



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

June 13, 2023
Wheeler

PRESENT: Mayor Aletha Howes, Councilmembers Paula Dix, James McCarthy, Tom Stowe, and Brad Wheeler.

EXCUSED: Councilmember Stacy Saal.

STAFF: Clerk/Treasurer Sue Ann Spens, Deputy Clerk Addie Tych.

GUESTS: Planning Commissioners Bruce Agnew, Steve Miller, Steve Tegeler, and Kim Moloney; John Kappler, Daniel Vasen, Evelyn Vasen, Ray Crerand, Steve Earwaker.

Mayor Howes called the meeting to order at 7pm. She noted that because a quorum of Planning Commissioners is present at tonight's meeting, this meeting was posted as a Special Meeting of the Planning Commission.

MINUTES: Councilmember Stowe moved to approve the May 9, 2023 minutes as amended. Councilmember Dix seconded.

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

CLAIMS: Councilmember Wheeler moved to approve the June 13, 2023 Claims Register for check numbers 16298 through 16318 in the amount of \$22,740.52. Councilmember McCarthy seconded.

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

CLERK'S REPORT:

VISIBILITY CONCERNS ALONG 105TH SE: Clerk/Treasurer Spens shared an email from a resident who is concerned about vehicles parking on the gravel strip in front of their home. When vehicles park too close to the driveway, it is extremely difficult to see cars and bicycles traveling southbound along 105th SE. The resident has already experienced a couple of near misses. Councilmembers Stowe and Wheeler will review the situation and discuss possible remedies at a future meeting.

TOP 7 BILLS: Clerk/Treasurer Spens circulated a synopsis from Association of Washington Cities of the Top 7 Bills passed during the 2023 State Legislative Session.

ANNUAL REPORT TO THE STATE AUDITOR'S OFFICE: Clerk/Treasurer Spens reported that the 2022 Annual Report has been submitted to the State Auditor's Office. The deadline for submitting was too tight for Councilmember McCarthy to review prior to submittal, but she will get him a copy for review. If he finds any revisions or corrections, she will submit them immediately.

COUNCIL ELECTIONS: Councilmembers McCarthy and Dix have filed for their positions. Due to an error on M. Spens' part, Councilmember Saal will not be able to file until August.

ELECTRONIC COUNCIL BINDER: Clerk/Treasurer Spens reported that she distributed the updated Council Basics binder and asked that Councilmembers let her know if they see something that doesn't make sense or appears to be in error.

MARSHAL'S REPORT: Mayor Howes reported on behalf of Town Marshal Jochums that there were several thefts along the waterfront and encouraged all to report any suspicious sightings by calling 911. She added that this level of theft is happening throughout the area. Residents are strongly encouraged to remove any valuables from boats moored at the docks and from cars parked in driveways.

WATER REPORT: Nothing to report.

WABA REPORT: Nothing new to report.

APPEARANCES: Ray Crerand remarked that Marc Schaadt is doing an excellent job maintaining the Town's streets.

Steve Tegeler reported that he needs to remove a problematic tree from his property along 105th AVE SE. He will provide details for the Council's discussion and action in July.

VASEN REQUEST TO REMOVE TOWN TREES: Daniel and Evelyn Vasen are remodeling their home and need to remove one or two Town trees to accommodate their new driveway. John Kappler, their architect, explained that the current driveway is very steep and difficult for them to use, particularly in inclement weather. They have agreed to plant mitigation trees in locations determined appropriate by the Town.

The Town Engineer and Town Arborist agree that the request should be approved.

MOTION: Councilmember Stowe moved to grant the Vasens permission to remove the identified trees on the condition that they be replaced as noted in the request.

Councilmember Wheeler seconded.

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

COMPREHENSIVE PLAN UPDATE –PUBLIC PARTICIPATION PLAN AND STATUS OF UPDATE: Clerk/Treasurer Spens commented that the Planning Commission seeks the Council's approval of their proposed Public Participation Plan and their input on the Comp Plan updates proposed to date.

Regarding the Public Participation Plan, it was noted that the Planning Commission will begin soliciting input from residents and other members of the public this Fall and will spread that work over several months to capture as many opinions as possible. Deputy Clerk Tych is developing a survey that will be sent to all residents and will assist in that effort.

MOTION: Councilmember Wheeler moved to approve the Public Participation Plan as presented. Councilmember McCarthy seconded.
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Councilmembers and Planning Commissioners then discussed the status of the update assisted by materials prepared by Town Engineer/Planner Stacia Schroeder, with particular emphasis on Accessory Dwelling Units (ADUs) and Parking. Planning Commissioners will use the Council's feedback to fine tune their work.

PUBLIC HEARING: PROPOSED ORDINANCE NO. 464 AMENDING BAVMC 18.15, THE TOWN'S HISTORICAL PRESERVATION CODE: Mayor Howes explained that the Planning Commission has been working on these proposed amendments for many months and that the revisions to our current code will make King County resources available to homeowners who wish to use them to maintain their historical homes. She then opened the public hearing at 7:57 pm asked for questions and comments.

Ray Crerand, 2714 - 104th Ave SE, asked if participation is still voluntary. Planning Commissioner Steve Miller answered yes.

As there were no further questions, she closed the public hearing at 8:00 pm.

On discussion, Planning Commissioner Miller offered the following:

- If an owner receives an historic designation, they will become eligible for assistance with future remodels through King County and will be given guidelines for same. The designation will make them eligible for resources offered by the King County Historical Preservation Office and for certain tax incentives. It will also mean that all future applications to remodel must be reviewed by the King County Historical Preservation Officer for compliance with the original guidelines.
- If an owner nominates their property for the preservation program, the Town will appoint someone to participate in the review of that specific nomination only.
- If the Council passes this ordinance, the next step will be to execute an Interlocal Agreement with King County. He will help facilitate this next step.

MOTION: Councilmember Stowe moved to pass Ordinance No. 464 amending BAVMC 18.15, the Town's Historical Preservation Code. Councilmember Wheeler seconded.
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

PROPOSED ORDINANCE NO. 465 AMENDING THE EFFECTIVE DATE OF ORDINANCE NO. 462 ADOPTING THE 2021 STATE BUILDING CODE:

Clerk/Treasurer Spens explained that after the Council adopted the 2021 State Building Code last month, the State Building Code Council decided to delay implementation to a future date, which is unknown at this time. Proposed Ordinance No. 465 amends the effective date of Ordinance No. 462 so that the town's adoption is effective concurrent with the State's.

MOTION: Councilmember Wheeler moved to pass Ordinance No. 465 amending the effective date of Ordinance No 462. Councilmember McCarthy seconded.

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

INTERLOCAL COOPERATION AGREEMENT WITH KING COUNTY FOR

HOME/CDBG FUNDING: Clerk/Treasurer Spens explained that the Town has participated in the Community Block Grant (CDBG) and HOME Investment Partnership programs with King County and other consortium cities for 30 years or more. Participation in the consortium makes residents who qualify eligible for housing assistance, and while such assistance is unlikely to be needed by our residents, our participation in the consortium makes King County eligible for more funding that is distributed to families needing help in other communities throughout King County. The current agreements for all three programs are written to renew automatically UNLESS the Town chooses to end its involvement.

It was the consensus of the Council that continued participation in these programs is valuable to the region.

CONSIDERATIONS FOR VACATING UNUSED RIGHTS-OF-WAY: Mayor Howes reminded the Council that they are discussing this idea because two residents have asked the Town to consider selling the unused street end between their properties to them. She noted that the Council briefly discussed this last month and decided that they wanted time to consider the request and determine the pros and cons of selling this property.

Councilmember Stowe remarked that there are no utilities or other public uses in this unused street, nor does he anticipate a need for either.

Questions from the Council included:

1. Was there a past precedent set that supports this action? Will selling this property create a precedent for future property sales? There was no answer to this question offered.
2. There is a large property in Bellevue that borders this unused street end. If the Town retains this property, could the owner of the Bellevue property compel the Town to provide future access? Councilmember Stowe answered that the Town cannot be compelled to develop this street.
3. Are there trees on the property that the Town wants to protect to preserve our canopy cover? Kim Moloney, one of the interested residents, commented that if the property were sold to her and her neighbor, the trees on each new property would be in setbacks, not any building footprint.
4. If the Town sells this asset, could the money be set aside for future projects rather than dropped into the General Fund? The Council can decide to restrict the use of the proceeds as it sees fit.

It was the consensus of the Council that they prefer to delay further discussion of this topic to next month's meeting when Councilmember Saal can participate. Then, the Council can decide if there is a strong interest in pursuing this further and if the Town Attorney should be brought into the discussion.

WATER RATE STUDY: Councilmember McCarthy reported that he has started work on the water-rate study by looking at the rate structures in use by other water utilities. He

commented that he is curious about Bellevue's rate structure. First, their base rate is set by the size of the supply line to the customer. Second, they have more pricing tiers with higher rates for higher volumes used. He plans to have more information to share next month, and in the meantime, he needs water ledgers, budget information, and treasurer's reports. Clerk/Treasurer Spens will forward that information in the next few days.

Mayor Howes asked Councilmember McCarthy to try to minimize the impact of a rate increase on our fixed-income residents.

MAYOR AND COUNCILMEMBER REPORTS:

PUBLIC WORKS BOARD SEMINAR: Councilmember Wheeler reported that he attended a seminar on funding options available through the Public Works Board and learned that the Town is only eligible for loans, not grants. The interest rates are low: 0.86% for the first 5 years, and 1.72% for years 6 through 20. It was the consensus of the Council that we should pursue grant opportunities first and look more closely at this loan program, if needed.

Mayor Howes offered that a Hazard Mitigation grant might be available since the water-line replacement is needed to protect the water-distribution system. She has emails with additional information that she will forward.

FLOCK CAMERAS: Mayor Howes commented that the other Points Cities are installing cameras from a company named FLOCK. The cameras are only able to read license plates and the information they provide must be managed by police personnel. She will provide more information when available.

HB 1110 / 1337 IMPACTS: Councilmember Stowe asked the Council to think about placing a moratorium on lot development until we can evaluate the impacts of this legislation on our infrastructure and develop the appropriate rules to protect the Town from overdevelopment.

TOWN CLEAN UP: Councilmember Dix reported that the Town Clean Up went very well.

GLEN PATH IMPROVEMENTS: Councilmember Dix reported that design work for the path is underway.

GREEN SPACE MAINTENANCE: Councilmember Dix noted that she is working to help with this task now that GardenCycles has closed.

TREE INVENTORY: Councilmember Dix reported that she and Town Arborist Holy Iosso have completed the inspection piece of this year's tree inventory.

LOBBYIST TO REPRESENT POINT CITIES IN OLYMPIA: Mayor Howes reported that the other Points Cities are considering hiring a lobbyist to represent the smaller cities/towns interests in Olympia, particularly the housing initiatives that promise to continue for the foreseeable future. The expectation is that a lobbyist could help us frame our messages about pending legislation to residents to get the most traction from them and to our legislators to be sure they understand the challenges the small cities/towns face in trying to implement the

new rules. Medina is working to get cost estimates and a proposed contract; they estimate that our share of the cost would be about \$10,000. She asked if the Council is interested in participating.

Councilmember Stowe remarked that the right lobbyist can help, but he would want to know who else they are working with to be sure they are a good fit to represent our concerns.

Mayor Howes will learn more at the next Mayors Meeting.

UNPERMITTED TREE REMOVALS: The Planning Commission would like the Council to consider increasing the fines for unpermitted tree removals so that they are a true deterrent.

NEXT MEETING: The next Council meeting is scheduled for Tuesday July 11, 2023 at Councilmember Dix' house.

ADJOURN: Councilmember Stowe moved to adjourn the meeting at 9:50 pm.

Councilmember McCarthy seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk/Treasurer