



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

March 13, 2012

Gillem

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

PRESENT: Mayor Richard Leider, Councilmembers John Gillem, Mike Hillberg, Matt Leber, Aaron Sharp, and Tom Stowe.

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens, Planner Mona Green.

GUESTS: Paula Dix and Donna Stowe.

MINUTES: Councilmember Stowe moved to approve the February 14, 2012 minutes, as amended. Councilmember Sharp seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

WARRANTS: Councilmember Sharp moved to approve the March 13, 2012 warrants, numbers 8950 through 8973 in the amount of \$18,943.02. Councilmember Stowe seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

CLERK'S REPORT:

WEBSITE HOST: Clerk-Treasurer Spens reported that Municipal Research & Service Center will no longer be able to host the Town's website, which they have been doing at no charge since the website was first developed. She offered the following options:

- Retain the web hosting services of our current email provider at a cost of \$5.50 per month or \$66 per year (in addition to the \$200 per year we pay for email service to 10 mailboxes). The company supports FrontPage FTP websites, such as ours, so no web design changes would be needed and migration to the new server would be straightforward.
- Subscribe to web hosting through bluehost.com at a cost of \$6.95 per month or \$83.40 per year. Quinn Robinson, with MRSC, has experience with this vendor and feels they provide a quality service with excellent customer service at a low price. In addition, bluehost supports Front Page FTP websites, making the transition straightforward. If we like their service, we could choose to move our email at a later date.
- Subscribe to web hosting and email through Hosting.com for \$400 per year, inclusive. This option would provide for up to 500 mailboxes at no extra charge, BUT they do not support Front Page FTP websites, so we would also have to hire someone to create the site architecture in Cold Fusion at a cost of about \$2,000. This is clearly the most expensive solution, but if the Council feels the Town's website should be jazzed up, this could be the time to do it.

It was the consensus of the Council to pursue Option #1 for now. It is a cost effective and simple solution, and if we are not happy with the service for any reason, the switch to bluehost would be simple enough.

KC ANIMAL SERVICES CONTRACT: Clerk-Treasurer Spens reported that negotiations on a replacement contract between King County and the member cities continues. She explained that our current contract allocates the cost of these services based on a 50% usage - 50% population formula. Under this allocation formula, Beaux Arts paid less than \$400 for animal-control services in 2011, thanks in large part to out low usage and high rate of license compliance.

The proposed allocation for the new contract is likely to 80% Usage – 20% population, which is even better for Beaux Arts, for the same reasons. Heavy users, particularly the cities in South King County, will be paying more for animal services, and they continue looking for other options. Bellevue is considering forming an Eastside animal-services partnership that would include Redmond and possibly Kirkland. Clerk-Treasurer Spens has informed Bellevue that Beaux Arts would be interested in participating in this partnership if anything develops from it.

MARSHAL’S REPORT: No report.

WATER REPORT: No report.

WABA REPORT: Paula Dix, newly elected WABA President, reported that the King Conservation District, which has provided funding for WABA's shoreline project is reviewing its funding allocations and has put future grants on hold indefinitely. She also reported that the Shoreline project is proceeding and has an application for a grading permit in review.

SHORELINE MASTER PROGRAM (SMP) UPDATE: Mayor Leider asked Town Planner Mona Green to give a quick refresher on the Planning Commission's work to date.

Town Planner Green summarized the Planning Commission's work to develop the current draft of the Shoreline Master Program, noting that their four main areas of concern were:

- How to establish setbacks along the shoreline.
- Protecting the recreational use of the beach property.
- Establishing a "No net loss of property" standard, similar to the Department of Ecology's (DOE) "No net loss of ecological function" requirement.
- Seeking a balance between the requirements of the Shoreline Management Act and protecting the property's use by WABA members.

Ms. Green reminded the Council that the current draft of the SMP was forwarded to DOE last month for an informal review. DOE will provide feedback on the current draft, and the Council will use that feedback to produce a final draft before holding a public hearing. After the public hearing, the Council will adopt this final draft, either as written or as amended, and forward it to Ecology for a formal review. DOE's formal review will include a public-comment period for input by all stakeholders, including those beyond Beaux Arts' boundaries.

Ms. Green also reported that the Town has received paperwork finalizing the \$8,000 increase in grant funding, bringing our total grant for the three-years to \$48,000.

Mayor Leider commented that he would like the Council to conduct a thorough review of the current draft and have Clerk-Treasurer Spens record a list of the Council's questions. He added that the Council can then decide if they wish to pursue the answers to those questions themselves or send everything back to the Planning Commission. He noted that he would like the Council to hold their public hearing in June unless the comments from DOE's informal review are extensive.

The Council then completed a section-by-section review of Chapters 1 through 6. Clerk-Treasurer Spens will prepare a table of Council questions and the subsequent answers for the Council's use. The table (Beaux Arts Council review of 1/19/2012 SMP Draft) will be considered a part of these minutes by reference.

The Council will resume their review of the SMP at the April Council meeting beginning with Appendix C.

Councilmember Sharp asked how extensive DOE's comments from their informal review might be. Town Planner Green answered that the comments we receive should be limited because our SMP doesn't deviate much from the state's prescribed standards.

Councilmember Sharp asked what the anticipated additional costs for completing this work might be. Town Planner Green answered that she will work to prepare an estimate for the Council's review.

Clerk-Treasurer Spens and Town Planner Green will work to replace the references to ordinances in this draft with references to the new BAV municipal code.

MAYOR AND COUNCILMEMBER REPORTS:

4Q 2011 TREASURER'S REPORTS: Councilmember Leber reported that he has completed his review of the 4Q2011 Treasurer's Reports with supporting documentation and found them accurate and complete. He has signed them to indicate his approval

2009-2010 AUDIT RESULTS: Councilmember Leber reported that Mayor Leider, Clerk-Treasurer Spens and he attended the exit conference with representatives of the State Auditor's Office for the audit of the Town's 2009-2010 financial records. He reported that the auditors gave the Town a clean audit and stated that our financial statements accurately represent the Town's financial situation in all aspects.

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN: Councilmember Gillem reported that he has reviewed the CEMP, which was completed about 1-1/2 years ago, and that it may need some revisions. He added that the plan needs additional work on how to deploy it in the event of an emergency as it is incomplete in these areas. He will begin working to make the plan actionable and to develop the appropriate tactical response plan.

108TH AVE STREET SIGNS / MAINTENANCE: Councilmember Stowe reported that he is working with Sylvia Hobbs to develop signs for the new 108th Ave Path and is developing a proposal for protecting the swale from further damage by vehicles using 108th.

TOWN CLEANUP: Councilmember Hillberg reported that he has scheduled the Town's Spring Cleanup for May 17th.

TREE WORK FROM PUMP TO WATER TOWER: Councilmember Hillberg reported that he asked Trees for Life to give a ballpark estimate of the cost to trim and/or remove vegetation that has grown into the corridor from the pump to the water tower. He added that he has determined that PSE doesn't have power lines in this area; the utility lines there belong to Comcast and CenturyLink. The estimate came in at \$1,100, which seems low, so he will review the proposal with Tree for Life to determine if it is comprehensive.

WATER MAINTENANCE SHED: Councilmember Sharp noted that the water maintenance shed is complete, except for painting, which will be done when the weather permits.

106th PAVING PROJECT: Councilmember Sharp reported that he is developing the scope of work for the proposed paving project on 106th Ave SE.

STRATEGIC PLANNING SESSION: Mayor Leider reported that he is still waiting for Councilmembers' available dates and that he hopes a strategic planning session can still be scheduled for this Spring – perhaps in May.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday April 10, 2012 at Mike Hillberg's house. Councilmember Hillberg noted that he cannot host a meeting on that date due to Spring Break for the Bellevue schools. Councilmember Leber offered to trade meeting dates, and it was decided that the April meeting will be held at Councilmember Leber's house and the May meeting will be held at Councilmember Hillberg's. Councilmember Gillem noted that he is gone for two weeks in April beginning with the week of April 9th. At this time, the April meeting is scheduled for 7pm on Tuesday April 10, 2012 at Matt Leber's house.

ADJOURN: Councilmember Sharp moved to adjourn the meeting at 9:25 pm. Councilmember Stowe seconded.
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer

SAS Ref.	SMP Ref.	Question	Answer
#1 3/13/12	Chap 1.1, paragraph 1	<p>RL: Paragraph states that "any development of which the total cost or fair market value exceeds five thousand dollars" is required to obtain a Shoreline Substantial Development permit (SDP). Is this dollar value set in stone?</p> <p>.....</p> <p>TS: Since the state sets this dollar value, it is subject to change at their discretion. Can we refer to the WAC citation instead of inserting a dollar value here?</p> <p>.....</p> <p>AS: Does that dollar value affect maintenance projects?</p>	<p>Mona: Yes, this dollar threshold is mandated by state statute.</p> <p>.....</p> <p>Mona: Yes, she will make this change.</p> <p>.....</p> <p>Mona: No, maintenance is governed by different dollar thresholds.</p>
#2 3/13/12	Chap 1.1, paragraph 3	<p>RL: Paragraph seems to imply that DOE has oversight and review/approval authority over the Town's Shoreline SDP approvals?</p>	<p>Mona: Not quite. DOE's approval authority is restricted to Shoreline Conditional Use Permits (CUP) and Shoreline variances. Normal Shoreline SDPs are approved by the Town Council and forwarded to DOE for their information only.</p>
#3 3/13/12	Chap 1.3, paragraph 1	<p>RL: Please explain the paragraph "Where conflicts exist between regulations, those that provide more substantive protection to the shoreline will apply."</p>	<p>Mona: If the Town's SMP, Comprehensive Plan, and other adopted plans are in conflict, the one that sets the most restrictive standards will take precedence.</p>
#4 3/13/12	Chap 2.2, paragraph 1	<p>RL: Paragraph designates that the Beaux Arts Clerk/Treasurer is the Town's Shoreline Administrator and has the authority to approve, approve with conditions, or deny Shoreline Permit revisions. What does that mean in practical terms?</p>	<p>Mona: If the applicant wishes to make revisions to an approved permit that do not exceed an established dollar threshold, the Shoreline Administrator can approve those revisions without requiring the Council's review and approval. The Shoreline Administrator also has authority to grant exemptions from Shoreline SDPs, including some maintenance work. In practical terms, the Shoreline Administrator (Clk/Treas) will seek input from the Town</p>

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	Chap 2.2, para 1 cont.	<p>.....</p> <p>TS: Instead of designating the Clerk/Treasurer as Shoreline Administrator, should this section designate the Mayor instead?</p>	<p>Planner before proceeding.</p> <p>The Council must still review/approve all Shoreline SDPs.</p> <p>.....</p> <p>Council consensus: Leave as is for now.</p>
#4a 2/14/12	Chap 2.4.3	<p>AS: This section requires that Council conduct a public hearing to review and make the final decision at the local lever on Shoreline SDPs, Shoreline CUPs, and Shoreline Variances. Can this be altered?</p>	<p>Mona: No, this is a statutory requirement.</p>
#5 3/13/12	Chap 2.7, section E	<p>RL: The section states "in the granting of all variances, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area." Does this create a problem?</p>	<p>Mona: No. The requirement is only that consideration be given to cumulative impacts. But approval rests on whether the impacts produce significant adverse effects to the shoreline ecological function or other users.</p>
#6 3/13/12	Chap 2.9, paragraph 1	<p>RL: Based on the definition in this paragraph, could any of the current conditions on our shoreline be considered non-conforming under this new SMP?</p> <p>.....</p> <p>RL: For example, if WABA decided to replace the rock bulkhead at the beach to protect against excessive erosion, would they be able to do so?</p> <p>.....</p> <p>RL: What if a dock was damaged by an earthquake, could the dock be rebuilt?</p>	<p>Mona: No. The basis for establishing conformity is the current condition.</p> <p>.....</p> <p>Mona: Not if they proposed installing the rock bulkhead on the water side of the eroded area.</p> <p>.....</p> <p>Mona: Yes, the dock could be rebuilt in its current locations but it would have to be built according to all codes in effect at that time.</p>
#6a	Chap 2,9,	<p>JG: Section states that a non-conforming structure which is</p>	<p>Mona: No. There are no non-conforming structures along</p>

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3/13/12	section B	destroyed by fire or other act of nature may be rebuilt to the same or smaller configuration. Do we have any current non-conforming structures affected by this regulation?	our shoreline at this time.
#7 3/13/12	Chap 2.9, section G	RL: Section states that if a non-conforming use is discontinued for 12 consecutive months, the non-conforming rights expire. Do we have any current non-conforming uses affected by the regulation?	Mona: No. We have no non-conforming uses along our shoreline at this time.
#8 3/13/12	Chap 3.1 Public Access	<p>TS: Definition states that this is not applicable within Beaux Arts as there are no current or potential publicly owned areas; this element is excluded. Is this statement strong enough to protect the private nature of WABA's property?</p> <p>.....</p> <p>MH: Why does the Town care about designating the use of this property since it is privately owned?</p> <p>.....</p> <p>MH: Then why don't we also regulate street views?</p>	<p>Mona: Yes. The definition is specifically written to protect the private nature of the shoreline and restrict its use to WABA members and their guests only. Another section of the SMP addresses the preservation of views for beach users.</p> <p>.....</p> <p>Mona: Because the Town has specifically protected the use of that property in other Town regulations, e.g. the Zoning Code, which calls out the shoreline property as Open Space.</p> <p>RL: Part of the reason for protecting the use is that it benefits all residents by allowing them views of the water as they use the property. Calling out this use shows that the Town wishes to preserving this benefit for all residents.</p> <p>TS: In addition, the Open-Space designation benefits WABA by reducing their property-tax burden, because of the limitations placed on the use of this property.</p> <p>.....</p> <p>Mona: The SMP only regulates the property within 200 feet of the Ordinary High Water mark (OHWM).</p>

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#9 3/13/12	Chap 4.3.2	RL: What does Section A mean by "ecological conservation and restoration?" It seems that Section A should be omitted and Section B listed first. Also, Section D states that low-impact development techniques shall be encouraged to avoid the impact of impervious surfaces. Can this be amended to include the phrase "where practical"?	Mona: Possibly. She will review this section to see what revisions can be made.
#10 2/14/12, 3/13/12	Chap 5.2, section F	JG: Section stipulates that WABA's actions along the shoreline shall not result in aggregate loss of land area above the OHWM. Since this regulation is in addition to the requirements of state statutes, what is the intent?	Mona: The PlnComm wanted to ensure that the balance was maintained between implementing the requirements of the Shoreline Management Act and protecting the shoreline property for use by WABA members. RL: If the general direction of the state mandates for shoreline preservation were followed exactly and WABA were forced to allow the beach to revert to its "native state", WABA could lose a significant amount of useable recreational area.
#11 3/13/12	Chap 5.6.1	RL: Section addresses aquatic weed management. Under this section, would WABA still be allowed to remove aquatic weeds to allow for a new swimming use?	Mona: Yes. Removal of aquatic weeds is not prohibited by this section.
#12 3/13/12	Chap 5.6.2, section C	JG: Section prohibits placement of vegetation that would function like a hedge and block existing views, but don't we need a definition of "hedge"?	Mona: Yes. She will bring examples from other jurisdictions for the Council's consideration.
#13 3/13/12	Chap 5.7.1, section C	AS: Section prohibits spray painting. Is that supposed to be within 200 feet of the water?	Mona: The intention is to restrict spray-painting work over the water. She will revise to clarify that.
#14 3/13/12	Chap 5.7.2, section A	RL: Section states that all shoreline development shall comply with Ecology's Stormwater Management manual?	Mona: Beaux Arts is exempt from this regulation.

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#15 3/13/12	Chap 6.3.2, paragraph b following Table 6.6	RL: Is there a time period for cumulative repairs, e.g. repairs conducted over a period of 12 consecutive months?	Mona: The time period should be stated as 24 consecutive months. She will revise.
#16 3/13/12	Chap 6.7.2., section A	RL: Section states that parking in shoreline areas shall be minimized. What does that mean in practical terms? RL: Why not just state that and eliminate the phrase "shall be minimized"?	Mona: Parking areas near the shoreline should not be expanded. Mona: Ok.
#17 3/13/12	Chap 6.11.1, section C	TS: Section states that "Shoreline stabilization on the Lake Washington shoreline should not be used to create new or newly usable land". Where does this language come from? Is it necessary since Ecology's rules don't allow for such expansion?	Mona: This section should be omitted.
#18 3/13/12	Chap 6.13.1, sections A,B	ML: Section sets forth transportation policies that don't seem clear. Does this need review/clarification?	Mona: Possibly. She will review this section to see what revisions can be made to clarify the intent.
2/14/12	App E	TS: Appendix addresses critical areas but fails to include findings of 1995 Shannon & Wilson report about the Town's aquifer-recharge area. Shouldn't this important critical area be included?	Mona: Yes, probably. She will review the Shannon & Wilson report and revise to include its findings.