



TOWN OF BEAUX ARTS VILLAGE
TOWN COUNCIL MINUTES

November 9, 2010
Leider

Mayor Leider called the meeting to order at 7:00 pm.

PRESENT: Mayor Richard Leider, Councilmembers Mike Hillberg, Matt Leber, Aaron Sharp and Tom Stowe. Councilmember Steve Eulau arrived at 7:45pm.

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens.

GUESTS: Susan Kennedy, Donna Stowe.

MINUTES: Councilmember Sharp moved to approve the October 12, 2010 minutes, as amended. Councilmember Stowe seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

WARRANTS: Councilmember Sharp moved to approve the November 9, 2010 warrants, numbers 8508 through 8533 in the amount of \$50,787.84. Councilmember Hillberg seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

CLERK'S REPORT:

REQUEST TO METRO TO MOVE BUS STOP ON 108TH: Clerk-Treasurer Spens directed the Council's attention to a letter from Susan Kennedy asking that the Council approach METRO about moving the bus stop on 108th Ave SE south almost to the intersection of 108th Ave SE and SE 30th Street. Ms. Kennedy explained that the current bus-stop location is just outside her bedroom window and moving the stop to the south would significantly lessen the noise and bus fumes she and her husband experience at night. Ms. Kennedy also noted that the proposed location is still within the Town of Beaux Arts Village.

After some discussion about whether the Council should solicit comments from residents regarding the impact of this move and whether the bus stop should be moved out of Beaux Arts entirely, either to the north or south, it was the consensus of the Council that the nuisance experienced by Ms. Kennedy and her family outweighs the slight inconvenience to bus riders of relocating the bus stop. It was the consensus of the Council that the concrete pad can be removed later in conjunction with the Town's 108th Ave SE Improvements project. Mayor Leider will write to METRO requesting that the stop be moved as soon as possible.

GENERAL PARKING COMPLAINTS: Clerk-Treasurer Spens reported that she was contacted by a resident about ongoing parking violations in his/her vicinity. The resident has spoken with the violators on several occasions and felt as though his/her comments were unwelcome and ignored. Ms. Spens noted that she has inserted a reminder in the newsletter about parking problem and suggested that the resident work with Town Marshal Walter Scott,

who has indicated his willingness to assist with parking problems, the next time a violation occurs.

COUNCIL ACTION ITEMS REPORT: Clerk-Treasurer Spens asked for feedback on the Action Items report she prepared at Mayor Leider's request. It was the consensus of the Council that the list is adequate as written, though she should distribute it to all Councilmembers.

STATUS REPORT ON SHORELINE MANAGEMENT PLAN UPDATE: Clerk-Treasurer Spens asked the Council for feedback on the SMP Status Report prepared by Town Planner Mona Green. After a discussion about what additional information the Council wishes to see, Councilmember Sharp offered to contact Ms. Green to discuss the details.

HEARING EXAMINER: Clerk-Treasurer Spens reported that the Planning Commission recently opened their discussion of a proposed ordinance establishing the office of Hearing Examiner and directed the Council's attention to the draft minutes from that meeting. She stated that Planning Commissioners do not appear to favor the switch in large part due to concerns about the increased cost of obtaining a variance.

Councilmember Stowe commented that he attended this hearing and that they seem not to be in favor of the proposed change. He was surprised that many of the arguments Planning Commissioners gave for keeping the Board of Adjustment were also arguments that could be given for not keeping the Board, e.g. that we need consistency, we need someone who understands the rules and can apply them, etc.

MARSHAL'S REPORT: No report.

WATER REPORT: No report.

WABA REPORT: No report.

108th COMMITTEE REPORT: Councilmember Stowe reported that the Town should hear the decision about the WSTIB Small Cities grant by November 18, 2010. Donna Stowe reported that Bellevue's proposed project is still under consideration but with modifications. Susan Kennedy added that Bellevue should know if the project will be funded when they pass their 2011 Budget in December.

[Councilmember Eulau arrived at 7:45 pm.]

PUBLIC HEARING: PROPOSED 2011 BUDGET: Mayor Leider invited the Council to comment on the proposed revenues and expenditures by fund remembering that the budget will be adopted next month, so the Council should work to get it as close to final as possible tonight. He added that he would like the Council to complete its discussions before inviting public comment.

The Council proceeded to review each fund line by line, making changes as appropriate. The bulk of the changes involved removing projects that would be useful to complete but are not

immediately necessary. It was the consensus that, despite the fact that Beaux Arts is in better financial condition than many other cities, we are still operating in a difficult economic climate and should be careful with our funds.

Mayor Leider opened the public hearing at 8:40pm and asked for comments from the public. As there were none, he closed the public hearing at 8:41pm.

Clerk-Treasurer Spens will again update the worksheets as discussed tonight and email revised copies to Mayor Leider and Councilmember Leber within the week.

PUBLIC HEARING: PROPOSED ORDINANCE NO. 378 SETTING THE 2011 LEVY:

Clerk-Treasurer Spens directed the Council's attention to the 2011 Levy Worksheet prepared by the King County Department of Assessments, which shows that our maximum property-tax levy is slightly higher than a straight 1% increase in last year's levy amount. This is because the maximum amount allowed last year increased after the Council had passed the 2010 Levy Ordinance, so we did not levy to our full capacity. However, that capacity is not lost for future years, so the Council may levy to the full value of the maximum shown on the County's worksheet, if desired.

Mayor Leider called for the motion.

MOTION: Councilmember Eulau moved to pass Ordinance No. 378 setting the levy for 2011. Councilmember Sharp seconded.

Prior to the vote, Mayor Leider opened the public hearing at 8:46pm and asked for comments from the public. As there were none, he closed the public hearing at 8:48pm.

The Council then discussed the pros and cons of raising the Town's property-tax levy. Councilmember Stowe commented that he heard concerns from some residents about the cumulative effect of increases in the property-tax levy among those entities that impose a levy, including the Town, County, school district, Port of Seattle, etc.

The Council then discussed the pros and cons of raising the property tax levy. At the conclusion of this discussion, Mayor Leider called for the vote.

Vote: 4 For, 1 Against (Stowe), and 0 Abstain. Motion carried.

COUNCIL MEETING TAPING: Clerk-Treasurer Spens reminded the Council that this issue is before them because of prior discussions about the relative advantages and disadvantages of taping entire Council meetings rather than just taping public hearings as required by law.

Mayor Leider commented that he sees the issue as whether the Clerk-Treasurer will use only her notes to produce the minutes or whether she should use her notes and the meeting tape to produce same. He added that all tapes must be retained for a minimum of six years and that the general practice is to tape only public hearings rather than entire meetings.

After some discussion, it was the consensus of the Council to try eliminating the taping. Clerk-Treasurer Spens continue to distribute draft minutes electronically as soon as they are ready so that Councilmember can review them while the meeting is still fresh in everyone's minds.

REVIEW OF TOWN TREE ORDINANCE: Mayor Leider commented that he has a meeting with the Town Arborist Tina Cohen this week to discuss the Town's Tree ordinance and her work in enforcing it. He also commented that Carol Clemett had an earlier engagement this evening that will probably preclude her attendance at tonight's meeting.

The Council's subsequent discussion centered on the following points:

- Does the Town really need a Town Arborist for reviewing tree-removal permit applications submitted by WABA? In essence, the Town Arborist is reviewing the work of another certified arborist and thus duplicating effort.
- Should the list of protected trees be expanded?
- How should the ambiguity of hazardous removals be resolved? Can we eliminate the hazardous designation, letting emergency removals happen as set forth in the ordinance and allowing other removals under the 20% rule?
- How can the ordinance be altered to clarify and simplify its implementation.

Mayor Leider will speak with Carol Clemett about how best to move this discussion forward.

MAYOR AND COUNCILMEMBER REPORTS:

TREASURER'S REPORTS: Councilmember Leber reported that he has completed his review of the 2Q2010 and 3Q2010 Treasurer's Reports and supporting documents and found them to be accurate and in proper order.

105th PAVING PROJECT: Councilmember Sharp reported that the planned overlay of 105th Ave SE is scheduled for November 16, 2010 and that he will forward that schedule to Clerk-Treasurer Spens and Deputy Clerk Kulp shortly.

KING CONSERVATION DISTRICT (KCD) GRANT APPLICATION: Councilmember Sharp reported that it looks as though the Town will receive a grant of \$1,600 from the KCD for improving plantings to enhance stormwater recovery and recharge.

NO-PARKING SIGNS ON SE 28th STREET: Councilmember Sharp reported that, after further review, he plans to make minor adjustments to the "No-Parking" signs, including moving one away from the mailstand.

TOWN CLEAN-UP: Councilmember Hillberg reported that the Fall Town Clean-up was a success and thanked everyone for their contributions.

PUBLIC DEPOSITORIES: Councilmember Leber reported that Clerk-Treasurer Spens supplied him with a list of the banks that are acceptable for use by public agencies and that none of them are offering significantly better interest rates that what we currently realize. He will investigate other avenues, including Certificates of Deposit, for earning more interest on our funds and will work with Clerk-Treasurer Spens to ensure that we move as much money as

we can in to the Local Government Investment Pool (LGIP) since they already pay a higher interest rate than the banks.

FRANCHISE REVIEW: Councilmember Stowe reported that he continues his review of the Town's franchise agreements. Mayor Leider asked what the Town needs to do going forward and whether there are opportunities available to the Town in renewing our franchise agreements. Councilmember Stowe answered that one opportunity would be whether to collect franchise fees. He added that his next step is to pinpoint the agreements that need action and getting them ready for Council review.

WHATMORE LETTER: Mayor Leider reported that a previously discussed letter to the Whatmore estate addressing the access and water issues was sent out recently.

INSURANCE QUESTIONS: Mayor Leider reminded the Council that he agreed to investigate what additional insurance may be available through the Association of Washington Cities (AWC) to provide coverage for Councilmembers during the public meetings held in their homes. He reported that AWC does not offer any coverage of this sort so he will talk with an outside broker about how best to address this situation.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday December 14, 2010 at Aaron Sharp's house.

EXECUTIVE SESSION: Mayor Leider announced that the Council would adjourn to an Executive Session for 20 minutes to discuss personnel performance. Clerk-Treasurer Spens left the meeting during this session.

At 10:00 pm, Mayor Leider re-convened the regular session.

ADJOURN: Councilmember Sharp moved to adjourn the meeting at 10:00 pm.
Councilmember Hillberg seconded.
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer