



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

May 9, 2023
Saal

PRESENT: Councilmembers Paula Dix, James McCarthy (Pro Tem), Stacy Saal, Tom Stowe, and Brad Wheeler.

EXCUSED: Mayor Aletha Howes.

STAFF: Clerk/Treasurer Sue Ann Spens, Building Official Crystal Kolke.

GUESTS: Carrie Oliver, WABA; Susan Bogert, and Joe McNulty.

Mayor Pro Tem James McCarthy called the meeting to order at 7pm.

MINUTES: Councilmember Stowe moved to approve the April 11, 2023 minutes as amended. Councilmember Wheeler seconded.

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

CLAIMS: Councilmember Dix moved to approve the May 9, 2023 Claims Register for check numbers 16283 through 16297 in the amount of \$47,498.21. Councilmember Wheeler seconded.

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

CLERK'S REPORT:

NEW PHONE: At the Council's direction, Mayor Howes now has a Town-issued phone allowing her to better respond to residents' concerns and to respond to emergency alerts.

REQUEST FOR VACATION OF UNUSED RIGHT-OF-WAY: Clerk/Treasurer Spens remarked that she received a letter from Patrick Moloney and Aaron Grady asking the Council to vacate the unused right-of-way between their properties at 10410 SE 27th St. and 10500 SE 27th St. respectively and added that Councilmember Stowe may be the most knowledgeable about the process for evaluating such a request.

Councilmember Stowe commented that the Town has fee-simple ownership of the streets and rights-of-way (unlike most other cities) so a vacation may not be the correct process; he added that a straight sale for the fee value may be the proper mechanism. He does not believe there are utilities in that right-of-way that would affect the Council's decision either way.

Councilmember Saal suggested that the Council take time to assess the benefits of retaining this property versus selling it, particularly because the situation is so unique to just a few properties in Town.

Mayor Pro Tem McCarthy added that any assessment should look at all the Town's unused rights-of-way and develop a comprehensive rationale and action plan for each.

Clerk/Treasurer Spens will add an item to the June Agenda to continue this discussion, with special attention to the pros/cons of selling, the precedent such a sale would set, the impact on the Town's tree canopy (approx. 4320 sq. ft. with trees), and any other questions or concerns Councilmembers may have.

BLANK BOARDS FOR NAME SIGNS: Deputy Clerk Addie Tych has reported that the number of unused name-sign boards is dwindling. Bill Beck used to cut and paint about a dozen each time we needed more, but no one has taken over that role since Bill's retirement. Councilmember Dix offered to ask Tim McGrath if he would be willing to handle this task.

STATE/LOCAL FISCAL RECOVERY FUNDING: Clerk/Treasurer Spens reported that she successfully submitted the Town's progress report for the period from March 2022 through March 2023, indicating that all SLFR grant funds were spent on the maintenance shed.

ELECTRONIC COUNCIL BINDER: Clerk/Treasurer Spens reported that she will distribute the updated Council Basics binder before the June Council meeting.

MARSHAL'S REPORT: No report.

WATER REPORT: Nothing to report.

WABA REPORT: WABA reported that parking patrol at the beach begins on May 26th and the lifeguard starts duty on June 22nd. BARF racing begins on May 31st. WABA plans to hold a New Member event on June 8th and the Summer Picnic on July 23rd. The WABA Board has asked the City of Bellevue for a time extension to fully evaluate and comment on the Lake Line Sewer project. WABA will be purchasing at least one automated external defibrillator (AED) for the beach, possibly two.

APPEARANCES: Carrie Oliver, WABA, asked if the Council would consider deeding the street to WABA as an added layer of protection. Councilmember Stowe answered that there are two significant challenges with doing so: 1. The Town is eligible for funding that is not available to private entities, and 2. A significant amount of public money has been spent to maintain the roads, so it may not even be legal to turn them over to a private entity.

She also asked if the Council would consider increasing the fines associated with the destruction of Town property, e.g., the Town's trees. She commented that the current fines do not appear to be a significant deterrent.

PROPOSED ORDINANCE 462 ADOPTING THE 2021 STATE BUILDING CODE: Building Official Crystal Kolke presented the building-code revisions she recommends based on the State's upcoming adoption of the 2021 State Building Code. She explained that the biggest change in the state's adoption of a Wildland Urban Interface (WUI) Code, which potentially impacts ten homes near the beach. The impacts aren't fully known, but one

example is that homes in the WUI zone would be required to obtain permits for re-roofing, an activity that doesn't normally require a permit in Beaux Arts. She noted that there may be exemptions available to historic structures and there may be an option to seek a revision of the map that establishes the WUI boundary.

MOTION: Councilmember Wheeler moved to pass Ordinance No. 462 amending BAVMC Chapter 15.06 to adopt the 2021 revisions to the Washington State Building Code.

Councilmember Saal seconded.

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

PROPOSED RESOLUTION NO. 327 AMENDING THE KOLKE CONSULTING

CONTRACT: Clerk/Treasurer Spens explained that the amendment updates the fees paid to Kolke Consulting for inspections based on the increased hourly cost of said inspections.

MOTION: Councilmember Saal moved to adopt Resolution No 327 authorizing the mayor to execute Contract Amendment No. 5 of the agreement with Kolke Consulting Group for providing Building Department and Building Official Services. Councilmember Wheeler seconded.

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

PROPOSED RESOLUTION NO. 328 UPDATING FEES FOR SERVICES AND

PERMITS WITHIN THE TOWN: Clerk/Treasurer Spens explained that the Town Arborist has increased their hourly fees for services. Because of this, the Town needs to increase the fee for a tree-removal permit, which includes the cost of the first hour of application review. If approved, she will post a new Fee Schedule on the Town website.

MOTION: Councilmember Dix moved to adopt Resolution No. 328 setting fees for some permits issued by the Town of Beaux Arts Village. Councilmember Wheeler seconded.

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

LEGISLATIVE UPDATE: Mayor Howes offered a brief update on middle-housing and related legislation and noted that the Planning Commission is already working on rules for ADUs as part of their Comprehensive Plan update. She also explained that cities and counties throughout Washington are preparing ordinances to address the criminality of drug possession if the State Legislature cannot achieve the same during their upcoming special session. The City of Medina is preparing a version that they have offered to share with the other Points Cities. If needed, this ordinance will come to the Council for action in June.

PROPOSED ORDINANCE NO. 463 ESTABLISHING RULES FOR USE OF PUBLIC

SPACES AND TRAILS: Clerk/Treasurer Spens explained that the ordinance prohibits the use of motorized vehicles and sets open hours for the paths within Beaux Arts (not including the 108th Ave Walking Path).

MOTION: Councilmember Wheeler moved to pass Ordinance No. 463 establishing rules for the use of public spaces and trails. Councilmember Dix seconded.

Vote: 3 For, 0 Against, 2 Abstain (Saal, Stowe). Motion carried.

CURRENT OPEN SPACE ORDINANCE: Councilmember Stowe stated that he asked for time on the agenda to briefly review and discuss the Town's current regulations that establish the WABA property as Open Space. After reviewing BAVMC 18.10.70, he believes the property is properly protected, and no further discussion/action is needed at this time.

MAYOR AND COUNCILMEMBER REPORTS:

PUBLIC WORKS BOARD GRANTS: Councilmember Wheeler commented that he will review the PWB grant/loan program to learn if the needed water-main project qualifies for funding through either channel. He will report on his findings in June.

SEWER LINE EASEMENT: Councilmember Wheeler remarked that there may be an easement over WABA property for a Bellevue Sewer Line that WABA needs to review.

GLEN PATH IMPROVEMENTS: Councilmember Dix reported that the survey of the path is complete. She is meeting soon with Lumo to start design work.

SUSTAINABLE LANDSCAPE CONTRACT: Councilmember Dix noted that a contract is pending.

TREE INVENTORY: Councilmember Dix reported that the Town Arborist will be inspecting trees that are on the Town's Tree Watch List. She asked that Councilmembers let her know of any known tree issues before the arborist's visit in early June.

TOWN CLEAN UP: Councilmember Dix reminded Council that the Town's Spring Clean Up is set for Saturday May 20th. She needs a volunteer with a pickup.

WATER RATE STUDY: Councilmember McCarthy reported that he is working on the water-rate study and expects to have it ready for discussion in June.

1Q2023 TREASURER'S REPORT: Councilmember McCarthy reported that he has completed a review of the 1Q2023 Treasurer's Reports and found them to be accurate.

NEXT MEETING: The next Council meeting is scheduled for Tuesday June 13, 2023 at Councilmember Wheeler's house.

ADJOURN: Councilmember Dix moved to adjourn the meeting at 9:12 pm. Councilmember Wheeler seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk/Treasurer