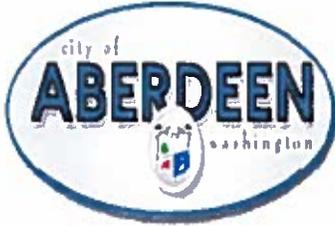


# ABERDEEN CITY COUNCIL

October 14, 2015

COUNCIL MEETING AGENDA

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



## COMMITTEE OF THE WHOLE

- A. Guest Speakers
- 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.
  - C. Reports & Communications
- VI. PUBLIC WORKS
  - A. Committee Chair Report
- VII. PUBLIC SAFETY
  - A. Committee Chair Report
  - B. Reports & Communications
  - C. Ordinances
    - 1. Second reading and date of public hearing of Bill No. 15-03A 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. Resolutions

1. Resolution expressing the City of Aberdeen's support for the Wishkah Flood Levee Project as proposed to the Chehalis River Basin Flood Authority in the report of AMEC Environment & Infrastructure, Inc.

**IX. CITY COUNCIL COMMENT PERIOD**

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

**XI. 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.

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,

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 application fee for a Festival Event permit shall be \$50. The fee shall be submitted with an application for a Festival Event permit at least ninety (90) days prior to the proposed date of the event. The Director shall issue or deny the permit within thirty (30) days from the date a complete application is received.

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

#### **12.72.055 Appeal of denial or revocation of 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.

**12.72.080 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.

**12.72.090 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.

**12.72.100 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.

**12.72.110 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.



**CITY OF ABERDEEN LEGAL DEPARTMENT**  
ERIC NELSON (3233) • FOREST WORGUM (3232) • KIRSTEN WILLIAMS (3231)

**TO:** Public Safety Committee

**FROM:** Eric S. Nelson, Corporation Counsel

**DATE:** September 9, 2015

**RE:** **Bill No. 15-03A relating to permits for public events on city property and rights of way**

**CC:** Mayor & Department Heads

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**ACTION REQUESTED:** Place Bill No. 15-03A on **September 23** city council agenda.

**SUMMARY:** Bill No 15-03 was tabled at its third reading on June 10, 2015. The bill has been revised and should be placed on the agenda as Bill No. 15-03A for a first reading<sup>1</sup>.

**BACKGROUND:** Bill 15-03 was tabled because the city council wanted the Public Safety Committee to address questions raised by citizens who frequently sponsored events. The questions were mainly about the fees and permitting process.

The revised bill (Bill 15-03A) creates an application fee of \$50 per event. The application fee is applied to any fees charged for the use of public property. Applications must still be submitted 90 days in advance of the event date, but now the city must make a decision on the application within 30 days (this allows at least 60 days to appeal the permit decision or to revise the application). The city's right to invoice the event sponsors for any costs incurred after the event is limited to costs directly related to permit violations.

The revised bill will be placed on the agenda for a first reading and does not require an amendment. However, changes from Bill No. 15-03 are shown by underline/strikeout.

**ATTACHMENTS:**

[1] Bill No. 15-03A

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<sup>1</sup> AMC 2.20.050(27) provides that any proposed ordinance tabled at a city council meeting must start over at the first reading if the tabled item is not put back on the agenda within three regular city council meetings.

**RESOLUTION No. 2015 - \_\_\_\_\_**

**A RESOLUTION EXPRESSING THE CITY OF ABERDEEN'S SUPPORT FOR THE WISHKAH FLOOD LEVEE PROJECT AS PROPOSED TO THE CHEHALIS RIVER BASIN FLOOD AUTHORITY IN THE REPORT OF AMEC ENVIRONMENT & INFRASTRUCTRE, INC.**

**WHEREAS**, the Mayor and City Council of the City of Aberdeen wish to express their support for Wishkah Flood Levee Project; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ABERDEEN:** that the Mayor is authorized and directed to execute the attached letter.

**PASSED and APPROVED** on \_\_\_\_\_ 2015.

\_\_\_\_\_  
Bill Simpson, Mayor

**ATTESTED:**

\_\_\_\_\_  
Kathryn Skolrood, Finance Director



**CITY OF ABERDEEN • BILL SIMPSON, MAYOR**  
200 East Market Street, Aberdeen, Washington 98520

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October 14, 2015

TO WHOM IT MAY CONCERN

**RE: Wishkah Flood Levee Project**

I have been authorized and directed by resolution of the city council to put in writing our support for *The Wishkah Flood Levee Project* as originally proposed by AMEC Environment & Infrastructure, Inc., the engineering firm hired by the Chehalis River Basin Flood Authority. We believe the project will greatly benefit the city of Aberdeen and are writing to express our full support.

In our view, this project should be given top priority not only for the safety and benefit of the residents of the Wishkah Valley, but also due to the following benefits to the city of Aberdeen:

1. Evacuation Route – The Wishkah Road has been designated as an evacuation route in the case of a tsunami or other disastrous event.
2. Domestic Water Supply access – The Wishkah Road is the only access to the City of Aberdeen’s domestic water filtration source and transmission lines.

AMEC studied the problems in the Wishkah Road area and described their findings and recommendations in their \$125,000 Analysis of Alternatives document. As stated in the AMEC report, this area floods routinely and the flooding is exacerbated by storm events, effectively making the road impassable and the area inaccessible. According to the analysis, simply adding additional paving material to the roadway causes the road to sink faster and does nothing to alleviate the problem. The report states that this is “not a viable long-term solution.”

This project has received the endorsement of both the legislature and local first responders in the past. In addition, approximately 300 residents of the area signed petitions in 2005 and 2010 endorsing the project. The City of Aberdeen joins them in supporting the project.

Very truly yours,

Bill Simpson  
Mayor