



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

June 14, 2016  
Hillberg

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

**PRESENT:** Mayor Richard Leider, Councilmembers John Gillem, Mike Hillberg, Cynthia Hudson, Wade Morlock, and Tom Stowe.

**EXCUSED:** None.

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

**GUESTS:** WABA Secretary Susan Bogert; Don Marsh, CENSE; Residents Carol Clemett, Linda Mui, Tim McGrath.

**MINUTES:** Councilmember Stowe moved to approve the May 10, 2016 minutes, as amended. Councilmember Hillberg seconded.

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

**WARRANTS:** Councilmember Gillem moved to approve the June 14, 2016 warrants, numbers 10170 through 10197 in the amount of \$52,218.79. Councilmember Stowe seconded.

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

(Councilmember Morlock arrived after this vote was recorded.)

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

**BATES HEDGE:** Clerk Treasurer Spens reminded the Council of past conversations concerning this hedge and the maintenance standard that Ms. Bates agreed to in 2006. She asked if the Council wants to formalize that agreement, perhaps using an Encroachment Agreement as the Town does with other ROW encroachments. It was the consensus of the Council that no additional action is needed at this time.

**BDR REMOVAL OF SALAL ON 107<sup>TH</sup> AVE SE:** Clerk-Treasurer Spens reported in conversations with building staff and the Town attorney, it was decided that the best way to ensure the proper replacement and longevity of the salal removed from the base of the tree at the southern end of 107<sup>th</sup> Ave SE is to require BDR to obtain a ROW Permit and that a condition of that permit will be payment of a deposit sufficient to cover the cost of having Tree Solutions monitor the plants and the cost of replacing the plants, if needed.

**GOLF CART ZONE:** Clerk-Treasurer Spens reported that the addition of the golf-cart signs has created some concerns among the neighbors about sign clutter, particularly in the vicinity of the Village entrance on SE 29<sup>th</sup> Street. Councilmember Stowe explained that he and Bill Beck placed these signs in a highly visible location at each entrance to BAV, based on the legal requirement to warn drivers that they may encounter golf carts on our streets. He will

review the possibility of consolidating and/or moving other signs to address the neighbors' concerns.

**WHATMORE REQUEST FOR BOUNDARY-LINE ADJUSTMENT (BLA):** Clerk-Treasurer Spens reported that Padana, LLC, the Whatmore family trust, submitted a BLA for the property line between the Whatmore property and the Avansino/Criniti property.

Ms. Spens explained that this BLA request is the last of a group of corrections to Block 11 that were discovered during the 1998 Town survey. Before that survey was completed, it was known that Town's original unrecorded plat contained unidentified errors that resulted in a "loss" of 11 feet at the beach. In 1998, the Town employed Reid-Middleton, who found the errors in the original surveyor's calculations for the Town's two "Y" roads: 5 Corners SE 28<sup>th</sup> St-SE 28<sup>th</sup> Pl. The subsequent correction of these surveying errors resulted in a number of properties where the lines between adjacent owners were physically different from the place those owners had traditionally thought them to be. After all errors were identified, the Town helped each affected owner work through the necessary boundary-line adjustments to restore lot lines to their historic locations, where possible. In cases where an owner bordered public property and was "losing" property to their adjacent neighbor, the Town vacated undeveloped street ends to make owners whole. Most of the adjustments needed to correct affected properties affected were completed by about 2001; however, Mr. Whatmore chose not to work out the details at that time.

On the advice of Town Attorney Stewart, Ms. Spens asked Town Planner Mona Green to review the request for Zoning Code and Subdivision Code compliance. Ms. Green's memo dated June 8, 2016 pointed out several corrections on the drawings that need to be handled. More importantly, her memo noted the following:

- Granting the request would increase two existing non-conformities and create a third on the Avansino/Criniti property. The Town's Subdivision Code BAVMC 17.05.040(4) prohibits the approval of a subdivision if the action will cause or increase any non-conformity on either property/.
- The Town's Subdivision Code provides variance relief only when the non-conformity is a lot size less than the 10,000-square-foot minimum.
- To gain relief from the restrictions of the Subdivision Code, the Avansinos would need to apply for variance through the Town Zoning Code for the non-conformities the proposed subdivision would create BEFORE the subdivision request could move forward.

One thing to note: if the applicant does choose to pursue a variance, that action will be taken through the hearing Examiner, not the Town Council.

Based on Ms. Green's memo and a reading of the Subdivision Code, Ms. Spens recommended that she contact Town Attorney Stewart for additional guidance before advancing this application. She noted that she has provided a copy of Ms. Green's memo to the applicant's agent and will advise him of Mr. Stewart's recommendations when known.

**AWC LOSS PREVENTION GRANTS:** Clerk-Treasurer Spens outlined the following list of projects she proposed to submit to the Association of Washington Cities for loss-prevention grants. The first three are projects carried forward from our 2015 list that were delayed for various reasons, primarily weather:

1. Refresh the painted crosswalks on the 104<sup>th</sup>/SE 28<sup>th</sup>/105<sup>th</sup> arterial.
2. Replace reflectors on the speed humps and repaint hazard striping. (We may be able to combine these two projects into a single one worth \$1,000.)
3. Repair the 103<sup>rd</sup> Ave SE stairs per Bob Durr's suggestion.
4. Eliminate various tree hazards on Town ROWs. I will need specific locations to list for the grant.

**MARSHAL'S REPORT:** No report.

**WATER REPORT:** No report.

**WABA REPORT:** WABA Secretary Susan Bogert reported the following:

- The Summer Picnic is scheduled for July 23<sup>rd</sup>. Cyndy Park is organizing it. This year, instead of field games, WABA plans a Milk Carton Derby. Other typical events will continue as usual, including a sailing regatta for juniors, the annual fishing derby (if a volunteer can be found to run it), and the Art & Craft Show.
- The Beaux Arts Racing Fleet hosts a C-15 Regatta from July 1<sup>st</sup> through 3<sup>rd</sup>.
- WABA plans to construct a barbeque near the recently restored area of the beach.
- The WABA Board is considering ways to improve drainage at the beach and has begun speaking with contractors. No work will begin until at least this Fall.
- Beach security patrols have started, primarily to enforce the rules that the beach is closed to non-WABA members and unaccompanied children of WABA members after 10:30pm.

**APPEARANCES:** Resident Carol Clemett commented that PSE recently revealed plans to expand their power distribution facilities in neighborhoods on the Eastside and introduced Don Marsh with CENSE (Coalition of Eastside Neighborhoods for Sensible Energy) to offer remarks about the plans.

Mr. Marsh explained that PSE's plans include increasing the voltage in neighborhood power-transmission lines. CENSE is concerned about the proposal because the power lines are collocated in the vicinity of a major gas pipeline, the proposal comprises expensive investments in traditional energy- generation methods, PSE has not adequately explored non-traditional methods, and transmission methods, new poles threaten neighborhood trees. He then distributed some information to meeting attendees and directed those wishing more information to the CENSE website: <http://cense.org>.

**PROPOSED ORDINANCE NO. 422 AMENDING THE TOWN'S BUILDING CODE:**

Building Official Crystal Kolke explained that the State Building Code was recently amended to include changes in the 2015 International Building Codes. The Town's adoption of these updates improves enforcement. In addition, the Town adds back several code sections, which the State Building Code overlooks, at the request of the Bellevue Fire Department.

**MOTION:** Councilmember Hillberg moved to pass Ordinance No. 422 amending BAVMC 15.05.010(3) and BAVMC 15.05.040 relating to the Town's Building Code. Councilmember Stowe seconded.

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

**PROPOSED ORDINANCE NO. 423 AMENDING THE TOWN'S ROW COMMERCIAL ROW CODE TO INCORPORATE ROAD RESTORATIONS STANDARDS:**

At the Council's request, Stacia Schroeder prepared five drawings depicting standards for restoring roads as required by the Town's Commercial ROW Code. These drawings will clarify the level of restoration needed, particularly in situations where the road surface is cut and replaced.

Clerk-Treasurer Spens worked with Town Attorney Stewart to prepare amendments to BAVMC 12.20.040 to incorporate these drawings by reference.

**MOTION:** Councilmember Stowe moved to pass Ordinance No. 423 amend BAVMC 12.20.040 regulating commercial uses of the paved and unpaved portions of the Town rights-of-way. Councilmember Gillem seconded.

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

**PRELIMINARY REVIEW OF THE 2017-2022 CAPITAL INVESTMENT PLAN / TRANSPORTATION IMPROVEMENT PROGRAM:**

Clerk-Treasurer Spens commented that the Council adopted its first Capital Investment Plan (CIP), which included the statutory Six-Year Transportation Improvement Program, last year. The combined CIP/TIP is intended to present all of the Town's planned capital investments in a single document for planning and budgeting purposes.

She noted that it is time to review the current CIP and confirm that those listed for accomplishment this year will be completed. Those that will be completed can be removed from next year's list. She added that, after completing this review, the next step is to add new project to the list, noting that she has already inserted the Stormwater System Improvement Project, which is expected to cost about \$250,000, in the list for next year. Councilmember Stowe is working on a grant application to fund the bulk of the cost of this project with the Town providing matching funds of about 12.5% of the total cost.

She asked Councilmembers to consider if there are capital-funding needs for their areas of responsibility to include on the 2017 – 2022 CIP/TIP. This matter will come to the Council for review and approval after a public hearing at the July 2016 meeting.

Councilmember Gillem asked Ms. Spens to send him a copy of the draft 2017-2022 CIP and asked Councilmember to direct their funding requests directly to him.

**MAYOR AND COUNCILMEMBER REPORTS:**

**FALLEN TREE LIMBS ON SE 29<sup>TH</sup> ST:** Councilmember Hillberg reported that tree work on the SE 29<sup>th</sup> St ROW is complete.

**ROW MAINTENANCE:** Councilmember Hillberg reported that he is working through challenges with Signature Landscape Services and feels that he is making progress.

**COMMUNITY CENTER:** Councilmember Hudson reported that the committee considering the idea of a community center is working to set up small-group sessions to talk through

ideas and costs and keep the discussion going.

**2016 PAVING PROJECTS:** Councilmember Stowe reported that he continues working to find paving contractors willing to bid on our small paving projects.

**SR520 DEMOLITION:** Mayor Leider reported that demolition of bridge section was originally supposed to happen in Kenmore, but the Kenmore City Council recently rescinded permission for the work. As a result, all cities with Lake Washington waterfront pressed the bridge contractor for details about how and where the demolition will take place. It appears that the demolition will occur mid-lake with complete debris and dust containment. The work will take six weeks to complete and will be overseen by the Washington State Department of Ecology.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next regular Council meeting is scheduled for 7:00pm on Tuesday July 12, 2016 at Cynthia Hudson's house.

**ADJOURN:** Councilmember Hillberg moved to adjourn the meeting at 8:45 pm. Councilmember Morlock seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer