



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

May 9, 2006

Young

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

PRESENT: Mayor Judee Wells, Councilmembers Carol Clemett, Richard Leider, Tom Robinson, Aaron Sharp, and Bruce Young.

EXCUSED: None.

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

GUESTS: Julia Morse, WABA; Robin Stefan.

MINUTES: Councilmember Robinson moved to approve the April 25, 2006 minutes as amended. Councilmember Clemett seconded.

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

WARRANTS: Councilmember Leider moved to approve the May 9, 2006 warrant list, including warrant numbers 7024 through 7044 in the amount of \$43,178.13. Councilmember Robinson seconded.

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

Councilmember Clemett asked if the Town has been obtaining bids for tree removal or just having Trees for Life do the work. Councilmember Young answered that he has been asking Trees for Life to give him estimates but agreed that getting competitive bids is wise to be sure we are being charged a fair price and that he will do so in circumstances where time permits.

MARSHAL'S REPORT: Marshal Branum reported that he had received two reports of teens at the beach at late hours, but both groups left without incident when asked. He also reported that Sylvia Hobbs will be updating the list of Blockwatch captains for the Green Book.

WATER REPORT: No report.

CLERK'S REPORT:

UNSCREENED WASTE BINS: Clerk-Treasurer Spens reported that received an email expressing concern about residents leaving their garbage and recycling bins in unscreened locations and that she had responded by explaining to the resident that Beaux Arts had no rules regarding the screening of waste bins. She added that the resident wanted the Town Council to be aware of the situation and determine if further action is needed. It was the consensus of the Council that this question be forwarded to the Planning Commission for consideration.

WABA CONCERNS ABOUT TIMING OF GREEN-BOOK UPDATES: Clerk-Treasurer Spens reported that a WABA Boardmember expressed concern about the timing of the Town's mailing of updates to the Green Book and WABA's uncertainty about newsletter deadlines. She further reported that she responded to the Boardmember by stating that Green Book updates usually come out in late spring, newsletter deadlines are always near the end of the month, and Deputy Clerk Donworth is in charge of both items. She noted that the Boardmember stated that WABA would like Green Book updates to be distributed earlier in the year and that she responded that WABA wishes to mail information to WABA members, they do not have to wait for the Town's distribution of updates. It was the consensus of the Council that no further action is needed at this time.

NEW METER READER: Clerk-Treasurer Spens reported that she has not received any responses to the job posting for a meter reader and asked the Council to urge anyone they knew who might be interested in the position to contact her as soon as possible.

BUILDING SERVICE PROVIDER EXPENSES: Clerk-Treasurer Spens reported that our YTD expenses for building services through April total \$25,000 and that our total budget for this cost center is just \$35,000 for the year. She added that most of the additional cost is from administrative expenses that are not attributed to a particular project and, thus, have not been charged against a particular permit holder's account. It was the consensus of the Council that, because most administrative expenses result from work associated with active permits, Clerk-Treasurer Spens should allocate administrative expenses that are not attributed to a particular project among all active building projects based on the total charges associated with each project on that particular billing. Mayor Wells urged the subcommittee that is looking for replacement firms/options (Councilmember Sharp, Councilmember Leider, and Water Department Supervisor Durr) to complete their work as soon as possible.

WABA REPORT: WABA Representative Julia Morse reported that the South Beach Road will be paved on Thursday, May 11th. She commented that there is still water draining continuously along that road and asked that the Town investigate the possibility of a water-line break in that vicinity.

Ms. Morse reported that there are still cars parking at the north and south beach without parking permits and that WABA is considering "booting" cars parked illegally at the beach. She also reported that this year's Beach Mom is Jane Leffingwell.

Ms. Morse reported that the WABA Board is working to amend the WABA Bylaws and corporate documents and that the Tree Planting/Commons Planning Committee is moving forward. She noted that WABA has hired Elizabeth Walker to inventory the woodlands and prepare preliminary recommendations for managing the beach property.

EMERGENCY PREPAREDNESS: Nothing to report.

CONFIRMATION OF GORDON ROBERTS' APPOINTMENT TO THE PLANNING COMMISSION: Mayor Wells asked the Council to confirm the appointment of Gordon Roberts to the Planning Commission for term that expires on 12/31/2012.

Motion: Councilmember Robinson moved to confirm the appointment of Gordon Roberts to the Planning Commission for term that expires on 12/31/12. Councilmember Leider seconded.

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

CONFIRMATION OF GAIL D'ALESSIO'S APPOINTMENT TO THE BOARD OF

ADJUSTMENT: Mayor Wells asked the Council to confirm the appointment of Gail D'Alessio to the Board of Adjustment for a term that expires on 12/31/2010.

Motion: Councilmember Robinson moved to confirm the appointment of Robin Stefan to the Board of Adjustment for term that expires on 12/31/10. Councilmember Clemett seconded.

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

TREE MANAGEMENT PLAN: Mayor Wells opened the discussion by recapping a meeting about two years ago where a discussion of instituting a moratorium on tree cutting became quite heated. She added that no further regulatory action was pursued after that meeting, but a voluntary notification program was discussed. She explained that the program envisioned a person who wished to remove a tree notifying their neighbors of the proposed removal and entertaining comments about the proposed removal before proceeding. She commented that she's not sure we have a real consensus on what Town residents want other than those who feel passionately for protecting trees or for protecting private property rights.

Robin Stefan stated that she feels people at that meeting didn't really understand that the topic under discussion was not a prohibition on all tree cutting but a mean of managing the cutting of trees. Mayor Wells agreed that tree management does not have to mean a prohibition on all cutting but she added that we shouldn't paint a picture showing tree management as not limiting the ability to cut trees.

Councilmember Robinson stated that he wants any tree management plan to address trees as groves rather than as individual trees or on a lot-by-lot basis, noting that trees are no respecters of property lines.

Councilmember Clemett stated that she was on the Planning Commission when the idea of a tree ordinance was broached and that they decided not to pursue the topic due to lack of support from the Council. She added that the Commissioners were worried about imposing added restrictions beyond our already restrictive zoning code. She noted that with the increased number of recent tree removals due to new construction and new residents and the changes after those removals, she feels differently and thinks some protection may be appropriate.

Mayor Wells asked about giving the issue back to the Planning Commission with direction. Councilmember Clemett answered that the Planning Commission should be given specific direction so they are clear just what the Council will and will not support.

Councilmember Leider expressed concern about the law of unintended consequences and how it might come into play, adding that he doesn't want to see the Town impose another layer of restrictions and costs particularly on the smaller lots. He stated that the Planning Commission should give real thought to preventing absolutes, e.g. if a certain species is identified at

significant, owners might avoid planting that species of tree so as not to be prevented from cutting it later when it reaches the size that makes it significant.

Councilmember Sharp stated that he recognizes the effort that Robin Stefan put into preparing her memo and that he wonders about the cost to residents of imposing new rules.

Julia Morse commented that the basic concept of neighborly behavior would include letting your neighbors know when you decide to remove a tree that will affect your neighbors' property. She added that the Town needs to know what trees we have before we can determine what to preserve and how, which means we probably need an inventory.

Councilmember Young suggested that the Council develop guidelines to direct the Planning Commission, use the newsletter to solicit input from residents and develop some guidelines for voluntary behavior that residents can follow in the interim.

Councilmember Sharp stated that he thought former Councilmember Rose's proposal for voluntary notifications anticipated that the resident planning to cut a tree would wait for some period unless the tree to be cut posed a hazard. He added that as our forest ages, more trees are reaching the end of their expected lives and need to be removed because they are dead, dying, or diseased. He commented that conducting a tree inventory on public property would help the Council make informed decisions about funding parks and maintaining our rights of way and that an inventory on private property could be done in the future.

Councilmember Leider stated that he feels the Town uses its current policy of removing a tree on a right of way only when it is dead or diseased is appropriate and can be administered without an inventory. Julia Morse commented that the Town policy doesn't seem to address tree replacements though. Councilmember Sharp noted that not all residents want a tree replaced when one is removed from the right of way adjacent to their property adding that some residents prefer the additional light and space.

Councilmember Sharp noted that an inventory would help in maintaining a watch list for those trees that do not yet pose a safety hazard but may be approaching that status. He added that the inventory would identify other hazardous or near-hazardous trees that have not been identified by residents yet so they could be addressed before they become a problem. Mayor Wells commented that the hiring of a Town Arborist could address the issue of managing the tree watch list.

Councilmember Clemett stated that she sees the process of what we do now becoming more formalized in that we set an expectation to maintain what we have. Councilmember Leider commented that what we have is constantly changing but that doesn't necessarily mean we need to manage it. He added that there is a difference between letting nature take its course and managing our forest with a master plan.

After some additional discussion on how to conduct a tree inventory, who should conduct it, and how extensive it should be, i.e. just public property or public and private, it was the consensus of the Council to appoint Councilmember Leider and Councilmember Robinson to an informal subcommittee to study this question and present their recommendations at the

June or July Council meeting.

[Councilmember Clemett departed at 9pm.]

COLLECTION BOX FOR OUTGOING MAIL: Clerk-Treasurer Spens explained that the need for this outgoing mailbox came about when the original large blue USPS collection box was hit by a contractor and removed by the USPS. She stated that for the last year or so she has tried to work with the Bellevue Post Office to find a suitable location for them to site a replacement USPS box but that she feels no progress is being made. She noted that Hunts Point recently purchased a locking mailbox for outgoing mail from a local firm and worked with the Bellevue Post Office to obtain permission to install it. She added that the box is keyed to a Post Office master so that the postal carrier can collect mail from the locked box during his normal delivery rounds.

It was the consensus of the Council that the Clerk-Treasurer coordinate the purchase of at least one of these locking mailboxes for outgoing mail with the Bellevue Post Office, including asking if we may install two or three in locations throughout the Village.

MAYOR AND COUNCILMEMBER REPORTS:

ROAD REPORT: Councilmember Sharp reported he has paving scheduled for SE 28th Street later this month and asked that the record reflect our thanks to Bernard VandeKamp for finding the contractor who will perform the work at a very competitive rate, about \$20,000. He explained that the areas planned for paving on SE 28th Street are from 5 Corners to 105th Ave SE, including the speed humps, and from 105th SE to 102nd SE. He added that the pavers will also adjust the speed hump on 106th Pl SE (in front of Youngs). He asked Clerk-Treasurer Spens to provide him with another copy of the 2006 Budget. Clerk-Treasurer Spens commented that there is some provision in the state statutes that exempts cities from paying sales tax on labor used to install or repair streets. Councilmember Sharp asked her to find out more about this and get the information to him as soon as possible.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council the June meeting is scheduled for June 13th at Councilmember Clemett's house.

ADJOURN: Councilmember Robinson moved to adjourn the meeting at 9:20 pm.

Councilmember Leider seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer