



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

September 12, 2006

Sharp

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

PRESENT: Mayor Judee Wells, Councilmembers Richard Leider, Aaron Sharp, and Bruce Young.

EXCUSED: Councilmembers Carol Clemett and Tom Robinson.

STAFF: Clerk-Treasurer Sue Ann Spens, Water Department Supervisor Bob Durr.

GUESTS: Tricia Crozier, King County District Court representative; Karen Scott, Planning Commission representative; Julia Morse, WABA representative; Andy and Robin Stefan, Pam Donoghue, Paula Dix, Helen Lewis, Bernard VandeKamp.

MINUTES: Councilmember Sharp moved to approve the July 11, 2006 minutes as amended. Councilmember Young seconded.

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

WARRANTS: Councilmember Leider moved to approve the August 8, 2006 warrant list, including warrant numbers 7098 through 7122 in the amount of \$19,575.14. Councilmember Sharp seconded.

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

Councilmember Leider moved to approve the September 12, 2006 warrant list, including warrant numbers 7123 through 7149 in the amount of \$18,657.10. Councilmember Sharp seconded.

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

CLERK'S REPORT:

FALL CLEAN-UP: Clerk-Treasurer Spens reported that Robin Stefan has selected November 4th as the date for the Fall Town Clean-Up and has asked that a note be placed in the newsletter. She added that Ms. Stefan has also asked the Council to consider offering water rebates to families who agree to water newly planted public areas to ensure that the areas thrive. She explained that the area Ms. Stefan plans to concentrate on planting in the right of way between Gordon Roberts and Charlie Ferree and that the area is much larger than usual so may require more water. It was the consensus of the Council that such a rebate is an appropriate gesture.

ZONING CODE QUESTION: Clerk-Treasurer Spens reported that Mona Green recently wrote to describe a variance request that came before the Board of Adjustment and was

denied. She noted that Ms. Green has asked the Council to consider asking the Planning Commission to study the Town's current GFAR regulations so that a below-grade garage would be treated in the same fashion as below-grade living space. It was the consensus of the Council to table discussion of this item until November.

GENERAL PURPOSE CREDIT CARD: Clerk-Treasurer Spens asked the Council if they wish to consider obtaining a general purpose credit card, e.g. VISA. It was the consensus of the Council not to obtain such a card at this time.

MARSHAL'S REPORT: Mayor Wells reported that Walter Scott has agreed to serve as Town Marshal replacing Kyle Branum. She also reported that Scott Harpster has agreed to serve as Deputy Marshal, a new position. Mayor Wells reported that the new position of Deputy Marshal will allow for a division of duties and for vacation coverage resulting in improved service to the Town's residents.

MOTION: Councilmember Sharp moved to confirm the appointment of Walter Scott as Town Marshal and Scott Harpster as Deputy Marshal. Councilmember Leider seconded. Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

Mayor Wells reported that one of their first duties will be to review the problem of speeding in the Village and how to minimize it effectively.

WABA REPORT: No report.

WATER REPORT: Water Supervisor Bob Durr reported that the Town's second well is tested twice a year even though it is not used regularly. He added that is still considering ways to use this second well as a backup to the first well to reduce the number of times the Town has to use the emergency connection to Bellevue water.

He also reported that despite the recent billing challenges that the Water Department worked through over the last four months, residents in Beaux Arts still enjoy very low water rates compared to residents in neighboring cities for water that is purer and in need of no treatment.

EMERGENCY PREPAREDNESS: No report.

PROPOSED RESOLUTION NO. 232 AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH KING COUNTY FOR DISTRICT COURT SERVICES: Mayor Wells introduced Tricia Crozier and asked her to present the newest Interlocal Court Agreement between the King County District Court and the Town, especially those provisions that may have changed from the previous agreement.

Ms. Crozier began by explaining that the proposed contract is a 5-year contract with two 5-year renewals to provide for more stability and improved performance measures. She noted that invoicing to each city will be more individualized than before and that payment percentages are no longer fixed at 100% of the court revenue received by the Town.

Mayor Wells asked if Beaux Arts is protected from sudden cost increases if the court's costs exceeded the revenues generated by court fines. Ms. Crozier answered that the district court does not anticipate any real change that would affect Beaux Arts, particularly in light of the limited usage we represent to the court's total volume. She added that some cities are increasing their traffic enforcement to increase revenues to help offset court cost increases. She also noted that she can provide a fee/cost reconciliation for Council review, if desired.

Mayor Wells asked what exit strategy is built into the contract. Ms. Crozier answered that termination of the contract requires 18 months notice and that if the Town chose to terminate the contract, we would have to form our own court, contract with the district court again, or contract with another municipal court (though this option is in review for constitutionality). Ms. Crozier closed by saying that the district court needs to have all contracts signed by participating cities by the end of the year, if possible, so that they can begin their long-range planning process.

It was the consensus of the Council to table a decision on the contract until Mayor Wells can complete a review of the fee/cost reconciliation and other concerns.

PUBLIC HEARING: PROPOSED AMENDMENTS TO THE ZONING CODE TO ALLOW INTRUSTIONS INTO THE SETBACKS: Mayor Wells opened the public hearing at 7:45pm. Clerk-Treasurer Spens reported that the public hearing was published and posted in compliance with Town ordinances and is properly before the Council. She noted that she received an email from Sylvia Hobbs stating her concerns about the public hearing notices.

Mayor Wells asked Karen Scott, Planning Commission representative, to describe the proposed changes and explain why they are needed. Ms. Scott read the proposed language as follows:

Section 8.H of the Beaux Arts Zoning Code Ordinance No. 333 would be amended to read

- H. The following structures may be allowed within setback areas: fences; retaining walls; rockeries up to thirty (30) inches tall; ornamental landscape structures up to thirty (30) inches tall, including ornamental pools of any depth provided they comply with safety regulations stipulated in Ordinance 187; garden trellis gates up to eight (8) feet tall ; eaves or roof overhangs up to eighteen (18) inches in depth; chimneys up to eighteen (18) inches in depth and no longer than 25% of the length of the building façade.

Ms. Scott then explained that the Planning Commission was concerned with the recent tendency to construct new homes without eaves in order to meet our current setback requirement that measures setbacks to the outermost projection, including eaves. She said that eaves not only protect a structure's foundation, they also help soften the appearance of the structure. Ms. Scott noted that chimneys that cover no more than 25% of the building façade would not add noticeable bulk to a structure. She closed by stating that the usually method for measuring setbacks is to the foundation or side wall, not to the eaves as it is in

Beaux Arts. Bob Durr concurred that the Beaux Arts method of measuring setbacks is different from most other neighborhoods in our vicinity.

Mayor Well then asked for comments from the public.

Robin Stefan read an email she received from Jane and Jeff Leffingwell, who are building a new home in Beaux Arts, stating their opposition to this proposed change because of the potential effect on the character and appearance of the Town.

Andy Stefan reported that this issue was also discussed when he was a member of the Planning Commission. He noted that the conclusion of previous planning commissions was that allowing so called “nice” intrusions into the setback area opens the door to increased bulk in the setbacks and thus eliminates the feeling of openness and light enjoyed by properties in Beaux Arts. He also stated that narrower setbacks between structures can decrease fire safety.

Robin Stefan pointed out that in the Planning Commission’s first discussion of this change with the Council, Planning Commissioner Dennis Casey stated that the Planning Commission was concerned about preserving existing homes, but this change would apply to new construction as well.

Julia Morse remarked that former Clerk-Treasurer Gail D’Alessio has written to the Council expressing her change of opinion on this issue and that she no longer supports this change because of the impact on the open space between houses. She added that Ms. D’Alessio feels that variance process should continue to review each request on a case-by-case basis. Ms. Morse commented that she agrees with Ms. D’Alessio’s opinion.

Paula Dix stated that she, too, agrees with this position.

Councilmember Sharp asked Bob Durr, who works in housing construction, what other jurisdictions do. Mr. Durr answered that most measure setbacks from the property line to the foundation, not the eave, and that some make an allowance for eaves not to exceed some given depth, e.g. 18 to 24 inches. He suggested a means of making our method of measuring setbacks consistent with other jurisdictions: increase the side setback from 10 feet to 11-1/2 feet and set a maximum eave depth of 18 inches.

Helen Lewis asked how many times the Town plans to change the Zoning Code to accommodate one or two properties that cannot comply. She reminded that the variance process is intended to provide relief for such properties. She added that if this change is approved, the Town is likely to lose open space as smaller homes are torn down and replaced with larger bulkier homes. She then asked if there is a hue and cry for this code revision. Mayor Wells answered that the Planning Commission proposed the change to bring our code into closer conformity with other jurisdictions.

Councilmember Leider asked what is driving this proposed code change. Planning Commissioner Scott answered that the Planning Commission thinks it’s a good idea for

consistency with industry standards noting that banning eaves from the setback area encourages people to build boxy houses with no eaves as they try to maximize the useable indoor space on their property.

Robin Stefan commented that if the concern is for our code to be consistent with other jurisdictions, we should consider making the change Bob Durr suggested: allow setbacks to be measured to the foundation wall and increase the minimum setback to 11-1/2 feet with maximum 18-inch eaves. She also mentioned that she is currently a member of the Board of Adjustment and has not heard a request for a variance to this regulation come up.

Mayor Wells asked for additional comments from the public. As there were none, she closed the public hearing at 8:30 pm. She then asked for Council discussion.

Clerk-Treasurer Spens read Carol Clemett's email into the record in which Councilmember Clemett states her support for the proposed revision relating to eaves and for allowing chimney intrusions, but with more restrictive conditions.

Councilmember Leider asked how tough it would be to use the variance process for relief in a situation such as this. Mayor Wells answered it would probably be difficult at best.

Councilmember Sharp stated that he thinks we should consider how much space between structures we, as a community, wish to preserve rather than looking at what is normal practice elsewhere. He observed that eaves help protect the structural integrity of our housing stock and suggested that we also consider the impact that eliminating eaves has on foundations, etc. Mayor Wells remarked that no property owner has to eliminate eaves; instead they need to trade it off against the location of their foundation wall. She added that she sees the trade off as more of a design issue.

Councilmember Leider commented that he finds it difficult to support the revisions as written and sees the question as boiling down to aesthetics, which are subjective. He stated that seeing a number of scaled drawings illustrating the various possibilities would help him make a more informed decision.

Councilmember Sharp observed that our zoning code seems to be skewed against the smaller lots. Councilmember Young asked if this change could be allowed only for small lots. Mayor Wells answered no because the Town is all one zone.

Councilmember Sharp asked about limiting the intrusion into the setback relative to the height of the structure, i.e. single story structures could be allowed a greater intrusion into the setback than a two-story structure, noting that the trade off could reduce the bulk of the second story.

Councilmember Young stated that he agrees with Councilmember Sharp that smaller lots may need additional relief from regulation and that he thinks the Councilmember Sharp's idea for graduated setbacks is worth investigating further.

Councilmember Leider remarked that he remains undecided about the question, in part because he is unsure how big the problem is, especially since the topic has been discussed extensively by the Planning Commission in the past. He commented that he would like the Planning Commission to address the following questions:

- What potential problems are we solving by making this revision? What potential problems are we creating?
- What is the burning need for this change, i.e. how big is the problem?
- What about Councilmember Sharp's idea for allowing graduated intrusions based on building height? (He noted here that the current rules encourage structures like the one next to Councilmember Sharps house.)

Planning Commission Scott asked the Council for an honest assessment of how willing they are to make this change or something like it. She added that if the Council really doesn't want to adopt code changes like this, the Planning Commission would prefer to drop the idea and move on to other issues.

MOTION: Councilmember Leider moved to table further discussion on the proposed zoning-code changes until the Planning Commission completes its review and forwards the information requested to the Council. Councilmember Sharp seconded.

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

Councilmember Leider will prepare a complete list of questions and forward them to the Planning Commission through Deputy Clerk Donworth for their review.

SPEED HUMPS AND SPEEDING IN THE VILLAGE: Mayor Wells opened the discussion by describing a recent incident along SE 28th Street and commented that speeding along that street seems to have increased since the speed humps were recontoured. She added that speeding throughout the Village has been on the rise over recent years, and not just by teen drivers.

Councilmember Sharp reminded everyone that the speed humps on SE 28th Street were recontoured in response to complaints from a resident on that street that the humps were causing damage to his automobile undercarriage.

Pat Donoghue, a resident living on SE 28th Street, commented that the speed hump in front of Bruce Young's house works well and that the neighbors along SE 28th Street would like to have another hump installed between the two existing ones.

Councilmember Sharp asked if the existing humps are slowing drivers down on SE 28th Street. Ms. Donoghue answered yes, but there is too much distance between them which allows drivers to build speed rapidly on the downhill slope.

Julia Morse remarked that WABA is facing the same problems on the South Beach Road and plans to do some work soon.

MOTION: Councilmember Leider moved to install a new speed hump on SE 28th Street and

suggested that the work be coordinated with WABA, if possible. Councilmember Sharp seconded.

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

FIRST CALL FOR BUDGET INPUT FOR 2007: Clerk-Treasurer Spens noted that the budget calendar for 2007 has opened and it is time for “department heads” to begin preparing estimates for their budgetary needs for 2007. She stated that she plans to distribute YTD Expenditure reports in the next few weeks for review that should help each Councilmember develop their budget numbers.

MAYOR AND COUNCILMEMBER REPORTS: None.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council the October meeting is scheduled for October 10th at Councilmember Robinson’s house.

ADJOURN: Councilmember Leider moved to adjourn the meeting at 9:50 pm. Councilmember Sharp seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer