



ABERDEEN CITY COUNCIL

May 27, 2015

COUNCIL MEETING AGENDA

7:15 p.m. Third Floor, City Hall

COMMITTEE OF THE WHOLE

- A. Guest Speakers
 - 1. Grays Harbor College – Let's Draw the Line Project.
 - 2. Report from Cary Bozeman on retreat
- B. Additions to Agenda
- C. Department Heads
- D. Mayor's Report
- E. Non-Standing Committee Reports

COUNCIL MEETING

- I. ROLL CALL
- II. FLAG SALUTE
- III. APPROVAL OF MINUTES
- IV. PUBLIC COMMENT Re: Agenda Items (Please limit your comments to 3 minutes)
- V. FINANCE COMMITTEE
 - A. Committee Chair Report
 - B. Approval of Expenditures
 - 1. Recommend approval of expenditures and payroll.
- VI. PUBLIC WORKS
 - A. Committee Chair Report
 - B. Public Hearings
 - 1. This is the date set for public hearing for the vacation of the 10 foot alley ROW between Lots 10,23 and Lots 1-9, Block 38, Union Pacific Addition, Section 15, Township 17N, Range 9W.WM.
 - 2. This is the date set for public hearing for the vacation of the east 30 feet of Farragut St. ROW adjacent to Lot 17, Block 18, Second Addition to S. Aberdeen, Section 10, Township 17N, Range 9W.WM.
 - 3. This is the date set for public hearing for a rezone of approximately 13 blocks of property between Simpson and Sumner Ave. from Commercial Residential (C-R) to General Commercial (G-C).
 - C. Reports & Communications
 - 1. Report from Public Works and Community Development Department recommending that the Council approve the rezone of 13 Blocks of property along Simpson and Sumner Avenues.
 - 2. Report from Public Works and Public Works Director recommending that the council award the Market Street Paving Preservation Project to Lakeside Industries, Inc. and that the staff be authorized to execute the contract.

D. Ordinances

1. First reading of Bill No. 15-04 vacating the ten foot alley ROW between W. Huntley St. and W. Baldwin St. in the 100 Block of W. Huntley St.
2. First reading of Bill No. 15-05 vacating the east thirty feet of Farragut St. between E. King St. and E. Curtis St. in the 300 Block of E. King Street.

VII. PUBLIC SAFETY

A. Committee Chair Report

B. Ordinances

1. Second reading and date of public hearing of Bill No. 15-03 adopting a new chapter 12.72 of the AMC relating to the permitting of public festivals and parades, repealing chapter 5.44 of the AMC and Ordinance 5441.

VIII. SPECIAL AGENDA ITEMS

A. Reports & Communications

1. Report from Personnel and the Human Resources Director recommending that the City Council approve changes to personnel policies 9.40 and 9.45 regarding Worker's Compensation and Disability Leave Supplement for Law Enforcement Officers and Fire Fighters.
2. Report from Personnel and the Human Resources Director recommending that the City Council approve new personnel policy 9.50 regarding Drug Free Workplace.
3. Report from Personnel and the Human Resources Director recommending that the City Council approve changes to personnel policy 9.60 regarding Smoking and Tobacco Products.
4. Report from Personnel and the Human Resources Director recommending that the City Council approve changes to the job description and classification for Recreation Supervisor.
5. Report from Personnel and the Human Resources Director recommending that the City Council approve changes to the job descriptions and classifications for Firefighter and Firefighter (with paramedic certification).
6. Report from Personnel and the Public Works Director recommending that the City Council approve changes to the job description and classification for Sign Technician III.

IX. CITY COUNCIL COMMENT PERIOD

X. PUBLIC COMMENT PERIOD (Please limit your comments to 3 minutes)

EXECUTIVE SESSION

The City of Aberdeen does not discriminate against or exclude anyone from participation in public meetings. Requests for assistance should be made by contacting the Finance Department at 360-537-3236, 48 hours in advance of the meeting. Thank you.



**ABERDEEN CITY COUNCIL ACTION SETTING A DATE FOR
HEARING FOR THE VACATION OF THE FOLLOWING RIGHT-
OF-WAY:**

The 10 foot alley right-of-way between Lots 10,23 and Lots 1-9, Block 38,
Union Pacific Addition, Section 15, Township 17N, Range 9W.WM.

On April 22, 2015, the City Council adopted a Public Works Committee
Report recommending that a date be set for a hearing on a petition to
vacate the above described right-of-way.

It is hereby ordered that a hearing be held before the City Council in the
Council Chambers, City Hall, Aberdeen, Washington, at the hour of 7:15 pm
on May 27, 2015, at which time the Council will hear, consider, and
determine all protests to the proposed vacation set for the above and will
consider all matters in connection therewith provided by law under
Aberdeen Municipal Code 12.10.

The city engineer of the City of Aberdeen is hereby directed to give twenty
days' notice of the above hearing by posting a copy of this notice in the city
hall, the public library, the post office, and in a conspicuous place on the
street or alley sought to be vacated.





**ABERDEEN CITY COUNCIL ACTION SETTING A DATE FOR
HEARING FOR THE VACATION OF THE FOLLOWING RIGHT-
OF-WAY:**

The east 30 feet of Farragut Street right-of-way adjacent to Lot 17, Block 18, Second Addition to South Aberdeen, Section 10, Township 17N, Range 9W.WM.

On April 22, 2015, the City Council adopted a Public Works Committee Report recommending that a date be set for a hearing on a petition to vacate the above described right-of-way.

It is hereby ordered that a hearing be held before the City Council in the Council Chambers, City Hall, Aberdeen, Washington, at the hour of 7:15 pm on May 27, 2015, at which time the Council will hear, consider, and determine all protests to the proposed vacation set for the above and will consider all matters in connection therewith provided by law under Aberdeen Municipal Code 12.10.

The city engineer of the City of Aberdeen is hereby directed to give twenty days' notice of the above hearing by posting a copy of this notice in the city hall, the public library, the post office, and in a conspicuous place on the street or alley sought to be vacated.



City of
Aberdeen



Community Development Department
200 East Market Street • Aberdeen, WA 98520-5242
PHONE (360) 537-3238 • EMAIL lscott@aberdeenwa.gov
FAX (360) 537-3350 • TDD (360) 533-6668

**NOTICE OF PUBLIC HEARING
SIMPSON/SUMNER REZONE**

THE CITY OF ABERDEEN IS ENTERTAINING THE PROPOSAL OF REZONING APPROXIMATELY 13 BLOCKS OF PROPERTY ALONG SIMPSON AND SUMNER AVENUE'S FROM COMMERCIAL-RESIDENTIAL TO A GENERAL-COMMERCIAL.

BACKGROUND: THE ABERDEEN PLANNING COMMISSION, SEVERAL YEARS AGO, BEGAN CHANGING THE ZONING OF THE PROPERTIES THAT ARE LOCATED ALONG STATE ROUTES IN ABERDEEN. THE RATIONALE BEHIND CHANGING THE ZONING WAS TO ALLOW STAFF TO HAVE THE ABILITY TO PROPERLY PLAN FOR NEW COMMERCIAL DEVELOPMENT OUTSIDE OF THE DOWNTOWN, THAT NOT ONLY ALLOWED BUSINESS TO HAVE THE ABILITY TO PARK VEHICLES SAFELY OFF OF THE HIGHWAY BUT ALSO BE ABLE TO HAVE DESIGNATED PARKING. THE CITY WAS AND IS PERMITTING NUMEROUS COMMERCIAL STRUCTURES ALONG OUR STATE ROUTES MAINLY BECAUSE OF THE PROXIMITY TO THE HIGHWAY'S AND THE AVAILABILTY OF VACANT LAND. THAT ALONG WITH THE FACT THAT THE CITY HAS HAD VERY FEW HOME APPLICATIONS OVER THE LAST 25 YEARS ALONG OUR STATE ROUTES (ONLY ONE, A MANUFACTURED HOME THAT WAS PUT IN PLACE DUE TO A FIRE) AND HAVE ACTUALLY HAD AN INCREASE IN DEMOLITION OF RESIDENTIAL STRUCTURES IN THESE SAME AREAS.

BECAUSE THE AREA WE ARE LOOKING TO REZONE IS ZONED COMMERCIAL-RESIDENTIAL, BUSINESS AND/OR PROPERTY OWNERS THAT ARE LOOKING TO DEVELOP RETAIL SPACE OF OVER 4,000 SQUARE FEET OR RESTAURANTS (JUST TO NAME A FEW TYPES) ARE FIRST REQUIRED TO OBTAIN A CONDITIONAL USE PERMIT PRIOR TO DEVELOPING ANYTHING. THIS PROCESS IS LABORIOUS AND ADDS ANOTHER LAYER OF RED TAPE TO POTENTIAL DEVELOPERS LOOKING TO DO BUSINESS IN ABERDEEN.

THE ABERDEEN PLANNING COMMISSION RECENTLY HELD A PUBLIC MEETING REGARDING THIS PROPOSED REZONE. ONLY ONE INDIVIDUAL PROPERTY/BUSINESS OWNER SPOKE UP AND WAS IN FAVOR OF THE REQUEST, SAYING THAT THIS SHOULD HAVE BEEN DONE YEARS AGO AND ONE PIECE OF WRITTEN CORRESPONDENCE WAS ALSO RECEIVED NOTING THE SAME THING.

THEREFORE ABERDEEN STAFF AND THE ABERDEEN PLANNING COMMISSION ARE RECOMMENDING THAT THE CITY COUNCIL AUTHORIZE THE REZONE OF APPROXIMATELY 13 BLOCKS OF PROPERTY. THIS REZONE REQUEST IS NOT DESIGNED TO PENIALIZE EXISTING RESIDENTIAL PROPERTY OWNERS THAT CURRENTLY OWN OR RENT HOMES IN THIS BLOCK. RESIDENTIAL PROPERTY OWNERS WOULD STILL BE ABLE TO RENNOVATE THEIR PROPERTY, MAKE ADDITIONS AND MAKE REPAIRS. THERE IS A MAP LOCATED ON THE BACK OF THIS SHEET INDICATING THE AREA PROPOSED FOR REZONE.

WE ARE NOTIFYING ALL PROPERTY OWNERS WITHIN 300 FEET OF THIS AREA THAT THE ABERDEEN CITY COUNCIL WILL BE HOLDING A PUBLIC HEARING TO DISCUSS THIS PROPOSAL. THIS MEETING WILL BE HELD ON **WEDNESDAY MAY 27, 2015** AT APPROXIMATELY 7:15 P.M. ON THE THIRD FLOOR OF ABERDEEN CITY HALL.

PLEASE CONTACT LISA SCOTT AT (360) 537-3238 OR lscott@aberdeenwa.gov FOR FURTHER INFORMATION OR SEND WRITTEN COMMENTS. PLEASE SEND WRITTEN COMMENTS TO THE ABOVE EMAIL ADDRESS OR MAIL THEM IN CARE OF THE COMMUNITY DEVELOPMENT DEPARTMENT, 200 EAST MARKET STREET, ABERDEEN WASHINGTON 98520-5242. PLEASE ADVISE US PRIOR TO THE MEETING DATE IF ASSISTANCE IS NEEDED TO ACCOMMODATE A DISABILITY.



HONORABLE MAYOR: Bill Simpson

THE MEMBERS OF YOUR COMMITTEE ON: Public Works

TO WHOM WAS REFERRED: Community Development Department

RE: Recommendation to Rezone 13 Blocks of Property along Simpson and Sumner Avenues

REPORT AND RECOMMEND AS FOLLOWS:

The Aberdeen Planning Commission held a public meeting on April 30, 2015 regarding rezoning 13 blocks of property on Simpson and Sumner Avenues from Commercial-Residential to General Commercial. The Planning Commission voted unanimously to approve this request and forward it on to the Aberdeen City Council for a public hearing and ordinance.

Attached is Staff Report #2015-01.

Aberdeen Staff and the Aberdeen Planning Commission are recommending that the City Council approve the recommended Findings of Fact and the recommended Conclusions for Staff Report #2015-01.

Aberdeen Staff and the Aberdeen Planning Commission are also recommending that the City Council request that an ordinance be brought forward at the June 10, 2015 council meeting approving the rezone request.

Lisa Scott, Director
Community Development

Public Works Chair

Public Works Vice Chair

Reported May 26, 2015

Council member

Adopted May 26, 2015

Council member

**LEGISLATIVE DEPARTMENT
CITY OF ABERDEEN**

MR. MAYOR:

THE MEMBERS OF
YOUR COMMITTEE ON: Public Works and the Public Works Director

TO WHOM IT WAS REFERRED: Market Street Pavement Preservation Project

REPORTS AS FOLLOWS: The City received Bids on May 21st for the Market Street Pavement Preservation Project. The low responsive bidder was Lakeside Industries Inc. The price bid was \$588,033.74. Bid tabs are attached.

THEREFORE, IT IS RECOMMENDED: That the council award the contract to Lakeside Industries Inc. and the staff be authorized to execute the contract with Lakeside for the Market Street Pavement Preservation Project.

Malcolm Bowie
Public Works Director

CHAIRMAN

Reported _____, 2015

Adopted _____, 2015

COMMITTEE

15 - 04

ORDINANCE NO. _____

AN ORDINANCE VACATING THE TEN FOOT ALLEY RIGHT-OF-WAY BETWEEN WEST HUNTLEY STREET AND WEST BALDWIN STREET IN THE 100 BLOCK OF WEST HUNTLEY STREET.

WHEREAS, the city has received a petition to vacate the unimproved ten foot alley right-of-way running North/South between West Huntley and West Baldwin Streets in the 100 Block of West Huntley Street;

WHEREAS, the City Council directed that a notice of public hearing be published for a hearing on the petition and a public hearing was held before the City Council on May 27, 2015; **NOW, THEREFORE**,

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. **RIGHT OF WAY VACATED.** Subject to the conditions in Section 3, the following right-of-way is hereby vacated: The ten foot alley right-of-way in the 100 block of West Huntley Street, adjacent to Lots 10 and 23 and Lots 1 through 9, Block 38, Union Pacific Addition to the city of Aberdeen, Grays Harbor County, Washington, as shown on Exhibit A.

SECTION 2. **INDEPENDENT APPRAISAL WAIVED.** The city council finds that the requirement of an independent appraisal should be waived pursuant to AMC 12.10.020(C) because the cost of obtaining an appraisal would be uneconomical due to the assessed value of the abutting property, the small size of the area to be vacated, and because the assessed value per square foot of the abutting property is an adequate measure of the fair market value of the area to be vacated.

SECTION 3. **CONDITIONS.** This vacation is subject to the following terms and conditions:

(1) Payment in the amount of \$1,575.00, representing one-half the fair market value of the vacated area. Payment shall be made prior to the city clerk filing this ordinance with the County Auditor. Section 1 of this ordinance shall be null and void, and the right-of-way shall not be vacated, if payment is not made within 90 days following passage of this ordinance.

(2) This ordinance shall have no effect on the vested rights of abutting property owners for air, light, ingress, or egress.

SECTION 4. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

PASSED and APPROVED this _____ day of _____, 2015.

Bill Simpson, Mayor

ATTEST:

Kathryn Skolrood, Finance Director



PROPOSED VACATION
10' ROW

240'



NORTON
1304 S.EVANS

BROCKAVICH
1318 S.EVANS

10'

NO EXISTING UTILITIES IN ROW



PREVIOUS VACATION
ORD#3617

TURNER
1111 WHUNTLEY

10'



15 - 05

ORDINANCE NO. _____

AN ORDINANCE VACATING THE EAST THIRTY FEET OF FARRAGUT STREET BETWEEN EAST KING STREET AND EAST CURTIS STREET IN THE 300 BLOCK OF EAST KING STREET.

WHEREAS, the city has received a petition to vacate the remaining thirty feet of Farragut Street running North/South between East King and East Curtis Streets in the 300 Block of East King Street;

WHEREAS, the City Council directed that a notice of public hearing be published for a hearing on the petition and a public hearing was held before the City Council on May 27, 2015; NOW, THEREFORE,

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. RIGHT OF WAY VACATED. Subject to the conditions in Section 3, the following right-of-way is hereby vacated: The thirty foot Farragut Street right-of-way in the 300 block of East King Street, adjacent to Lot 17, Block 18, Second Addition to South Aberdeen, city of Aberdeen, Grays Harbor County, Washington, as shown on Exhibit A.

SECTION 2. INDEPENDENT APPRAISAL WAIVED. The city council finds that the requirement of an independent appraisal should be waived pursuant to AMC 12.10.020(C) because the cost of obtaining an appraisal would be uneconomical due to the assessed value of the abutting property, the small size of the area to be vacated, and because the assessed value per square foot of the abutting property is an adequate measure of the fair market value of the area to be vacated.

SECTION 3. CONDITIONS. This vacation is subject to the following terms and conditions:

(1) Payment in the amount of \$2,700.00, representing one-half the fair market value of the vacated area. Payment shall be made prior to the city clerk filing this ordinance with the County Auditor. Section 1 of this ordinance shall be null and void, and the right-of-way shall not be vacated, if payment is not made within 90 days following passage of this ordinance.

(2) This ordinance shall have no effect on the vested rights of abutting property owners for air, light, ingress, or egress.

SECTION 4. UTILITY EASEMENT RESERVED. The City reserves to itself and to its franchise holders the right to cross over and under a five foot wide strip lying east of the western boundary of the right-of-way vacated in Section 1 and running parallel to the western boundary of said vacated right of way for the purpose of construction and reconstruction or maintaining water mains, storm and sanitary sewers, electrical utilities, gas mains, telephone utilities and television cables, and any other municipal or public utilities, including flood control or any other purpose incident to, all without any liability whatsoever on the part of the City for damages unless the damages result from the negligent act or omission of the City.

SECTION 5. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

PASSED and APPROVED this ____ day of _____, 2015.

Bill Simpson, Mayor

ATTEST:

Kathryn Skolrood, Finance Director

EXHIBIT
A
15-05

8" SEWER LINE

8" WATERLINE

KNOWLAND
027602402200

MENDOZA
027602402300

PREVIOUS VACATION
ORD#6409

PROPOSED VACATION
30' OF REMAINING ROW

30' 120' 30'

MENDOZA
300 E. KING
027602402300

JAMES
306 E. KING

King @ Farragut

40 Feet



15 - 03

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A NEW CHAPTER 12.72 OF THE ABERDEEN MUNICIPAL CODE RELATING TO THE PERMITTING OF PUBLIC FESTIVALS AND PARADES, REPEALING CHAPTER 5.44 OF THE ABERDEEN MUNICIPAL CODE AND ORDINANCE 5441.

WHEREAS, on May 13, 2015, the city council adopted the recommendation of a Public Safety Committee Report that the city's current "Parade Permit" ordinance be replaced with an ordinance designed to deal with all manner of public events held on city property and rights of way; **NOW, THEREFORE**,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. NEW CODE CHAPTER ADOPTED. The following Chapter 12.72 relating to Festival Events is hereby added to the Aberdeen Municipal Code:

12.72.010 Purpose

It is the purpose of this chapter to provide for the issuance of Festival Event permits to regulate such events on the public properties and rights-of-way of the city in the interest of public health, safety and welfare; to provide for fees and charges; and to administer the permit process. Nothing contained in this chapter or any procedures adopted hereunder is intended to be or shall be construed to create or form the basis for liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of the applicant or sponsor to comply with the provisions hereof.

12.72.020 Definitions

For purposes of this chapter, the following terms shall be defined as follows, unless a different meaning is expressly stated:

A. "Applicant" means the individual who completes the application and who shall act as primary contact for the event.

B. "Director" means the Parks and Recreation Director or the Director's designee.

C. "Festival event" means an event held in a fixed location on city property or city right-of-way, which the general public may attend, and any activity in a non-fixed

location associated with the event such as a parade, walk-a-thon, or run-a-thon. Festival Events include arts and craft shows, carnivals, circuses, dances, entertainment activities, exhibitions, fairs, flea markets, parades, rallies, shows, or other similar events. Not included in this definition of Festival Events are events exclusively involving political or religious activity or events intended primarily for the communication or expression of ideas where no vendor activities are involved and which are protected under the First and Fourteenth Amendments.

C. "Nonprofit vendor" means any person, firm or organization who sells goods and services at a Festival Event and who has active status registration with the Washington Secretary of State as a nonprofit corporation.

E. "Permit" means the permit issued by the Parks & Recreation Director or the Director's appointed designee pursuant to this chapter.

F. "Sponsor" means the group who is listed on the permit application as the responsible party for the event.

G. "Qualified nonprofit event sponsor" means a sponsor who has an active status registration with the Washington Secretary of State as a nonprofit corporation.

H. "Vendor" means any individual, firm, or organization who sells goods or services at a Festival Event, including but not limited to concessions, food counters, and booths for the sale of crafts, memorabilia, souvenirs, services, or other similar items.

12.72.030 Permit Required

A. Any person or group desiring to conduct or sponsor a Festival Event on city property or city rights-of-way, other than Festival Events conducted entirely within a city park under the jurisdiction of the Aberdeen Parks Board, shall first obtain a Festival Event permit under this chapter. An application for a festival event permit must be submitted at least ninety (90) days prior to the proposed date of the Festival Event.

B. Any person or group desiring to conduct or sponsor a Festival Event in a city park under the jurisdiction of the Aberdeen Parks Board shall comply with all regulations and permit requirements established by the Parks Board. A Festival Event permit under this chapter shall also be required for Festival Events that do not take place entirely within a city park under the jurisdiction of the Park Board. The Director, with the approval of the Park Board, may issue a consolidated Festival Events permit under this chapter that incorporates the permitting requirements adopted by the Park Board.

12.72.040 Permit Duration

A Festival Event permit issued under this chapter shall be valid only for the time period approved by the city and vests no permanent rights in the applicant.

12.72.050 Administration

A. The Director shall establish a Festival Event permit application form, process, and approval/denial criteria; and publish such forms, process and criteria on the city's

website. The criteria for approval/denial shall be reviewed and approved by the Police and Fire Departments prior to adoption by the Director. The process for approval/denial of individual permit applications shall include an opportunity for review and comment by all city departments.

B. The Director or the Director's designee may approve, deny, modify, or condition an application for a Festival Event permit.

12.72.055 Appeal - Denial or Revocation or Permit

Any sponsor aggrieved by the action of the Director in refusing to issue any permit or revoking a permit issued under this chapter shall have the right to appeal the Director's action to the Aberdeen City Council, or such other hearing body or officer as may be designated by the City Council, by filing a notice of appeal with the Finance Director within ten (10) calendar days of issuance of notice of the denial or revocation. Any appeal shall be accompanied by a statement indicating the grounds for such appeal. The hearing body or officer shall set a date for hearing such appeal, to take place within twenty (20) calendar days of the date of receipt of the notice of appeal, unless the appellant agrees to a longer time frame. If the twentieth day falls on a weekend or holiday, the next business day would be the final day for holding a hearing. At such hearing the appellant and other interested persons may appear and be heard, subject to rules adopted by the city council or the hearing body. The hearing body or officer shall render its decision on the appeal within ten (10) business days following the close of the appeal hearing. The decision of the hearing body or officer is final.

12.72.060 Conditions authorized and additional permits

A. The Director may include in a Festival Event permit, among other provisions, reasonable terms or conditions as to the: (1) time, place and manner of the event; (2) compliance with health and sanitary regulations; (3) provision of emergency services, security, and other services deemed necessary by the city for health, safety, and welfare purposes; and (4) payment of or reimbursement for city costs associated with the event.

B. In addition to the reasonable terms and conditions that may be included in a Festival Event permit, a Festival Event permit shall ensure that:

1. No fee may be charged nor donations solicited for admission to a Festival Event located on City properties or rights-of-way or any entertainment venue at the event located on City properties or rights-of-way. This condition does not prevent the event sponsor from collecting vendor fees and charges, or allowing the sale of goods and services at the event, or soliciting or allowing the solicitation of donations for support of non-profit organizations in a manner such that the solicitation would not reasonably be construed by the general public as a charge or donation for admissions.

2. The event sponsor is responsible for all equipment set-up and take-down, litter and garbage clean-up and disposal at the event venue, and prompt removal of all event equipment and site clean-up at the end of the event.

3. No stakes, pegs, or other affixed hardware may be placed into city property or rights-of-way unless such activity is allowed under the Festival Event permit.

4. The sponsor of a Festival Event shall make provision for the free exercise of speech at the event and submit in writing with its application a statement as to how the free exercise of speech will be accommodated. Any manner and location restrictions on the free exercise of speech must comply with those clearly set forth in the permit.

5. Each Festival Event sponsor at which food is sold or served shall prominently place in and adjacent to all areas where food is sold or served a minimum of three (3) signs no smaller in size than two (2) feet wide by three (3) feet high which state "No animals other than service animals allowed in food sales, serving, and preparation areas;" or shall propose in writing with its application, subject to city approval, an alternate method of how notification will be given to event vendors and attendees that services animals only are allowed in areas where food is prepared and served.

C. The city may condition any event permit on a requirement that the permittee give written advance notice of the event and its probable impact to the general public and any property owners or tenants adjacent to the event location or any event venue.

D. Additional permits and licenses may be required for Festival Events to meet the conditions established by the permit or other city codes.

12.72.070 Rates established for use of City streets

The rate for use of City streets for stationary activities of a Festival Event shall be \$50 per day or partial day of event operation, and shall be paid in advance of or at the time of permit issuance. Stationary event activities include but are not limited to areas for vendors, food consumption, displays, entertainment, event entryways, and supply and equipment storage.

12.72.080 Fees and charges

Any person, firm or organization who sponsors a Festival Event within the city must:

A. Pay all city property usage fees in accordance with applicable code or resolution.

B. Obtain all applicable permits and licenses required by Aberdeen Municipal Code and pay associated fees in accordance with the code.

C. Apply for city utility services in advance of the event and pay associated usage charges and fees in accordance with city utility billing policies and practices. Pay the city's commercial customer fees for city utility services provided to the event.

D. Reimburse the city for actual costs of city personnel, services and supplies required as a direct result of the event within 45 days of the date of issuance of invoices for such by the city.

E. Pay taxes, as applicable to the event, in accordance with city and state regulations.

12.72.090 Fees and charges exempted - Qualified nonprofit event sponsor

The Director or the Director's designee may waive the following fees and charges for a Qualified Nonprofit Event Sponsor if in the Director's opinion support for the event will not cause a significant disruption in the delivery of normal city services and the event is of sufficient public benefit to warrant the expenditure of city funds without reimbursement by the sponsor:

A. The actual cost of city personnel for services incurred on behalf of the event during regular work hours.

B. Incidental city costs for supplies, mileage and vehicle maintenance that are not included in the ordinary rate for city utility services.

C. The fees for recycling services provided to the event by the city if the sponsor files a recycling plan with the event application, said plan is approved by city, and the event sponsor makes a good faith effort to implement the approved plan.

12.72.100 Hold Harmless

As a condition to the issuance of any permit under this chapter, the sponsor shall agree to defend, indemnify and hold harmless the city, its officers, employees and agents, for any and all suits, claims or liabilities caused by, or arising out of any use or activity authorized by any such permit.

12.72.110 Insurance Requirements

The sponsor shall provide general liability insurance naming the city as an additional insured. Limits of coverage will be determined by the city's risk manager. Certificates of insurance are to be submitted to the city for approval prior to the issuance of the Festival Event permit. Acceptability of insurance is subject to approval by the city's Finance Director or the city's designated risk manager.

12.72.120 Revocation of Permit

Any permit issued under this chapter may be summarily revoked by the city at any time when, by reason of disaster, public calamity, riot or other emergency or exigent circumstances, the city determines the safety of the public or property requires such immediate revocation. The city may also summarily revoke any permit issued pursuant to this ordinance if the city finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit or fails to comply with any condition of the permit. Notice of such action revoking a permit shall be delivered in writing to the event sponsor by personal service or by certified mail at the address specified by the permittee in the application.

SECTION 2. CODE SECTION REPEALED. Ordinance 5441, as amended by Ordinance 5688, codified as Chapter 5.44 AMC, is hereby repealed.

SECTION 3. SAVINGS CLAUSE. Chapter 5.44 AMC, which is repealed by this ordinance, shall remain in force and effect until the effective date of this ordinance and shall remain in force and apply to all applications made and permits issued prior to the effective date of this ordinance.

SECTION 4. SEVERABILITY. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

SECTION 5. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect immediately following its passage, signing, and publication.

PASSED and APPROVED this ____ day of _____, 2015.

Bill Simpson, Mayor

ATTESTED:

Kathryn Skolrood, Finance Director

**LEGISLATIVE DEPARTMENT
CITY OF ABERDEEN**

Mayor: Hon. Bill Simpson

**The Members of
Your Committee On:** Personnel

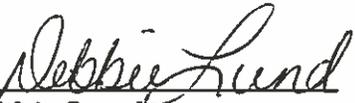
To Whom Was Referred: Proposed Change to Policy 9.40 Worker's Compensation
and 9.45 Disability Leave Supplement for Law
Enforcement Officers and Fire Firefighters - Payment

Reports and Recommends as Follows: On May 21, 2015, members of the Personnel Committee met and discussed changes to Policy 9.40 Worker's Compensation and 9.45 Disability Leave Supplement for Law Enforcement Officers and Fire Firefighters – Payment.

The attached policy revisions to 9.40 and 9.45 are primarily housekeeping. The changes are intended to remind the reader of the rules that govern worker's compensation and the LEOFF II supplement related to worker's compensation.

The unions were notified of this policy revision on Tuesday, April 28, 2015.

It is recommended that the City Council adopt the attached revisions to City Personnel Policy 9.40 and 9.45 effective immediately.


Debbie Lund
Human Resources Director

PERSONNEL COMMITTEE

Bill Simpson, Chairman

Reported: May 27, 2015


Peter Schave, Council President

Adopted: _____, 2015


Tim Alstrom, Member

**LEGISLATIVE DEPARTMENT
CITY OF ABERDEEN**

Mayor: Hon. Bill Simpson

**The Members of
Your Committee On:** Personnel

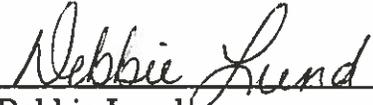
To Whom Was Referred: Proposed Change to Policy 9.50 Drug Free Workplace

Reports and Recommends as Follows: On May 21, 2015, members of the Personnel Committee met and discussed changes to Policy 9.50 Drug Free Workplace.

Using a model policy from our liability insurance provider, WCIA, these proposed changes update and clarify existing policy. The primary changes include an expanded definition section and after consultation with the City's outside drug and alcohol testing expert, an updated list of drugs (and their synthetic versions) that would be included in a reasonable suspicion drug test under this policy. Those employees who are required to have a commercial driver's license also have a separate drug and alcohol policy that applies to them. Fire and Police personnel may also have departmental policies that apply.

The unions were notified of this policy revision on Tuesday, April 28, 2015.

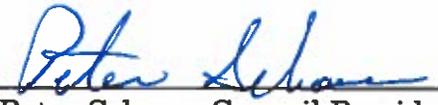
It is recommended that the City Council adopt the attached revisions to City Personnel Policy 9.50 effective immediately.


Debbie Lund
Human Resources Director

PERSONNEL COMMITTEE

Bill Simpson, Chairman

Reported: May 27, 2015


Peter Schave, Council President

Adopted: _____, 2015


Tim Alstrom, Member

**LEGISLATIVE DEPARTMENT
CITY OF ABERDEEN**

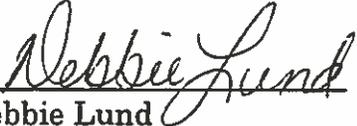
Mayor: Hon. Bill Simpson
**The Members of
Your Committee On:** Personnel
To Whom Was Referred: Proposed Change to Policy 9.60 Smoking and Tobacco
Products Policy

Reports and Recommends as Follows: On May 21, 2015, members of the Personnel Committee met and discussed changes to Policy 9.60 Smoking and Tobacco Products Policy.

These proposed changes incorporate previous advice from Human Resources and Corporation Council that e-cigarettes are not to be used in the workplace in any manner different than a traditional cigarette.

The unions were notified of this policy revision on Tuesday, April 28, 2015.

It is recommended that the City Council adopt the attached revisions to City Personnel Policy 9.60 effective immediately.


Debbie Lund
Human Resources Director

PERSONNEL COMMITTEE

Bill Simpson, Chairman

Reported: May 27, 2015


Peter Schave, Council President

Adopted: _____, 2015


Tim Alstrom, Member

**LEGISLATIVE DEPARTMENT
CITY OF ABERDEEN**

Mayor: Hon. Bill Simpson

**The Members of
Your Committee On:** Personnel and the Human Resources Director

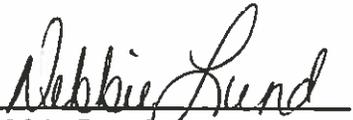
To Whom Was Referred: Revisions to job description and classification for
Recreation Supervisor

Reports and Recommends as Follows: On May 21, 2015, members of the Personnel Committee met and discussed the proposed revisions to the job description and classification for Recreation Supervisor.

In conjunction with Bill No. 15-13 and creation of Aberdeen Municipal Code 12.72 relating to Festival Events, the job description of the position of Recreation Supervisor is proposed to be modified to include duties related to special event coordination. Through delegation from the Director of Parks and Recreation, the Recreation and Special Events Supervisor becomes the point of contact for the public for matters related to special events and festivals. This will create a more streamlined and customer friendly process for such events.

Over the years the duties of the Recreation Supervisor have changed as the focus of the department has migrated away from youth events. The added duties are consistent with the current decision making, accountability and responsibility level of the current salary range 19. The incumbent and the union were notified of these proposed changes on May 14, 2015.

It is recommended that the City Council adopt the attached revised job description classification for Recreation and Special Events Supervisor effective immediately.



Debbie Lund
Human Resources Director

PERSONNEL COMMITTEE

Bill Simpson, Chairman

Reported: May 27, 2015



Peter Schave, Council President

Adopted: _____, 2015



Tim Alstrom, Member

LEGISLATIVE DEPARTMENT
CITY OF ABERDEEN

Mayor: Hon. Bill Simpson

**The Members of
Your Committee On:** Personnel and the Human Resources Director

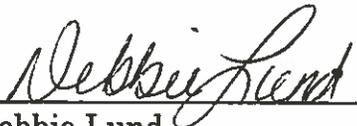
To Whom Was Referred: Revisions to job description for Firefighter and
Firefighter (with paramedic certification)

Reports and Recommends as Follows: On May 21, 2015, members of the Personnel Committee met and discussed the proposed revisions to the job description for Firefighter and Firefighter (with paramedic certification).

This provides an update to the 1993 versions of these descriptions. The changes are primarily in the areas of minimum qualifications. The age requirement is contained in the civil service rules. The certification requirements are required by the department and are the current minimum eligibility requirements posted on the recruitment announcements. These changes will align all written documents.

The union and incumbents were informed of these changes on Monday, May 18, 2015.

It is recommended that the City Council adopt the attached revised job description classification for Firefighter and Firefighter (with paramedic certification) effective immediately.


Debbie Lund
Human Resources Director

PERSONNEL COMMITTEE

Bill Simpson, Chairman

Reported: May 27, 2015


Peter Schave, Council President

Adopted: _____, 2015


Tim Alstrom, Member

**LEGISLATIVE DEPARTMENT
CITY OF ABERDEEN**

MR. MAYOR:

THE MEMBERS OF
YOUR COMMITTEE ON: Personnel

TO WHOM IT WAS REFERRED: Sign Technician III Revised Job Description

REPORTS AS FOLLOWS: Public Works is submitting a revised job description for the Sign Technician III position. When the Sign Technician job descriptions were rewritten into a 3 tier progression it was agreed that the IMSA certifications would be required in such a manner that would allow the candidate to work in the class above their certification level as long as the certification level was achieved within 18 months. The intended language was included in the Sign Technician II position but omitted from the Sign Tech III position by mistake.

THEREFORE, IT IS RECOMMENDED: That the attached revised job description for the public works Sign Technician III position be approved by City Council.

PERSONNEL COMMITTEE

Malcolm Bowie
Public Works Director

Rick Sangder
Deputy Public Works Director

Reported _____, 2015

Adopted _____, 2015

Bill Simpson, Chairman





Committee