

BLACK DIAMOND CITY COUNCIL MINUTES
Council Meeting of November 7, 2024
Hybrid Meeting Via Zoom and In-Person
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Benson called the regular meeting to order at 7:00 p.m. and led us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Douglass, Peterson, Mulvihill, de Leon, Jones (zoom), Page

ABSENT: None

Staff present: Andrew Williamson, MDRT/Ec Development and Community Development Director; Xavier Mason, Finance Director; Scott Hanis, Public Works Director; Jake Kapsandy, IT Staff; Jill Kuzaro, Senior Planner; Jamey Kiblinger, Police Chief; David Linehan, City Attorney; Brenda L. Martinez, City Clerk/HR Manager.

READING OF GUIDING PRINCIPLES

AGENDA REVIEW AND APPROVAL:

Councilmember Deady asked that item #12 be moved to after public comments and noted that item #5 on the consent agenda is being removed.

Councilmember de Leon **moved** to approve the amended agenda; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (7-0).

COMMITTEE REPORTS:

Public Safety Committee Meeting – Councilmember Page shared the items that were discussed at the meeting.

DEPARTMENT REPORTS:

Community Development

MDRT/Ec Dev/Community Development Director Williamson briefed Council the fire impact fees and how those are calculated and adjusted in January. He noted this does not need Council action. He talked about BESS and needing direction from Council as the one-year moratorium expires in February and staff needs to know how Council wants to move forward on this item. It was decided to hold a work session in January to work on this item

further. He also discussed the Comprehensive Plan Docket for 2025, and the city not being done with the 2024 Comprehensive Plan update and noted the process moving forward. He shared that the department does not have the bandwidth to take any 2025 docket changes through the process as their focus is on completing the 2024 update. He added that not taking any 2025 docket changes would require Council approval and wondered if Council would entertain him bringing forward action for this. He explained why the plat approval was pulled from the agenda tonight and shared that Council will be seeing more staff members from the Community Development department presenting items.

City Clerks Department

City Clerk Martinez shared with Council an award that was presented to the City from AWC RMSA for improving our liability claims experience over the past year which earned us RMSA's Claims Improvement Champion Award.

PUBLIC COMMENTS:

Jesse Young, Black Diamond spoke to Council.

Andre Koch, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Lisa Liver, Black Diamond spoke to Council.

12) AB24-080 – Professional Services Agreement with Mackenzie, Inc.

Mayor Benson briefed the Council on this item and introduced Brett Hanson from Mackenzie, Inc. Mr. Hanson gave background information on himself and the firm and highlighted who would be involved in this project.

Councilmember Deady **moved** to authorize the Mayor to execute a professional services agreement with Mackenzie, Inc. for Owner's Representative Services, in the amount of \$392,765, substantially in the form attached hereto; **second** Councilmember Douglass. Motion **passed** with all voting in favor (7-0).

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

Presentation – Daughters of the American Revolution (DAR)

It was noted that this would take place at the November 21st meeting.

CONSENT AGENDA:

Councilmember Deady **moved** to approve the Consent Agenda; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (7-0). The Consent Agenda was approved as follows:

- 1) **Claim Checks** – November 7, 2024, Check No. 55188 through Check No. 55266 in the amount of \$628,910.96
- 2) **Minutes** – Special Meeting of October 10, 2024, Work Session of October 10, 2024, Town Hall Meeting of October 10, 2024, Special Meeting of October 17, 2024, and Council Meeting of October 17, 2024
- 3) **AB24-071** – Resolution Adopting Addendum to Agreement with Valley Communications
- 4) **AB24-072** – Resolution Adopting Interlocal Agreement with City of Issaquah for Jail Services
- 5) ~~**AB24-073** – Resolution Granting Approval of Final Plat for The Villages Ten Trails Mountain View 1B Plat A Division 4~~
- 6) **AB24-074** – DRC Trust Agreement with Palmer Coking Coal for Use of the City TDR Bank

PUBLIC HEARINGS:

- 7) **AB24-075** – Proposed Cannabis Regulations

Andrew Love contract planner with AHBL briefed the Council on this item

Mayor Benson opened the public hearing at 8:21 p.m.

LouAnn Sawyer, Black Diamond resident as well as the Coalition Coordinator for Enumclaw. noted her goal tonight is to share two things, 1) most recent healthy youth survey data that shows that cannabis is a problem with our youth and it's growing, and 2) talk about proximity regarding the buffer zone and would urge the Council to reconsider that and think in general about proximity with youth and use. Ms. Sawyer distributed to Council the results from the healthy youth survey and highlighted certain areas of the report and noted that current marijuana use in 10 graders in 2021 was 7% and now, in 2023 it's at 12%, which is higher than the state average of 8%. In addition, vaping rates are skyrocketing; in 2021 it was 10% and now they are at 15%. She noted that kids are vaping not only nicotine, but they are also vaping marijuana 21% of the time, and they don't even know what they are vaping. She stressed this is a real significant problem and referred back to the state average of 8% and us being much higher. She touched on perceived availability of marijuana in both their 8th and 10 graders is on the rise; they say it's pretty easy to get. She noted the last piece of data that's super critical is the perception of risk and super scary amongst our youth. In 2023 the numbers have doubled with 23% saying it's not risky to use marijuana. She added additional information that she could send to Council regarding how residing in a zip code with proximity to a non-medical cannabis retailer, especially in a rural zip code does predict a higher probability of cannabis use, substance use disorder within a year. She stated the biggest issue is, why next to our recreation

centers - do we actually want to get it closer versus keeping at least the largest buffer that we can.

Taetum Howard, coworker at Enumclaw Youth Empowered and works directly with the youth that struggle with substance misuse. She shared that data on marijuana availability in 2023 amongst 8th grades. She noted that one of the key data points is that 44% reported that they stole if rom a store. Kids are going into vape shops and swiping the counters and the establishments are not calling police and reporting it, and this is a huge issue. She would like to know more of the regulation around how the stores will be ran, and the security that there will be with youth not being able to into those stores. She shared observations she seen at other stores regarding this. She is concerned with it being close in proximity to different places that youth go to. She talked about siblings buying for younger siblings and then distributing it to other youth in the school, which is something she sees on a daily basis. She added that adding another shop in our district is something that's very scary to her and that is why she wanted to voice her concern. She also added that the Liquor Control Board is having a hard time filling compliance officer positions in our area, meaning there is not enough liquor board personnel in our area to actually have regulations be looked at and have regular compliance checks in our area because of this.

Andre Koch, Black Diamond shared that at his school a few weeks ago cops showed up and a child 5 years old ate their dad's edible gummies and had to go to the hospital. He stated that he is all for increasing the buffer and reducing access.

Tammy Ferrier, Black Diamond shared information from a study the National Library of Medicine posted on marijuana related hospitalizations in California that has zip codes with cannabis dispensaries and over a ten-year period marijuana related hospitalizations increased by 6.8%. would like to see the buffer be outside of our city limits. She shared some people feel that dispensaries if they cater to recreational use can alter the social dynamics of a neighborhood. She added they appear to be less family friendly, attract a different demographic, and that is undesirable. She shared why she moved here from Federal Way – to get away from the cannabis dispensaries that were located near them. She noted being attracted to Black Diamond because of the low crime rate and doesn't think that brining a cannabis dispensary inside our city limits is going to help the crime factors, environmental concerns with the packaging waste, and odor issues. She would appreciate that the buffers be outside our city. She added we should be different than our surrounding communities and just say no.

Tabitha Baker, Black Diamond asked Council to not consider approving this. She stated we love our town and how enchanting and wants it to stay that way. She really does feel like bringing this aspect into our town will really change the dynamic of what we see. She said that her son's favorite thing to do is to meet up with him friends at Eagle Creek Park and worries that right now they look sweet and innocent with their basketballs, but a soon as you bring in those other dynamics, she feels like they'll look suspicious because of all of the implications. She shared that it is true that kids steal vapes, and they go into those shops, and they steal those things. She stressed that she feels like it would not be a good step forward for our community – we want to be a family, friendly, walk your dog, walk the

trails, walk to the parks kind of place and would rather see parks built then marijuana shop and dispensaries and asked Council to please not approve this from her and a lot of other moms in our awesome community.

Emma Mullen, student at Enumclaw High School spoke to the handout Ms. Sawyer distributed. She noted that from the statistics where they measured consumption that from 2021 to 2023 there has been a rapid increase, and it is a problem. She shared that currently at the high school there is only one bathroom open because of situations with students vaping and doing drugs in the bathroom. She shared that in the report it was noted that students didn't know what was in their vapes – who knows – it could be cannabis and that's scary. She stated that it's saddening how blind people are to the effects of bringing this stuff into our community. She added that it feels like it's putting money before the well being of our community. She asked, why are we bringing cannabis stores before an arcade or public parks for our youth and community to enjoy as a whole. Socialization is prevention and youth have nowhere to socialize other than the parks, and if cannabis stores are brought in it can change those parks from being family friendly and fun into a place people meet up and smoke. She added that everywhere you go, you have to be worried about people around you and what they're doing and giving more access to students and people to get a hold of cannabis is not a good thing for our community or our youth. She asked that Council keep their minds open to not only what this is doing to the adults, but also to the youth in our community – it's affecting our schools and children everywhere.

Addison, Black Diamond noted that when Ten Trails was first advertised to the citizens of Black Diamond it was labeled as a family friendly community and stated that we know that drugs are not family friendly – meaning that marijuana shops do not belong here. She shared that kids are curious about how drugs make you feel, and she has had those thoughts too. She is the president of the Mental Health and Drug Prevention Club at Enumclaw High School and has never touched drugs and doesn't plan to. She stressed that by putting in these shops it will create more curiosity and kids' brains are not developed yet and they do not know what they need or what is best for them. Kids are putting their lives in the hands of adults, and they want to make sure that the Council is making the best decision for them and stated that this is not one of those decisions - it will be creating a problem and advertising drug use.

Eric Sawyer, Black Diamond commented on it taking a lot of courage for 16 years to get up and address the City Council and he appreciated them doing that tonight. He wanted to express his concur of the council paving the way for, marijuana dispensaries to operate within the city. He stated he realizes that tonight is about a buffer zone, and he strongly encouraged the Council to reconsider this decision. He added that each of the Councilmembers were elected to represent the City of Black Diamond and the residents and the constituents of Black Diamond and everything they do should be for the betterment of the city and the residents who choose to live here. He noted living here for 15 years and has not heard anybody say that they would like to have a pot shop here and doesn't understand where the need is coming from or the need for it. The only reason he could think of is tax revenue and doesn't think we can afford these due to the increase in

crime rate, access for children, and increased traffic and traffic accidents. In closing he asked Council why they would invite this risk in our community especially when nobody is asking for it. It makes no sense to him and again strongly encourage Council to reconsider their decision.

James Barrier, Black Diamond commented that the people who spoke tonight made some really good points. He added that we heard a great presentation tonight about the zones and what those would mean, but nothing about costs and benefits. He asked why we are doing this and noted hearing a lot tonight about the unintended consequences. He stressed the need to take a stand by not allowing those things in our neighborhood. He shared about the break-ins at pot shops and it is happening more than once. There are costs associated to things like that and this needs to be considered.

Kristen Bryant, Bellevue spoke to the agenda placement of public hearings and the need to change them back to the beginning of the agenda. She commented on the fiscal analysis of the development, comprehensive plan and the future land use map. She suggested that the City does not need the cannabis revenue, but fixing the land use would provide a better financial impact.

Janet Groves, safety and civil campus security person at Enumclaw High School wanted to reiterate what the students here spoke to tonight. She noted her job getting extremely harder. She shared that daily she is addressing this with students whether it's for suspected drug use, it's in their hand or passing it around in the bathroom or to the point where kids are selling it. She commented that they are getting it from their parents and some are using it with their parents – it's become the norm. If this passes and pot shops are brought in, it makes the community feel like it's okay, and it makes the kids think this okay, and it's not okay.

Meaghan Prime, Morgan Creek wanted to reiterate what everyone was saying tonight and asked council to reconsider the boundary to 10,000 feet so it is out of our city.

Lisa Liver, Black Diamond asked the Council to please respect the voice of the people our government was originally set up by we the people and to please actually represent the people of Black Diamond, and to not make this decision based on their own data. Listen to the voice of the people and please don't allow it here – we're the ones that live here.

Mayor Benson closed the public hearing at 8:57 p.m.

8) AB24-076 – Comprehensive Plan Amendment Adding School Capital Facility Plans

Senior Planner Kuzaro reported on this item.

Mayor Benson opened the public hearing at 9:01 p.m.

Kristen Bryant, Bellevue discussed the ordinance that was adopted and specifically the calculation. She commented on how the city's formula allows for it to be divided by 2,

meaning the developer gets a 50% discount over what they could be required to pay. She added the residents, the taxpayers are asked to make up that when they're asked to pass school bonds, and the developer keeps the extra money in their pocket. She added with the massive growth planned for Black Diamond, and voters not passing school bonds it would be wise for Council to explore changing its ordinance to allow the city to collect more per home.

Andre Koch, Black Diamond commented on there being a misconception of school impact fees. He shared that these fees were never meant to pay for new school buildings. He talked about when the master planned development agreement was created, the city did something unique for the community and securing land, and to his knowledge this does not exist in Tehaleh in Bonney Lake area. He also added how difficult it is to pass bonds.

Mayor Benson closed the public hearing at 9:10 p.m.

9) AB24-077 – 2025 Preliminary Budget

Finance Director Mason updated the Council on this item

Mayor Benson opened the public hearing at 9:31 p.m.

Kristen Bryant, Bellevue asked the Council to take a look at the fiscal analysis for the Ten Trails development. She noted while this is being built out there is a lot of one-time revenues and wondered how those revenue were spent in this year's spending and how does it play into next year's spending. She reminded Council that these revenues won't remain when the building is done.

Mayor Benson closed the public hearing at 9:16 p.m.

At 9:16 p.m. Mayor Benson announced a 5-minute recess.

Mayor Benson called the meeting back to order at 9:21 p.m.

UNFINISHED BUSINESS: None

NEW BUSINESS:

10) AB24-078 – Ordinance Adopting Percentage of Increase in 2025 Property Taxes

Finance Director Mason spoke on this item

Councilmember Page **moved** to adopt Ordinance No. 24-1211 approving the Property Tax dollar increase and percentage as calculated by King County for 2025; **second** Councilmember de Leon. Motion **passed** with all voting in favor (7-0).

11) AB24-079 – Ordinance Adopting Total Property Tax Dollars for 2025

Finance Director Mason also spoke on this item

Councilmember de Leon **moved** to adopt Ordinance No. 24-1212, setting the estimated assessed valuation and maximum Property Tax dollar amount for 2025 to be used for Public Safety, including Police, Fire and Emergency Services; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (7-0).

MAYOR'S REPORT:

Mayor Benson introduced Chief Kiblinger who shared with Council the schedule and process for recruiting our City Administrator.

Mayor Benson reported attending the SEAL TC meeting.

COUNCIL REPORTS:

Councilmember Page no report.

Councilmember Deady shared that in the back of each Councilmembers binder is an updated Council Action Plan. She asked Councilmember to review and reach out to her with any changes. She thanked everyone who came out for public comment tonight.

Councilmember Douglass reported attending a ribbon cutting at Steamboat studio in Maple Valley. He noted believing art is one of the ...and believes this business is a great one for children in the community. He encouraged all to take....He also mentioned having the opportunity to read the Lake Sawyer Park Concept Plan.

Councilmember Peterson no report.

Councilmember Mulvihill reported attending the joint meeting with the ESD and City of Enumclaw and noted it being a nice meeting. She stated her opinion on the 1,000 foot buffer for cannabis, and in her opinion there are three things 1) the residents not wanting this, 2) a minor family member struggling with this, 3) having a facility within the community creates a complacency and normalizes it.

Councilmember de Leon no report.

Councilmember Jones cool way to destress is to take in the natural environment. He noted his son is going to participate in biz town which is running the city for a day.

Councilmember Deady mentioned that the levy lid needs to be talked about and getting in on the agenda for a meeting the first part of January to move onto an agenda to pass and get on the ballot.

ATTORNEY REPORT: None

PUBLIC COMMENTS: None

EXECUTIVE SESSION: None

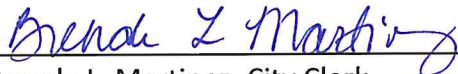
ADJOURNMENT:

Councilmember de Leon **moved** to adjourn the meeting; **second** Councilmember Deady. Motion **passed** with all voting in favor (7-0). The meeting ended at 9:46 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk