:

Mayor: Dicker Cahill

Councilmembers: Mary Elmore
Stephan Lagerholm
Steve Bush
Andy Valaas
Carl Scandella

Staff: Bonnier Ritter – Town Clerk-Treasurer
Austen Wilcox – Town Deputy Clerk
Kyle Kolling – Police Chief Clyde Hill Police
Mona Green – Town Planner
Stacia Schroeder – Town Engineer
Scott Missall – Town Attorney
Emily Minor – Associate Town Attorney

Guests: Elana Zana – Attorney from Ogden Murphy Wallace
Lyman Howard – City of Clyde Hill Administrator
Chuck Hirsch – Planning Commissioner
Charles Porter – Resident
Cheryl Pietromonaco – Resident
Elizabeth Freeman – Resident
Darryl Carver – Resident
Pam Carver – Resident
Sara Schmidt – Resident

APPEARANCES:

None.

MINUTES:

MOTION: Councilmember Valaas moved to approve the regular minutes of December 8, 2018 as presented. Councilmember Elmore seconded the motion.

VOTE: 5 For, 0 Against, 0 Abstain. Motion carried.

Consent Calendar:

Councilmember Elmore stated that we used to give a small plant to citizens in honor of Arbor Day. She would like to go back to this.

Councilmember Lagerholm clarified a payment relating to the Town's purchase of a radar sign, and legal fees relating to the small cell coalition as an intervener.

Councilmember Bush asked how much in legal fees the creation of the small cell site ordinance is costing the Town. Councilmember Bush stated the importance to track fees relating to Town projects and having them approved by Council.

Councilmember Scandella stated the importance of being responsible with money spent with legal fees and the tracking of related expenditures.

MOTION: Councilmember Valaas moved to approve the Consent Calendar as presented including the Payment Approval Report dated 1/8/2019 approving payments as shown totaling \$55,969.10 plus payroll, benefits, and tax expenses of \$25,747.58 as shown on the attached payroll and benefits reports for a grand total of \$81,716.68. Councilmember Scandella seconded the motion.

VOTE: 5 For, 0 Against, 0 Abstain. Motion Carried.

The following items were also approved as part of the Consent Calendar:

- Payment Approval Report; December
- Payroll, Tax, & Benefits Report; December
- Town Planner Invoice; December
- Town Engineer Invoice; December
- Building Official Invoice; December
- Town Attorney Invoices: December

STAFF REPORTS:

Mayor Cahill introduced the newly hired City Administrator of the City of Clyde Hill, Lyman Howard. Mr. Howard shared his appreciation to work at Clyde Hill and his excitement to work with Yarrow Point.

Town Engineer Stacia Schroeder gave the following reports:

Morningside Park Playground Project

The project will commence January 21st. The Town's Administration and project volunteers will be closely monitoring the course of construction.

Councilmember Lagerholm stated that the Town will need to make alternative arrangements for the Easter Egg Hunt due to the construction of the project.

Councilmember Bush would like to see a timeline of costs relating to the playground project.

Design of Stormwater Improvements & Underground Conversion of NE 42nd St

A proposal will be presented to Council in February. A firm was chosen to perform the work. Ms. Schroeder stated that the design of the project will take most of 2019 to complete. Council and Mayor discussed costs associated to the design and expected timeline of the project.

Stormwater Advisory Committee

The committee is meeting once a month and they just received the scope of work for the stormwater plan. There will be input at the next meeting on what comes out of the plan. The chosen firm expects to be done with the plan by September 2019. Councilmember Bush requested that if large capital improvement projects are found while reviewing the stormwater plan to notify the Council.

Comcast Project on NE 40th St.

Engineer Schroeder gave an overview of a NE 40th St underground project for new conduit relating to Comcast.

Councilmember Bush raised a concern regarding a Comcast line on NE Points Dr that is unravelling. Town Staff will call Comcast to remedy the issue.

Project on Northern End of 95th Ave NE

Ms. Schroeder gave an overview of the project and stated that it is complete. The requirement to grind and overlay the northern end of 95th will be paid for by Puget Sound Energy.

Police Report:

Chief Kolling reported on December police activity. Aside from one mail theft, it was a quite month. Mayor Cahill stated the importance of being aware of financial scams. Chief Kolling stated that the subject of increasing cognizance of scam awareness will be mentioned in the next Clyde Hill Police Sentinel.

Mayor's Report:

Speed limit radar sign

Mayor Cahill gave a report of the statistics collected from the radar sign. When the radar sign is off, the data collected has shown that a little over 10% of traffic speeds up. Mayor Cahill stated that when the sign is on, it slows down drivers. Both positive and negative feedback has been received about the sign from residents. Councilmember Bush suggested putting the collected statistics on the Town's website. Town staff will place the statistics on the website.

REGULAR BUSINESS:

AB 19-01 Ordinance No. 694: An Ordinance of the Town of Yarrow Point Amending Yarrow Point Municipal Code Chapter 17.30 in its Entirety with Regard to Communications Facilities and Small Wireless Facility Deployments, and Establishing an Effective Date

Public Hearing Opened at 7:47 P.M.

Town Associate Attorney Emily Miner gave an overview of the need for a revision to the Town's code for small wireless facilities. The Town will be better prepared should an application for a small cell site be submitted. Ms. Miner gave an explanation of the implementations and changes to the wireless code that are included in the proposed ordinances. The ordinances have been thoroughly reviewed and Ms. Miner gave an explanation of the different entities involved with the review and commenting process. The proposed ordinances were also distributed to the public. Ms. Miner detailed and read the corrections that were made to the ordinances.

Council reviewed and discussed the changes to the ordinances.

Mayor Cahill stated the changes relate to grammar and typo errors.

Councilmember Bush asked the Town Attorney how other municipalities are handling the wireless code changes. Ms. Miner addressed the question by stating the process has been similar to Yarrow Point's undertaking and that most jurisdictions have made their revisions through an administrative process.

Mayor Cahill discussed the process of the creation of the wireless code up to this point and the need to create the new code.

Councilmember Bush commended those involved in the creation of the code to get to present date under the short timeline. The code has been written in such a way to best fit Yarrow Point.

Darryl Carver resident at 4432 95th Ave NE asked where the draft ordinances have been posted. Mayor Cahill stated the notices for the code revisions were publicly dispersed and the drafts were posted on the Town's website.

Councilmember Scandella reiterated that the problem is widespread at other jurisdictions.

Council discussed potential issues if the Town had not created a new wireless code by the date the FCC Order takes place.

Cheryl Pietromonaco resident at 3445 92nd Ave NE stated that there is a pushback in Sonoma, CA against 5G network and stated there are negative health effects relating to cell sites. Ms. Pietromonaco states that FCC Order is unconstitutional. Ms. Pietromonaco sought clarification for potential locations for small cell sites in Yarrow Point. Mayor Cahill stated the importance for having the new wireless code.

Attorney Elana Zana, Chair of Telecommunications Group at Ogden Murphy Wallace, responded to Ms. Pietromonaco's comments explaining eligible facility requests regarding application requirements.

Sara Schmidt resident at 9220 NE Points Dr NE asked about density and how many small cell sites could be placed in proximity to each other. Ms. Schmidt requested information regarding distances of structures from small cell sites and asked how often testing is done. Council and Mayor responded to Ms. Schmidt's questions comparing distances of macro versus micro cell sites to structures. Mayor Cahill also responded that there is a threshold that must be met regarding a radiation standard and is an item that was put into the code to protect the wellbeing of the Town.

Charles Porter resident at 4615 92nd Ave NE stated that he understands the footholds of those who are not in support of the potential incoming of small cell sites. Mr. Porter stated that he encourages the Council to approve the ordinances and believes that they could be amended in the future if needed.

Pam Carver resident at 4432 95th Ave NE stated that she is concerned about health effects relating to small cell sites. Ms. Carver asked if the small cell sites can be postponed. Council responded to Ms. Carver's questions stating that applications for small sites cannot be prevented.

Sara Schmidt resident at 9220 NE Points Dr asked where the language in the small wireless ordinances was derived from. Attorney Elana Zana responded that similar text is used in other jurisdictions but there are differences as well. The Town's law firm consults with attorneys in other states and jurisdictions.

Darryl Carver resident at 4432 95th Ave NE stated it would be difficult to regulate the incoming of small cell sites based on health issues.

Public Hearing closed at 8:40 PM

Councilmember Lagerholm discussed macro cell sites and requested comments from the Town attorney on the revision of them in the Town's wireless code. Associate

Attorney Emily Miner responded that the changes in the macro cell site code section were made in order to conform to the FCC Order. Mr. Lagerholm clarified the intentions for the Town to revise the wireless code and also the potential placement of macro sites including other opportunities to provide internet service to residents.

Councilmember Scandella thanked those who have put in the work to review the code.

Councilmember Elmore stated that she believes it is important to act on the ordinances because there could be a lot of aggression from the industry to deploy small cell sites.

Councilmember Valaas thanked Planning Commissioner Chuck Hirsch in the audience for his representation of the Planning Commission and his work helping to develop the code.

Mayor Cahill thanked those involved with who put forth assistance with the creation of the code to protect the Town.

MOTION: Councilmember Valaas moved to adopt Ordinance No. 694 as amended. An Ordinance of the Amending Yarrow Point Municipal Code Chapter 17.30 in its Entirety with Regard to Communications Facilities and Small Wireless Facility Deployments, and Establishing an Effective Date. Councilmember Scandella seconded the motion.
4 For, 0 Against, 1 Abstain. Motion carried.

Councilmember Lagerholm abstained as he does not want a potential for conflict of interest due to his field of work.

AB 19-02 Ordinance No. 695: An Ordinance of the Town of Yarrow Point Amending Yarrow Point Municipal Code Chapter 13.04 in its Entirety with Regard to Utility Franchise Requirements, Telecommunications Franchise Requirements, and Small Wireless Deployment Application Process, and Establishing an Effective Date

MOTION: Councilmember Valaas moved to adopt Ordinance No. 695: An Ordinance Amending Yarrow Point Municipal Code Chapter 13.04 as amended in its Entirety with Regard to Utility Franchise Requirements, Telecommunications Franchise Requirements, and Small Wireless Deployment Application Process, and Establishing an Effective Date. Councilmember Elmore seconded the motion.
5 For, 0 Against, 1 Abstain. Motion carried.

Councilmember Lagerholm abstained as he does not want a potential for conflict of interest due to his field of work.

Attorney Elana Zana thanked the Council for their engagement on the wireless code and appreciates their involvement. Changes in 5G are still evolving.

Mayor Cahill thanked the public for their attendance and for sharing their thoughts in the topic.

MAYOR & COUNCIL REPORTS:

Census

Mayor Cahill explained that Office of Financial Management is requesting a population count. The Town has the opportunity to use the Office of Financial Management's estimate, or, the Town can conduct its own census. Council discussed the two options.

Councilmember Valaas asked if a current lot on the market can be subdivided. Town Planner Green responded that the lot is not able to be subdivided.

Councilmember Bush stated that he would like to get an overview of 2019 priorities and tracking progress. A Study Session will take place prior to the February regular Council meeting.

Councilmember Lagerholm asked if the second radar sign will be installed. Mayor Cahill stated that installation location is still being determined. Councilmember Scandella stated that drivers could get used to seeing the signs therefore it would be a good idea if they are moved to different locations.

Councilmember Lagerholm referenced a couple of recent storms that caused damage. Council and Mayor discussed tree damage. Mayor Cahill stated the notification of potential liabilities relating to trees on private property.

Town Attorney Miner stated that Town staff will work with the Seattle Times to publish the passed wireless ordinances as soon as possible.

ADJOURNMENT:

MOTION: Councilmember Valaas moved to adjourn the meeting at 9:12 pm. Councilmember Lagerholm seconded the motion.

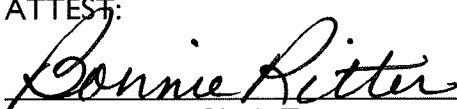
VOTE: 5 For, 0 Against, 0 Abstain. Motion carried.

APPROVED:



Dicker Cahill, Mayor

ATTEST:



Bonnie Ritter, Clerk-Treasurer

