



TOWN OF BEAUX ARTS VILLAGE
TOWN COUNCIL MINUTES

May 14, 2013
Hillberg

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

PRESENT: Mayor Richard Leider, Councilmembers John Gillem, Mike Hillberg, Aaron Sharp, and Tom Stowe.

EXCUSED: Councilmember Matt Leber.

STAFF: Clerk-Treasurer Sue Ann Spens.

GUESTS: WABA President Paula Dix, Donna Stowe, Sheila Justus, Gary & Melissa Fulton.

MINUTES: Councilmember Hillberg moved to approve the April 9, 2013 minutes, as amended. Councilmember Gillem seconded.

Vote: 3 For, 0 Against, 1 Abstain (Sharp). Motion carried.

WARRANTS: Councilmember Hillberg moved to approve the May 14, 2013 warrants, numbers 9302 through 9322 in the amount of \$37,950.58. Councilmember Stowe seconded.

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

CLERK'S REPORT:

ANNUAL REPORT: Clerk-Treasurer Spens reported that she has completed the 2013 Annual Report and given it to Mayor Leider to review for accuracy. When his review is complete, she will submit the report to the State Auditor's Office before the May 30, 2013 deadline.

CANDIDATE FILING: Clerk-Treasurer Spens reminded the Council that candidate filing opened on Monday May 13th and closed on Friday May 17th at 4pm. The Town has four positions up for election this year: the Mayor and Council positions 1, 3, and 5. Additional information is available at <http://www.kingcounty.gov/elections/candidatefiling.aspx>.

AWC RMSA TRAINING FOR ELECTEDS: Clerk-Treasurer Spens reported that the AWC Risk Management Service Agency, our insurer, strongly recommends that elected officials of their member cities attend training within six months of their election and then every four years they serve. The training provides information for elected officials, including the basic powers of local government, the statutory duties of and separation of powers between the mayor and council, and different types of council meetings and executive sessions. The Town of Hunts Point is hosting a session on Tuesday June 4th from 7 to 9 pm at their Town Hall, 3000 Hunts Point Road. This is an excellent opportunity to receive this training in a location close to home. She noted that elected officials may register themselves at

<http://www.awcnet.org/TrainingEducation/Calendar/RMSAElectedOfficials.aspx> or she can handle registration for anyone.

MARSHAL'S REPORT: No report.

WATER REPORT: No report.

WABA REPORT: WABA President Paula Dix reported that WRIA8 officials will be visiting the beach on May 29th at 9:30am to review the proposed site of the next beach restoration projects. She also reported that the Spring Beach Cleanup was a success.

APPEARANCES: Sheila Justus commented about trees planted in along the path ROW from 5 Corners to SE 29th Street. She noted that these trees were planted without the Town's specific direction and will block sunlight from her property when they grow larger. Gary and Melissa Fulton, the other property owners affected by these trees, expressed the same concerns and added their concerns that the tree saplings, as planted, pose a risk to the Town's water-distribution lines. Councilmember Hillberg is working with Ms. Justus and the Fultons to resolve the situation.

Paula Dix said she heard the Town is looking for a new arborist and that she wishes to recommend Eliza Davidson, who works for WABA. Mayor Leider commented that the hiring Ms. Davidson could be a conflict of interest, unless she stops working for WABA, because WABA is a private property owner within the Town.

PROPOSED REVISIONS TO THE TREE CODE BAV MC 16.25.130: Clerk-Treasurer Spens explained that Building Official Kolke has proposed a revision to the Tree Code that would require some permit applicants to hire an arborist to develop recommendations for protecting trees on and in the vicinity of the proposed construction site. Ms. Kolke believes that the permit applicants will be better served through the building process by having their own arborist develop these plans so that the Town Arborist needs only to review and approve the plans and monitor compliance. Ms. Kolke feels this puts the Town Arborist in a position similar to hers with respect to permit applications, i.e. she doesn't design the applicants construction project, a qualified professional does; she reviews the design for compliance with applicable rules and regulations. Ms. Kolke has commented that having the Town Arborist both design the applicant's tree protection and monitor compliance puts the arborist in a difficult position and may be taking on liability that is inappropriate.

After some discussion about the current process and the reasons for making this change, the Council agreed that Ms. Kolke has proposed a reasonable cure for an existing issue. It was the consensus of the Council to direct the Planning Commission to study the issue and make recommendation to the Council for action.

PROPOSED REVISIONS TO THE ROW CODE BAV MC 12.15.040: Mayor Leider reminded the Council that last month Clerk-Treasurer Spens reported a complaint about a possible violation of the parking code that was referred to Building Official Kolke for investigation. Part of Ms. Spens' report was Building Official Kolke's determination that

there was no violation of the Parking Code or Right-of-Way (ROW) ROW Code.

Mayor Leider explained that, after further examination and review with Town Attorney Stewart, it was determined that the ROW Code does not fully reflect the Council's intent with regard to the placement of improvements in the ROW. The recitals in the ordinance establishing the ROW Code state that it was the Council's intention to enumerate the improvements that property owners may place in the ROW *adjacent* to their property without having to seek a permit. As written, BAV MC enumerates the allowed improvements but does not strictly limit them to the adjacent property owner.

After some discussion about the problem, the Council agreed that the ROW Code does not fully reflect their intent. It was the consensus of the Council to direct the Planning Commission to study the issue and make recommendation to the Council for action.

Clerk-Treasurer Spens will forward both of these requests for study to the Planning Commission immediately and suggest a rapid resolution to the challenges identified. It is conceivable that the Council make be able to take legislative action to enact remedies as early as the July Council meeting.

PROPOSED RESOLUTION NO. 283 AMENDING THE TOWN'S FEE SCHEDULE:

Clerk-Treasurer Spens explained that last month the Council agreed that the Building Department should make a couple of changes to the permit-fee schedule:

- Begin issuing plumbing permits and combine the fee for these permits with mechanical permits and fees, and
- Eliminate the Inspection Deposit for re-roofing projects and other small projects that do not require a plan review.

Resolution No. 283 accomplishes the fee-schedule changes needed to make these changes.

MOTION: Councilmember Stowe moved to adopt Resolution No. 283 setting fees for permits and services in the Town of Beaux Arts Village. Councilmember Sharp seconded. Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

STATEMENT OF INTEREST BY AT&T TO LOCATE A WIRELESS ANTENNA ON THE WATER-TOWER PROPERTY:

Mayor Leider explained that the Town has been contacted about the possibility of locating a wireless antenna on the water-tower property. Part of that process is an Entry Authorization that AT&T would need to evaluate the property and its suitability. He asked the Council for their feedback on considering such an installation. During the Council's discussion of the financial advantages, the aesthetic disadvantages, and other site-specific facts that AT&T needs to be aware of, it was pointed out that their investigation can only involve the northern half of the lot, which limits their installation to the water tower itself. At the conclusion of this lengthy discussion, it was the consensus of the Council that Mayor Leider should get additional information from the AT&T representative. In addition, Mayor Leider and Councilmember Stowe will review the entry-authorization form. No further action will be taken until more information becomes available to the Council for review and discussion.

STRATEGIC PLANNING: Mayor Leider asked for updates on each Councilmembers' progress toward accomplishing their various tasks.

Councilmember Gillem reported that he is researching best practices for reserves in other small cities but hasn't found many references and may develop guidelines for Beaux Arts from scratch.

Councilmember Sharp asked if the Town should consider amending the Zoning Code to include height limitations on monopoles and similar structures.

Councilmember Hillberg reported that his current project along the Angle Path should lead to a more general plan for other path ROWS and for the rest of the Village.

Councilmember Sharp suggested that the Public Safety category be expanded to include the 108th – SE 29th speeding problem reported by residents in the vicinity of that important Town intersection. He then presented a petition asking for a speed hump 20 feet west of the stop sign. This petition was prepared at the Council's request and has been signed by all property owners in the vicinity to demonstrate the high level of support for this project. It was the consensus of the Council that there is sufficient need for this speed hump and directed Councilmember Sharp to add it to his paving project for 2013.

Councilmember Gillem reported that revisions to the Comprehensive Emergency Management Program (CEMP) are complete; he will determine how to submit them to the State for review and approval.

Councilmember Stowe reported that he has collected copies of the various utility maps and plans in small format (8-1/2 x 11). He will arrange for wide format and electronic copies for the Town's files.

MAYOR AND COUNCILMEMBER REPORTS:

STREET DESCRIPTIONS: Councilmember Stowe reported that the five ordinances passed in April and the Boynton quit-claim deed have been recorded so the surveyor can proceed with his work.

WABA AND ANNEXATION QUESTIONS: Councilmember Stowe will work with Thom Graafstra to review the associated paperwork and confirm that everything was handled properly.

KING CONSERVATION DISTRICT: Councilmember Sharp reported that a final report has been submitted and the final grant payment should be coming soon.

WATER TOWER SURVEY: Councilmember Sharp reported that he assisted the Water Department in obtaining photos of the water tower to submit to the Washington State Department of Health (DOH) as part of the recent DOH Sanitary Survey. Clerk-Treasurer Spens remarked that DOH wants feedback from the Water Department regarding the deficiencies that were identified as part of this survey. She has notified Water Department

Supervisor Bob Durr.

TOWN TREES AND ROWS: Councilmember Hillberg that he has a plan in development for the Angle Path that will address the concerns of the adjacent neighbors and improve the woody feel of the path. He removed a hemlock from the SE 27th ROW near Miller-Cowan that will be replaced with two vine maples and a fir.

He continues his work on guidelines for removing trees from the ROW and replacing them, noting that the replacement piece has been lacking in recent years. He is developing a list of acceptable trees and wants to be sure to include varieties that will add color.

TOWN CLEANUP: Councilmember Hillberg reminded the Council that the Town Clean Up is scheduled for Saturday May 18th and will focus on the path ROWs and around the mailstands. He is getting wood chips for the 105th and SE 28th paths.

PUGET SOUND REGIONAL COUNCIL (PSRC): Mayor Leider reported that he attended the recent PSRC Annual Meeting.

SOLID WASTE INTERLOCAL: Mayor Leider reported that a majority of the cities that are currently party to the existing ILA have signed the Amended and Restated Interlocal Agreement (ILA) with King County for Solid Waste Services allowing the County to obtain bonds for the needed improvements. The City of Bellevue has rejected the amended ILA and announced its intention to develop an alternative plan for handling solid waste. Several of the Points Cities (Medina, Clyde Hill, and Yarrow Point) appear to be planning to join Bellevue in this endeavor.

CONGRESSMAN ADAM SMITH: Mayor Leider reported that he met with Congressman Smith's representative and extended an invitation to an upcoming Council meeting. He will keep the Council informed.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday June 11, 2013 at Matt Leber's house.

ADJOURN: Councilmember Hillberg moved to adjourn the meeting at 9:10 pm.

Councilmember Sharp seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer