



**TOWN OF BEAUX ARTS VILLAGE**  
**TOWN COUNCIL MINUTES**

November 8, 2005  
Wells

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

**PRESENT:** Mayor Chuck Lowry, Councilmembers John Rose, Tom Robinson, and Judee Wells.

**EXCUSED:** Councilmember Betty Heckendorn, Aaron Sharp.

**STAFF:** Clerk-Treasurer Sue Ann Spens, Town Marshal Kyle Branum.

**GUESTS:** Julia Morse, WABA, Sylvia Hobbs.

**MINUTES:** Councilmember Rose moved to approve the October 11, 2005 minutes as amended. Councilmember Wells seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

**CLERK'S REPORT:**

**EMAIL FROM CITIZEN REGARDING UNSCREENED BOAT:** Clerk-Treasurer Spens reported that she had received an email expressing concern about an unscreened boat. Mayor Lowry responded that the boat in question has been moved, thus the issue is resolved.

**NAME SIGNS:** Clerk-Treasurer Spens explained that she has received requests for more than one name signs and is asking the Council about establishing a policy limiting the number of name signs posted in the Village. After a brief discussion, it was the consensus of the Council that each residence be allowed one name sign posted in a location of the residents' choosing. (This will allow renters to purchase and post a sign if the property owner agrees to remove their own sign.) It was also the Council's consensus that those residents who have already purchased and posted two signs will be allowed to keep them, but the signs will be removed and replaced by only one sign when the ownership of that property changes.

**PENALTY FOR UNAUTHORIZED TREE-CUTTING ON TOWN ROW:** Clerk-Treasurer Spens reminded the Council that they had asked her to consult with Town Attorney Stewart about the penalties that the Town can impose on a person who cuts a tree on Town ROW without prior permission from the Town. She reported that Town Attorney Stewart says that Town would have to file a civil suit against the person who cut the tree and could be awarded treble damages if the person is found guilty. It was the consensus of the Council to consider passing an ordinance to establish a penalty for cutting trees on Town ROW and to stipulate that contractors have an obligation to protect trees on the ROW when performing work in the vicinity of Town trees.

**DUPLICATION OF PLANNING SERVICES:** Clerk-Treasurer Spens reported that Town Planner Mona Green wrote a letter to Huit-Zollars, the Town's new building-services

provider, about the duplication of planning efforts in which she outlined the scope of her services to the Town and established that she is the primary contact for the Town's planning efforts and zoning-code reviews and questions. It was the consensus of the Council that Ms. Green be the primary contact for planning questions and zoning-code reviews. It was also the consensus of the Council that if Ms. Green needs assistance in working with Huitt-Zollars to clarify the roles and responsibilities of each consultant, Mayor Lowry will write a letter to each party to do so.

**TREASURER'S REPORT FOR 3<sup>RD</sup> QUARTER 2005:** Councilmember Rose reported that he has reviewed the Treasurer's Reports for August, September, and October 2005 with supporting documentation and found them to be complete and accurate.

**CLARIFICATION OF PLANNING COMMISSION'S ADVISORY ROLE TO THE COUNCIL:** Sylvia Hobbs explained that several items came up for discussion at a recent Planning Commission meeting that had not been sent to the Planning Commission by the Council for review. She added that the Commission's bylaws state that its purpose is to assist the Town Council at the Council's direction in matters related to land use and zoning and stated that she reads these two statements to mean that the Planning Commission only discusses and works on items agreed on and passed on to them by the Council. She stated that the Planning Commission is a busy hard-working group and that she doesn't feel they are equipped to deal with discussions of issues that have not been assigned to them by the Council for review.

Councilmember Rose stated that he does not believe the Planning Commission's bylaws were intended to prevent the Commission from discussing ideas other than those presented to them by the Council. Councilmember Wells added that, if a majority of the members of the Planning Commission feel a change is appropriate for study, they can always seek the Council's direction.

Clerk-Treasurer Spens pointed out that the reason for specifying that the Planning Commission works at the Council's direction was to prevent the Planning Commission from encumbering the Town with expenses that had not been approved by the Council, since the Planning Commission has no expenditure authority.

Councilmember Rose noted that he sees the Planning Commission as the Town's "think tank" and that he doesn't want to set up any rules that would hinder this. Ms. Hobbs commented that the Planning Commission is always willing to discuss other issues but she would like the Council to act as a filter for those issues.

Councilmember Robinson commented that it might be helpful for both the Council and the Planning Commission if they had a representative in attendance at every Council meeting. Councilmember Rose added that he feels the Planning Commission should have one chairperson to make it easier for a citizen to approach the Commission with new ideas.

At the conclusion of this discussion, it was the consensus of the Council that any member of the Planning Commission should feel free to propose discussion of any issue they feel should be discussed; however, in recognition of the Planning Commission's workload and need to

complete certain tasks in a timely fashion, such discussions can be limited or tabled for future discussion by a majority vote of the members present. In such cases, the Planning Commission may vote to request Council guidance before continuing the discussion.

**TOWN ORDINANCE REGULATING SIGNS:** Sylvia Hobbs commented that she feels our current sign rules are too loose and allow signs that amount to advertising on private property. She added that other small cities in our area have far tighter regulations over the signs that can be posted. Councilmember Rose commented that from his perspective other small cities have greater enforcement capability than Beaux Arts does and added that he doesn't see signs as a big problem in the Village. Councilmember Wells added that many of our ordinances are looser than in other small cities.

**HEDGE ON ROW IN FRONT OF BATES HOME:** Clerk-Treasurer Spens noted that Councilmember Sharp had planned to follow up on the hedge trimming needed near the Bates house. Councilmember Rose suggested that the Council consider completely removing the hedge, at least where there is fence behind it. Councilmember Wells stated that the hedge presents a hazard to drivers and pedestrians using this corner and that the Town should proceed to remove it.

**WARRANTS:** Councilmember Wells moved to approve the November 8, 2005 warrant list, including warrant numbers 6848 through 6876 in the amount of \$41,983.57. Councilmember Robinson seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

**MARSHAL'S REPORT:** Marshal Branum reported that it was a quiet month in Beaux Arts. Mayor Lowry commented that Hunts Point has experienced a rash of burglaries, including one when the owners were in their home. Councilmember Rose asked how effective security systems are in discouraging home burglary. Marshal Branum answered that they only work when armed. He added that people often disarm the system when they are home and then leave their doors unlocked. He stated that the best protection for any home is to keep all doors and windows closed and locked, even when you are home.

**WATER REPORT:** No report.

**WABA REPORT:** WABA representative Julia Morse reported that WABA feels the Solaro issue has been resolved and that the beach survey is in the final stages of recording. She commented that preparations for WABA's annual meeting are underway and that the focus of the meeting will be the Master Plan for the beach, communications, roads and drainage, and stormwater management. She noted that the WABA board continues its work to finish cleaning up the bylaws, to enhance record-keeping, and to improve trustee retention.

Councilmember Rose expressed concerns about the recent planting of trees on the beach in the view corridor of a Town resident. He suggested that WABA contact adjacent property owners to discuss their plans before planting trees that will block neighbors' views. Ms. Morse answered that WABA has experienced a lot of unauthorized tree cutting on its property at the beach and just wants to restore the forest on its beach property. Councilmember Rose stated that he feels WABA should always use a 'Good Neighbor' policy that works with

neighbors before making changes on its own property that have a significant adverse impact on those neighbors. He added that the policy should also consider alternatives that will minimize this impact.

**EMERGENCY PREPAREDNESS:** Councilmember Robinson reported that he used the Blockwatch map to organize four neighborhood SPAN cells and that he plans to convene a meeting of the Blockwatch Captains to discuss training options with the Bellevue Fire Department. He added that his goal is to have an emergency plan in working shape in a year.

Mayor Lowry reported that the Seattle Yacht Club offers HAM radio classes. He will find out more information for residents who may be interested in HAM training.

**PUBLIC HEARING: PROPOSED 2006 BUDGET AND LEVY ORDINANCE NO. 336:** Mayor Lowry opened the public hearing at 9:00pm. Clerk-Treasurer Spens outlined the changes she made based on last month's public hearing. Councilmember Rose commented that this budget meets the standards he has used in reviewing the last several budgets.

Mayor Lowry asked for any comments from the public. As there were none, he closed the public hearing at 9:05pm.

**MOTION:** Councilmember Rose moved to pass Ordinance No. 336 authorizing an increase in the property tax levy for 2006 and setting the amount of taxes to be levied on property for 2006. Councilmember Robinson seconded.

Vote: 3 For, 0 Against, 0 Abstain.

**PUBLIC HEARING: PROPOSED ORDINANCE NO. 337 IMPOSING AN ADDITIONAL 1/4% EXCISE TAX ON THE SALE OF REAL ESTATE WITHIN THE TOWN:** Mayor Lowry opened the public hearing at 9:05pm. Clerk-Treasurer Spens explained that she prepared this ordinance at the Council's direction and based on a similar ordinance in Yarrow Point. She noted that the use of money collected from this second real-estate excise tax (REET2) is restricted to capital projects set forth in the Town's Comprehensive Plan or similar supporting documents. She stated that the Town may enact this tax without a vote of the populace because the Town is required to plan under the Growth Management Act and added that Town Attorney Stewart has reviewed and approved the ordinance as to form.

Mayor Lowry asked for any comments from the public. As there were none, he closed the public hearing at 9:15pm.

**MOTION:** Councilmember Wells moved to pass Ordinance No. 337 imposing an additional 1/4% excise tax on the sale of real estate within the Town. Councilmember Robinson seconded.

On discussion, Councilmember Rose commented that, while he was very interested in passing this ordinance last month, he has experienced a change of heart and now worries about disaffecting our residents since there is no clear immediate need for the funds that would be collected. He added that the Town has sufficient reserves to pay for all of the projects currently listed in our current six-year Transportation Improvement Program (TIP).

Councilmember Wells stated that she believes there is additional street-repair work needed in addition to that listed in the current TIP and that the funds collected would help fund these repairs. She added that she sees the REET2 as a ~savings account” that will fund future capital needs as well.

Councilmember Robinson expressed concern about making sure that residents are informed about this pending tax increase before enacting it adding that he is not happy about approving this tax with such a small quorum at the meeting. He then withdrew his second of the motion. The motion then died for lack of a second.

It was the consensus of the Council that this topic be continued to the December agenda for reconsideration and asked Clerk-Treasurer Spens to prepare a list identifying future projects that could be funded by REET2 money.

**PROPOSED ORDINANCE NO. 338 IMPOSING A HEAVY TRUCK FEE ON CERTAIN CONSTRUCTION PROJECTS:** Clerk-Treasurer noted that she prepared this ordinance at the Council’s direction and based on a similar ordinance in Hunts Point. She noted that Town Attorney Stewart has reviewed this ordinance and approved it as to form. After some discussion about wording changes, it was the consensus of the Council to table the ordinance until December so that Clerk-Treasurer Spens can ask Huitt-Zollars to review the ordinance and determine if it would pose serious problems for permit holders (as amended).

**PROPOSED RESOLUTION NO. 227 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE EASTSIDE TRANSPORTATION PARTNERSHIP:** Clerk-Treasurer Spens explained that the Eastside Transportation Partnership (ETP) prepared this revised agreement for the continuation of the ETP with minor revisions that do not substantially change the agreement that has been in effect since 1999. She added that the agreement extends ETP’s current activities through 2008.

**MOTION:** Councilmember Robinson moved to adopt Resolution No. 227 authorizing the Mayor to execute an Agreement for the Eastside Transportation Partnership. Councilmember Wells seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

**PROPOSED RESOLUTION NO. 228 SETTING FEES FOR VARIOUS SERVICES AND PERMITS IN THE TOWN:** It was the consensus of the Council to table this resolution until December when the Council makes its decision on the heavy-truck fee.

**MAYOR AND COUNCILMEMBER REPORTS:**

**TREE-CUTTING NOTIFICATION:** Councilmember Wells reported that she met with Julia Morse and Robin Stefan to develop the idea that would require residents to notify their neighbors before cutting a tree with a trunk diameter of 24 inches or larger at a height of four feet above grade. She added that the group believes the Town should work to identify trees on both private and public property that would be affected by this rule. She stated that she would like to add this item to the December agenda.

**COTTAGE HOUSING:** Councilmember Rose reported that he is no longer working with the Planning Commission to develop the idea of cottage housing as he senses a lack of support for the idea. He added that the committee is disbanding.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council the December meeting is scheduled for December 13th and will be held at Judee Wells' house again.

**ADJOURN:** Councilmember Robinson moved to adjourn the meeting at 10:20 pm.

Councilmember Rose seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

After adjournment, the Council convened an Executive Session to discuss personnel matters.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer