



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

November 14, 2006  
Robinson

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

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

**EXCUSED:** Councilmember Richard Leider.

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

**GUESTS:** Julia Morse, WABA representative; Robin Johnston, Steve Miller.

**MINUTES:** Councilmember Sharp moved to approve the October 10, 2006 minutes as amended. Councilmember Clemett seconded.

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

**WARRANTS:** Councilmember Robinson moved to approve the November 14, 2006 warrant list, including warrant numbers 7173 through 7197 in the amount of \$49,990.28. Councilmember Sharp seconded.

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

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

**NO-WAKE ZONE BUOYS:** Clerk-Treasurer Spens reported that Robin Johnston has asked the Council to consider changing the wording on our no-wake buoys from "Slow No Wake" to "Slow 8 mph" and asked Mr. Johnston to explain his reasons for this request.

Mr. Johnston distributed some written materials and described a situation in which he was moving his boat through the Town's no-wake zone at a speed well under 8mph when he was stopped by the Mercer Island Marine Patrol (MIMP) and given a warning about his speed being great enough to cause a wake. Mr. Johnston stated that the MIMP officer commented that the "Slow No Wake" regulation is ambiguous and that the officer suggested that the buoys be changed to read "Slow 8 mph" for clarity and consistency with no-wake signage throughout Lake Washington.

After hearing Mr. Johnston's presentation, it was the consensus of the Council to consider this change at a future meeting. In the meantime, Clerk-Treasurer Spens will determine the prices for new buoy wraps, and Councilmembers will consider whether changing the signage will actually allow increased boating speeds overall in the no-wake zone. Clerk-Treasurer Spens will also plan to order buoy lights after the decision on the buoy wraps is made.

**OUTGOING MAILBOX:** Clerk-Treasurer Spens reported that the outgoing mailbox is in place at last. She added that she will add a decal to the box that reads “Outgoing Mail Only” to clarify the box’s intended purpose and that she will publish a short notice in the November newsletter.

**MARSHAL’S REPORT:** No report.

**WABA REPORT:** No report.

**WATER REPORT:** No report.

**EMERGENCY PREPAREDNESS:** Councilmember Robinson reported that plans for implementing SCAN (Bellevue’s neighborhood emergency-response planning tool) in Beaux Arts are almost complete and the education process will begin soon.

**TREE-MANAGEMENT PLAN DISCUSSION:** Mayor Wells opened the discussion by asking the Council for their thoughts on imposing an emergency moratorium. She explained that she is suggesting the moratorium to prevent property owners from extensively cutting trees on their property out of fear that the Town may be planning to prohibit future tree removal as part of the proposed Tree Management Plan.

Councilmember Clemett stated that she thinks an emergency moratorium is appropriate but reminded that we need to be mindful of the impact such a moratorium might have on building project that are either underway or in the planning stages.

Councilmembers Robinson and Young agreed that the moratorium is appropriate to give the Council time to study what the Tree Management Plan should entail and how it should be implemented. Councilmember Robinson stated that effort should be put into educating Villagers and potential Villagers on the need to coordinate their building plans with the Tree Management Plan that is enacted.

Councilmember Sharp asked if the 8-inch diameter specified by the moratorium is enough or if the moratorium should protect smaller trees as well. It was the consensus of the Council that for the purposes of this moratorium the eight-inch diameter is sufficient for the short period that the moratorium is in effect.

Councilmember Clemett stated that the moratorium itself is controversial enough and that the greater need at this time is to protect the larger trees, which are harder to replace.

Steve Miller spoke of the Village’s trees and their impact on the character of Beaux Arts, particularly the impact of their loss. He remarked that the Town’s Comprehensive Plan calls for the preservation of its “tranquil and forest-like” character and notes that respect for this character has been evident since the early days of the Village. He closed by stating his strong support for an emergency moratorium to protect our forest while the Council develops the appropriate regulations.

Mayor Wells reported that the recent clear cutting on 107<sup>th</sup> Ave SE did trigger the involvement of the Department of Fish and Wildlife (DFW) because of proximity to one of the eagle nests in the Village and that the owners will be required to replant a portion of their lot to replace trees removed.

She then asked the Council to focus its attention on the language of the moratorium as it needs to be finalized and approved tonight to be of full value. She noted that the moratorium will be in place for at least 60 days, at which time the Council must hold a public hearing to determine whether or not to continue the moratorium. She added that the results of that hearing must be documented in findings of fact.

The Council then held an extended discussion about the language of the ordinance, especially concerning exceptions for tree-cutting to allow necessary tree management and development to continue during the moratorium. At the conclusion of this discussion, Clerk-Treasurer Spens read the proposed draft language, including the addition of two more exceptions in which tree removal could be allowed and the increase in the fine for cutting from \$1,000 to \$2,500 per tree plus the costs to enforce collection of the fine and to replace the affected tree with a similar tree. It was the consensus of the Council that this draft comprises the essence of the moratorium they wish to enact.

**MOTION:** Councilmember Robinson moved to pass Ordinance No. 343 imposing an emergency moratorium on the topping or removal of trees in the Town of Beaux Arts Village as amended. Councilmember Clemett seconded.

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

**PUBLIC HEARING: PROPOSED BUDGET FOR 2007 AND PROPOSED ORDINANCE NO. 344 SETTING THE LEVY FOR 2007:** Mayor Wells opened the public hearing at 9:00pm and suggested that it cover both the 2007 Budget and the Proposed 2007 Levy Ordinance.

Clerk-Treasurer Spens briefly reviewed the revisions made to the budget worksheets as a result of the October hearing, including the additional of about \$26,000 in potential revenue from utility taxes, which would require legislation to enact.

Mayor Wells stated that she does not support a utility tax and would prefer that the Town look at how we are recouping our costs for building-related activity, since that seems to be the line item that is driving budget increases recently. She added that she also thinks we need to consider collecting the second ¼% real-estate excise tax (REET) as a means of building our reserves for capital projects, particularly street repairs.

A discussion about what constitutes a balanced budget ensued as well as the pros and cons of increasing the REET and the imposition of utility taxes. It was the consensus of the Council that utility taxes place an unfair burden on all Villagers, particularly those on fixed incomes, when the main cause of budget overruns in the General Fund are due to building-related expenses. It was also the consensus of the Council that collecting the second ¼% REET is appropriate at this time since next year's street project will seriously delete the Town's

capital reserves.

Mayor Wells then asked for public comments. As there were none, she closed the public hearing at 9:10pm. This public hearing will be continued in December to address the need to amend the 2006 Budget because of possible cost overruns.

For next month's meeting, Clerk-Treasurer Spens will bring an estimate of the dollar value of building-related charges that should be billed to permit holders who have exceeded the allowance established in the Town's Fee Resolution and Building Code.

**MOTION:** Councilmember Robinson moved to pass Ordinance No 344 authorizing an increase in Property Tax for 2007 and setting the amount of taxes to be levied in 2007. Councilmember Clemett seconded.

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

**MAYOR AND COUNCILMEMBER REPORTS:**

There were no additional reports from the Mayor and Council.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council the November meeting is scheduled for December 12<sup>th</sup> at Mayor Wells' house.

**ADJOURN:** Councilmember Clemett moved to adjourn the meeting at 10:00 pm. Councilmember Sharp seconded.

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

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer