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WHATCOM COUNTY COUNCIL
Public Works and Safety Committee

March 30, 2010

CALL TO ORDER

Committee Chair Barbara Brenner called the meeting to order at 1:30 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann and Carl Weimer.
Absent: None.
Also Present: Sam Crawford and Bill Knutzen.

COMMITTEE DISCUSSION

1. WORK SESSION REGARDING AN ORDINANCE PROHIBITING HORSES ON BIRCH BAY DRIVE FROM MAY THROUGH SEPTEMBER (ORDINANCE 85-29), AND DISCUSSION OF A BUSINESS PROPOSAL TO ALLOW CARRIAGE RIDES ALONG THE DRIVE (AB2010-145)

The following staff person answered questions:

- Joe Rutan, Public Works Department

Discussion included the issues being Sheriff's Office issues more than Public Works Department issues; the road being striped as a no passing zone; a car pulling over in the bike lane to let someone pass; other issues about how the Sheriff will operate; how to sign Birch Bay Drive because it does not allow horses; horses being considered vehicles on other roads, and; trying to allow a horse carriage for a year as a pilot project.

The following citizens spoke:

- Roger Edmonds, citizen, stated he came up with the idea for the horse carriage ride. He described the history of the horse prohibition in Birch Bay. He has test-driven his horse and carriage over the past few months, and people seem okay with it. He plans to offer an educational tour of Birch Bay to the tourists. He intends to provide a roundtrip ride. He's not sure if he will stop and pick riders up along the way.
- Dora Lee Booth, Birch Bay Drive, stated she informed the Birch Bay Transportation Committee, and received a variety of responses. She described the history and reason for the no passing zone. Cars are always pulling around bicyclists and crossing the line to allow extra room. She described the comments she received from committee members. At some point, reconsider the dates in the ordinance. Review an exception after one year. Most comments were positive. She's fine with changing the bike lane to a bike route.
- Pat Jerns, 5097 Fern Street, Birch Bay, stated he is in favor of this exception. The only concern is the safety factor. Consider the possibility of a permit in case others want to provide this service. Fix the bike lane issue no matter what. That lane is used for many things right now. The issue of safety

1 should be considered. The limited operating hours should take care of the
2 safety issues.
3

4 Discussion included the only complaint being about how traffic would negotiate
5 around the carriage; creating appropriate stops where Mr. Edmonds could pull over and let
6 people pass; getting complaints from Birch Bay Village residents; getting the perspective of
7 the Sheriff's Office; limiting the service to low-traffic times; creating an exception in Section
8 1 of Ordinance 1985-029; allowing the carriage into the bike lane to let a car pass;
9 changing the bike lane in Birch Bay to a bike route, which would make it a joint-use
10 shoulder; the number of regular horses using the area in the winter; allowing horses that
11 are diapered; treating horse riders and carriages equally, and; requirements for State
12 licensing as a taxi operation.
13

14 Rutan suggested amending Section 2 of the ordinance to create an exception for
15 commercial horse drawn carriage operations. Include the planned route.
16

17 Weimer stated pass this as an interim ordinance for six months. They can reassess
18 it after the first season. He will work with the citizens to develop an ordinance to schedule
19 in two weeks.
20

21 COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL

22 **1. DISCUSSION OF AMENDMENTS TO THE 2010 ANNUAL CONSTRUCTION** 23 **PROGRAM TO INCLUDE POTENTIAL FEDERALLY GRANT FUNDED** 24 **STRUCTURAL REHABILITATION OF VARIOUS COUNTY HIGH VOLUME** 25 **ROADWAYS (AB2010-160)** 26 27 28

29 Joe Rutan, Public Works Department, gave a staff report. A second round of federal
30 stimulus dollars will be available for projects that are shovel-ready in 90 days. There are no
31 such projects on the six-year program right now, so they have chosen to do structural
32 repairs and upgrades, and add them to the six-year program. Two \$1 million projects
33 should be included on the road program. The Council must unanimously approve these
34 projects and put them on the list.
35

36 Discussion included what happens to these projects if the County doesn't get the
37 federal stimulus dollars; how much roadway can be restructured with this anticipated
38 money; whether repaving Slater Road is an appropriate use of the funds, and; what would
39 happen to Slater Road if they can't repave it in the next five years.
40

41 ***Mann moved*** to recommend approval of the resolution to the full Council.
42

43 ***Brenner moved*** to amend to remove the Slater Road tier two project and add a half
44 mile to Hannegan Road.
45

46 Weimer stated he will vote against the motion. He trusts the judgment of the Public
47 Works Department staff.
48

49 The motion to amend failed by the following vote:

50 **Ayes:** Brenner (1)

51 **Nays:** Mann and Weimer (2)
52

53 The motion to recommend approval carried by the following vote:

1 **Ayes:** Mann and Weimer (2)
2 **Nays:** Brenner (1)

3
4 Weimer stated introduce a second option that reflects Councilmember Brenner's
5 failed amendment, since they need a unanimous decision. Rutan stated another option is to
6 approve only the tier one project, project 35, and hold project 36 for now.

7
8 **Weimer moved** to reconsider the committee's vote

9
10 The motion to reconsider carried by the following vote:

11 **Ayes:** Brenner, Mann and Weimer (3)
12 **Nays:** None (0)

13
14 **Weimer moved** to recommend approval of the resolution as presented, without
15 project 36. Delete "~~Add project item number 36...in construction.~~"

16
17 The motion to recommend approval with an amendment carried by the following
18 vote:

19 **Ayes:** Brenner, Mann and Weimer (3)
20 **Nays:** None (0)

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23 **OTHER BUSINESS**

24 There was no other business.

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28 **ADJOURN**

29 The meeting adjourned at 2:44 p.m.

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Dana Brown-Davis, Council Clerk

Barbara Brenner, Committee Chair