



TOWN OF BEAUX ARTS VILLAGE
TOWN COUNCIL MINUTES

July 10, 2012
Sharp

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, Town Planner Mona Green.

GUESTS: WABA President Paula Dix, Erin Jacobsen.

MINUTES: Councilmember Sharp moved to approve the June 12, 2012 minutes, as amended. Councilmember Hillberg seconded.

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

WARRANTS: Councilmember Sharp moved to approve the July 10, 2012 warrants, numbers 9052 through 9074 in the amount of \$22,221.01. Councilmember Stowe seconded.

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

CLERK'S REPORT:

MAYOR PRO TEMPORE: Clerk-Treasurer Spens reported that the Council did not select a Mayor Pro Tempore to replace former Councilmember Steve Eulau when he went off Council. She suggested that the elect a replacement to run Council meetings in the event Mayor Leider is unavailable.

MOTION: Councilmember Hillberg nominated Councilmember Sharp to serve as Mayor Pro Tem. Councilmember Stowe seconded.

Vote: 4 For, 0 Against, 1 Abstain (Sharp).

BAV EMAIL ACCOUNTS: Clerk-Treasurer Spens reminded the Council of her recent emails about a change in accessing the online webmail client and asked that any councilmember with questions contact her outside of the meeting.

FIREWORKS: Clerk-Treasurer Spens noted that in the course of responding to the Sheriff's query regarding the legal status of fireworks in BAV, the question came up about whether our regulations should not only ban the use of fireworks but also their sale. After a brief discussion, it was the consensus of the Council that the sale of fireworks doesn't appear to be a problem for us so no change in our regulations is needed at this time.

KING COUNTY SOLID WASTE: Clerk-Treasurer Spens directed the Council's attention to a letter from King County about ongoing discussions of the Solid Waste Interlocal Agreement. She asked if any member of the council is interested in participating in these

discussions. It was the consensus of the Council that our direct involvement in the discussions wasn't necessary but we should continue to monitor them for trends.

MECHANICAL PERMIT FEES: Clerk-Treasurer Spens reported that this project remains on her to-do list and she will bring the results of her review forward for further discussion in the next month or two.

MARSHAL'S REPORT: No report.

WATER REPORT: No report.

WABA REPORT: WABA President Paula Dix reported that WABA has completed updates to the Green Book and will be distributing them soon. She noted that, in the past, the Town has helped pay for the copy and distribution costs of these updates and asked the council if they are willing to do so again. She added that the total cost of the updates is about \$850. It was the consensus of the Council to pay for half of the cost to update the Green Book this year.

PUBLIC HEARING: 2013 - 2018 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP): Councilmember Sharp described the plan he has assembled for street repairs over the next six-years. He reminded the Council that work on 106th Pl SE remains scheduled for this year. Clerk-Treasurer Spens noted that the sheets distributed for Council review are in draft form because she is waiting for state approval to use the new online TIP software.

MOTION: Councilmember Sharp moved to pass Ordinance No. 394 adopting the Town's Six-Year Comprehensive Street Program for the years 2013 through 2018, inclusive his approval of the final version of Exhibit A. Councilmember Stowe seconded.

Mayor Leider opened the public hearing at 7:20 pm and asked if the public in attendance had any questions or comments. As there were none, he closed the public hearing at 7:25 pm.

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

ACCESS ISSUES FOR PROPERTY AT 10604 SE 27TH PLACE: Mayor Leider asked Erin Jacobsen to present the revised site plan depicting the newest proposal associated with her request. Ms. Jacobsen distributed copies of the revised site plan that was distributed to the Council by email over the weekend. She commented that this plan was revised to satisfy the conditions set by the council at their May meeting as well as discussions with the subcommittee consisting of Councilmembers Stowe and Gillem.

The Council then reiterated that one of its primary concerns is to preserve the Water Department's access to the western half of the ROW for staging equipment and dumpsters for Town Clean Ups, etc. Based on that concern, there was discussion that the proposed access paving should be moved at least 10 feet farther east and minimized in width as much as possible with any added width for turning radius at the opening placed on the private

property rather than on the ROW.

Ms. Jacobsen stated that she feels the Council's directions have been unclear as to how to meet the four conditions and that providing safe access requires a wider access road. The Council noted that for many homes in Beaux Arts, the access road at the property line is narrow and widens on the private property rather than the ROW. They also noted that this proposal, as presented, shows maximum use of the ROW rather than minimum use.

Ms. Jacobsen stated that the subcommittee was slow to respond to her proposal. The Council reminded her that the four conditions were presented to her two months ago at their May meeting and has not changed since her original request.

Mayor Leider polled the Council for feedback on the current proposal. It was the consensus of the Council that the Town's intent for use of the ROW in question is clearly stated in the four conditions put forth at the May Council meeting, that the current proposal fails to meet those conditions, and that they are unwilling to approve the current proposal as submitted.

Mayor Leider asked Ms. Jacobsen if she would like Councilmembers Stowe and Gillem to continue to help her design a proposal that does meet the conditions. She agreed that would be helpful, particularly if they can speak directly with her architect. Mayor Leider also noted that if tonight's delay in the approval of this access proposal will delay the issuance of building permits for the property, the council will hold a special meeting in August to review and approve a revised proposal.

SHORELINE MASTER PROGRAM (SMP) UPDATE: Town Planner Mona Green reported that the Town has received Ecology's informal comments about the current draft updates to our SMP. She commented that some of their comments were technical, i.e. the language in the plan must use specific language established by the Washington Administrative Code (WAC). She added that other comments reflect philosophical differences, e.g. "no net loss of land" does not equate to "no net loss of ecological function". She noted that throughout the document the term "WABA property" was replaced with "waterfront parcel".

She then stated that she and Amy Summe with The Waterfront Group have reviewed all of Ecology's comments and some need Council input before the SMP is amended to include them. Also, she and Ms. Summe have reviewed the Council's Q&A matrix and made the requested revisions or answered questions, as appropriate. The document before the Council tonight is annotated with both Ecology's comments and Ms. Green's responses or requests for Council input.

Ms. Green then described the next step: a Public Hearing of the draft SMP to hear comments, questions, and concerns of the public before submitting a final version of the SMP to Ecology for a formal review. Once Ecology receives the final draft, they will open a public-comment period that exposes the final draft to a wider audience and invites comments.

Mayor Leider asked Ms. Green if any of Ecology's comments jumped out as statements that

the Council would have problems with. Ms. Green answered that she didn't think so, but the Council should review the annotated draft since it highlights changes and decision points. When asked to estimate the time and expense needed to complete work on the SMP, she responded that it is difficult to estimate how much more time it will take before the plan is accepted by all entities and considered final, though she feels we are very close.

The Council asked Ms. Green to prepare a "clean" copy of the draft presented tonight so that Clerk-Treasurer Spens can post it on the website. Clerk-Treasurer Spens will also arrange for publication and posting of public hearing notices for a hearing at the September 11, 2012 meeting.

2012 YEAR-TO-DATE ACTUALS VS. BUDGET: Councilmember Leber commented that, in general, the Town's revenues and expenses are running about as projected. There are a couple of line items that show expenses for which no money was budgeted in 2012 because the expense was forecast for 2011. He added that these are small relative to the total budget. He also explained that the Town's revenue bump that resulting from destination-based sales-tax redistribution will likely be reduced, though by how much and when is unclear. The Council would like to review these budget results quarterly and would also like to investigate whether we can alter the report so that it better illustrates quarterly results (actual versus budget).

TOPICS FOR THE PLANNING COMMISSION: The Council has no topics to recommend to the Planning Commission for study.

MAYOR AND COUNCILMEMBER REPORTS:

AWC ANNUAL MEETING: Councilmember Stowe reported that he attended the Association of Washington Cities Annual Meeting and obtained two loss-control grants, one for \$700 and another for \$300, to use for correcting potential problems that could result in insurance losses. In addition, the Town was awarded an additional \$350 grant just for attending the meeting. All of these grants are made by reimbursement of actual expenses; the work must be completed and the reimbursement request submitted no later than November 30, 2012.

ALLIED WASTE: Councilmember Stowe reported that the Town's franchise with Allied Waste is part of a state franchise that includes Kenmore, Medina, Hunts Point, Yarrow Point and Beaux Arts. He would like to talk with the franchise attorney about this franchise in general to see if there are any areas of concern.

TOWN TREE ISSUES: Councilmember Hillberg reported that two large maples were removed from Town ROWs recently and we paid extra to have the stumps ground. He is working with property owners adjacent to the area where the trees were removed to replace the trees.

He also reported that residents along the Angle Path from Five Corners to SE 29th Street are interested in doing some work along the path, and he will work with them to develop a plan for the Council's review.

He commented that the plantings along 108th SE need regular watering during this period of establishment. He recommended that the Council choose one of these options:

- select several adjacent neighbors to provide adoptive care and offer rebates of the cost to provide water from their own hoses,
- install spigots and a drip-line irrigation system, or
- hire someone to irrigate by truck.

MOTION: Councilmember Stowe moved to approve an expenditure not to exceed \$2500 to find a method to irrigate and to water along the 108th Ave SE ROW to be overseen by Councilmember Hillberg. Councilmember Sharp seconded.

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

STREET PROJECTS: Councilmember Sharp reported that he is about to distribute a scope of work for paving repairs along 106th Ave SE which will include add-ons for the speed hump on 105th Ave SE and pothole repairs on SE 29th Street.

STORMDRAIN OUTFALL ON 102ND AVE SE: Councilmember Sharp reported that runoff from the storm drain at the west end of 102nd Ave SE is causing erosion on the road to the South Beach. He will review the problem further and develop a solution.

EMERGENCY MANAGEMENT ISSUES: Councilmember Gillem reported that he is working with Water Supervisor Bob Durr to determine the feasibility of a backup generator for the Water Department that would provide power to the well pump in the event of an emergency. He is also investigating simpler options for providing potable water to residents, including filtration.

STREET VACATION: Councilmember Stowe commented that he has further reviewed the possibility of a street vacation of a portion of the SE 27th Pl ROW to the Water Department and that to accomplish this, at least 50% of the adjoining residents would have to agree. He suggested that condemnation of the property might be a simpler option.

TREE ORDINANCE: Mayor Leider noted that during a recent meeting about the Yen-Lin property, it became obvious to him that our Tree Ordinance contains many ambiguities that should be addressed, especially regarding tree protection and the timing of the Town Arborist's involvement in many construction-related issues.

WHATMORE: Mayor Leider reported he has nearly finished drafting a response reiterating the Town's position on the encroachment and water-supply issues relating to the Whatmore property.

PLANNING COMMISSION: Mayor Leider reported that Gordon Roberts' term on the Planning Commission expires at the end of this year. Mr. Roberts does not wish to continue serving, so a replacement must be found. Mayor Leider welcomes recommendations.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday September 11, 2012 at Tom Stowe's house.

ADJOURN: Councilmember Hillberg moved to adjourn the meeting at 9:45 pm.

Councilmember Sharp seconded.

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

Respectfully submitted,

Sue Ann Spens

Clerk-Treasurer