



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

October 9, 2007

Eulau

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

PRESENT: Mayor Judee Wells, Councilmembers Steve Eulau, Richard Leider, Aaron Sharp, and Bruce Young. Councilmember Carol Clemett arrived at 7:10pm.

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens, Town Planner Mona Green, Town Marshal Walter Scott.

GUESTS: Bernard vandeKamp, WABA, Tom Stowe, Jim Cooch.

MINUTES: Councilmember Sharp moved to approve the September 11, 2007 minutes as amended. Councilmember Leider seconded.

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

(Councilmember Clemett arrived.)

WARRANTS: Councilmember Leider moved to approve the October 9, 2007 warrant list, including warrant numbers 7463 through 7485, in the amount of \$15,285.82.

Councilmember Eulau seconded.

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

CLERK'S REPORT:

PLANNING COMMISSION APPOINTMENT: Clerk-Treasurer Spens reminded the Council of a vacancy on the Planning Commission, created when John Chihak resigned. Mayor Wells announced that she has asked Scott Harpster to fill the vacancy and asked the Council to confirm this appointment. She added that Mr. Harpster is willing to continue acting as the Town's Deputy Marshal also but she will find a replacement if the Council prefers. It was the consensus of the Council that Mayor Wells find a new Deputy Marshal. Councilmember Sharp suggested that the next newsletter announce the opening and ask interested persons to contact Clerk-Treasurer Spens

MOTION: Councilmember Leider moved to confirm the appointment of Scott Harpster to Planning Commission Position No. 5 for a term that expires on December 31, 2011.

Councilmember Sharp seconded.

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

CENTENNIAL PARK: Clerk-Treasurer Spens reminded the Council that she was asked to speak with Town Attorney Stewart about the Quit Claim Deed the Town holds on the water-

tower property granting the Water Department the right to operate and maintain a water-distribution system and whether the improvements proposed for Centennial Park would be allowed under that Quit Claim. She reported that Town Attorney Stewart stated that the deed neither specifically allows nor disallows the proposed improvements and that he suggested that the Town prepare a Memorandum of Understanding between the Town and WABA that:

- outlines the improvements proposed for the “inactive recreational area” (his term),
- restates that the primary use of the property remains for the operation of a water-distribution system,
- specifies that the Town will remove any and all improvements at the Town’s expense if the Town ceases to operate the water-distribution system, and
- reiterates that the property would then revert to WABA ownership.

She added that Town Attorney Stewart also recommends that we should consult with our insurance carrier before proceeding with plans to include a basketball court or any other feature that may expose the Town to additional liability.

It was the consensus of the Council that Clerk-Treasurer Spens contact Town Attorney Stewart for help in preparing a proposed Memorandum of Understanding and that she contact the AWC Risk Management Service Agency (our insurance provider) to discuss the basketball court.

NEWSLETTER GUIDELINES: Clerk-Treasurer Spens reported that Deputy Clerk Kulp received two complaints in response to an article submitted by a resident that contained information about a transportation issue that is on the fall ballot. She explained that, prior to including the article, she and Deputy Clerk Kulp had discussed whether it should be included and had decided to allow it in deference to the resident’s ongoing work on transportation issues that benefits our residents. She then asked if the Council could offer some guidelines for what to publish in our newsletter and if anyone on the Council would like to review proposed content before the newsletter is published. After some discussion, it was the consensus of the Council that no content review is needed at this time. It was also their consensus that the guiding principle regarding what to include in the newsletter should be whether the information is directly pertinent to the Town and/or WABA and whether the submitted material sticks to the facts (i.e. what, when, where, why, how) without opinion or editorializing.

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN: Clerk-Treasurer Spens reported that she obtained a copy of the Comprehensive Emergency Management Plan for the Town of Hunts Point. Mayor Wells will have the document scanned into pdf format for distribution to Councilmembers.

MARSHAL’S REPORT: Town Marshal Walter Scott reported that there has been minimal police activity in the Village in the last couple of months. He commented that he is working to confirm that the list of Blockwatch Cell Captains is up to date and that all Captains understand their job. He also reminded the Council that the Blockwatch Phone Tree will only be activated if the immediate safety of residents is threatened and that the email alert system will be used to notify residents of other matters of less-immediate importance.

WABA REPORT: Bernard vandeKamp reported that WABA recently adopted proposed changes to the bylaws and is now working on their budget for 2008. He added that work on the bathrooms at the beach will be included in that budget. He noted that WABA is working on a title search for all WABA properties and the two lots that the Water Department uses either by easement or by Quit Claim.

He announced that the Woodlands Clean Up will be held on October 13th with a focus on removing the ivy on the hillside behind the bathroom building and restoring trails. He also announced that the Board has several upcoming vacancies and asked anyone interested to contact him or Joann Bromberg.

He then asked if sweeping the beach roads can be included in the Town's fall street sweeping. Councilmember Sharp answered that the Town can include WABA's roads but will have to charge WABA a proportional amount of the total bill to do so.

WATER REPORT: No report.

EMERGENCY PREPAREDNESS: No report.

CLARIFICATION TO SETBACK LANGUAGE: Mayor Wells asked Town Planner Green to open the discussion. Ms. Green began by explaining that her involvement in this topic is the result of the Council's concerns about how setbacks are measured now that eaves and small chimneys are allowed to intrude into them. She then read from her October 4, 2007 memo to the Council on this topic and asked the Council if the language suggested fits with what the Council envisioned. It was the consensus of the Council that the language suggested by Ms. Green is clear and simple, it eliminates the confusion that other proposals created, and it is consistent with other jurisdictions. It was also their consensus that Ms. Green present her proposal to the Planning Commission for their consideration and incorporation into the Zoning Code.

PUBLIC HEARING: PRELIMINARY BUDGET FOR 2008: Mayor Wells opened the public hearing at 7:55pm. Councilmember Leider reminded the Council that this is a very preliminary budget and that the final budget won't be adopted until December, so there is plenty of time to make adjustments.

He reminded the Council that for 2007 the Council decided to begin collecting the second ¼% of the real-estate excise tax (REET) and to increase water rates. He noted that the increase in REET was needed to supplement the Town's reserves for capital projects (e.g. street repairs) and the increased water rates were needed to fund the operating expenses of the Water Department. He explained that for 2008, he thinks the Council needs to recognize that some of our revenues sources are going to decline as the economy slows (e.g. sales tax revenues, permit revenues, etc.) and that it is timely to begin considering acceptable ways of slowing that decline to protect the Town's reserves and keep them at an acceptable level. As an example, he suggested that the Water Department may need to consider either another increase in the base rate or a change in the tiered rate structure that generates sufficient

revenue and encourages water conservation. He noted that other water departments charge their customers twice as much as Beaux Arts or more.

He also asked the Council to look at the line items over which they have control and provide input on whether the proposed amounts shown need to be increased or decreased.

Councilmember Clemett asked that the budget include \$10,000 to fund the first stages of Centennial Park adding that private donations are expected to be about \$1,500 to \$2,000. Councilmember Eulau commented that he thinks the proposed improvements are a positive improvement for the Town and would like to see it be made a three- or four-season asset, if possible.

Councilmember Sharp asked if the improvements could be completed in phases over two or three years to make the project more affordable. Mayor Wells added that if the improvements are handled in phases, the first phase should be useable when complete to generate excitement about and support for future phases.

Councilmember Clemett noted that the Centennial Committee would like to see as much of the proposed work done during Beaux Arts' centennial year (2008) as possible. Councilmember Leider asked if a \$12,500 line item would be sufficient to accomplish that goal. Councilmember Clemett stated that she would take that number to the committee for an answer.

Mayor Wells asked if members of the public had any questions or concerns. As there were none, she closed the public hearing at 8:40pm.

PRIVATE IMPROVEMENTS ON TOWN ROWS: Clerk-Treasurer Spens reminded the Council that they asked her to research what regulations, if any, exist regarding private improvement on the Town ROWs and reported that we have no written ordinances stating our policy for the use of the ROWs, only a brief discussion of the Town's philosophy for the use of the unpaved portions of the ROW set forth in the Green Book.

Councilmember Sharp commented that he thinks the Town's policy has been to allow non-permanent improvements, e.g. plants, gravel, and the like. Councilmember Leider stated that he's not sure he agrees with that assessment.

Councilmember Clemett commented that she would like to see our policy at least address a prohibition against the non-native invasive species, e.g. ivy, holly, and laurel. She added that it should probably encourage some off-street parking but perhaps limit as a percentage of the lot's frontage.

Mayor Wells asked if the Council believes the Planning Commission should be asked to study the issue and make recommendations. Councilmember Sharp suggested that the request should include guidance and some stated goals, i.e. do we want an ordinance that restricts usage and in what ways. Councilmember Leider offered to help Councilmember Sharp formulate a list of goals and other guidelines that can be sent to the Planning

Commission with the Council's request.

TREE MANAGEMENT PLAN: Councilmember Clemett reported that the Tree Committee plans to present a proposed Tree-Management ordinance for the Planning Commission's consideration and discussion at a public hearing in November. She explained that the committee feels it has been diligent and timely in completing its work on a complicated issue and asked that the Council reconsider its decision not to extend the moratorium for a period of about four months until the ordinance can be discussed and enacted in some form. She added that the extended moratorium can be limited protected trees to just those species that will be protected by the new ordinance: conifers, evergreens, madrone, and big-leaf maples.

Clerk-Treasurer Spens noted that she discussed the possibilities for extending the moratorium with Town Attorney Stewart, who advised that the moratorium cannot be enacted tonight on an emergency basis, because of the work that has been ongoing for several months, thus any moratorium would have to be reviewed at a public hearing before it could be enacted.

Councilmember Leider asked Councilmember Clemett how much time the committee needs to complete its work and get legislation through the Planning Commission and before the Council. Councilmember Clemett answered that they might need up to six months, depending on how fast the Planning Commission moves in handling their review. She then stated that the ordinance could be before the Council as early as December, if the Planning Commission works quickly.

Councilmember Young stated the he also supports a four-month moratorium.

MOTION: Councilmember Clemett moved to call a public hearing at the November Council meeting to discuss and enact a four-month moratorium on tree-cutting that reflects the restrictions under consideration by the Tree Committee, i.e. tree type, size, etc. Councilmember Young seconded.

On discussion, Councilmember Sharp noted that the moratorium was enacted because of concerns that residents would cut many trees in panic over what restrictions might be imposed by a tree ordinance. He commented that if the proposed ordinance is fair and equitable, residents shouldn't feel any panic and therefore won't start cutting trees in panic. He stated that he feels extending the moratorium is a mistake. He added that when other tree moratoriums have expired, no panic cutting has ensued.

Councilmember Young stated that he knows of at least one resident who plans to begin cutting trees as soon as the moratorium expires.

Vote: 0 For, 2 Against, and 3 Abstain (Clemett, Young, Eulau). Motion failed.

UNDERGROUND UTILITIES: Councilmember Leider distributed an outline of the processes used by other smaller cities in our area that have recently voted to underground at least some of their utilities and recommended that Beaux Arts follow a multi-part process

that communicates information about the project costs and benefits and fully assesses resident support for the project. He summarized the steps in the process as follows:

- Distribute informational flyer to residents. The flyer should give information on estimated costs, timing, risks, benefits, and any other pertinent information that is currently available.
- Hold one or more public meetings to discuss the project and address overall questions and concerns.
- Review by the Council of resident feedback followed by a decision on whether to put the project up for a full vote of the Town vs. direct action by the Council (Councilmanic bonds).

Clerk-Treasurer Spens commented that Yarrow Point found it effective to hold several small neighborhood meetings at which a Councilmember explained the project, answered questions and gathered feedback to share with the full Council.

After some discussion, it was the consensus of the Council that Councilmember Leider should put together a proposed flyer. Clerk-Treasurer Spens will look into the election schedule for next year to learn possible dates when a bond measure could be put on a regular-election ballot.

MAYOR AND COUNCILMEMBER REPORTS:

TOWN CLEAN-UP: Councilmember Clemett reported that the Fall Clean Up is scheduled for October 27th and will focus on clearing the path that runs between the Hobbs, Leider, Hertzberg, etc. properties. She added that work parties will be removing laurels that are impacting trees and closing off the path. Councilmember Sharp recommended that Councilmember Clemett tag the laurels that are to be removed to avoid any confusion.

ROW TREE SURVEY: Councilmember Young reported that the survey funded by an AWC grant is complete and that about 60% of the tagged trees on Town ROWs were assessed. He distributed copies of the arborist report, which includes a list of trees to watch and stated that Trees for Life is reviewing the trees that are recommended for action and preparing a cost estimate. He added that this survey points to the need to review the remaining 40% of the tagged trees at a cost of about \$1,000.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next regular Council meeting is scheduled for November 13th at Rick Leider's house.

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

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer