



CITY OF VANCOUVER · WASHINGTON

Vancouver City Hall – Council Chambers – 415 W. 6th Street
PO Box 1995 – Vancouver, Washington 98668-1995

www.cityofvancouver.us

Timothy D. Leavitt, Mayor

Larry J. Smith · Jack Burkman · Bart Hansen · Bill Turlay · Anne McEnerny-Ogle · Alishia Topper

Vancouver City Council Minutes – October 5, 2015

WORKSHOPS (City Council Chambers)

5:00-5:30 p.m. MULTI-FAMILY HOUSING TAX EXEMPTION PROJECT PROPOSALS

Council met with Peggy Sheehan, Community Development Programs Manager, and Brent Boger, Assistant City Attorney.

Summary

Staff provided Council an overview of three proposed multi-family housing projects that have applied for the tax exemption program. (Peggy Sheehan, 487-7952)

5:30-6:00 p.m. STORMWATER REGULATIONS AND LOW IMPACT DEVELOPMENT STANDARDS

Council met with Annette Griffy, Surface Water Engineering Program Manager.

Summary

Staff provided Council with an overview of new state Stormwater regulations and the changes they are prompting to established City code. Staff outlined the City work plan for presenting the necessary series of code changes. (Annette Griffy, 487-7190)

COUNCIL REGULAR MEETING (City Council Chambers).

PLEDGE OF ALLEGIANCE

CALL TO ORDER AND ROLL CALL

The regular meeting of the Vancouver City Council was called to order at 7:01 p.m. by Mayor Timothy Leavitt in the Council Chambers of City Hall, 415 W. 6th Street, Vancouver, Washington.

Present: Councilmembers McEnerny-Ogle, Turlay, Hansen, Burkman, Smith, Mayor Leavitt

Absent: Councilmember Topper

Motion by Councilmember McEnerny-Ogle, seconded by Councilmember Smith, and carried unanimously to excuse Councilmember Topper.

APPROVAL OF MINUTES OF SEPTEMBER 21, 2015

Motion by Councilmember Smith, seconded by Councilmember McEnery-Ogle, and carried unanimously to approve the minutes of September 21, 2015.

APPROVAL OF MINUTES OF SEPTEMBER 28, 2015

Motion by Councilmember Smith, seconded by Councilmember McEnery-Ogle, and carried unanimously to approve the minutes of September 28, 2015.

PROCLAMATION: DISABILITY EMPLOYMENT AWARENESS MONTH

Mayor Leavitt read and presented a proclamation to Maradee Potter and Susan Cassady, Clark County Developmental Disabilities Board Members, and Trish McConaughy, Clark County Developmental Disabilities Program Staff, proclaiming October 2015 as Disability Employment Awareness Month.

PROCLAMATION: DOMESTIC VIOLENCE AWARENESS & ACTION MONTH

Mayor Leavitt read and presented a proclamation to Stephanie Barr, YWCA SafeChoice Program Director, and Vicki Hipp, YWCA DSHS Advocacy Specialist, proclaiming October 2015 as Domestic Violence Awareness & Action Month.

CITIZEN COMMUNICATION (ITEMS 1-2)

Mayor Leavitt opened Citizen Communication and, receiving no testimony, closed Citizen Communication.

CONSENT AGENDA (ITEMS 1-2)

Councilmember Burkman requested that the appointment of David Copenhaver to the City Center Redevelopment Authority and Downtown Redevelopment Authority boards of directors be added to the Consent Agenda.

Motion by Councilmember Burkman, seconded by Councilmember Smith, and carried unanimously to amend the Consent Agenda to include Mr. Copenhaver's appointment.

Motion by Councilmember McEnery-Ogle, seconded by Councilmember Smith, and carried unanimously to approve the Consent Agenda.

1. REAPPOINTMENTS AND APPOINTMENT TO THE CITY CENTER REDEVELOPMENT AUTHORITY AND DOWNTOWN REDEVELOPMENT AUTHORITY BOARDS OF DIRECTORS

Motion reappointed Debi Ewing and Richard Keller to the City Center Redevelopment Authority and Downtown Redevelopment Authority Boards of Directors, with terms beginning Jan. 1, 2016 and ending Dec. 31, 2019, and appointed David Copenhaver to the CCRA and DRA boards with a term beginning immediately and expiring Dec. 31, 2018.

2. APPROVAL OF CLAIM VOUCHERS FOR OCTOBER 5, 2015

Motion approved claim vouchers for October 5, 2015, in the amount of \$5,758,097.80.

PUBLIC HEARING (ITEM 3)

3. BAN OF SALE AND USE OF PERSONAL CONSUMER FIREWORKS WITHIN VANCOUVER CITY LIMITS (Staff Report 146-15)

Jan Bader, Program and Policy Development Manager, Philip Gigler, Assistant City Attorney, and Heidi Scarpelli, Fire Marshal, provided staff comments.

Mayor Leavitt read the title of the ordinance into the record.

AN ORDINANCE relating to a ban on the sale and use of consumer fireworks; providing for savings, severability and an effective date.

Summary

Beginning in 2005, the City has gradually reduced the legal sale and use days for personal consumer fireworks. Currently the City allows the sale of consumer fireworks within the city limits for three (3) days, July 2-4, and the use of consumer fireworks only on July 4. Each year the City receives complaints from residents who are upset by the fire danger, noise, litter and pollution associated with the use of consumer fireworks. The 2015 fireworks season occurred during a severe drought, which heightened safety concerns.

This proposed ordinance change would ban the sale and use of personal consumer fireworks within the city limits. The Revised Code of Washington and the Washington Administrative Code require 365 days' notice for changes in the fireworks ordinance, so this ban would go into effect in 2017. Public fireworks displays, such as the show at Fort Vancouver, would continue to be allowed with a special use permit.

Ms. Bader provided background information on the process leading up to this ordinance.

Mayor Leavitt opened the public hearing and received the following testimony:

- Gene Marlow, Washougal, Washington, spoke in opposition to the proposed ban.
- Jace Turner, Vancouver, spoke in favor of the proposed ban.
- Sue Warren, Vancouver, spoke in opposition to the proposed ban.

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- Alan Fraser, Vancouver, spoke in favor of the proposed ban.
- Michael Wilson, Vancouver, representing the Elks and Young Marines, spoke in opposition to the proposed ban.
- Patricia Hamelin, Vancouver, spoke in favor of the proposed ban.
- Aaron Wampach, Vancouver, spoke in opposition to the proposed ban.
- John Wampach, Vancouver, spoke in opposition to the proposed ban.
- Shareefah Hoover, Vancouver, spoke in favor of the proposed ban.
- Marck Lane, Vancouver, spoke in opposition to the proposed ban.
- Starr Durand, Vancouver, spoke in opposition to the proposed ban.
- Stephanie Turlay, Vancouver, spoke in favor of the proposed ban.
- Sam Bateman, Vancouver, spoke in favor of the proposed ban.

There being no further testimony, Mayor Leavitt closed the public hearing.

Councilmember Burkman noted that he had been contacted by many citizens in favor of banning fireworks in the city. He stated it is a public safety issue, and an advisory vote that would likely be evenly split between people who supported and people who opposed a ban would not help Council address the public safety. He noted that Vancouver is one of two large cities in the state that still allows personal fireworks. He requested the City help nonprofits that rely on revenues from fireworks sales connect with other nonprofits in communities that have recently gone through the process of banning fireworks to see how those groups have transitioned their fundraising efforts. He stated this is one step, and he does not expect fireworks to just stop in 2017 when the ban becomes effective, but it will take time and education.

Councilmember Smith stated this is a tough issue and decision to make. He said on the one hand he very much supports and honors patriotism and the celebration of freedom, but freedom goes both ways, and needs to be balanced. He noted that with the continued urbanization of the city, the risk will only increase if personal fireworks are allowed to continue. He said he was concerned about how the Fort Vancouver National Trust would make up the revenue it brings in from fireworks sales to support the Independence Day show every year, and he stated the community will have to step up to help with that shortfall. He stated Vancouver is not the city it was 20 years ago, and this step is just the culmination of a gradual process of weaning ourselves off personal fireworks.

Councilmember McEnery-Ogle asked Ms. Bader to summarize the communication the City Manager's Office has received this year regarding fireworks. Ms. Bader explained that staff in the City Manager's

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Office has been tracking where people stand on the issue, and more than 100 people had expressed opposition to personal use fireworks, while 39 had expressed support.

Councilmember McEnery-Ogle noted that public displays, not just the one put on by the Trust, would still be allowed under the permitting process for those, which includes safety requirements. She asked what the fine would be if individuals violated the ban. Mr. Gigler stated it is laid out in VMC Title 22, and a fine would be \$500.

Councilmember McEnery-Ogle asked why there would be language in this ordinance allowing for individuals to contest seizure of illegal fireworks. Mr. Gigler stated that due process is required when the City seizes personal property. It does not mean that the fireworks would be returned.

Councilmember McEnery-Ogle stated that from her own neighborhood there was debris in her driveway and on her car from fireworks being set off a block and a half away. She said it was a reminder about the Council's responsibility for the public's health and safety.

Councilmember Hansen stated that he has supported the idea of having a public advisory vote on this issue, as Councilmember Topper has, but that strategy did not pan out for the Council. He stated he is opposed to personal fireworks.

Councilmember Turlay stated that the vast majority of people who contacted him were in favor of the ban. He suggested that it could be helpful to enlist homeowners' associations within the city limits in helping educate and enforce the ban once it becomes effecting in 2017.

Mayor Leavitt noted that several cities in Washington recently went through the process of banning personal fireworks. He asked Ms. Scarpelli to summarize conversations she's had with those agencies. Ms. Scarpelli said that Spokane recently instituted a ban, and the city put in a lot of work with the citizens on education. She noted that it is a process and a culture change, and the Fire Marshal's office will prioritize education first before enforcement.

Mayor Leavitt stated that this is not a new issue to Vancouver or to the Council, and as the city becomes denser, the risks from fireworks are elevated. He said that this is one of the issues the city faces as the city moves from a suburban community to more of an urban one. He noted the ban would not take effect for almost two years, giving nonprofits who currently sell fireworks quite a bit of time to learn from organizations in other communities about new fundraising options. He stated it is the City's responsibility to help the Trust find a way to replace the funding for the annual show.

Motion by Councilmember Burkman, seconded by Councilmember Smith, and unanimously, approved ordinance M-4147. (*Philip Gigler, Assistant City Attorney, 487-8500; Jeanette (Jan) Bader, Program & Policy Development Manager, 487-8606*)

Councilmember Burkman left the meeting at 8:30 p.m.

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COMMUNICATIONS

- A. From the Council
- B. From the Mayor
- C. From the City Manager

ADJOURNMENT

8:56 P.M.

Timothy D. Leavitt, Mayor

Attest:

R. Lloyd Tyler, City Clerk
By: Carrie Lewellen, Deputy City Clerk

Meetings of the Vancouver City Council are electronically recorded on audio and videotapes. The audio tapes are kept on file in the office of the City Clerk for a period of six years.

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