



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

February 14, 2017

Leider

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

**PRESENT:** Mayor Leider, Councilmembers John Gillem, Mike Hillberg, Cynthia Hudson, Wade Morlock, and Tom Stowe.

**EXCUSED:** None.

**STAFF:** Clerk-Treasurer Sue Ann Spens.

**GUESTS:** Planning Commissioner Paula Dix; WABA Secretary Susan Bogert.

**MINUTES:** Councilmember Morlock moved to approve the January 10, 2017 minutes, as amended. Councilmember Hudson seconded.

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

**WARRANTS:** Councilmember Morlock moved to approve the February 14, 2017 warrants, numbers 10373 through 10395 in the amount of \$16,199.01. Councilmember Hudson seconded.

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

#### **CLERK'S REPORT:**

**VISIBILITY CONCERNS:** Clerk-Treasurer Spens reported on two visibility complaints. The first is from a Bellevue resident and involves the corner at SE 30<sup>th</sup> Street and 105<sup>th</sup> Ave SE. Juniper bushes growing in the ROW are intruding into the sight distance at this intersection and making it difficult to see oncoming traffic. Town Engineer Stacia Schroeder has investigated the complaint and recommended that the junipers be trimmed back substantially. Ms. Spens explained that the reason for bringing this to the Council's attention is to see if the Council prefers to have the junipers removed entirely in anticipation of ROW work in this area later this year. It was the consensus of the Council that full removal probably makes the most sense, but before proceeding Councilmember Hillberg should review the area with landscape architect Lauchlin Bethune to confirm the best solution.

The second is from a Beaux Arts resident who is concerned that a neighbor exits his/her driveway and travels eastbound along SE 27<sup>th</sup> Street in reverse. The neighbor reports that the vehicle travels at an unsafe speed and often uses this resident's driveway to turn around before approaching the 104<sup>th</sup> Ave SE arterial. This is of particular concern because the resident's children often play in the driveway. Susan Bogert, who lives across the street, explained that the neighbor who is driving in reverse does so because their driveway is oriented in such a way that it is impossible to back out onto the steep street facing in the eastbound direction of travel. It was the consensus of the Council that despite the physical obstacles of the driveway, the resident should not be reversing up the hill, because this steep and narrow road poses extreme visibility challenges under the best of circumstances. Clerk-

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Treasurer Spens will write to the resident explaining the situation and the concerns and ask him/her to stop reversing up SE 27<sup>th</sup> Street and instead use the North Beach parking lot (or a similar alternative) to turn around.

**PLANNING COMMISSION WORK ON ZONING CODE:** The Planning Commission has recommended adoption of several Zoning Code changes that they believe help preserve the unique characteristics of the Village. Some of the regulations loosen existing regulations to allow creativity and flexibility with design, while others tighten up regulations for neighborhood protection. The Planning Commission held its public hearing regarding these proposed changes in January 2017 and recommends passage by the Council.

On discussion, the Council had several questions:

1. Why is gravel treated as impervious surface? This is a big change from our existing code and may create non-conformities for many residents. Planning Commissioner Paula Dix answered that she believes the change is consistent with state definitions of pervious and impervious.
2. What prompted the suggested addition of definition of plate height? Changes to allowable setback encroachments? Ms. Dix answered that these were concerns of a former Planning Commissioner whose term recently ended and should probably be answered by Town Planner Mona Green.
3. In addition to the changes proposed, some wondered why we are not considering a change in minimum lot size. Currently, the minimum lot size is 10,000 sq. ft. but about 40% of the lots in Beaux Arts are smaller than that.

It was the consensus of the Council that having a discussion with members of the Planning Commission would be the best way to learn more about the reasons behind the proposed changes. Clerk-Treasurer Spens will invite the Planning Commission to send representatives to the March Council meeting to discuss the proposed changes further and will add the discussion to the March agenda.

**PLANNING COMMISSION WORK ON DESIGN GUIDELINES:** Clerk-Treasurer Spens reported that the Planning commission has asked that a document titled “Home Design Guidelines, Beaux Arts Village” be posted to the Town’s website. They believe the document will help newer home owners better understand that the unique characteristics of Beaux Arts are preserved in large part by the home designs that owners choose for their properties. Ms. Spens noted that she told the Planning Commission that the guidelines cannot be published on the Town’s website without the Council’s full agreement, because doing so may give the impression that the guidelines pose another level of restriction on people’s use of their property. On discussion, it was the consensus of the Council that the guidelines, as written, are vague and may result in more confusion than clarity since they do not carry the force of law. Further, the Council was not convinced that it is appropriate for the Town to suggest design direction beyond what is written in the Town’s Zoning Code.

**BANK OF AMERICA:** Clerk-Treasurer Spens reported that Bank of America intends to close our demand-deposit accounts as of mid-April. A BofA representative indicated that the state’s reserve requirements make serving our small town needs too expensive. Ms. Spens has learned that the Town does not have to use the RFP process to find a replacement bank. City of Clyde Hill recently did choose a new bank after requesting proposals, and she has reviewed both their RFP and the responses they received. She plans to choose three to four

banks from among the respondents to contact to discuss options, services, and costs.

One related question: In the past, towns were required by state statute to use a warrant account to pay their obligations. That restriction was recently changed, and there does not appear to be a compelling reason to continue using both a warrant and a checking account. After explaining the differences between the two, the Council decided to vote on the question.

**MOTION:** Councilmember Hillberg moved to discontinue the practice of issuing warrants to pay the Town's obligations, concurrent with the upcoming change in banking institutions, and to begin using a checking account for this purpose. Councilmember Stowe seconded. **Vote:** 5 For, 0 Against, 0 Abstain. Motion carried.

**KING COUNTY ANIMAL SERVICES:** Clerk-Treasurer Spens reported that it is time to renew the Interlocal Agreement for Regional Animal Services. At this time, they wish to know if it is the Town's intention to continue participating in this regional ILA. She noted that our answer tonight is non-binding. It was the consensus of the Council that Ms. Spens should notify King County that we intend to continue contracting with them for Animal Services.

**WASHINGTON STATE EMERGENCY MANAGEMENT:** Clerk-Treasurer Spens reported that after last month's Council decision to participate, King County found language they wanted to change. The item remains on hold pending action on King County's concerns.

**METER READERS:** Clerk-Treasurer Spens reported that our current meter readers, Ian and Max vandeKamp, will end their contract with the Town in the next couple of months. She posted a flyer and put a notice in the Town newsletter seeking replacements and has received at least five expressions of interest.

**MARSHAL'S REPORT:** No report.

**WATER REPORT:** No report.

**WABA REPORT:** WABA Secretary Susan Bogert reported that WABA trustees were elected at the recent Winter Dinner, including John Clemett, Peggy Driftmeyer, and Deanna Tegeler. Ms. Bogert and Peter Bowen will continue to serve. In addition, WABA has selected Candice Soderquist, Marjie Jochums, and Jennifer Heintz to serve as Beach Moms this summer.

She also reported that the Beach Clean Up is scheduled for April 29th.

**APPEARANCES:** None.

**PUBLIC HEARING – PROPOSED ORDINANCE NO. 428 CREATING A CERTIFIED LOCAL GOVERNMENT:** Mayor Leider gave a brief overview of the Council's work on this topic last month. He then opened the public hearing at 8:01. As there were no public comments, he closed the public hearing at 8:02pm.

After a review of the incorporation of last month's suggestions, the Council tackled two remaining items:

- **“4.3 Removal of Properties from the Register”** will now read “In the event that a material change is made to a property on the Register and it is no longer deemed appropriate for designation under the criteria established in Section 4.1, the Commission may initiate removal of such designation by the same procedure as provided for in establishing the designation. A property may not be removed from the Register without first notifying the property owner.”
- A new Section 7. will be added to clarify that any charges incurred by the Town in processing the application will be passed on to the applicant based on the actual cost to the Town.

Clerk-Treasurer Spens will incorporate all edits compiled tonight into a clean copy for the Council's final review and approval at the March Council meeting.

**VILLAGE HALL PRESENTATION:** Councilmember Hudson recapped the process her committee used to gauge public interest in and support for a Village Hall. She noted that 42 residents attended one of three neighborhood meetings and committee members made additional contacts by phone and email with others who had comments but were unable to attend a meeting. In all, the committee estimates that 25% of the residents of Beaux Arts provided feedback.

From those contacts, the group distilled two basic findings: (1) Participants don't see a need for a Village Hall, but do see possibilities; there was neither strong opposition nor active support. (2) Participants wanted to see a proposal for the specifics, i.e. size, location, etc., before deciding. The Committee still believes the concept may be viable, but any further work will need the Council's commitment to continuing to pursue the idea. That commitment will require the Council to devote some time and energy to further defining the need for a Village Hall, to developing the concept (which may include hiring someone to produce some concept sketches), and to outlining hard and soft costs (including construction and maintenance).

Councilmember Hudson offered that she feels one of the biggest needs is to establish a location for meetings that is outside people's homes. She thinks that the requirement to host public meetings in private homes may be an impediment to getting volunteers to serve on the Council and other Town boards.

It was the consensus of the Council to continue this discussion after obtaining some additional information. Mayor Leider offered to put together some basic construction costs and address bonding questions. Councilmember Stowe will compile a list of design professionals who may be able to help with concept sketches using MRSC Rosters.

**PROPOSED RESOLUTION NO. 301 APPROVING THE ARCH BUDGET AND WORK PROGRAM FOR 2017:** Mayor Leider briefed the Council on the need to take this action in support of A Regional Coalition for Housing (ARCH).

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**MOTION:** Councilmember Hillberg moved to adopt Resolution No. 301 approving the ARCH Administrative Budget and Work Program for 2017. Councilmember Stowe seconded.

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

**NEIGHBORHOOD TRAFFIC MITIGATION:** Mayor Leider reported that he received a reply from City of Bellevue stating that they will be monitoring South Bellevue/Enatai traffic throughout Sound Transit's project but the monitoring may be incomplete for Beaux Arts. As a result of this reply, he contacted City of Clyde Hill to learn more about the traffic-counting equipment they use and learned that three car counters would cost about \$6,000 to \$7,000. Councilmember Stowe suggested that the Town check with the King County Sheriff's Office to see if they have any equipment we can borrow.

**2016 BUDGET PERFORMANCE:** Councilmember Gillem reported that thanks to strong revenues, including real-estate excise taxes from the many property sales in 2016, and tight cost control, the Town ended the year with a budget surplus.

**MAYOR AND COUNCILMEMBER REPORTS:**

**EARLY SPRING CLEAN UP:** Councilmember Hillberg reported that there is strong community interest in holding the Spring Clean Up earlier than usual so that debris from the storm last week can be collected from the ROWs. He is working to set it up for March 4<sup>th</sup>.

**4<sup>TH</sup> QUARTER TREASURER'S REPORTS:** Councilmember Gillem reported that he has reviewed the treasurer's reports and supporting documentation and found them to be complete and accurate.

**ROW TREES:** Councilmember Hillberg reported on several ROW trees, including:

- A tree on the ROW next to Matsudaira that uprooted in the storm and fell on a corner of their home. Arborwell responded on an emergency basis and handled the removal.
- A tree along 108<sup>th</sup> that fell into the roadway. Councilmember Stowe asked that the minutes include a special thank you to Bernard, Ian and Max vandeKamp for their diligent work clearing this tree and other debris from 108<sup>th</sup> Ave SE.
- A portion of a tree on 106<sup>th</sup> near Wells broke off and was cleared by Robert Heintz.

Councilmember Hillberg reported that he has received a complaint about a madrone on SE 29<sup>th</sup> Street that is leaning. He has called PSE to have them review the situation and evaluate whether the tree poses a hazard to power lines in that area.

**OTHER ROW IMPROVEMENTS:** Councilmember Hillberg reported that he is continuing to work with Lauchline Bethune to develop ideas for a number of ROW areas in Town, including the entrance at 105<sup>th</sup> SE and SE 29<sup>th</sup> and the steep hillside along 108<sup>th</sup> Ave SE. The retaining wall in this area may need to be extended and the slope further stabilized with appropriate plants.

**UNDERGROUND SERVICE LINES:** Councilmember Hillberg commented that, due to the duration of the recent power outage for some Villagers, a resident suggested to him that the

Town consider changing our remodeling rules such that any property owner who remodels or develops their property is required to underground the service lines from the power pole to their home. This is a common practice in many other local communities and that eventually all the service lines would be underground, even if the distribution lines were not.

**GRANT FOR STORMWATER SYSTEM IMPROVEMENTS:** Councilmember Stowe reported that we are still waiting for FEMA's final decision about funding this project.

**ORR REQUEST TO MOVE BOLLARD ON 107<sup>TH</sup> AVE SE:** Councilmember Stowe reported that the bollard at the north end of 107<sup>th</sup> Ave SE has been moved slightly to address concerns expressed by a neighbor.

**PLANNING COMMISSION APPOINTMENT:** Mayor Leider reported that he has appointed Kim Moloney to the Planning Commission replacing Jan Johnston, whose term ended on December 31, 2016. Ms. Moloney's six-year term expires on 12/31/22. He asked the Council to confirm this appointment.

**MOTION:** Councilmember Hillberg moved to confirm the appointment of Kim Moloney to Planning Commission Position No. 4 for a six-year term that expires on 12/31/2022. Councilmember Stowe seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next regular Council meeting is scheduled for 7:00pm on Tuesday March 14, 2017 at Tom Stowe's house.

**ADJOURN:** Councilmember Hillberg moved to adjourn the meeting at 9:40 pm. Councilmember Morlock seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer