



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

March 8, 2005

Robinson

Mayor Lowry called the meeting to order at 7:30 pm.

PRESENT: Mayor Chuck Lowry, Councilmembers Betty Heckendorn, John Rose, Tom Robinson, Aaron Sharp, and Judee Wells.

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens, Deputy Clerk Betsy Donworth, and Water Superintendent Bob Durr.

GUESTS: Planning Commissioner Carol Clemett, Matt Leber.

MINUTES: Councilmember Heckendorn moved to approve the February 8, 2005 minutes as written. Councilmember Robinson seconded.

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

CLERK'S REPORT: Clerk-Treasurer Spens reviewed her recommendations for handling correspondence received by email, reminding the Council that the discussion of an issue by email is not allowed when the issue is one that should be discussed during an open public meeting. She noted that the Municipal Research publication titled "The Open Public Meetings Act" addresses this issue with the following except from page 6:

If a majority or more of the members of a governing body discuss city or county business by telephone or e-mail, are they having a meeting subject to the Act?

Since the members of a governing body can discuss city . . . business together by telephone or by e-mail so as to be taking action within the [Act's] definition, the governing body can conduct a meeting subject to the Act even when the members are not in the physical presence of one another. . . Since the public could not, as a practical matter, attend this type of "meeting", it would be held in violation of the Act.

Clerk-Treasurer Spens concluded by summarizing that email correspondence should be handled in the same fashion as other written correspondence, and that if the issue presented needs the Council's discussion and/or action, the issue will be brought forward for discussion during a Council meeting.

Clerk-Treasurer Spens reported that Rick Roberts of The McAndrews Group has completed a review of the proposed driveway placement on the Tegeler property and the tree on the Town ROW. She added that Mr. Roberts has concluded that the proposed placement of the driveway is a reasonable request for an essential use. She reported that she has notified the

Tegelers of this finding.

Clerk-Treasurer Spens reported that she contacted Cindy McCracken with the US Postal Service about the blue mail-collection box that was removed from the Town after being hit by a truck. She noted that the USPS does plan to replace the box in a different location on 108th Ave SE, which they feel will be more visible to users and more protected from future damage. She added that the Postal Service expects the new box to be in place in a month or two at the latest.

Clerk-Treasurer Spens reported that she has received word that the state Department of Community, Trade, and Economic Development (DCTED) is considering the Town as not in compliance with the Growth Management Act because the stormwater portion of our grant proposal was not completed. She is working with DCTED to see how this designation can be removed.

WARRANTS: Councilmember Rose moved to approve the March 8, 2005 warrant list, including warrant numbers 6653 through 6675 in the amount of \$11,184.10. Councilmember Wells seconded.

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

MARSHAL'S REPORT: No report. Carol Clemett asked why Blockwatch was not activated to notify residents about last month's accident involving the blue mailbox and the bus stop. Mayor Lowry asked Clerk-Treasurer Spens to follow up with Town Marshal Branum for the answer to this question.

WATER REPORT: Water Superintendent Durr reported that Bill Beck repaired a leak at the South Beach this past month.

Councilmember Rose asked what damage we would expect to our water system in the event of an earthquake. Mr. Durr answered that our water distribution lines are the most vulnerable link in the system and would probably rupture/leak in one or more locations. He noted that the water mains have in-line valves that would allow strategic shut downs to minimize the volume of water leaking from broken sections. He explained that he and Bill have wrenches for operating these valves and that there is a spare wrench at the watershed. He added that the tower holding the water tank was retrofitted to withstand an earthquake several years ago.

WABA REPORT: No report.

EMERGENCY PREPAREDNESS: Councilmember Robinson yielded the discussion to Councilmember Sharp to report on the USGS Earthquake seminar he recently attended. Councilmember Sharp began by showing a map depicting the location of the Seattle fault and its zone of influence noting that it follows I-90 from Seattle to the south end of Lake Sammamish. He then explained that most homes built before 1970 are probably not "strapped" to their foundations to prevent being "shaken" from the foundation and that these homes should be retrofitted. He added that building codes have focused on life safety rather than building preservation so that occupied buildings may remain standing long enough for

the occupants to evacuate but may not be suitable for inhabiting after an earthquake.

Bob Durr commented that his experience with “strapping” existing homes to their foundations has led him to believe that this is not an effective method for protecting older homes during an earthquake. He added that the practice might be a ploy by contractor’s to generate business.

Councilmember Sharp then stated that many of the suggestions at the seminar focused on how to legislate changes to infrastructure and fund needed upgrades. He explained that jurisdictions are being warned that 30 to 40% of the currently available emergency-response vehicles will be rendered unfit to respond by the event itself and that area residents must be prepared to sustain themselves for three to four days before outside help will become available. He concluded that Beaux Arts’ primary focus should be educating our residents in preparing their homes to withstand a disaster and developing a plan for residents to assist one another until outside help becomes available.

Councilmember Robinson commented that he would like to form a committee to develop an emergency response plan to deal with the three most likely scenarios: earthquake, urban fire, and severe storm damage. He noted that the BAV plan should take into account the special training and talents of its residents as well as their special needs and should guide residents to check on one another – much as you would expect they would in the event of a disaster – so that no one is overlooked or forgotten.

DISCUSSION WITH PLANNING COMMISSION REPRESENTATIVE OF PROPOSED UPDATES TO THE TOWN ZONING CODE: Mayor Lowry asked Carol Clemett to outline the Planning Commission’s proposed changes.

Planning Commissioner Carol Clemett opened with a brief description of the proposed changes regulating landscape features. Councilmember Sharp asked why the Zoning Code prohibits decks and patios in the setbacks if landscape features such as ponds will be allowed. He suggested that a second set of setbacks be developed to allow decks and patios in the setbacks based on their height above grade.

Deputy Clerk Donworth asked if hot tubs should be allowed in setbacks as well. Mayor Lowry answered that he thinks hot tubs should still be examined on an individual basis by the Board of Adjustment.

Planning Commission Clemett then directed the Council’s attention to the diagram and code excerpt from the Town of Hunts Point addressing variable height restrictions based on roof slopes. She noted that after reviewing this concept, she walked around the Village and concluded that the restriction would not work as well in Beaux Arts as the Planning Commission originally thought as a large number of existing homes could not be built as they are even though they are not considered intrusive.

Bob Durr suggested that the Planning Commission consider a way to trade off allowing eaves in the setbacks with a sloping or stepped-back roofline. Councilmember Robinson noted that these sorts of changes tend to encourage homes to be less intrusive on their neighbors.

Planning Commissioner Clemett stated that she would like the Planning Commission to look at ways to minimize bulk or the appearance of bulk in new homes.

After additional discussion, it was the consensus of the Council that the Planning Commission move forward quickly with the proposed changes to regulations of landscape features in the setbacks and maximum structure height and that they investigate methods for controlling the appearance of bulk of structures in future discussions.

MAYOR AND COUNCILMEMBER REPORTS:

PLANNING COMMISSION APOINTMENT: Mayor Lowry reported that he has appointed Karen Scott to the Planning Commission replacing Andy Stefan, whose term expired December 31, 2004 and asked the Council to confirm this appointment.

MOTION: Councilmember Rose moved to confirm the appointment of Karen Scott to the Planning Commission for a six-year term expiring on December 31, 2010. Councilmember Robinson seconded.

Vote: 5 For, 0 Against, 0 Abstain.

WRIA 8 ACTIVITY: Councilmember Heckendorn reported that WRIA 8, the watershed forum group studying ways to improve conditions in the Lake Washington watershed so as to encourage the spawning of Chinook salmon, is expecting to make recommendations for improving salmon habitat that will impact Beaux Arts. She suggested that the Town ask a representative of this forum to attend the April meeting and explain the group's proposals as the recommendations are likely to have a financial impact on the Town. It was the consensus of the Council that Clerk-Treasurer Spens should contact Jane Lamensdorf-Bücher and ask if she can attend our April meeting.

TOWN CLEANUP: Councilmember Wells reported that the Spring Town Cleanup will be held on Saturday April 30 and that Robin Stefan is again organizing work parties for this event. She asked that Clerk-Treasurer Spens arrange for dumpsters and place a notice in the March newsletter.

EAGLE REGULATIONS: Councilmember Sharp reported that he is working with Julie Stofel, State Department of Fish & Wildlife (DFW), to get an eagle management plan and letter to cover the Town rights-of-way (ROWS). He explained that having this letter would mean that the Town would be able to remove dangerous or diseased trees on the Town ROWs without having to contact DFW.

Councilmember Rose stated that he is concerned that soon-to-be residents may not learn of the restrictions imposed on private property by the DFW regulations that protect eagle nests. He explained that Island County requires potential property owners to sign an affidavit stating that they understand that jets flying into and out of the Naval Air Station generate noise and wondered if something similar could be set up for this issue. Clerk-Treasurer Spens will contact Island County, a title company, or a realtor to investigate the best method for accomplishing this notification.

SPEED HUMP COMPLAINT: Councilmember Sharp reported that he continues to work on the complaint heard by the Council in December regarding several speed humps in Town. He asked the Council whether he should look into changing the hump template if the offending humps match the template. It was the consensus of the Council to discuss this issue if the humps are found to match the template.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that their next meeting is scheduled for one week early on April 5th and will be held at John Rose's house. Clerk-Treasurer reminded the Council that because this meeting will be held before its regular date, the April warrants will be presented for approval in May.

ADJOURN: Councilmember Rose moved to adjourn the meeting at 9:20 pm.
Councilmember Sharp seconded.
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer