



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

February 13, 2007
Clemett

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

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

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens, Water Dept Supervisor Bob Durr, Town Marshal Walter Scott.

GUESTS: Hank Heckendorn, Gordon Roberts, Gail D'Alessio, Jan Johnston, Sheila Justus, Jake and Pam Donoghue, Jane Leffingwell, Sylvia Hobbs, Jeff and Marji Jochums, Bernard vandeKamp, John Clemett, and Mark Hillberg.

MINUTES: Councilmember Leider moved to approve the January 8, 2007 minutes as amended. Councilmember Robinson seconded.

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

WARRANTS: Councilmember Leider moved to approve the February 13, 2007 warrant list, including warrant numbers 7258 through 7280 in the amount of \$15,618.76. Councilmember Sharp seconded.

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

Councilmember Leider reported that he had reviewed the 4th Quarter and Annual Treasurer's Reports and found them to be in order. He has signed each report indicated his approval.

CLERK'S REPORT: No report this month due to time constraints for the public hearing.

MARSHAL'S REPORT: Town Marshal Walter Scott stated that he had nothing to report. Mayor Wells reminded the Council that Major Dave Germani, the King County Sheriff's Office, will attend the March Council meeting to discuss the Sheriff's role in Beaux Arts, issues that may be unusual for Beaux Arts, how the 911 System works to respond to emergency and non-emergency calls, and to answer questions from the Council and the public about anything relating to police services. Marshal Scott added that he plans to ask questions about how to address speeding in Beaux Arts.

Mayor Wells also reported on the City of Medina's plan to install surveillance cameras at each intersection and that Hunts Point has installed similar cameras at the turnaround at the entrance to Hunts Point.

WABA REPORT: Bernard vandeKamp reported that WABA expects to hold a members' meeting about the woodlands in April and a meeting about the bylaws in the near future.

WATER REPORT: Water Supervisor Bob Durr asked the Council to authorize a \$100 a month increase in Bill Beck's monthly stipend retroactive to January 1, 2007. He explained that he meant to include Mr. Beck's salary increase in the 2007 budget and reminded everyone that Mr. Beck performs many valuable services at a far lower cost than the Town would otherwise pay. He added that the salary increase will be split 40-60 between the Street Department and the Water Department.

EMERGENCY PREPAREDNESS: Councilmember Robinson reported that he attended a recent SPAN training session at City of Bellevue and was accompanied by Councilmember Young and Town Marshal Scott. He added that he will have more plan details at next month's Council meeting.

Mayor Wells stated that the next Eastside Mayors Meeting will focus on emergency response. She asked Councilmembers Robinson and Young if they would be able to attend this meeting with her because the Bellevue Emergency Coordinator will be at the meeting. Councilmembers Robinson and Young will check their schedules and try to attend.

Councilmember Sharp asked if anyone knew the outcome of the Governor Gregoire's request that for disaster declaration for the December windstorm. Councilmember Robinson answered that he will check on this.

PUBLIC HEARING: PROPOSED ORDINANCE NO. 349 AMENDING THE TOWN ZONING CODE: Mayor Wells opened the public hearing at 7:20pm and asked Planning Commissioner Jake Donoghue to give the Council a brief presentation on the proposed changes and the Planning Commission's recommendation for adoption. Planning Commissioner Donoghue explained that the Planning Commission first began studying the question of allowing eaves to intrude into setbacks at the urging of one of the Commissioners and that they sought the Council's approval to proceed with that study last year.

Planning Commissioner Donoghue continued by explaining that the Planning Commission unanimously supports this change because they feel it will improve the exterior appearance of new homes, particularly those built on the smaller lots, without compromising the building envelope or the feeling of openness between houses. He added that since many of the existing homes in Beaux Arts were built when side setbacks were only five feet, the distance between homes will increase as these homes are replaced by new conforming structures.

Planning Commissioner Donoghue stated that the Planning Commission considered allowing the variance process to continue to provide remedies to these situations, but they decided that the variance process can be frustrating and is not always timely for people trying to improve their properties on a tighter deadline. He added that ideally the variance process should provide relief only in exceptional circumstances and that if variances are continually being sought and granted for the same or similar situations, it is appropriate for the Town to consider changing the regulation.

Planning Commissioner Donoghue commented that the proposed changes to GFAR (gross floor area ratio) are to clarify that basement garage floor area should be treated in the same manner as basement living floor area. He explained that this discrepancy in the calculation of GFAR was pointed out by the Town Planner as she reviewed proposed plans that included a basement garage.

Mayor Wells invited comments from the public on the proposed GFAR changes first.

Sylvia Hobbs stated that she supports the proposed changes to GFAR but thinks there should be a limit on the number of garages and garage entrances.

Jeff Jochums commented that he and his wife proposed the design that raised this question. He brought forward a model showing that design and the location of the garage space in the basement. Marji Jochums added that they want the garage in the basement so that they can preserve aboveground floor space for family-oriented living space.

Mayor Wells asked if anyone else had comments on the GFAR question. As there were none, she invited comments on the proposed setback changes.

Jan Johnston commented that our current Zoning Code encourages the construction of cube-like structures on smaller lots, i.e. it discourages the use of eaves to modulate the building façade. She added that most cities allow up to 18 inches of eaves and often allow bay windows or other features to vary the façade and minimize “flat” wall space.

Sylvia Hobbs stated that she is opposed to the proposed setback changes and gave a rundown on the Planning Commission’s discussions about this topic over the last several years. She pointed out that the current Zoning Code is relatively new and that the proposed changes were not requested by residents but were initiated by the Planning Commission.

Bob Durr noted that he has been involved in Zoning Code discussions since the early 1990s when he was on the Planning Commission. He stated that he supports this change to the setback rules for three reasons:

1. Allows professional consistency with the industry: There are no other jurisdictions that measure setbacks the way Beaux Arts does; setbacks are usually measured to the foundation rather than the eaves.
2. Encourages better architecture: The proposed change encourages the use of eaves, which fit better with the character of Beaux Arts.
3. May encourage more separation between homes: If 40 to 80% of the existing homes in Beaux Arts are out of compliance with our current setback rules, new homes built to replace the non-conforming homes will tend to move away from the property line, leading to more air and space between homes.

Jane Leffingwell stated that she doesn’t understand why anyone would be confused by our current setback rules. She explained that she didn’t experience any problems working with the current setback rules when designing and building her new home recently.

Sylvia Hobbs reported that Helen Lewis, who was unable to attend tonight’s meeting, is

against the proposed change.

Gail D'Alessio asked why the Planning Commission chose to set the allowable intrusion at 18 inches rather than twelve. Planning Commissioner Donoghue answered that 18 inches is more aesthetic.

Mayor Wells asked if the Planning Commission had considered limiting the number of sides that may intrude into the setback. Planning Commissioner Donoghue answered that they chose not to make that limitation because of the effect on small lots.

Walter Scott stated that he supports both changes, particularly in light of recent construction that was accomplished without variances. He feels that eaves would work to minimize, rather than enlarge, the bulk of homes.

Sheila Justus stated that she came to the meeting tonight thinking she was opposed to these changes but has changed her opinion upon hearing the reasons for considering the changes.

Mayor Wells asked for any additional comments from the public. Clerk-Treasurer Spens read the following phone calls and emails into the record:

Phone calls:

- Bob and Nancy Solibakke – against the setback change
- Anne Boynton – against both proposed changes
- Anita Carroll – against the setback changes
- Pam Cowan – depends on the site and situation, but shouldn't be held to the undue-hardship standard
- Julie Finnell – against the setback change

Emails:

- Tom Stowe – against the setback change because concerned about increased housing density in the Village
- Andy and Robin Stefan – against the setback change, support the GFAR change
- Paula Dix – against the GFAR change
- Bob and Barbara Welsh – against the setback change
- Andrea and Amy Nassisi – against both changes
- Ann-Mari Simonsen – against the setback change
- Forest and Angela Kulp – support both changes
- Alan and Donna Smallman – against the setback change

As there were no additional comments from the public, Mayor Wells closed the public hearing at 8:05pm and opened the Council discussion.

Councilmember Sharp stated that he supports the proposed GFAR change because treating basement garage space differently from living space makes no sense. He added that he also supports the setback change because eaves are important both for structural preservation and for minimizing the appearance of bulk.

Councilmember Young stated that he tends to think allowing intrusions into the setbacks will improve the appearance of many homes but feels the constituents do not support this change.

Councilmember Leider commented that he understands why the change to setbacks appears to be a bad thing on the surface but added that he thinks there are four reasons to make the change:

1. yields consistent practice
2. encourages more interesting roofing designs.
3. enhances the appearance of open space
4. lends more flexibility to owners of small lots.

He stated that he also supports changing the way basement garage GFAR is calculated.

Councilmember Clemett commented that she is sensitive to the opposition stated by residents but added that she believes that allowing eaves in setbacks will improve the Town in ways that the opponents would support. She added that she believes that many of the Board of Adjustments cases involved setback intrusions and that the variance process can be very onerous and intrusive. She noted that allowing an 18-inch eave seems to be about right for balancing proportionality, perspective and open space.

Mayor Wells stated that she thinks having to design a house around variances is a poor way to approach the project and that the other Zoning-Code criteria meant to control bulk still must be met. She also stated that consistency with usual design practices makes sense to her.

Councilmember Robinson stated that he too shares Councilmember Young's concerns about constituent responses but added that he feels the Council must vote on an informed basis. He then stated that he supports both changes.

MOTION: Councilmember Sharp moved to approve Ordinance No. 349 setting forth the Zoning Code for the Town of Beaux Arts Village as written. Councilmember Robinson seconded.

Vote: 4 For, 1 Against (Young), 0 Abstain. Motion carried.

PROPOSED ORDINANCE NO. 350 EXTENDING THE MORATORIUM ON TREE TOPPING AND REMOVAL: Mayor Wells explained that Ordinance No. 350 documents last month's public hearing and its outcome on the tree-cutting moratorium. She also reported that Councilmember Clemett has volunteered to lead a task force that will develop a tree-management plan for Beaux Arts.

Councilmember Sharp pointed out that WABA has just been through the process of evaluating how to manage the trees at the beach and that the Town may benefit from WABA's experience. Mayor Wells commented that the Town's situation is different from WABA's because the Town is looking to regulate trees on private property rather than on Town property. Councilmembers Robinson and Clemett agreed that WABA's recent experience may not be the best example to emulate.

Councilmember Young noted that as a result of the recent windstorm, many residents are nervous about the potential for trees near their homes to fall on their houses. Councilmember Sharp asked that the tree-management plan somehow address the fact that not all lots share the burden of having large trees on their property.

MOTION: Councilmember Robinson moved to approve Ordinance No. 350 imposing a nine-month moratorium on the topping or removal of trees in the Town of Beaux Arts Village. Councilmember Clemett seconded.

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

It was the consensus of the Council that Councilmember Clemett proceed with developing ideas for who should serve on this committee and what the work plan should be.

PROPOSED RESOLUTION NO. 235 APPROVING THE ARCH BUDGET AND WORK PROGRAM FOR 2007:

Clerk-Treasurer Spens explained that the state's Growth Management Plan requires all cities to provide for affordable housing, either directly or indirectly and that because of our small size we have few, if any, options for directly providing affordable housing. She added that the Town joined A Regional Coalition for Housing (ARCH) at least 10 years ago and a means of indirectly providing affordable housing by contributing toward the development of such housing in other Eastside cities. She stated that one of the requirements of member cities is to approve ARCH's annual workplan and budget, which is what Resolution No. 235 accomplishes.

MOTION: Councilmember Robinson moved to adopt Resolution No. 235 approving the ARCH Budget and Workplan for 2007. Councilmember Sharp seconded.

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

BUILDING PERMIT CHARGES: Mayor Wells explained that the Town has been undercollecting for the inspection fees and other related charges against building permits which has resulted in permit holders not bearing the full cost of the activities related to their building permits.

Clerk-Treasurer Spens commented that excess charges against building permits have exceeded the 75% fee allowance paid for those permits by more than \$40,000 since late 2004 and particularly since Huitt-Zollars replaced CHS Engineers (formerly The McAndrews Group). She stated that the Council has indicated that these excess charges should be billed to the permit holders and that she wanted the Council to see what the charges against the various permits were before mailing invoices to collect the excess amounts.

It was the consensus of the Council that Councilmember Leider and Clerk-Treasurer Spens develop an approach for requesting repayment of these charges by the permit holders as soon as possible.

BUILDING SERVICES PROVIDER: Councilmember Sharp reported that he spoke with two qualified individuals in his search for a replacement for Huitt-Zollars, our current building-services provider, Crystal Kolke of the Kolke Consulting Group and Steve Wilcox of Building Technology. He explained that he described the Town's needs for a building-services provider that is more cost-effective and more responsive to the Town's needs and that Ms. Kolke seemed far more open to those needs and enthusiastic about working for the Town.

Councilmember Leider pointed out that Ms. Kolke's presentation provides for immediate

feedback on fee/cost overruns, which should help us avoid situations such as the previous agenda item.

Councilmember Sharp suggested that the Council authorize him to move forward on developing a contract with Kolke Consulting Group.

MOTION: Councilmember Robinson moved to authorize the Mayor to execute a contract with Kolke Consulting pending final review and approval by the Town Attorney.

Councilmember Leider seconded.

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

MAYOR AND COUNCILMEMBER REPORTS:

COUNCIL PRIORITIES AND PLANNING: Mayor Wells commented that most of the Council's time at Council meetings is spent reacting to situations that develop rather than having time to develop goals, both short- and long-term, and set priorities for those goals. She stated that examples of these goals could include underground utilities, street maintenance, public safety, etc.

Councilmembers Leider and Clemett stated that a Council retreat might be the best way to hold a goal-setting session.

EAGLE MANAGEMENT PLAN: Councilmember Young asked about an eagle management plan for the entire Town. Councilmember Sharp answered that the Dept of Fish and Wildlife already issued one to the Town. Clerk-Treasurer Spens will obtain copies and forward them to Councilmembers Young and Clemett.

DEPUTY CLERK RESIGNATION: Mayor Wells announced that Deputy Clerk Donworth is resigning as of the end of February. Clerk-Treasurer Spens will post a mailstand notice to advertise for a replacement. It was the consensus of the Council that Clerk-Treasurer Spens handle any essential duties that may require immediate attention and track the hours spent on such tasks separately. It was also the consensus of the Council that the Clerk-Treasurer's position will have some direct supervisory control of the Deputy Clerk's position, which will help the Council remain better informed of the Deputy Clerk's duties and performance.

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

ADJOURN: Councilmember Sharp moved to adjourn the meeting at 10:05pm.

Councilmember Clemett seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer