



**NOTICE OF THE REGULARLY CALLED MEETING OF THE
CITY COUNCIL
OF THE VILLAGE OF VOLENTE, TEXAS
TUESDAY, JANUARY 20, 2015 at 6:30 P.M.
16100 Wharf Cove, Volente, Texas 78641**

Notice is hereby given that the City Council of the Village of Volente will hold its Regularly Called Meeting at 6:30 p.m., Tuesday, the 20th day of January, 2015 in Council Chambers at 16100 Wharf Cove, Volente, Texas at which time the following items will be discussed, to wit:

1. Open Regular Meeting.
2. Call Roll.
3. Pledge of Allegiance.
4. Mayor's Report.
 - a. CAPCOG First Alert.
 - b. Procedures for Meeting Minutes.
5. Citizens Comments. *At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them that are not on the agenda. There is a four (4) minute time limit on any communication.*
6. Approval of the Meeting Minutes for November 18, November 24, and December 15, 2014.
7. Village Reports. (Chair of the Finance Committee and Staff)
 - a. Financial Reports.
 - b. Construction Update.
 - c. City Administrator Report.
 - d. City Secretary Report.
8. Recap of the Strategic Planning Retreat held January 10, 2015. (Mayor Ken Beck)
 - a. Swearing in of David Springer.
 - b. Mayor Pro Tem Reappointment.
 - c. Committees List.
 - d. Goal List for 2015.
9. Presentation, Discussion, and Possible Action Regarding the Bid for Roadway Clearing in conjunction with the Public Works Committee. (Mayor Ken Beck)
 - a. Staff Presentation.
 - b. Timeline, Costs, Budgetary Impact, and End Results.

- c. Citizen Comments.
10. Presentation, Discussion, and Possible Action on the Site Plan and Development of Friendship Park in conjunction with the Parks and Environment Committee. (Carey Witt)
 - a. Presentation of the Site Plan.
 - b. Timeline, Cost, Budgetary Impact, and End Results.
 - c. Citizen Comments.
 11. Discussion and Possible Action on Ordinance No. 2015-O-01; An Ordinance Under Title IV, Public Health and Safety Chapter 43, Emergency Management, Amending Ordinance No. 2005-O-49; Adding the Formation of an Emergency Management Program within the Village of Volente.
 - a. Staff Presentation.
 - b. Citizen Comments.
 12. Discussion and Possible Action on Amending Ordinance 2014-O-11; Amending the Village's Zoning Ordinance, Ordinance No. 2004-O-32 to Change the Effective Date of the Short Term Rental Ordinance.
 - a. Staff Presentation.
 - b. Citizen Comments.
 13. Recommendations from the Planning and Zoning Commission on Ordinance 2015-O-2; An Ordinance Amending the Village's Zoning Ordinance, Ordinance No. 2004-O-32, codified at Article 30, Section 30.133 and Ordinance No. 2007-O-78 of the Village's Zoning Regulations; Changes to the Conditional Use Permit to add the conditional use of Short Term Rental. (Jeff Browning)
 - a. Presentation by Interim Chair of Planning and Zoning Commission.
 14. Discussion and Possible Action on Amending Ordinance 2015-O-2; An ordinance of the Village of Volente, Texas amending the Village's Zoning Ordinance, Ordinance No. 2004-O-32, codified at Article 30, Section 30.133 and Ordinance No. 2007-O-78 of the Village's Zoning Regulations; Changes to the Conditional Use Permit to add the conditional use of Short Term Rental.
 - a. Staff Presentation.
 - b. Citizen Comments.
 15. Presentation, Discussion and Possible Action on Resolution 2015-R-1 and the Creation and Trial Period of a Governmental Bulletin Board. (David Springer)
 - a. Staff Presentation.
 - b. Citizen Comments.

16. Close Public Meeting, Open Executive Session. *The Village Council will announce that it will go into Executive Session, if necessary, pursuant to Chapter 551.074 of the Texas Government Code "Personnel Matters" to deliberate on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee regarding the personnel matters of Julia Vicars, Acting City Secretary.*
17. Close Executive Session and Re-Open Public Meeting.
18. Discussion and Possible Action resulting from the Executive Session, if any.
19. Adjourn.

IT IS HEREBY CERTIFIED that the above Agenda was posted on the bulletin board at the Village Offices and the VVFD Bulletin Board on this 13th day of January, 2015.

Julia Vicars, Acting City Secretary

The Village of Volente is committed to the compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. The Village Council for the Village of Volente reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development). A quorum of the Planning and Zoning Commission or Board of Adjustments may be in attendance at this meeting however, no official action by the Planning and Zoning Commission or Board of Adjustments shall be taken.

**MINUTES
CITY COUNCIL
OF THE VILLAGE OF VOLENTE, TEXAS
NOVEMBER 18, 2014 at 7:00 P.M.
City Hall, 16100 Wharf Cove, Volente, Texas.**

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7 1. Call to order of the City Council. (Mayor Frederick Graber)

8 Mayor Graber calls the meeting to order at 7:05 p.m.
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10 2. Call Roll. (Acting City Secretary, Julia Vicars)

11 Julia Vicars, Acting City Secretary calls roll. Mayor Frederick Graber, Mayor Pro Tem Mark Scott,
12 Council Members Babs Yarbrough, Jan Yenawine, and Judy Graci all in attendance. Council
13 Member Ken Beck is absent. Also in attendance is Tom Buckle, City Attorney.
14

15 3. Pledge of Allegiance and Reading of the Village Vision Statement.

16 All stood for the Pledge of Allegiance and once seated, Mayor Graber read aloud the Village
17 Vision Statement.
18

19 4. Citizen Comments.
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21 Bob Steichen, 15807 FM 2769:

22 Asks for an update from TCAD regarding the way Booth Circle cuts into his property for 17ft
23 along a 500 ft stretch. Wants a copy of the land survey. Asks of Council to consider cleaning up
24 the ditches along Booth Circle that have accumulated trash.
25

26 5. Mayor's Report. (Mayor Frederick Graber)
27

28 Mayor Graber thanks the citizens and friends that have made his time as Mayor a rewarding
29 experience. The Mayor details the accomplishments of his term, including tackling the BCRUA
30 pipeline through the Village, obtaining a new park, moving the Village offices, improving
31 resident involvement, overhauling the financials, the Community Survey, Party Boat Resolution,
32 Short Term Rental Ordinance, and a new website. Mayor Graber encourages the new Council
33 and Mayor to listen to the voices of the community and to stay involved with the public and
34 treat different opinions with respect. The majority of the residents of Volente, including Council
35 and Mayor, want the same thing – a peaceful community that wants peace and quiet. Mayor
36 Graber says he was proud to serve as Mayor and wishes the new members of Council and the
37 new Mayor the best of luck.
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40 6. Financial Reports. (Mayor Pro Tem Mark Scott)

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42 Mayor Pro Tem Mark Scott details the new reports for the Financials that will be presented
43 monthly to Council, overviews the Expenses and Revenues for the month of October and Cash
44 Flows (see attached), and details conversations with the Auditors about upcoming Audit
45 presentation.

46
47 7. Staff Reports from City Administrator & City Secretary.

48
49 a. Construction Report

50 Barbara Wilson, City Administrator, details the Construction Report. Single family
51 homes, major remodels, and pool construction are all taking place.

52
53 b. Projects

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55 Barbara Wilson, City Administrator, details the visit to the Lago Vista regarding work
56 on the Master Water Plan. City Engineer, Marc Dickey, is working with staff to
57 prepare for the meetings of Planning and Zoning and is making recommendations to
58 Planning and Zoning on some of their tasks. Barbara is making note of the road and
59 drainage problems reported to possibly begin mowing and ditch work. Capital Metro
60 will be presenting changes in the funding of the Build Central Texas program, which
61 only has six cities remaining in the program. These changes, re-vamping the entire
62 system, should get back some of the money Volente has put in. If these changes are
63 not acceptable, then during the May election we could possibly opt out of the BCT
64 program. A recommendation to reorganize the re-subdivision process for residents is
65 taking place.

66 Council Member Babs Yarbrough asks of Barbara if the complaints about Short Term
67 Rentals on the City Administrator report (see attached) were complaints from
68 before the ordinance was passed? Barbara answers yes.

69 Council Member Babs Yarbrough asks to be included on discussions about the
70 changing of the re-subdivision process after having to go through the process with a
71 client.

72 8. 2013 Audit Presentation. (Neffendorf, Knopp, Doss & Company, PC)

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74 Mayor Pro Tem Mark Scott mentions that because of some last minute line item changes, the
75 Audit is not ready for presentation tonight as planned.

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Mayor Pro Tem Mark Scott makes a motion to postpone the Audit Presentation to December's Regular Council Meeting. Council Member Jan Yenawine seconds. Carries unanimously.

9. 2014 Community Survey. (Mayor Frederick Graber)

a. Survey Results

Mayor Graber details the Survey results and the process behind obtaining the analytics of the data as presented to Council. Mostly, residents of the Village still want a quiet, residential area without major commercial development. Mayor Graber briefly goes over the results on each page then hones in on a few key results, specifically the overall quality of life in Volente, the descriptions of what the community of Volente should be and the community's view on tourism. The goals for Volente reflect that the community wishes for the roads to be improved and for the development of the Village to be in line with the size of the Community (no big development boom).

Allison Thrash, Chair of Planning and Zoning:

States that the Planning and Zoning Commission need these results for understanding the view of residents, specifically for the tasks before the Commission currently. Asks for direction from Council to use the Community Survey results and how they apply to the tasks on Planning and Zoning's plate. The brochure of original Community Survey and Comprehensive Plan has almost run out, which is an opportune time to replace it with the new results and Comprehensive Plan revisions.

Mayor Graber suggests any citizens with input for the Community Survey Results come to the podium to speak at this time.

Bob Steichen, 15807 FM 2769:

Requests that because of the importance of the survey and its results, a Town Hall meeting be held in which the Community has more time to go over the analysis of the results without the chance of bias.

Mayor Graber responds that this is not the end of looking at results of the Community Survey, but instead the initial view of the standard analysis for Council.

114 He adds that the Survey Results will be available on the website for the community
115 to view.

116
117 Bill Connors, 8016 Lakeview:

118 Feels the Survey results are not all encompassing and would like for the people who
119 did not have the opportunity to complete a survey get a chance to be heard. He
120 cites that it is not legal to require that someone own land to vote, and as such, the
121 survey should have been sent to everyone and not just property owners.

122
123 Council Member Judy Graci reminds the public that the Community Survey is not
124 voting, nor does it determine eligibility to vote in Volente. This survey was meant to
125 be used as a tool to shape the decisions made by Boards, Commissions, Committees
126 and Council with the understanding that those who are property owners and have
127 invested in the community be able to voice their opinion.

128
129 Mattie Adams, 15941 Booth Circle:

130 States that there was no tangible list of recipients of the original survey, and it was
131 hard to determine who should receive a Survey this time around. After careful
132 consideration and deliberation by Council, the survey was sent to the owner of each
133 parcel of land in the Village of Volente, as listed on the TCAD list (effective October
134 1st). She adds that there was a lag time from TCAD, which created a small subset of
135 people that were not included on the list, but efforts were made for those people, if
136 eligible, to be included. The office took on the task of any surveys sent back from
137 USPS making their way into the hands of those they were addressed to.

138
139 Nancy Curafel, 8138 Joy Rd:

140 States that originally the survey was supposed to be sent out and done in the same
141 exact manner as the original survey, and it was not. Asks if Survey Monkey will be
142 providing more analysis of the results.

143
144 Mayor Graber responds that Survey Monkey does not do the analytics of results, but
145 Tammadge Marketing would be able to provide additional analysis, as requested.

146
147 Kristi Belote, 15805 Buddy:

148 Concerned that the results are not accurate because of mailing discrepancies,
149 changes in the questions on the survey, and changes in recipients.

150 Mayor Graber responds that the same questions were sent out so Council could
151 gauge any changes in opinion over the last ten years.

152 Mayor Pro Tem Mark Scott adds that this was a discussion over many meetings at
153 length, with Council taking extreme care in making sure the survey would be as
154 inclusive as possible.

155
156 Allison Thrash, 15100 FM 2769:

157 States that she was a resident prior to incorporation and was present for the original
158 processes of incorporation and developing Ordinances. There has been so much
159 change and flux in the Village that the original survey and original questions were
160 needed to be sent out again to see if there had been a change in values as well.
161 Significant data came of this, such as the changes to impervious cover and taxpayer
162 monies. As well as seeing where the values of residents have remained the same as
163 they were ten years ago. Most of the money spent was to keep the information at
164 an arm's length, with a third party which is the price we must pay for the distrust of
165 Council by citizens.

166
167 Council Member Judy Graci adds that this is the first look at the results for Council.
168 The majority of those who submitted their responses want a family oriented, rural,
169 bedroom community -- just like ten years ago. She agrees with Allison that there
170 were not big changes in the view of the residents on the topics addressed. This
171 survey was to ask residents, again, what they would like. This was not specifics but
172 instead goals and core values, which give Council a direction to move forward.

173
174 b. Direction and costs for Additional Data Analysis.

175 *Items b and c were discussed at one time.*

176
177 c. Direction that funding for the 2014 Survey be moved from General Reserves into the
178 Fiscal Year 2014-2015 Budget.

179
180 Mayor Graber says that Tammadge put the original analysis together, and more
181 analysis can be done at an additional cost. Currently the cost of the survey is around
182 \$5,000, which is an improvement from the \$12, 000 the original survey cost.

183
184 Council Member Babs Yarbrough suggests hearing from citizens before deciding
185 what additional analysis is needed.

186
187 Mayor Pro Tem Mark Scott agrees that specific costs for additional analysis are
188 needed. Before Council gets a chance to review the results there is no way to tell
189 what more specific analysis is necessary.

190
191 Council Member Jan Yenawine says that right now we have as close to apples as
192 apples that will be possible. He adds that before Council has specifics as to the cost
193 of analysis, discussion is unnecessary.

194
195 Council Member Judy Graci feels that a couple of analyses would be helpful to see,
196 but until there is a cost for that then there is nothing to be decided. If it is
197 reasonable then we should get the results now.

198
199 Mayor Graber says that funding will be put to the side. But the Planning and Zoning
200 Commission needs direction as to how to implement these results in their
201 recommendations.

202
203 Council Member Babs Yarbrough says that it might be beneficial to allow the new
204 Council to direct Planning and Zoning based on these survey results.

205
206 **Mayor Pro Tem Mark Scott makes a motion that Council direct the Planning and**
207 **Zoning Commission to look at the Survey results and allow them to come up with**
208 **an analysis of how these results fit into their task list. Council Member Babs**
209 **Yarbrough seconds. Carries unanimously.**

210
211 Mayor Pro Tem Mark Scott says that the money budgeted for this expense, which
212 was budgeted last year, went into reserves when it was not spent. It must be moved
213 from general reserves into the budget.

214
215 **Mayor Pro Tem Mark Scott makes a motion to move \$4,250.00 from reserves into**
216 **the fiscal year 2014-2015 budget. Seconded by Council Member Jan Yenawine.**
217 **Carries unanimously.**

- 218
219 10. Public Hearing on 2014-O-17 Ordinance of the Village of Volente, an Ordinance adopting the
220 common law nuisance standard within the Village of Volente; providing for definitions;
221 prohibitions; enforcement, fines and criminal penalties; severability; public notice; open
222 meetings; and, effective date.

223 a. Open Hearing

224 *Mayor Graber opens the Public Hearing at 9:04 p.m.*

225 City Attorney, Tom Buckle, says that common law nuisance can be prosecuted
226 criminally or civilly. Municipal Court would be a criminal procedure, as a fine-only
227 offense.

229 Council Member Babs Yarbrough, asks for clarification on including junked cars etc.
230 that other cities have.

231 City Attorney, Tom Buckle, responds that a nuisance ordinance can include
232 specifics, but that the version in front of Council today is a broad nuisance
233 ordinance.

234
235 Jan Yenawine, when this was brought up it was going to be part of our Short Term
236 Rental ordinance and Tom Buckle advised that it was proper for Village to have
237 general ordinances that cover everybody, instead of writing specifics into each
238 ordinance.

239 City Attorney, Tom Buckle, adds that doing this avoids the perception of
240 discrimination.

241
242 Mayor Graber adds that this is intended to be a blanket ordinance that effects
243 commercial ventures and private citizens.

244
245 Bill Connors, 8016 Lakeview:

246 Says he is concerned with how vague the ordinance is. Asks how this ordinance is
247 not discriminatory and if there is a need for the ordinance if neighbors can already
248 sue neighbors. If neighbors come together with a personal vendetta, then this
249 ordinance could be used maliciously. Adding, this is vague and open to
250 interpretation. Concerns that he Council coming in for the next two years will have
251 something difficult to enforce or interpret.

252 City Attorney, Tom Buckle responds that the possibility of being sued by a neighbor
253 could happen without the adoption of this ordinance. But by this ordinance, a Judge
254 or jury make the decision, not the neighbor. The neighbor has the burden of
255 demonstrating proof to judge or jury this is a reasonable nuisance. This is just simply
256 trying to give society a chance to correct a societal wrong, allowing the municipality
257 to take on outrageous behavior and remove neighbor to neighbor interaction when
258 needed.

259 Mayor Pro Tem Mark Scott adds that it is unfair for neighbors who have a constant
260 issue that is unreasonable for the responsibility of resolving the issues to be taken
261 into their own hands. The complaint has to go through stop-gaps that eliminate
262 frivolous complaints.

263
264 City Attorney, Tom Buckle, says that over and over again that when this is
265 considered too objective, courts proved otherwise. The standard is for a person of
266 reasonable sensibilities. There is always prosecutorial discretion.

267
268 Council Member Jan Yenawine, states that City Council does not get involved in the
269 prosecution of this in any way shape or form. Complaint goes to prosecuting
270 attorney, and he has to be convinced the complaint is valid.

271 City Attorney, Tom Buckle responds that the Council does have a role of authorizing
272 the Municipal Court to proceed.

273 Council Member Jan Yenawine says the Municipal Judge is appointed by City Council
274 but works for judicial system of the State of Texas, whom they have to answer to. It
275 is a different chain of command outside of Council. This is not as alarming as it looks
276 when you first read it. This ordinance gets the job done without tying things down.
277

278 Council Member Babs Yarbrough asks about Statewide nuisance ordinance.
279 City Attorney Tom Buckle responds that this is common law, used to solve problems.
280 Residents have the availability to sue under the common law nuisance.
281 Council Member Babs Yarbrough requests that times be put in that allow more
282 specifics for time noises can take place, etc. She feels the public does not want more
283 ordinance and states she will be voting against the implementation of such a broad
284 ordinance.
285

286 Mayor Graber says that Council Member Babs Yarbrough stated that she was very
287 vocal about the possibility of the Short Term Rental ordinance being discriminatory.
288 This nuisance ordinance takes away the possibility of discrimination, and yet she
289 seems against it.
290

291 Council Member Babs Yarbrough responds that there need to be more stipulations
292 and it needs to be more clear about the process of a complaint. She feels that with
293 the annexation of water this ordinance will be used against Party Boats and Shore
294 Club in their business.
295

296 Mayor Graber asks if this ordinance is used by other Municipalities.
297 City Attorney, Tom Buckle, responds that generally most governmental units have
298 both levels -- a specific noise ordinance with decibel and hours of noise permitted
299 and a "blanket" ordinance that is broad like this one. It can be done both ways. You
300 can do a more specific ordinance on noises, but this ordinance can serve as a
301 general nuisance ordinance.
302

303 Mayor Pro Tem Mark Scott reads aloud the paragraph about nuisance in the
304 proposed Ordinance ("Shall be a violation of this ordinance to cause...."). He states
305 that this creates a separation of legislative and judicial. To protect the Village,
306 something like this that requires judicial decision of unreasonableness is necessary.
307 City Attorney Tom Buckle agrees, adding as example speed limits, which are not law.
308 It is the unreasonableness of speed traveling, given the conditions that create a
309 violation.
310

311 Council Member Babs Yarbrough says that the STR Ordinance was just passed with
312 limits for sound. Asks if the noise ordinance coincide with what the STR ordinance
313 states. This creates two different rules for STR Operators to abide by.
314 Tom Buckle, City Attorney, responds that both apply to Short Term Rentals and
315 compliance with both is required, much like living in a subdivision that has
316 ordinances within a city with its own ordinances.

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Council Member Judy Graci adds that there were complaints in the past year of four properties that seem to be nuisance properties that interfere with quality of life and usage of property for neighboring residents. She reads aloud the lines pertaining to noise in the STR Ordinance passed. This proposed Ordinance is just a parallel of what already passed in the STR Ordinance. The addition of a noise ordinance, in which hours of loud noise can be limited, is available outside of this nuisance ordinance. There's no issue with the new Council going in and working with a residential Noise Ordinance. As Council Member Ken Beck has said, enforcement will be a top priority for the new Council, of which we have had none. There has been no way for Linda Attwood to have resolution with the STR Operator next door. This has a parameters for someone to seek resolution by way of filing a complaint with neighbors or alone, and if they can prove that it infringes upon their right if unreasonable, then they can get a resolution to their issues. She adds that while this ordinance is broad, it is a great tool for someone who is having a problem.

City Attorney Tom Buckle adds that this is a "default" ordinance, specifics can be there, and if you abide by the specific ordinance then no judge or jury will find you out of compliance with this default ordinance.

Council Member Judy Graci adds that if everyone began thinking about neighborly and what's a good neighbor, then any level of discomfort should not have to be taken into civil lawsuit. The Village should protect its residents.

City Attorney Tom Buckle adds that this applies to citizens of Village being affected by unreasonable nuisances.

Andy Fogarasi, 8306 Lime Creed Rd:

States that if he understands correctly, this ordinance would provide an intermediate step of assisting in stopping a nuisance without a resident having to go through private court. This nuisance ordinance and going through municipal court would act as a stronger argument to the person creating a nuisance.

City Attorney, Tom Buckle responds that yes, that is accurate. The only private court a resident could go through would be District Court, which would require a high dollar retainer for an attorney and you could get an injunction to stop the nuisance. The City, through their Municipal Court, can tackle the problem and has the ability to fine \$100-1000/day until the nuisance abates.

Andy Fogarasi asks if there is a step in place that would allow the city to communicate to that neighbor before taking more drastic actions.

City Attorney, Tom Buckle, responds yes. Staff is in contact with the defendant before it ever would enter the court.

Mike Nitz, 16209 Dodd Street:

States that the survey results gave two great points – that the community as a whole loves their peace and quiet and does not like over regulations. This ordinance goes against over regulation, even though its protecting the peace and quiet. This ordinance should be before the new Council, not slid in before the exiting Council.

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David Springer, 8504 Lime Creek:

States that Council has to approve the spending for this before it goes through the Municipal Court. The Council will be the first step of determining reasonableness. There is a buffer.

Allison Thrash, 15100 FM 2769:

States there has been discussion of neighbor to neighbor, and without a police force, which is not supported by the community, this Ordinance provides a relatively inexpensive way for residents and taxpayers to seek resolution to problems. This ordinance is a deterrent and tool for someone to seek relief from encroachment on the enjoyment of their property. States she supports the passing of this ordinance.

Nancy Curufel, 8138 Joy Rd:

States that Volente is two square miles and does not have a lot of trouble, so this ordinance is unnecessary. Says she is against the passing of this Ordinance.

Kit Hopkins, 15943 Booth Circle:

States that the creation of this ordinance came from the STR ordinance. If everyone needs to be treated the same, as Council Member Babs Yarbrough stated, then this ordinance should be passed. Adds that citizens should not have to carry noise meters around with them, and if there is a nuisance a citizen should have relief. Says she supports the passing of this ordinance.

Bob Steichen, 15807 FM 2769:

Feels that Council is putting the cart before the horse – that this process is being rushed and there has not been enough review of this ordinance. Requests that this go before the new Council before being passed.

Kristi Belote, 15805 Buddy:

Thinks the STR ordinance was a good compromise on such a controversial topic. Adds that this nuisance ordinance needs to have the same attention and compromise. Feels this nuisance ordinance is too broad and is unenforceable as it is written and does not support the passing of this ordinance.

Bill Connors, 8016 Lakeview:

States that he is not in support of this nuisance ordinance but instead adopting Travis County's nuisance regulations into Volente so that TCSO can enforce the same rules in our Village.

Mattie Adams, 15941 Booth Circle:

There was a nuisance ordinance discussed a year ago that was very specific, and the public was in an outrage. Now, this ordinance, could not be more mundane or generalized and the public is still not seemingly in support. Noise can be separated

405 from nuisance, and this vague language could not be more common law
406 terminology. A citizen can't just make a complaint-- you have to prove that there
407 could even be a case made with the prosecutor. This could resolve real issues. In
408 favor of passing this ordinance. If the new council wants to build on this further,
409 then that would be great.

411 b. Presentation

412 c. Citizen / Public Comments

413 *Items a, b, and c discussed at one time, above.*

414 d. Close Hearing

415 *Mayor Graber closes the public hearing closes at 9:50 p.m.*

- 416
- 417 11. Discussion and Possible Action on 2014-O-17 Ordinance of the Village of Volente, an Ordinance
418 adopting the common law nuisance standard within the Village of Volente; providing for
419 definitions; prohibitions; enforcement, fines and criminal penalties; severability; public notice;
420 open meetings; and, effective date.

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422 City Attorney, Tom Buckle adds that putting hours on noise is totally appropriate but isn't
423 applicable to noise, odors, dust, lighting, etc.

424

425 Mayor Graber adds that noise does not have to be loud to interfere with enjoyment of your
426 property. Making it tied to decibel does not fully appreciate the challenges with noise and how
427 it operates in our environment. With this general nuisance ordinance, it has to be proven to be
428 unreasonable. This is an inexpensive option, without the cost of a Police Force. This has to be
429 proven unreasonable, which is a big hill to climb. This won't get malicious neighbors anywhere.

430

431 Council Member Judy Graci says we have hours on the current noise Ordinance with lots of
432 decibels, which can be reworked. Working on the noise ordinance should be easier to enforce
433 and have boundaries. The major thing is peace and quiet, and how we protect it. There's
434 neighbor to neighbor interaction, but failing that then there needs to be another avenue for
435 residents to seek relief. For this ordinance, it has to be proven, and when someone needs
436 recourse this is applicable.

437

438 Mayor Pro Tem Mark Scott says that this has been in the works for years, so it is not a rushed
439 process. The one brought up a year ago was very specific, and was frowned upon. Adds that he
440 is torn because while he feels things are under control right now, things may change in the
441 future. The new Council can amend this ordinance as they see necessary. The Community
442 Survey results show that 70% agree with the regulation of loud outdoor noise, so this is
443 important to put into place as it can be applied to disturbances. This ordinance is simple and
444 clean, and puts the responsibility on others to prove it is a reasonable disturbance.

445

446 Council Member Babs Yarbrough asks if this ordinance applies to commercial entities.

447 City Attorney Tom Buckle responds that it is the same process but ultimately the Council
448 decides on which things it spends its money and they won't pursue something that is a
449 frivolous.

450
451 **Council Member Judy Graci makes a motion to adopt Ordinance 2014-O-17 an ordinance**
452 **adopting the common law nuisance standard within the Village of Volente; providing for**
453 **definitions; prohibitions; enforcement, fines and criminal penalties; severability; public**
454 **notice; open meetings; and, effective date. Seconded by Council Member Jan Yenawine.**
455 **Motion passes with Council Members Yenawine, Scott, and Graci voting for. Council Member**
456 **Babs Yarbrough voted against.**

457
458 12. Approval of the Meeting Minutes from August 14, August 19, October 1, October 4th, October
459 16th, October 21st, and November 4th, 2014.

460
461 Discussion amongst Council of changes to be made to the meeting minutes mentioned above.

462
463 **Council Member Jan Yenawine makes a motion to approve the meeting minutes from August**
464 **14, August 19, October 1, October 4, October 16, October 21, and November 4, with the**
465 **corrections mentioned. Mayor Pro Tem Mark Scott seconds. Carries unanimously.**

466
467 13. Completion of Ballot for Travis Central Appraisal District's Board of Directors.

468
469 **Council Member Jan Yenawine makes a motion to support Tom Buckle as candidate.**
470 **Seconded by Mayor Pro Tem Mark Scott. Carries unanimously.**

471
472 14. Recognition of Service for exiting Council Members and Mayor.

- 473 a. Judy Graci
474 b. Jan Yenawine
475 c. Mayor Frederick Graber

476
477 Barbara Wilson, City Administrator, presents plaques to Council Member Judy Graci, Council
478 Member Jan Yenawine, and Mayor Frederick Graber.

479
480 15. Consider and Act upon Resolution 2014-R-2 to receive and accept as true and correct the
481 canvassed voting results for the Election held on November 4, 2014 for Election of Council
482 Members Place 1 and Place 3 and for the Election of Mayor of the Village of Volente.

483
484 Barbara Wilson, City Administrator, details the Resolution and total votes for each candidate.

485
486 **Council Member Jan Yenawine makes a motion to accept Resolution 2014-R-2. Seconded by**
487 **Council Member Babs Yarbrough. Carries unanimously.**

488

489 16. Administer Oaths of Office for newly Elected City Council Member Place 1 and Council Member
490 Place 3. (Judge Denise Thrash)

491
492 The Honorable Judge Denise Thrash administered the Oath of Office for Bill Connors and Kristi
493 Belote.

494
495 17. Adjourn.

496
497 **Council Member Bill Connors makes a motion to adjourn. Council Member Kristi Belote seconds.**
498 **Carries unanimously.**

499
500 *Meeting adjourned at 10:21 pm.*

501
502 **Passed and approved this _____ day of _____, 20__.**

503
504 _____
505 Mayor

506 Attest:

507 _____
508 Julia Vicars, Acting City Secretary

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**MINUTES
CITY COUNCIL
OF THE VILLAGE OF VOLENTE, TEXAS
MONDAY, NOVEMBER 24, 2014 at 7:00 P.M.
City Hall, 16100 Wharf Cove, Volente, Texas.**

1. Open Regular Meeting. (Mayor Pro Tem Mark Scott)
Mayor Pro Tem Mark Scott called the meeting to order at 7:01 p.m.
2. Call Roll. (Julia Vicars, Acting City Secretary)
Acting City Secretary Julia Vicars called roll. Present were Council Members Babs Yarbrough, Bill Connors, Kristi Belote, Mayor Pro Tem Mark Scott and Mayor Elect Ken Beck.
3. Pledge of Allegiance and Vision Statement. (Mayor Pro Tem Mark Scott)
All stood for the Pledge of Allegiance and the Village of Volente vision statement was read aloud.
4. Administer Oath of Office for the Mayor. (Municipal Judge Denise Thrash)
The Honorable Judge Denise Thrash administered the Oath of Office and Statement of Officer for Mayor Ken Beck.

Mayor Ken Beck thanks the public and his wife Joyce, daughter, son-in-law, and grandchildren for their support and attendance this evening.
5. Mayor's Presentation. (Mayor Ken Beck)
Mayor Ken Beck thanks the public for the support and participating actively in the democracy of election and voting. A group of people in Volente brought up this past year a Unified Volente; operating under accountability, integrity, and transparency. Mayor Beck hopes that the public will hold Mayor and Council responsible for delivering on that promise. To the Council, he says he is excited to be serving with each of them. The key values to Council's political lives as servants of the people should be:
 1. Willingness to throw away labels
 2. Listen carefully and speak plainly
 3. Be biased towards action
 4. Have a short term focus and a long term vision
 5. Know your core values and assets but be willing to admit your weaknesses
 6. Be willing to make mistakes and learn from them
 7. Create new and different constituencies
 8. Avoid creating unnecessary enemies
 9. Focus on the positive
 10. Don't take yourself too seriously
 11. Enjoy the service, the people, and our time together

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6. Citizens Comments.

Mayor Ken Beck details the protocol of Citizen Comments with only general input being heard at this point and comments for specific agenda items being held until the time of the item.

Jan Yenawine, 15600 FM 2769:

Congratulates Council and the new Mayor. States that each Council since incorporation has faced specific challenges and has built upon the foundation for the following Council. Cautions this Council to represent the Community and not concentrate entirely upon one individual. Supports the Council and invites them to reach out to him with anything that he can help with, adding that the voter turnout for Volente shows that our community will give good feedback.

Mayor Ken Beck thanks Jan for his many years of service in several positions.

Joyce Beck, 15911 Booth Circle:

States that since she was not here on the 18th she would like to thank the outgoing Council. Says she has high hopes for a Council that works together and works for the community, and thanks each new Council Member.

Scott Spurlin, Neighboring Resident:

Expresses a desire to become involved and in the community and its on-goings to help make Volente better. Glad to be at the meeting.

Babs Yarbrough, President of the Volente Neighborhood Association (VNA):

States that the volunteers of the VNA have dwindled and asks for anyone with an interest in joining the VNA to reach out to her.

7. Village Reports.

Mayor Ken Beck states that most of these reports were detailed on the 18th, so rather than go through this in detail he would like Council to summarize any new relevant information.

a. Financial Reports (Mayor Pro Tem Mark Scott and Mayor Ken Beck)

The Audit Presentation will take place in December for the 2012-2013 Audit. No changes to report to the Financial Reports since November 18th meeting.

b. Construction Update.

Council Member Babs Yarbrough asks of Barbara, City Administrator if there are common delays in those building homes or adding pools.

Barbara answers that there is a patio which cannot be finalized until the owner re-subdivides his properties because of impervious cover. He has instead planted an organic garden with plans to finish the patio in the future after re-subdivision. Most other communities do not count the surface area of water in pools as impervious cover, but Volente does. Salt pools usually receive a credit; Volente has set a standard on the amount of chlorine which makes it difficult. Planning and Zoning is working on the Site Development Ordinances and is addressing this. Utility providers

87 have created some issues with development; PEC and Time Warner were refusing
88 service to some new residents. Met with Head of Construction and Head of
89 Governmental Relations and have resolved this.

- 90
- 91 c. City Administrator Report
- 92 No new information since the 18th.
- 93
- 94 d. City Secretary Report
- 95 No new information since the 18th.

96 8. Review and Possible Action on the Recommendations from the Public Safety Committee, for
97 review by City Attorney, of a local Emergency Management Ordinance. (Mayor Ken Beck and
98 Council Member Yarbrough)

99
100 Mayor Ken Beck summarizes the need for an Emergency Services Plan. Volente's main risk is
101 most likely fire and not flooding. This EMP is important if a major event or disaster occurs, we
102 have a plan in place to allow Volente to take action during and after emergencies.

- 103
- 104 a. Staff Presentation
- 105 Council Member Babs Yarbrough states that she is Chair of Public Safety Committee
- 106 and is excited about the potential for the Public Safety Committee. Because of the
- 107 fire hazard, this EMP needs to be in place to implement preventative measures and
- 108 make sure that residents are educated and prepared for disaster.

109
110 City Administrator, Barbara summarizes the process of how this ordinance came to
111 be. This EMP is specific to our Volente. Travis County and the City of Austin came up
112 with a report to determine risk factors for each area and Volente is shown to be an
113 85% loss of all structures in the event of a fire due to the absence of fire hydrants
114 and our large vegetation and high slopes. The Mayor would become the Chief
115 Emergency Manager with the right to spend funds to aid in the containment or
116 results of a disaster. The Public Safety Committee is ready to have its chapter and
117 verse run by the City Attorney then presented back to City Council.

118
119 Mayor Ken Beck asks who would draft the Ordinance.

120 Barbara Wilson answers that she would add the Chapters and Numbers and
121 Severability and Penalty but the original suggestions came from the Public Safety
122 Committee.

123
124 Council Member Babs Yarbrough adds that through Nextdoor Volente, the Public
125 Safety Committee will offer information for residents on fire prevention.

126
127 Jan Yenawine, 15600 FM 2769

128 This Ordinance gives the Mayor the ability to spend funds without having to have a
129 quorum after 72 hours of notice. If there is an emergency, he is able to act

130 immediately to bring response and relief to Volente residents. Volente has a 365 day
131 fire season, unlike Colorado or California which have fire seasons of a few months.
132 Our risk is greater in the winter, after the first freeze. He thanks Council Member
133 Babs Yarbrough for jumping in and getting the committee revived.

134
135 Mayor Pro Tem Scott thanks Jan Yenawine and says this absolutely needs to happen.
136 With a plan in place, which is long overdue, Volente will be better prepared for
137 disaster.

138
139 Mayor Ken Beck says that the previous Council established this EMP as a priority, so
140 it is good to see it in fruition.

141
142 **Council Member Babs Yarbrough makes a motion to have Barbara Wilson revise**
143 **the ordinance for approval by Council at the next Council meeting. Seconded by**
144 **Mayor Pro Tem Mark Scott. Carries unanimously.**

145
146 Council Member Bill Connors asks that item three be elaborated to include the
147 process for declaring a state of disaster.

148 Barbara Wilson, City Administrator, says declaring a state of disaster is defined by
149 the State.

150
151 **9. Review and Possible Action on Ordinance No. 2013-O-04, the Administrative Ordinance.**
152 **(Mayor Ken Beck)**

153
154 Mayor Ken Beck says the desire was for new Council to get a good feel and understanding of
155 the Administrative Ordinance and normal operations for the Village.

156
157 **a. Understanding of the Monthly Calendar**

158 Mayor Ken Beck asks of Council if the regularly scheduled meeting date and time are
159 acceptable or if there is a better time or day.

160 Council Member Kristi Belote says that the time is an issue with how long the
161 meetings run, and asks if they could they begin at 6:30 p.m.

162
163 **b. Procedures for Items to be placed on an Agenda**

164 Mayor Ken Beck details the process by which items are placed on the Agenda as per
165 the Administrative Ordinance. Asks that as there is a need for an Agenda item, route
166 them through the Mayor before contacting Staff.

167
168 **c. Documentation Required for an Agenda Item**

169 Mayor Ken Beck says that documentation should be given to staff eleven calendar
170 days before the meeting. It is not absolute, but asks that Council make an effort to
171 meet that timeline. Agenda posted no later than 5:00 p.m., five days before the day
172 of the meeting. The Mayor would like to see agendas posted one week before the

173 time of the meeting and posted on Nextdoor, the website, the office window, and
174 the VVFD board.

175 The order of business lays out an introduction of an agenda item by the Mayor, then
176 presentation by Staff, followed by Citizen Comments, and lastly Council discussion,
177 motions and vote. Rules of debate, roles of Council, Citizen Comments, should be
178 reviewed by Council to understand what options the Council has.

- 179
180 d. Standing Committees and Assignment of Council Members to Committees
181 Mayor Ken Beck says that each City Council Member and Mayor should be a
182 member of a standing committee.

183 After discussion amongst Council and Mayor the following assignments were made:

184 Public Safety – Babs Yarbrough
185 Budget and Finance – Mark Scott
186 Public Works – Mayor Ken Beck
187 PR Communications – Kristi Belote
188 Environmental Committee – Vacant Council Seat
189 Governmental Relations – Bill Connors

190
191 Allison Thrash, Chair of the Planning and Zoning Commission states that there was a
192 Council liaison to Planning and Zoning and suggests that the position be assigned.
193 Mayor Ken Beck responds that the Governmental Relations Council Member, Bill
194 Connors, would be the liaison for Planning and Zoning.

195
196 Kit Hopkins, 15943 Booth Circle:

197 Brings to attention of the Council that the reimbursement for Council Members has
198 gone away to be replaced by the new Reimbursement Policy.

- 199
200 e. Review and Discuss Regular Council Meetings time and day
201 See above.

202
203 Council Member Bill Connors asks the difference between consent item and regular
204 item.

205 Mayor Ken Beck sates that consent items can be grouped and approved with one
206 motion. Any objected item within a group of consent items can be moved to a
207 regular item.

208 Barbara Wilson, City Administrator, adds that Public Hearings and Ordinances
209 cannot be consent items.

210
211 Joyce Beck, 15911 Booth Circle:

212 States she understands how the Council gets an item on an Agenda but asks how the
213 public can add an agenda item.

214 Mayor Ken Beck says that any public member wanting an item on the Agenda can
215 contact the Mayor directly. If there are any feelings that your suggestion is not being
216 acknowledged or responded to, then Council members can be contacted.
217 Council Member Babs Yarbrough adds that the Public cannot talk to three Council
218 Members at once without creating a quorum. If Village business is to be discussed
219 then it cannot be with three Council Members present.

220
221 Council Member Bill Connors says this gives us the rules of how to interact but I
222 would like to see us work towards consensus rather than relying on yes or no vote.
223 Council should strive to achieve consensus, with strong objections being heard and
224 incorporated to the point where objections are removed if at all possible.

225 Mayor Pro Tem Scott says the last Council was chastised for being the agreeing
226 Council and that you can have yes or no votes and keep a separate opinion with the
227 majority dictating the results. Decisions should not be taken personally.

228 Council Member Bill Connors says that difficult subjects with a broad diversity of
229 opinion that lead to discussion and debate and bring up alternatives that may be
230 more acceptable. Opposing opinions can be heard, acknowledged, and incorporated
231 to get everyone together and on board.

232 Mayor Ken Beck adds that out of respect for each other we honor those differences
233 and acknowledge them but support the majority decision.
234

235 10. Discussion and Possible Action on a Council Retreat to Establish Strategic Plan for 2015. (Mayor
236 Ken Beck)

237
238 Mayor Ken Beck states that a retreat benefits the Council and helps set a prioritized list for the
239 year ahead. Wants Council to come together and effectively identify the priorities Council is
240 committed to working on throughout the year. Estimates a retreat would not take place until
241 January, after the holidays have passed. Asks of Council when would be a good time to commit
242 to a retreat.

243
244 Council Member Kristi Belote asks if there would be public input before the retreat so we can
245 see what the Public might prioritize. This could be achieved with SurveyMonkey or a Town Hall
246 Meeting or possibly just a post on Nextdoor.

247 Council Member Babs Yarbrough agrees and adds that this Council retreat will be beneficial
248 since we all have different goals. She appreciates the desire to have a prioritized list to see what
249 needs to be focused on.
250

251 After Council discussion a Saturday in January is chosen.

252 Mayor Ken Beck states he will come back to Council with a plan to meet on a Saturday at a
253 specific place and time to present to Council, as well as how the public will be able to give their
254 input.
255

256 Council Member Kristi Belote asks that we solicit input from the public before the retreat.
257 Mayor Ken Beck agrees that is a good idea and directs Barbara Wilson, City Administrator to
258 look into how to best to achieve this.
259

260 11. Review and Possible Action of Appointment Process for Filling Vacant Council Seat. (Mayor Ken
261 Beck)

262
263 Mayor Ken Beck states that the Administrative Ordinance details the appointment process. As
264 of tonight, Mayor Ken Beck's prior Council Seat is now vacant. A post card will be sent up to
265 every resident calling for applications. The day that we send it out begins a fourteen day period
266 for nominations. The December meeting will have a review of potential candidates with
267 possibility of making a decision at that meeting.
268

269 Council Member Babs Yarbrough makes a motion to authorize staff to proceed with postcards
270 for the filling of the Vacant Council seat. Seconded by Council Member Bill Connors. Carries
271 unanimously.
272

273 Citizen comments:

274
275 Judy Barrick, 15907 Booth Circle:

276 Asks who the post cards will be mailed to.

277 Barbara Wilson responds that the Call for Candidates post cards will be mailed to all addresses
278 in Volente.
279

280 David Springer, 8504 Lime Creek:

281 Asks that the appointment process be completed before the Council retreat.

282 The Mayor responds that yes, it will be done before retreat.
283

284 12. Review and Possible Action of the COBRA Continuation of Coverage Administrative Agreement
285 and Interlocal Agreement with TML Multistate Intergovernmental Employee Benefits Pool.
286 Barbara summarizes for the Council that this is the Administrative Agreement and Interlocal
287 Agreement before Council.
288

289 Barbara Wilson, City Administrator, details the paperwork from the Texas Municipal League
290 before Council and why it requires vote and action by Council.
291

292 Kit Hopkins, 15943 Booth Circle:

293 Asks if the cost has changed.

294 Mayor Ken Beck also asks if stepping out of the TMRS caused an increase at all?

295 Barbara Wilson, City Administrator, answers that yes there has been a slight increase to about
296 3.8%.

297 Mayor Pro Tem Mark Scott adds that this is an Administrative Agreement for COBRA, not a
298 payment agreement.

299 Council Member Bill Connors suggests using a knowledgeable person to manage COBRA, usually
300 a third party.

301 Barbara Wilson adds that a third party charges \$75.00 flat rate per employee, which could be
302 reasonable.

303
304 **Council Member Kristi Belote makes a motion for the Mayor and Staff to continue COBRA and**
305 **Interlocal Agreement for their coverage. Seconded by Council Member Bill Connors. Carries**
306 **unanimously.**

307
308 **13. Review and Possible Action on Adjustments of Direction given to the Planning and Zoning**
309 **Commission for Ordinance Review. (Mayor Ken Beck)**

310
311 Mayor Ken Beck states he wanted Council to be aware of the tasks before Planning and Zoning
312 and for Council to concur or give any new direction back to Allison Thrash, Chair of Planning and
313 Zoning. Mayor Ken Beck summarizes the list of prioritized tasks (see attached).

314
315 Council Member Babs Yarbrough asks that impervious coverage be recommended to change as
316 per results of the Community Survey (results show residents wanting more lenient impervious
317 coverage).

318 Mayor Ken Beck would like to see the Site Development Ordinance reviewed and modified so
319 that it is not onerous for residents and it addresses the issue of the negative image builders
320 may have for Volente.

321 Council Member Babs Yarbrough says that there are lots with no value because of the
322 ordinances in place. The cost of resubdivision is extreme. We need to simplify these Ordinances
323 because they are onerous and expensive for residents.

324
325 Mayor Beck asks if Planning and Zoning is looking at the Subdivision Ordinance.

326 Allison Thrash, Chair of Planning and Zoning, answers that yes, because of Tana Bush and
327 Richard Roeloux it has come to P&Z's attention that the process needs to be simplified and the
328 costs need to be kept down.

329 Council Member Babs Yarbrough adds that Tana's application and Richard's application were
330 slightly different. Council Member Yarbrough would like to be involved with P&Z's process of
331 looking at the Subdivision Ordinance.

332
333 David Springer, 8504 Lime Creek:

334 Asks Council to look closely at the grandfathering issues in the Site Development and Ordinance
335 issues. He adds that there were rules in place then for septic, so he is unsure why FEMA and
336 LCRA were able to eliminate grandfathering in the repealed ordinance.

337
338 Council Member Bill Connors says he attended the P&Z meeting and afterwards discussed with
339 Barbara that the general list of addressed items that were presented to Planning and Zoning
340 from Marc Dickey, City Engineer and Barbara. Asks of Allison if those were included in the list.
341 Allison Thrash, Chair of Planning and Zoning, says those items are built into the list that is
342 before Council tonight.

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Barbara Wilson adds that the number one issue is that most properties were subdivided in 1938-1942 -- the expectation was different in that time. LCRA requires with their Water Quality manual for a owner to do things not normal for builders elsewhere (like storm water drainage, storm water treatment, impervious cover, mitigation, etc.). LCRA says 15% or less of impervious coverage, but Volente requires all of it be mitigated.

Mayor Beck asks that the major problems be summarized and shared with Council by email, to include Allison, so that we are all on the same page.

Council Member Bill Connors says that the public talks about ordinances and heavy regulation but it's hard to get specifics out of people. Says that specifics from Barbara on the main issues and where they are in the ordinance would help begin the process of understanding how to make it better for the public.

Mayor Ken Beck says this list is given to Council so that they are aware and able to come back and amend the list if need be.

Council Member Babs Yarbrough says Public Safety will be working with Planning and Zoning on the Tree Ordinance.

Citizen Comments:

Kit Hopkins, 15943 Booth Circle:

Says the Site Development Ordinances do not bring a lot of the thing LCRA does in terms of mitigation. French Drains, rainwater collections, etc. Suggests adding those into our ordinance. Mayor Ken Beck states that Planning and Zoning in the past recommended to Council the changes RECORDING. We're going back now and finding all of those and bring it back so it is addressed.

David Springer, 8504 Lime Creek

Docks, in regards to the nuisance ordinance, should be included since docks are a part of the taxes of our residences.

Council Member Babs Yarbrough says that docks have been deemed personal property and are no longer being taxed as residences, so they would not apply.

Council Member Kristi Belote says that Planning and Zoning seems to have a lot on their plates and asks what the estimated time frame is on these tasks.

Allison Thrash, Chair of Planning and Zoning, answers that the direction is given from Council and once the retreat and public input is heard along with the survey results it should give some direction as to which task list needs to be looked at first..

Mayor Ken Beck says that this has been shared with Council; issues have been discussed, with no new direction to Planning and Zoning. Council agrees.

386 14. Review and Possible Action on Ordinance No. 2014-O-17, an Ordinance under Title IV Public
387 Health and Safety Chapter 45 Nuisance Ordinance. (Mayor Ken Beck)
388

389 Mayor Beck states that this has been an issue for enforcement and how we address issues that
390 the residents of the Village have identified. There were some strong feelings on last Council for
391 wanting to get this in place because of the time spent on it and the need for it in the
392 community. On the 18th this was passed and the Mayor's biggest concern is that the process
393 may have been rushed. The Mayor has researched noise control both in downtown Austin, and
394 New Orleans in an effort to understand how cities manage noise. The Mayor is aware that
395 Volente has had scenarios that have generated a lot of complaints over time. With trying to find
396 the right way to manage the issue, and noise perceived as a nuisance, it would be enforced by
397 this Ordinance. I'm not in favor of a nuisance ordinance that relies only on complaints however
398 the City Attorney would look for verification and other parties involved in deeming this a valid
399 complaint. Hours of Operation were an easier way to dictate whether or not noise should be
400 allowed. STRs Operators agreed with days of week and hours that noise could be generated but
401 had to end at certain time and hours make it black and white. This could be possibly added in to
402 the ordinance.

403 Barbara Wilson, City Administrator, adds that it moved from just noise to nuisance, which
404 include odors, dust, and light. Council should consider not only make parameters for sound and
405 noise but also dust and light. Trash, lights and noise generate the most complaints.
406

407 Citizens Comments:

408
409 Jan Yenawine, 15600 FM 2769:

410 This is complaint driven but it is common law; most cities have an almost identical ordinance
411 which has proven to be upheld in the court of law. The City Attorney isn't going to walk in the
412 door of a courtroom with one complainant. Then the Judge establishes that there is a complaint
413 with a court date set and before that time there is the possibility of resolution. Asks that
414 Council operate from the point of view of the benefits to the community. Suggests that Council
415 leave what has passed in place, then come up with something better if need be, possibly a
416 separate noise ordinance with set hours.

417 Council Member Kristi Belote asks if it was court appointed mediation is a possibility.

418 Jan responds that yes, court appointed mediation and has to be done according to Judge's
419 dictation. Could possibly set the date of when defendant and prosecution will meet if they
420 cannot come to a consensus.
421

422 David Springer, 8504 Lime Creek

423 States that he has been ordered into mediation and his experience has been that it is paid with
424 a mediator. Suggests that Council wait until an Attorney is present at the meeting to discuss
425 these questions.
426

427 Nancy Carufel, 8138 Joy Rd:

428 Thinks this Ordinance is too vague, with no times or time limit. Guidelines and time should be
429 under a noise ordinance and not a nuisance ordinance.

430
431 Kit Hopkins, 15943 Booth Circle:

432 Her understanding was that there had to be level footing for people with STRs and people who
433 live in their house and this ordinance provides it. If we expect an STR Operator to adhere to
434 Nuisance Ordinance then everyone should have to adhere to one, which is why it was passed.
435 Since the City Staff collects the complaints they can weed out complaints that do not have
436 credibility. If we do not have this ordinance, but require STR Operators to adhere to their
437 ordinance, then Volente would be discriminatory.

438
439 Mayor Ken Beck says there are several options with this item – 1) Doing nothing, allowing
440 ordinance to be in place and see what happens. At some point and time we have to figure out
441 how Municipal Court will work for us. 2) Because there is a fine associated with the Ordinance,
442 Council could add in an effective date (to a later date) which would give Council more time for
443 research. 3) Council could repeal the Ordinance completely, take it back off the table, with a
444 commitment to residents that it will be worked on and something be brought back. Possibly
445 integrating this ordinance into the existing ordinances for noise and light.

446
447 Council Member Babs Yarbrough states that she was not in support of this ordinance which
448 seemed to be an underhanded way to effect Commercial businesses in the area. If you look at
449 the Survey results, one of the least desirable things about living in the Village was too many
450 ordinances closely followed by noise. There is a community concern for noise, but an ordinance
451 may not be required to fix it. This should mirror the STR Ordinance, if not, there would be big
452 confusion and possible discrimination. States that her recommendation would be to repeal
453 because this will confuse people. More details in the ordinance, more clarification, and more
454 input from the public is needed.

455
456 Council Member Bill Connors says that he was not in favor of this ordinance. This ordinance is
457 too general. Just from an administrative perspective, there needs to be guidance and
458 clarification on how the complaint process is handled. How much dust, how much light, how
459 much noise – what is excessive and unreasonable. This ordinance seems to be a catch all that
460 allows judgment and leeway in the process, and may not accomplish the goal we are trying to
461 accomplish. We've taken common law, which is open to interpretation, only to find out what
462 we can and cannot enforce later. Part of Volente's mission statement is a limited government;
463 how can Council reconcile a general nonspecific ordinance with limited government.

464
465 Council Member Kristi Belote, agrees with Bill and Babs, this ordinance is vague. Agrees that
466 giving an effective date would give Council time to amend and research this. Do we need this if
467 there is already a common law that does this? Do we want our local government to get
468 involved in this? Adding that based on the survey results she is not sure the community wants
469 something like this. This ordinance alone may not be best for the Village, but possibly in
470 conjunction with another ordinance it would be beneficial.

471
472 Mayor Pro Tem Mark Scott, states the ordinances in general are here to protect the Vision
473 Statement and Community as a whole. Things that the survey is talking about when it says

474 limited government, it means the overall regulation and probably things like impervious cover,
475 etc. For six years Councils have worked on a nuisance ordinance in some facet. When it was
476 made specific, there were issues that arose. We as a Council can change and amend at any
477 point in time an Ordinance if it is shown that it does not meet the objective or is a burden to
478 the general public. If a complaint is not valid, or is malicious, then they'd have to get through
479 the staff, prosecutor, Council and then Judge. For it to get past all those steps it would have to
480 be valid and really a community issue. The survey results show that one of the most desirable
481 things about living in Volente was rural country living, peace and quiet, and Lake Travis. Over
482 regulation was probably meant for building code. The specific question on excessive outdoor
483 noise had 70% of residents saying it was important. Suggests adding an effective date, sixty
484 days out, so that Council can adjust the ordinance if need be. Adding that repealing an
485 ordinance that has not shown to interfere with residents when the complaints of noise have
486 been is putting the cart before the horse.

487
488 Council Member Bill Connors asks who drafted this Ordinance.

489 Mayor Pro Tem Mark Scott responds it came from Common Law and is a common ordinance in
490 other cities. Over the years without having a police force for things like measuring decibels, etc,
491 this ordinance came to be to push for mediation. We have to deem it unreasonable before we
492 give prosecutor permission to continue with the complaint. Until this ordinance is tested it is
493 premature to throw it out.

494 Council Member Bill Connors says the Village of Volente has been fine without this ordinance,
495 so there may not be a need to put an ordinance into effect now.

496 Mark responds we could survive many more years without it. But this ordinance has the
497 possibility of providing a way for residents to resolve recurring issues that have interfered with
498 the enjoyment of their property.

499 Council Member Bill Connors says residents over the past fifty years have had a way of working
500 it out amongst themselves. We're creating an Ordinance that has not been tested and we
501 opening the City to more litigation and problems because of...

502 Mayor Pro Tem Mark Scott asks for an example from Council Member Connors as to how this
503 ordinance opens up the possibility of litigation.

504 Council Member Bill Connors responds that if we attempt to prosecute based on this ordinance
505 then we could be sued for unequal enforcement, or selective enforcement...

506 Mayor Pro Tem Mark Scott suggests that because of the STR ordinance, not using this
507 ordinance would open us up to the same risks.

508 Mayor Ken Beck acknowledges both Council Member Connors' points and Mayor Pro Tem Mark
509 Scott's points. Everyone would have to agree before the Court would put it into motion.

510 Suggests that Council take time to research other entities and their use of a similar ordinance.
511 Putting in place an effective date and make it 60 or 90 days out would give Council the time to
512 do so.

513
514 Council Member Babs Yarbrough, asks of the legality behind not allowing a case to go through
515 the court, saying that Council only votes on allowing the money to go to the Municipal Court.
516 There are lots of issues with this ordinance and the process behind resolving complaints.
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Council Member Bill Connors agrees Council needs more time to study. Proposes an effective date of April 1st to allow time for Council to research, and to ensure the ordinance is in effect still for the busy season of STRs and tourism.

Mayor Pro Tem Mark Scott agrees to that adding that Council should also look into how much noise is allowed from the commercial entities in the Village, resulting in a fair ordinance.

Mayor Pro Tem Mark Scott makes a motion that we amend this Ordinance for an effective date of April 1st, 2015. Seconded by Council Member Babs Yarbrough. Carries unanimously.

Council Member Kristi Belote makes a motion to postpone items 15-17 to the next Council Meeting. Seconded by Council Member Babs Yarbrough. Carries unanimously.

- 15. Review of Results from the 2014 Community Survey. (Mayor Ken Beck)
Deferred to next meeting.
- 16. Discussion and Possible Action on the Definition of Public Hearings and Town Hall Meetings and their effectiveness and use for the Village of Volente. (Mayor Ken Beck)
Deferred to next meeting.
- 17. Discussion and Possible Action on Enforcement Processes of the Village Ordinances. (Mayor Ken Beck)
 - a. Citizen Comments.
 - b. Presentation by Staff.
 - c. Council Discussion.
- 18. Discussion and Action on Setting of the Regular Scheduled Meeting in December, 2014.
All Council agrees to December 16, at 7:00 p.m.
- 19. Adjourn.
Council Member Babs Yarbrough makes a motion to adjourn. Seconded by Council Member Bill Connors. Carries unanimously.
Meeting adjourned at 9:40 p.m.

Passed and approved this _____ day of _____, 20__.

Signed:

Mayor

Attest:

Julia Vicars, Acting City Secretary

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**MINUTES
CITY COUNCIL
OF THE VILLAGE OF VOLENTE, TEXAS
MONDAY, DECEMBER 15, 2014 at 6:30 P.M.
City Hall, 16100 Wharf Cove, Volente, Texas.**

7
8
9

1. Open Regular Meeting.

Mayor Ken Beck calls the meeting to order at 6:34 p.m.

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13

2. Call Roll.

Barbara Wilson, City Administrator, calls roll. Present are Council Members Babs Yarbrough, Bill Connors, Kristi Belote, Mayor Pro Tem Mark Scott, and Mayor Ken Beck.

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16

3. Pledge of Allegiance.

All stood for the Pledge of Allegiance.

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4. Mayor's Presentation.

Mayor Ken Beck states that he has been coming in to the office and welcomes residents to come in and meet with him. He has been working with Staff on increasing productivity, communications, transparency, integrity and responsibility. In the last week, specifics of the permitting and job development processes have been reviewed with the possibility of revising some of the procedures. A monthly statement will be prepared for those in the midst of developing and any refunded monies at the end of the process will be issued back to the resident. The Volunteer program will begin soon with a volunteer in office three times a week to answer the phone, greet walk-ins, provide directions and paperwork for those walking in, and set appointments for staff as needed. The benefit to this would be in an increase in productive time for Staff and more community interaction. There will be a retreat in early January for the Council to set goals for the coming year. Adds that he is looking forward to Council working out a process to increase communications and transparency for the Village.

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5. Citizens Comments.

None.

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6. Village Reports.

a. Financial Reports

Property tax is as expected, with increases to come in in the next couple of months. Sales tax has a payment not reflected in the reports, which is being remedied. Revenue is well in line with the budget. We possibly need to ask businesses to check that their sales tax is going to Volente and not to Leander, as we have had some problems with that in the past. Expenses are mostly in line, with the exception of Communications and Internet from the Community Survey, Facilities and Equipment which is less than expected, and Outside Services is a bit lower. Spending was less than anticipated for this month.

44 Mayor Ken Beck adds that we are ahead of plan on the budget. Advertising and
45 Public Notices is over budget, but the permitting process is reflected in that total,
46 and will be moved out of that line item in the future. Reimbursable expenses vs.
47 deposits will be adjusted so that the Village's budget isn't reflecting expenses that
48 will be reimbursed.

49
50 Council Member Babs Yarbrough asks why Tana Bush's name is on the revenue side
51 of the reports.

52 Barbara Wilson answers that when the report was created the AP accounts which
53 will draw from that amount had not been received yet. Once those bills are
54 remedied and an invoice prepared, she will not show on Revenue side.

55
56 Mayor Ken Beck adds that the Cash Flow statement, Income Statement, and Job
57 Profitability statement should give Council a rounded knowledge of the financial on
58 goings of the Village.

59
60 b. Construction Update

61 Barbara Wilson, City Administrator, details the construction report with the addition
62 of six new projects. Retirees and families with children will be joining the
63 community.

64 Mayor Ken Beck asks that Barbara identify which projects are under the new job
65 costing system and which are under the old on the next month's report.

66 Barbara adds that residents who have been through the process are helping with
67 the development of checklists and forms to make the process of developing in the
68 Village easier and less expensive.

69 c. City Administrator Report

70 Barbara Wilson summarizes the printed report given to Council.

71 BCRUA open records request is available in office for those interested in seeing it
72 for status updates.

73 Mayor Ken Beck explains the background of the BCRUA in regards to the Village of
74 Volente for those in attendance. The goal right now is for the residents to be aware
75 of the development of this project, but the Village at this point will not be taking any
76 action.

77 Council Member Bill Connors asks of Barbara Wilson what the agency TIFF.

78 Barbara answers it is a combination of the US Agriculture, TX Water Board, TX
79 Environmental Quality. Grants are available, matching funds, etc.

80 Mayor Ken Beck adds that Volente is dependent upon water. This issue is a long
81 term issue and if a water system needed to be in place the costs and timeline would
82 need to be established. The details and plans are needed but also for contact to be
83 made with agencies like this one that could supply the funding for creating a water
84 system.

85 d. City Secretary Report

86 Mayor Ken Beck directs Council to the printed Secretary Report in the packet, since
87 Julia Vicars is out of office during the week for training.

88 7. Audit Presentation for Fiscal Year 2012-2013. (Neffendorf, Knopp, Doss & Company, PC)
89 Keith Neffendorf presents the Audit for the FY 2012-2013. He details the background behind
90 the requirements of an audit for local government entities. Reviews the auditor report, adding
91 that the City is in a strong financial position as of the end of fiscal year 2013.
92

93 Council Member Babs Yarbrough asks how long this particular company has been conducting
94 our audits.

95 Keith Neffendorf responds they have been handling our audits since 2008.
96

97 Council Member Kristi Belote asks for clarification on the \$10,000 mentioned for property
98 taxes.

99 Keith Neffendorf responds that that is the amount of those who have not paid their taxes.
100

101 Council Member Bill Connors asks what constitutes that amount for capital assets.

102 Keith Neffendorf answers that most of it is the roadways, etc. There is a depreciation that
103 shows it. Buildings, improvements, roadways, furniture, equipment, etc all contribute to that
104 amount.

105 Council Member Babs Yarbrough asks if future road improvements would then increase our
106 value as a city.

107 Keith Neffendorf responds that yes.

108 Mayor Pro Tem Mark Scott adds there is a difference between improvements and repairs. It is
109 capitalized the depreciated over time.
110

111 Mayor Ken Beck adds that it has been good to become knowledgeable on the difference
112 between our two sets of financial statements, the cash accounting and the fixed asset side. It is
113 important to know that this report shows both sides, whereas our monthly Council reports just
114 show the cash accounting side.
115

116 Citizen Comments:

117 David Robinson, :

118 Wants to know the opinion is qualified or unqualified.

119 Keith Neffendorf responds that the opinion is unqualified.
120

121 Council Member Bill Connors asks if the deferred tax revenue is what makes up the unrestricted
122 deposition?

123 Keith Neffendorf answers yes.

124 Council Member Bill Connors asks what is typically seen in an unrestricted balance in other
125 municipalities.

126 Keith Neffendorf responds it is usually not as much as Volente has. Some municipalities are
127 lucky to have \$200,000 in theirs. Six months of expenses is the average, where Volente has
128 close to two years. Keep in mind that there are management reasons as to why the fund
129 balance is so high, for big projects coming at a later date or improvements. Road
130 improvements, as an example.

131 Council Member Bill Connors asks what the accounting life of road improvements is.

132 Keith Neffendorf responds twenty years is the standard.

133 Mayor Pro Tem Mark Scott say that over the last six years this balance has been built in
134 anticipation for possible litigation expenses and includes the contributions for park land funds.

135 Mayor Beck states that this will be discussed in length at the retreat so that Council can become
136 more knowledgeable about these figures.

137
138 8. Review of Candidates for appointment to the Vacant Council Seat.

139 Mayor Ken Beck outlines the procedures for appointing an applicant to the vacant Council seat
140 and the format in which the public and Council can ask the applicants questions. Mayor Beck
141 then thanks each of the applicants for their interest and willingness to serve.

142
143 a. Statements from Candidates

144 David Robinson, lives on Joy Rd. Has two sons, past volunteer experience, and has
145 had past experience at the County level. Has worked for nineteen years at Charles
146 Schwab as a software developer.

147
148 Gary Frame, lives on Davey Dr. Has been in the area since 1986 and has seen a lot of
149 the changes Volente has undergone. Has past experience as a volunteer on other
150 boards. Enjoys representing taxpayers in the community. Heavy construction
151 background.

152
153 David Springer, lives on Lime Creek Rd. Moved from California to Austin are in 1993,
154 living in Volente full time in 2006. Retired from Dell. Built home from undeveloped
155 property. Has past experience on the VNA.

156
157 Mayor Ken Beck asks each of the Candidates to answer with their motivation to be
158 involved in the community.

159
160 David Springer answers that he was around at the time of incorporation and wants
161 to get involved to help communications between the public and Council. Adds that
162 he would like to see an increase in the communication with residents via podcasts,
163 apps, and the website.

164
165 Gary Frame answers that he worked as a Code Inspector in Volente and in doing so
166 he saw there was a need to rebuild neighbor-to-neighbor communications. Main
167 motivation is to help with the civil engineering issues of the Village and to help make
168 building a house in Volente less onerous.

169
170 David Robinson answers that his background could help with resolving issues before
171 it comes to the point of requiring an Ordinance. He would like to see an increase in
172 communications between residents and the Council.

173
174 b. Questions from Council.

175

176 Council Member Kristi Belote asks Gary Frame to elaborate on what Boards he has
177 served on the past.

178 Gary Frame says he served on the Public Works Committee and as a board member
179 for the fire district.

180
181 Council Member Kristi Belote asks David Robinson if his software development
182 background could benefit the Village in regards to the website.

183 David Robinson responds that he does not develop web interfaces but instead more
184 infrastructure related software.

185
186 Mayor Pro Tem Mark Scott thanks the gentlemen before Council for volunteering
187 their time.

188
189 Council Member Babs Yarbrough asks each of the applicants what their philosophy is
190 – would they make decisions on what they think is best for the Village or what the
191 public is wanting, even if it may not be what they agree with.

192 David Robinson says he would first take the approach of breaking down an issue to
193 figure out what the underlying or real problem is. Then go about remedying the
194 issue with increased communication and a focus on mediation. The public consensus
195 should always have bearing though, since the Council is essentially the voice of the
196 Village.

197 Gary Frame answers that he is a strong believer in listening to the people as long as
198 you have full consensus. Overall, decisions should be made on what the majority of
199 the people want without a focus on one or two individuals.

200 David Springer answers that he believes in democracy and listening to the majority.
201 Short Term Rentals are a good example of a hard issue taking a lot of compromise to
202 come up with a possible solution. He feels that his opinions mostly reflect the
203 majority of the residents of the Village; wanting a quiet, safe, residential
204 neighborhood. He adds that diversity amongst the residents makes Volente
205 interesting, and he would like to avoid going to a cookie-cutter area.

206
207 Council Member Babs Yarbrough asks of each of the applicants how they feel about
208 supporting any new small commercial development.

209 David Springer says he feels there should be some in the commercial zoning.
210 Possibly with a focus on an increase of tourism-based businesses.

211 Gary Frame says he feels there should be an increase of businesses in Volente. He
212 hops to see an increase in public support for businesses.

213 David Robinson says he agrees with the other two applicants and suggests using a
214 Chamber of Commerce as a way to support the addition of local businesses.

215
216 Council Member Bill Connors mentions the community survey results and asks the
217 candidates how they would balance the wants of the public with a limited budget –
218 specifically the enforcement of passed ordinances.

219 Council Member David Springer says you balance out the wants of the public with
220 the money available to achieve it. If the desire for a specific thing is strong enough,
221 then the public will be receptive to budget or tax changes to reach their goals.
222 Gary Frame says he enforcement in Volente is a tough issue but a focus on neighbor-
223 to-neighbor interaction can resolve most issues, without the use of the Municipal
224 Court or hired enforcement.
225 David Robinson says that changes need to be taken at a smaller rate of approach.
226 There needs to be a balance of the majority opinion with the available funds and
227 what can be done to get the people what they want.

228
229 c. Questions from Public.

230 Judy Barrick, Booth Circle:

231 Appreciates all three candidates and their willingness to volunteer. States she
232 supports Gary Frame for Council because he knows our ordinances and system of
233 government.

234
235 Nancy Carufel, Joy Rd:

236 States she supports Gary Frame because of what he has done for the community.

237
238 Joyce Beck, Booth Circle:

239 Asks the Council what skills are needed on Council to have a well-rounded Council.
240 Mayor Beck answers that the Council has come together since the election and we
241 have decided, based on skill set, which of the standing committees each Council
242 Member would work with. Environmental Committee and the Public Works
243 Committee have openings a Council Member to work with them.

244 Council Member Kristi Belote agrees and adds that a knowledge of the ordinances is
245 a needed skill. Gary Frame possesses both of these traits.

246 Mayor Pro Tem Mark Scott says the highest need is someone with the support of
247 the Village, the ability to bring everyone together. Mayor Pro Tem Mark Scott
248 formally endorses David Springer as candidate for Council because of the close
249 election and his skill set.

250 Council Member Babs Yarbrough says that David Springer has a strong background
251 in researching an issue and finding a good resolution.

252 Council Member Bill Connors says that when the Village incorporated the purpose
253 was to control the future development of the Volente area. This Council needs
254 someone to help figure out the balance between the powers of the entity and the
255 desires of the residents. Having someone with knowledge of the ordinances and
256 someone who has experiencing of enforcing those ordinances is a huge benefit.

257
258 Richard Roucloux, 8140 Joy:

259 Says that this process is an appointment, not an election. Council needs to be careful
260 in making their choice and not giving an endorsement to applicants before making a
261 vote. States that Gary Frame has a lot of the attributes Council has discussed. Adds
262 that David Robinson is a very intelligent, competent, and dedicated applicant. As

263 Council, they are a managing entity of the Village and a new member needs to be
264 someone that can manage those in positions below Council. Council should be
265 united and work together to achieve the goals of the Village, and whomever they
266 choose to fill the vacant Council seat should be someone who is able to work well
267 with others.

268
269 Roe Fleenor, 7803 Lime Creek Rd:

270 States that despite a rocky past, he has come to support David Springer for the
271 vacant Council seat. Says Springer does his research and is intelligent. The previous
272 Council had an issue with communication with the public and David can help boost
273 the communication. Hopes that Council considers both his public support and his
274 valuable skill set.

275
276 d. Closing Remarks

277 David Robinson states he is open to being active in the Village on other committees
278 if his experience would serve better there.

279
280 Gary Frame states that his Public Works experience and background would be
281 beneficial to the Village. More than that, the knowledge of the ordinances and
282 enforcing them and his being present during the time of incorporation can help.

283
284 David Springer states that since he is retired he has the time to devote to the Village
285 and researching issues extensively. David Springer asks for the public comments that
286 were sent into the Village via email or mail.

287 Barbara Wilson, City Administrator, says that over the last three days 32 emails of
288 support for David Springer have come in from those unable to attend and 12 emails
289 in support of Gary Frame. There was also a petition signed for support of David
290 Springer.

291
292 9. Discussion and Possible Action on the Appointment of a Candidate to the Vacant Council Seat.

293
294 Mayor Ken Beck advises the Council to take into consideration public support and the
295 comments made by the applicants.

296
297 **Mayor Pro Tem Scott makes a motion to appoint David Springer as Council Member.**
298 **Seconded by Council Member Babs Yarbrough. Carries with a vote of three to one –**
299 **Council Member Yarbrough, Council Member Kristi Belote, and Mayor Pro Tem Mark**
300 **Scott vote in favor of David Springer. Council Member Bill Connors votes against the**
301 **motion.**

302
303 Council Member Babs Yarbrough says this was a difficult decision with three qualified
304 applicants. Council Member Yarbrough says she supports David Springer because most
305 of the public would like David to serve.
306

307 Council Member Kristi Belote says that David Springer can devote more skills, more
308 time, a new area served, and the public support. She's for David Springer being
309 appointed.

310
311 Council Member Bill Connors says that Council should consider Gary Frame because he
312 has intimate, detailed knowledge of the ordinances. Since it is a priority that we review
313 and revise our ordinances for the better, it seems it is imperative that we have someone
314 with that knowledge.

315
316 Mayor Pro Tem Mark Scott says that he agrees with Council Member Connors in that
317 Gary has experience with the ordinances but that suggests that Gary should be on the
318 Planning and Zoning Commission since that's where the first-hand review and
319 suggestion of revision on ordinances comes from them.

320
321 Council Member Kristi Belote says that the public support suggests that David Springer
322 should be on Council.

323
324 Council Member Bill Connors says that if Council makes this decision based solely on the
325 number of emails an applicant can get, then it would not be a fair decision. The other
326 two candidates may not have had the opportunity to get the emails in.

327
328 Mayor Ken Beck says that Public Support is only a part of the equation. While it should
329 be considered, it should not be the sole reason for voting for someone.

330
331 Council Member Bill Connors would like to point out the experience and past history of
332 Gary Frame and his volunteerism on past boards and committees in the Village.
333 Someone who has served before better understands the balance between public
334 opinion and responsibility to make decisions.

335
336 Mayor Pro Tem says the skill set that David Springer brings can't be discounted.

337
338 **10. Review and Possible Action on Ordinance No. 2013-O-04, the Administrative Ordinance.**

339 (Mayor Ken Beck)

340 Mayor Ken Beck details the changes on the proposed amendment to the Administrative
341 Ordinance.

- 342 a. Understanding of the Monthly Calendar
- 343 b. Procedures for Items to be placed on an Agenda
- 344 c. Documentation Required for an Agenda Item
- 345 d. Standing Committees and Assignment of Council Members to Committees
- 346 e. Review and Discuss Regular Council Meetings time and day

347
348 **Mayor Pro Tem Mark Scott makes a motion to accept the amendments to Ordinance**
349 **2013-O-04, the Administrative Ordinance. Seconded by Council Member Babs**
350 **Yarbrough. Carries unanimously.**

351
352 **11. Discussion and Possible Action on a Council Retreat to Establish Strategic Plan for 2015.**
353

354 Mayor Ken Beck details the Council Retreat plan of meeting on January 10, 2015 at the
355 Marquis Group Office Building beginning at 9:00 a.m. which will be catered by Doug
356 Mancini's company, Volente Valet.
357

358 **12. Discussion and Action on Setting of the Regular Scheduled Meeting in January, 2015.**
359

360 The next regularly called Council meeting is set for January 20, 2015 at 6:30 p.m.
361

362 **13. Adjourn.**

363 Meeting adjourns at 9:03 p.m.
364

365 **Passed and approved this ____ day of _____, 20__.**
366

367 **Signed:**

368 _____
369
370 **Mayor**
371

372 **Attest:**
373

374 _____
375 **Julia Vicars, Acting City Secretary**

Village of Volente
Statement of Cash Flows
October through December 2014

9:37 AM
01/14/2015

	December 2014	FY to Date
OPERATING ACTIVITIES		
Net Income	57,369.67	48,548.32
Adjustments to reconcile Net Income to net cash provided by operations:		
12000 · Accounts Receivable	-621.34	1,308.74
20000 · Accounts Payable	-12,216.85	-10,606.22
24010 · Federal Withholding Tax	-0.00	-1,293.00
24015 · Social Security - EE	-18.82	-456.28
24020 · Medicare Tax - EE	-4.40	-651.74
24515 · Social Security ER Paid	-18.82	-456.96
24525 · Medicare Tax - ER Paid	-4.40	298.12
24530 · Texas Unemployment Tax	52.79	164.05
24550 · TMRS ER Paid	-0.00	-0.01
Net cash provided by Operating Activities	44,537.83	36,855.02
INVESTING ACTIVITIES		
14200 - Furniture & Equipment	0.00	-1,236.00
Net cash provided by Investing Activities	0.00	-1,236.00
 Net cash increase for period	 44,537.83	 35,619.02
 Cash at beginning of period	 652,420.45	 661,339.26
Cash at end of period	696,958.28	696,958.28

Village of Volente
Balance Sheet
 As of December 31, 2014

9:32 AM
 01/14/2015
 Accrual Basis

	Dec 31, 14	Nov 30, 14	% Change	Dec 31, 13
ASSETS				
Current Assets				
Checking/Savings				
10100 - Cap One Checking- 5191	69,262.14	24,750.96	179.84%	53,266.44
10200 - Cap One Tower Fund - 1411	488,059.14	488,038.42	0.0%	487,494.59
10300 - Cap One Savings - 6099	139,637.00	139,631.07	0.0%	154,507.32
10400 - Parkland Fund - Restricted	61,250.00	61,250.00	0.0%	61,250.00
10500 - Temporarily Restricted Cash	-61,250.00	-61,250.00	0.0%	-61,250.00
Total Checking/Savings	696,958.28	652,420.45	6.83%	695,268.35
Accounts Receivable				
12000 - Accounts Receivable	346.49	-274.85	226.07%	650.00
Total Accounts Receivable	346.49	-274.85	226.07%	650.00
Other Current Assets				
12110 - Undeposited Funds	0.00	0.00	0.0%	10.65
12300 - Prepaid Deposits	2,111.00	2,111.00	0.0%	2,111.00
Total Other Current Assets	2,111.00	2,111.00	0.0%	2,121.65
Total Current Assets	699,415.77	654,256.60	6.9%	698,040.00
Fixed Assets				
14100 - Leasehold Improvements	7,777.25	7,777.25	0.0%	5,812.25
14150 - Accum Depreciation - Leasehold	-3,888.63	-3,888.63	0.0%	0.00
14200 - Furniture & Equipment	17,412.03	17,412.03	0.0%	13,177.03
14250 - Accum Depr Furniture & Equip	-1,963.10	-1,963.10	0.0%	0.00
Total Fixed Assets	19,337.55	19,337.55	0.0%	18,989.28
TOTAL ASSETS	718,753.32	673,594.15	6.7%	717,029.28
LIABILITIES & EQUITY				
Liabilities				
Current Liabilities				
Total Liabilities	8,783.41	20,993.91	-58.16%	12,647.56
Equity				
39000 - Net Assets - Retained Earnings	594,788.67	594,788.67	0.0%	607,111.27
39010 - Opening Bal Equity	-74,735.10	-74,735.10	0.0%	-74,735.10
39020 - Fund Balance Designated	80,118.02	80,118.02	0.0%	80,118.02
39100 - Net Assets - Temp Restricted				
39110 - Parkland Fund	61,250.00	61,250.00	0.0%	61,250.00
Total 39100 - Net Assets - Temp Restricted	61,250.00	61,250.00	0.0%	61,250.00
Net Income	48,548.32	-8,821.35	650.35%	30,637.53
Total Equity	709,969.91	652,600.24	8.79%	704,381.72
TOTAL LIABILITIES & EQUITY	718,753.32	673,594.15	6.7%	717,029.28

Village of Volente
 Revenue and Expense Actual vs. Budget
 October through December 2014

12:47 PM
 01/14/2015
 Accrual Basis

	TOTAL				Notes
	Dec 14	Budget	\$ Over Budget	% of Budget	
Ordinary Income/Expense					
Income					
40000 - Property Tax Revenue	76,486.85	60,461.00	16,025.85	129.83%	
41000 - Sales Tax Revenue	2,182.70	6,100.00	-3,917.30	35.45%	123.59%
42000 - Utility Franchise Fees	39.24	846.00	-806.76	4.84%	62.86% YTD: Delay in Sales Tax Distributions
43000 - Development Fees/Permits	0.00	84.00	-84.00	0.0%	108.39%
47000 - Investment Earning	26.65	125.00	-98.35	21.32%	4.0% YTD: Working on Permitting Billing Issues
Total Income	80,725.44	67,616.00	13,109.44	119.39%	23.33%
					110.13%
Gross Profit	80,725.44	67,616.00	13,109.44	119.39%	110.13%
Expense					
50000 - Operations	1,824.64	3,168.03	-1,343.39	67.6%	82.23%
52000 - Municipal Court	0.00	0.00	0.00	0.0%	41.67%
53000 - Facilities and Equipment	2,478.25	3,075.00	-596.75	80.59%	79.5%
55000 - Community Events	26.83	1,679.18	-1,652.35	1.59%	45.38%
57000 - Public Works	0.00	17,881.66	-17,881.66	0.0%	0.68%
64000 - Outside Services					
64011 - Audit	5,700.00	0.00	5,700.00	100.0%	100.0% DEC: Audit had not been budgeted
64012 - Tax Collection - All	302.37	54.16	248.21	55.23%	569.54%
64018 - Bookkeeping Services	500.00	720.00	-220.00	69.44%	50.41%
64100 - Development Costs	-69.04	833.34	-902.38	-8.28%	-3.73%
64000 - Attorneys Fees					
64410 - Attorney - General Services	0.00	633.34	-633.34	0.0%	147.02%
64470 - Legal Fees - City Projects	3,054.50	1,749.98	1,304.52	174.85%	
Total 64400 - Attorneys Fees	3,054.50	2,583.32	471.18	118.24%	DEC: City Engineer fees assoc. w/ P&Z Project
Total 64000 - Outside Services	9,487.63	4,190.82	5,297.01	226.4%	
65000 - Contract Labor	0.00	1,266.66	-1,266.66	0.0%	129.03%
66000 - Compensation and Benefits	9,532.92	10,000.32	-467.40	95.3%	0.0%
Total Expense	23,350.27	41,264.65	-17,914.38	58.59%	96.18%
Net Ordinary Income	57,375.17	26,351.35	31,023.82	217.73%	391.5%
Other Income/Expense					
Other Expense					
80000 - Other Expense	5.50		5.50		
Total Other Expense	5.50		5.50		
Net Other Income	-5.50		-5.50		
Net Income	57,369.67	26,351.35	31,018.32	217.71%	381.45%

Village of Volente
Job Profitability Summary
Excludes Administrative Costs

9:36 AM
01/14/2015

	Act. Cost	Act. Revenue	(\$) Diff.
Busch, Tana			
Development/Building Fees	1,146.75	1,227.12	80.37
Total Busch, Tana	1,146.75	1,227.12	80.37
Da Vinci Pools - Jeff Browning			
Development/Building Fees	50.00	56.25	6.25
Total Da Vinci Pools - Jeff Browning	50.00	56.25	6.25
Hamblin, Steve			
Development/Building Fees	74.50	83.81	9.31
Total Hamblin, Steve	74.50	83.81	9.31
Mitchell, Michael B.			
Development/Building Fees	0.00	-200.00	-200.00
Total Mitchell, Michael B.	0.00	-200.00	-200.00
Ratcliffe, Lori			
Development/Building Fees	372.50	419.06	46.56
Total Ratcliffe, Lori	372.50	419.06	46.56
Robinson, David			
Development/Building Fees	707.75	796.22	88.47
Total Robinson, David	707.75	796.22	88.47
Smith, Christopher			
Development/Building Fees	150.00	168.75	18.75
Total Smith, Christopher	150.00	168.75	18.75
TOTAL	2,501.50	2,551.21	49.71

**Construction Report
Construction Report**

Submittal Date	Address	Owner name	Builder	Status	Variance	red tag/com	pcc	
Sept. 2013	8136 Lime Creek Rd	Marzan	Tom Gleinser	Permitted 12-11-2013	no			Single Family Residence
	Home Under Construction							
10/01/2013	8120 Joy Rd	Hoag	Hauseman	Permitted	yes			Remodel
	Home Under Construction							
Oct. 2013	8010 Bernard	Gamble	Gamble	Pending Application	no			Landscape
	Owner Working with Village							
Nov. 2013	16301 Jackson	Staalenburg	Austin Custom Pools	Permitted	no			Pool
	Final.							
Feb 2013	15757 Booth Crd	Garrett		Pending Application, Variance	no			Single Family Residence
	904 Variance Granted							
	Working on Site Plan For Planning and Zoning Variances							
Feb 2014	15904 Armo	Garrett	Garrett	Permitted				Single Family Residence
	Home Under Construction Address Change to 15916 Booth Crd							
March, 2014	8420 Lime Creek	Dooley	Silverton Custom Homes	Permitted	yes			Single Family Residence
	Home Under Construction Now also applying for Variance							

Construction Report

March 2014	201 West Drive	201		Pending	Yes				
	Pending Possible Pool								
March 2014	16500 Jackson	201		Pending Variance on Impervious Coverage Granted	Yes			Pool Addition	
	Waiting on Bldg Plans. How may be buying additional land. Plans submitted waiting for application								
March 2014	2712 West	2014		Renewed Request	No			Renovated/Added	
	Waiting on Bldg Plans								
								Addition	
April, 2014	8110 Sharon	Francesco	Francesco	Notification	no		STOP Work	Addition/Street/Signs	
	Impervious Coverage Removed Now awaiting mitigation								
May, 2014	16107 Wharf Cove	Beaches, LTD	Redmond	Setback Variance				Addition/Patio/Deck	
	Corrected Site Plan LCRA received working with applicant on variance								
April 2014	16601 Jackson	2014	E & O CONSTRUCTION	Penalty Violation	Unknown				
	Pending Meeting with Mayor								

Construction Report

May, 2014	8108 Bernard		Keating	Pending					Remodel
	septic tanks removed but not disposed of		Awaiting LCRA Final						
May, 2014	8336 Lime Creek		Anderson	pending					removal violations
	Waiting on Applicant's Decisions On New Driveway								
May, 2014	15900 Mary Street	Ranking	Bertram	Plans Submitted					Driveway addition
	Pool in Progress								
June, 2014	16319 Jackson Street	Blauvelt	Cody Pools	Plan Submitted					Pool Application
	Pool Finished; Landscaping Pending								
Aug 2014	1132 Jay	Johnson		Approved					Swimming Pool
	Awaiting Site Plan Corrections On Third Review		Extended Engineers still working on setbacks						
Aug 2014	8111 Beaufort	Randlin		Pending Updated Engineering Data					Deck & Walk
	Waiting on Complete Plans. Plans received awaiting engineering statement Remodel								
Oct 2014	7216 Debbie	York	York	Awaiting Neighborhood Agreement Release					Addition To Garage

Construction Report

Sept 2014	201 Lime Creel		Pool	Midway	Site Development	30% permit issues	
Nov 2014	2716 Lime Creel	plumson		Pending PIC and BCCA approval for electric			Water Storage Tank Well is going down
Nov 2014	2011 Lakewood			Gold		Survey and plat approved and RPA submission	
August 2014	15811 Booth	growout	De Vries Pool	Pool In Construction Permitted			single family home
Nov 2014	3504 Lime Creel	turnover		Conceptual Construction and site Development			submission are amended plat
Nov 2014	Booth			Re submission			
Nov 2014	2408 Lime Creel			Conceptual New Home			request AT&S on approvals and inspections



VILLAGE OF VOLENTE

CITY SECRETARY REPORT

Ken Beck
MAYOR

Mark Scott
MAYOR PRO-TEM

Babs Yarbrough
COUNCILMAN

Kristi Belote
COUNCILMAN

Bill Connors
COUNCILMAN

David Springer
COUNCILMAN

*Attended week long training for my Municipal Court Clerk Level 1 Certification. I hope to test in February, since I now have all the required training hours under my belt.

*Working on the website and improvements to get information to our residents quicker and enhance the visual appeal.

*Working on enrollment in the Texas Municipal Clerks Certification Program (City Secretary Certification). This is a home-based program that usually takes a minimum of three years to complete. Completion of this program will give me a very detailed, in depth knowledge base of the law, requirements, and job duties of City Secretaries.

*Working directly with the Bookkeeper to remedy some of the billing issues associated with our Job Development projects, clean up the Chart of Accounts, correct coding issues and prepare payroll

*Prepared 1099s for end of year

*Ensured the FY 2013-2014 Accounts Payable files were complete and organized.

*Caught up on meeting minutes!

*Joined the Texas Municipal Clerks Association and plan on attending the Capital Chapter meetings monthly for their training sessions while networking with other City Secretaries

*Worked in conjunction with the Mayor and Nancy Carufel on the advancement of our MVP Program. We still have openings for in-office volunteers throughout the week, but are working on filling in a schedule to support staff

*Working on research assigned to me

*Created Flow Charts and a strategy for activating and utilizing the Municipal Court, researched other municipalities with active Municipal Courts seeing Ordinance Violations and Code Enforcement only, reviewed current Ordinances and working on revisions of Municipal Court Ordinances

*Research of Records Retention and the update of our Records Retention Schedule

*Organization of files and office areas

*Day to day answering of emails, establishing quorums, setting meeting dates, preparing agendas and backup material, etc.

Village of Volente Committee Structure

January 13, 2015

Public Safety

Babs Yarbrough, Chair
Walter Groman
Jan Yenawine
Rett Scudder
Nancy Carufel
Chris Wilder

Government Relations

Bill Connors, Chair
Roger Shull
Mark Metro
David Springer

Public Works

Ken Beck, Chair
Daryl Schoedle
Dave Woodward
Jan Yenawine
Scott Crossett
Open

Finance

Mark Scott, Chair
Danny Davila
Gina Woodward
David Robinson

PR/Communications

Kristi Belote, Chair
Judy Barrick
Linda Attwood
Joyce Beck
Terry Spurlin

Planning and Zoning

Jeff Browning, Interim Chair
Ruan Lourens
Rett Scudder
Judy Barrick
Phil Mitchell
Nancy Carufel, Alternate 1
Open, Alternate 2

Board of Adjustments

Mike Gold, Chair
Roe Fleenor
Gary Cowsert
James Jordan
Richard Roucloux
Joe Lamoroux, Alternate

Parks/Environment

David Springer, Chair
Frederick Graber
Anne Steichen
Curtis Ratica
Andy Fogarassi

IT/Electronics/Web

David Springer, Chair
Jason Hansen
Chris Wilder

We are taking applications for any persons interested in serving on a Committee listed above. There are open spots available as well as room for alternates. Email city.secretary@volentetexas.gov for an application or contact the Mayor directly at mayor@volentetexas.gov. You can also call our office at (512) 250-2075.

Village of Volente 2015 Prioritized Goals

1. The Review, Revision, and Reconciliation of the following:

- a. Zoning Ordinance
- b. Site Development Ordinance
- c. Subdivision Ordinance , and
- d. Water Quality Ordinance

2. Establishing a Communication Plan for the Village of Volente that would include the Village website, Nextdoor, Town Hall meetings, and targeted electronic mini-surveys.

3. Review of the Village’s Administrative costs including the City Hall, personnel, and all areas of overhead.

4. Emergency Response & Preparedness Plan – creation of a plan working with county and state resources to prepare the Village to respond to any emergency.

5. ESD #14 – working with the ESD (Emergency Services Department) and VVFD (Volente Volunteer Fire Department) to create a viable plan to retain our fire department and its protection for our residents.

6. The Review, Revision, and Reconciliation of all other ordinances not included in Goal #1, above. This includes a “test” for ordinances to ensure they fit the Vision Plan of Volente, are enforceable, affordable, consistent, within the legal requirements of our municipality, and contain administrative guidance. This “test” for ordinances gives Council the ability to identify how enforcement would occur for each ordinance and helps to identify unintended consequences the passing of an ordinance might create.



**P.O. Box 82
McNeil, TX 78650
PH: 512-973-9090/ FAX: 512-249-1074
www.centraltexastreecare.com**

Customer: The Village of Volente
C/O Barbara Wilson
15403 Hill Street
Volente, TX 78641
512-250-2075
Date: August 13, 2014

We propose the following:

Clear all brush and trees as directed for a 4 foot clearance from the sides of the roads.
Chip and dump all chips in town or dispose of as directed.
The following streets to be cleared:

- Debbie Drive and Davy Drive.....\$4800.00 (2 days)**
- Lime Creek Road.....\$31,200.00 (13 days)**
- West Drive, Joy Road and Sharon Road.....\$2400.00 (2 days)**
- Booth Circle and Amos Drive.....\$4800.00 (2 days)**
- Ray Vista Street.....\$1200.00 (1/2 a day)**

Estimate: 6 men a day for \$2400.000 per day, 18.5 days.
Total..... \$44,400.00

Note: Estimate depends on how many large trees within 4 feet of the road side we remove. Some are on the border; many larger trees are within the four foot mark. Large live oaks may stay or be removed, depending on the situation. May be a little longer or may get done sooner, depending on amount of large trees we actually remove, and of course whether homeowners slow us down. Lime Creek Road has many large tree removals along certain areas of the road, and will take the most amount of time.

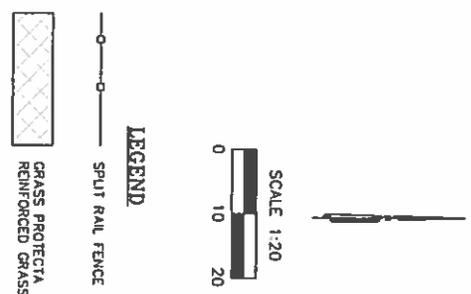
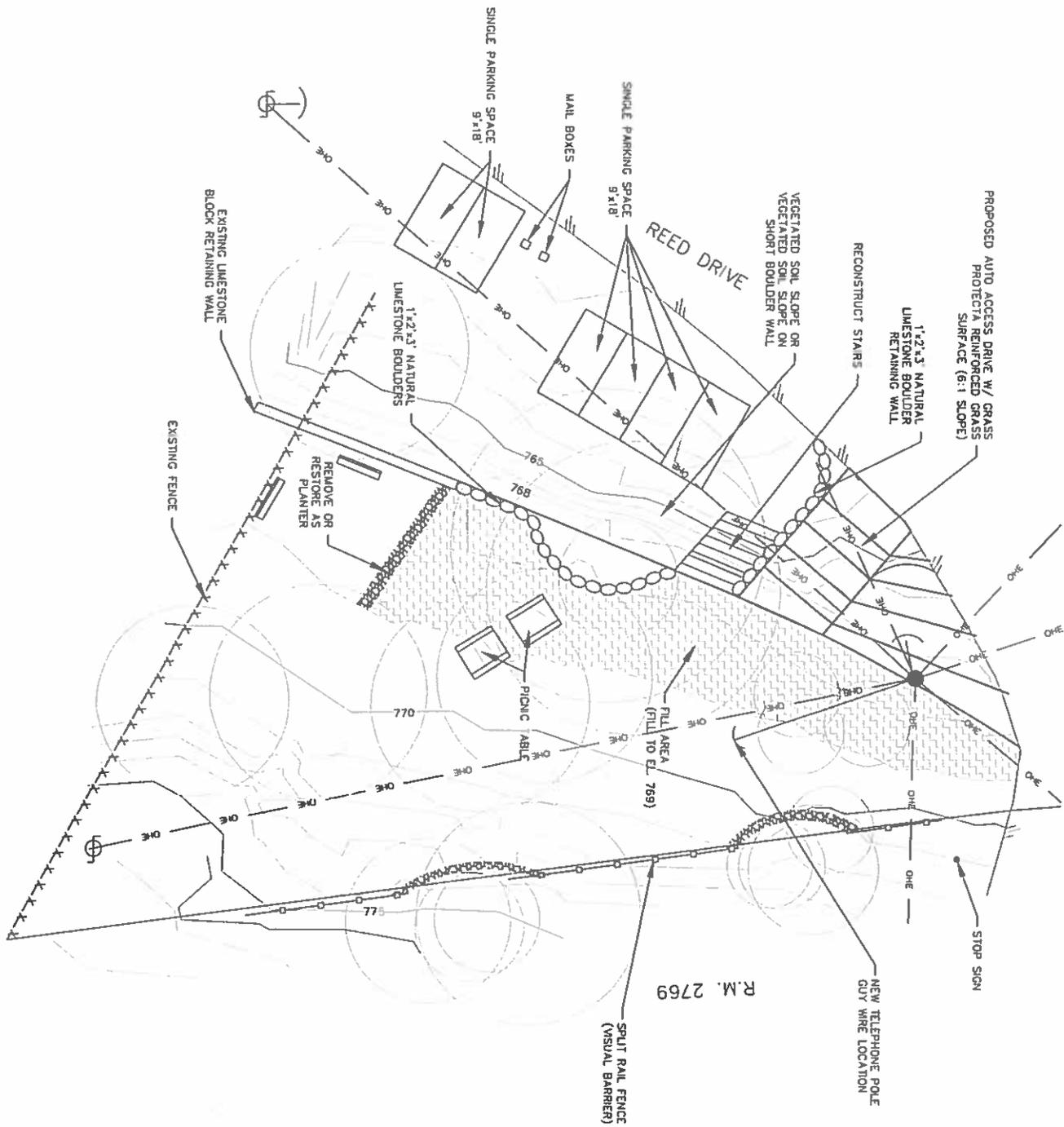
Please sign below if this proposal meets with your approval:

Customer name

Date

PAYMENT DUE ON COMPLETION OF WORK.

Thank you for your business!



10

Scale: NOT TO SCALE
 Date: 12/09/14
 Drawn by: JY
 Project No.: GS14183

7811 B WEST BEE CAVE ROAD
 AUSTIN, TEXAS 78748
 Phone: 512-445-0798
 www.geosolutionsinc.com
SOLUTIONS Reg. Eng. Firm #Z-4189

**FRIENDSHIP PARK
 PARK IMPROVEMENTS
 VILLAGE OF VOLENTE, TEXAS**
 PLAN VIEW



REVISIONS	
1	12/17/14 REMOVED 2 OPTIONAL ENTRY DRIVE LOCATIONS

Village of Volente

AMENDING ORDINANCE NO. 2015-O-01

AN ORDINANCE UNDER TITLE IV PUBLIC HEALTH AND SAFETY CHAPTER 43 EMERGENCY MANAGEMENT AMENDING ORDINANCE NUMBER 2005-O-49 ADDING THE FORMATION OF AN EMERGENCY MANAGEMENT PROGRAM WITHIN THE VILLAGE OF VOLENTE; TO DEVELOP AN EMERGENCY MANAGEMENT PROGRAM TO PROVIDE AN EFFECTIVE MANGAGEMENT OF SITUATIONS INVOLVING NATURAL DISASTERS, MAN-MADE DISASTERS OR TERRORISM AND; PROVIDING FOR DEFINITIONS; PROHIBITIONS; ENFORCEMENT, FINES AND CRIMINAL PENALTIES; SEVERABILITY; PUBLIC NOTICE; OPEN MEETINGS; AND, EFFECTIVE DATE.

WHEREAS, the Village of Volente finds that vulnerability to many potential hazards by the residents of the Village of Volente and;

WHEREAS, the Village of Volente further finds that the goal of emergency management can best be achieved through a defined plan for the accomplishment of the significant responsibilities associated with prevention, preparedness, response, recovery, and mitigation of all major hazards situations; and,

WHEREAS, that the adoption of the Emergency Management Plan as set forth in this Ordinance will help protect its citizens from hazards to the public health and welfare, safety, and quality of life; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS:

Section One: The Village of Volente adds Title IV Public Health and Safety Chapter 43 Emergency Management to its Code of Ordinances by adopting the following Emergency Management Plan within its corporate boundaries.

Section Two: Legislative Findings.

The recitals above made in the Preamble are hereby deemed to be the Factual and Legislative Findings of the Village Council, and are hereby incorporated within this Ordinance.

Section Three: Purpose and Scope:

40
41 This Ordinance is adopted to develop a defined plan for the accomplishment of the significant
42 responsibilities associated with prevention, preparedness, response, recovery, and mitigation of all
43 major hazards situations within the corporate limits of the Village of Volente to promote the health,
44 safety, welfare, convenience and enjoyment of the citizens of the Village of Volente.

45 **Section Four: Emergency Management**

46 **DIVISION 1. GENERALLY**

47 **Sec. 43.01 National Incident Management System (NIMS) adopted**

48 The National Incident Management System dated March 1, 2004, was adopted by the Village
49 (Ordinance No. 2005-O-49 09/20/2005), and the city administrator along with the Public Safety
50 Committee is hereby authorized to develop a strategy for full compliance by _____.

51 **DIVISION 2. EMERGENCY MANAGEMENT PROGRAM**

52 **Sec. 43.02 Organization**

53 (a) There exists the office of emergency management director of the city, which shall be held
54 by the mayor in accordance with state law.

55 (b) An emergency management coordinator or coordinators may be appointed at the pleasure of
56 the director.

57 (c) The director shall be responsible for a program of comprehensive emergency management
58 within the city and for carrying out the duties and responsibilities set forth in this division. He/she
59 may delegate authority for execution of these duties to the coordinator(s), but ultimate
60 responsibility for such execution shall remain with the director.

61 (d) The operational emergency management organization of the city shall consist of the officers
62 and employees of the city so designated by the director in the emergency management plan, as
63 well as organized volunteer groups. The functions and duties of this organization shall be
64 distributed among such officers and employees in accordance with the terms of the emergency
65 management plan and the inter-local agreement with Travis County.

66 **Section. 43.03 Duties of emergency management director**

67 The duties and responsibilities of the emergency management director shall include the
68 following:

69 (1) Conduct an ongoing survey of actual or potential hazards which threaten life and
70 property within the city and an ongoing program of identifying and requiring or
71 recommending the implementation of measures which would tend to prevent the
72 occurrence or reduce the impact of such hazards if a disaster did occur.

- 73 (2) Supervision of the development and approval of an emergency management plan
74 for the city, and shall recommend for adoption by the city council all mutual aid
75 arrangements deemed necessary for implementation of such plan.
- 76 (3) Authority to declare a local state of disaster. The declaration may not be continued
77 or renewed for a period in excess of seven (7) days except by or with the consent of the
78 city council. Any order or proclamation declaring, continuing, or terminating a local
79 state of disaster shall be given prompt and general publicity and shall be filed promptly
80 with the city administrator and city secretary.
- 81 (4) Issuance of necessary proclamations, regulations, or directives which are
82 necessary for carrying out the purposes of this division. Such proclamation, regulation,
83 or directive shall be disseminated promptly by means calculated to bring its contents to
84 the attention of the general public and, unless circumstances attendant on the disaster
85 prevent or impede, promptly filing with the city administrator and city secretary.
- 86 (5) Direction and control of operations of the city emergency management
87 organization, as well as the training of emergency management personnel.
- 88 (6) Determination of all questions of authority and responsibility that may arise
89 within the emergency management organization of the city.
- 90 (7) Maintenance of liaison with other municipal, county, district, state, regional or
91 federal emergency management organizations.
- 92 (8) Marshaling of all necessary personnel, equipment, or supplies from any
93 department of the city to aid in the carrying out of the provisions of the emergency
94 management plan.
- 95 (9) Supervision of drafting and execution of mutual aid agreements, in cooperation
96 with the representatives of the state and other local political subdivisions of the state,
97 and the drafting and execution, if deemed desirable, of an agreement with the county
98 in which the city is located, and with other municipalities within the county, for the
99 countywide coordination of emergency management efforts.
- 100 (10) Supervision of, and final authorization for, the procurement of all necessary
101 supplies and equipment, including acceptance of private contributions which may be
102 offered for the purpose of improving emergency management within the city.
- 103 (11) Authorizing of agreements, after approval by the city attorney, for use of private
104 property for public shelter and other purposes.
- 105 (12) Survey of the availability of existing personnel, equipment, supplies, and
106 services which could be used during a disaster, as, provided for herein.

107 (13) Other requirements as specified in the Texas Disaster Act of 1975, Vernon's
108 Codes Annotated, Government Code chapter 418.

109 **Sec. 43.04 Emergency Management Plan**

110 A comprehensive emergency management plan shall be developed and maintained in a current
111 state. The plan shall set forth the form of the organization; establish and designate divisions and
112 functions; assign responsibilities, tasks, duties and powers; and designate officers and employees
113 to carry out the provisions of this division as provided by state law. The plan shall follow the
114 standards and criteria established by the state division of emergency management. Insofar as
115 possible, the form of organization, titles, and terminology shall conform to the recommendations
116 of the state division of emergency management. When approved, it shall be the duty of all
117 departments and agencies to perform the functions assigned by the plan and to maintain their
118 portions of the plan in a current state of readiness at all times. The emergency management plan
119 shall be considered supplementary to this division and have the effect of law during the time of a
120 disaster.

121 **Sec. 43.05 Inter-jurisdictional Program**

122 The mayor is hereby authorized to join with the county judge and the mayors of other cities in
123 the county in the formation of an inter jurisdictional emergency management program for the
124 county, and shall have the authority to cooperate in the preparation of an inter jurisdictional
125 emergency management plan and in the appointment of a joint emergency management
126 coordinator, as well as all powers necessary to participate in a countywide program of
127 emergency management insofar as said program may affect the city.

128 **Sec. 43.06 Override**

129 At all times when the orders, rules, and regulations made and promulgated pursuant to this
130 division shall be in effect, they shall supersede and override all existing ordinances, orders, rules
131 and regulations insofar as the latter may be inconsistent therewith.

132 **Sec. 43.07 Liability**

133 This division is an exercise by the city of its governmental functions for the protection of the
134 public peace, health, and safety, and neither the city, the agents and representatives of the city,
135 nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the
136 agents thereof, in good faith carrying out, complying with or attempting to comply with any
137 order, rule, or regulation promulgated pursuant to the provisions of this division shall be liable
138 for any damages sustained to persons as the result of said activity. Any person owning or
139 controlling real estate or other premises who voluntarily and without compensation grants to the
140 city a license or privilege or otherwise permits the city to inspect, designate, and use the whole or
141 any part or parts of such real estate or premises for the purpose of sheltering persons during an
142 actual, impending, or practice enemy attack or natural or man-made disaster shall, together with
143 his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on

144 or about such real estate or premises under such license, privilege or other permission, or for loss
145 of or damage to the property of such person.

146 **Sec. 43.08 Commitment of funds**

147 No person shall have the right to expend any public funds of the city in carrying out any
148 emergency management activity authorized by this division without prior approval by the city
149 council, nor shall any person have any right to bind the city by contract, agreement, or otherwise
150 without prior and specific approval of the city council unless during a declared disaster. During a
151 declared disaster, the mayor may expend and/or commit public funds of the city when deemed
152 prudent and necessary for the protection of health, life, or property.

153 **Sec. 43.09 Offenses; penalty**

154 (a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the
155 emergency management organization in the enforcement of any rule or regulation issued pursuant
156 to this division.

157 (b) It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia,
158 or any other means of identification as a member of the emergency management organization of
159 the city, unless authority to do so has been granted to such person by the proper officials.

160 (c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning
161 signal, or the termination of a warning, shall be deemed guilty of a violation of this division and
162 shall be subject to the penalties imposed by this division.

163 (d) Convictions for violations of the provisions of this division shall be punishable by fine in
164 accordance with the general penalty provision of not less than \$100.00 nor more than \$1,000.00
165 and each day of violation constitutes a separate violation.

166 **Section Five: Severability**

167 If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any
168 court of competent jurisdiction, the remaining provisions of the ordinance shall not be
169 invalidated.

170 **Section Six: Effective Date**

171 This Ordinance shall take effect after any required posting and publication of this Ordinance.

172 **Section Seven: Public Notice and Meeting**

173 It is hereby officially found and determined that the meeting at which this Ordinance is
174 passed was open to the public as required and that public notice of the time, place, and
175 purpose of said meeting was given as required by the Open Meetings Act.

176

177 **PASSED AND APPROVED** this ____ day of January, 2015 by a vote of ____ to ____.

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Ken Beck, Mayor
Village of Volente

ATTEST:

Julia Vicars, Acting Village Secretary

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VILLAGE OF VOLENTE

AMENDING ORDINANCE NO. 2015-O-03

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS AMENDING THE VILLAGE'S SHORT TERM RENTAL ORDINANCE 2014-O-11 AS PART OF ZONING ORDINANCE (ORDINANCE NO. 2004-O-32), CODIFIED AT ARTICLE 30, SECTION 30.133 ITEM 17 SHORT TERM RENTAL OF THE VILLAGE'S ZONING REGULATIONS; PROVIDING FOR A DIFFERENT EFFECTIVE DATE, AND PUBLIC NOTICE AND MEETING REQUIREMENTS.

14 **WHEREAS,** the Village Council seeks to provide for the orderly and harmonious development
15 of land and use of property within its corporate limits; and

16
17 **WHEREAS,** the Village Council seeks to protect the Village's economic strength and quality of
18 life through a comprehensive regulatory system imposing land use and
19 development regulations through zoning ordinance provisions, which will ensure
20 an ordered and quality development of property; and

21
22 **WHEREAS,** in the course of reviewing this Ordinance and its provisions, the Village Council has
23 given careful consideration to the unique qualities of the Village, including its
24 demographics, inhabitants, history, geography, natural resources, existing structures,
25 property values, workforce, commercial base, public facilities and infrastructure; and,

26
27 **WHEREAS,** the Village Council finds that the unrestricted use, placement, and operation of Short
28 Term Rentals on residential improved lots can cause aesthetic harm, devalue
29 adjacent properties, result in undesirable overcrowding, tend to create additional
30 enforcement issues and costs, and constitute a public nuisance and general health,
31 safety, and welfare issues for both neighboring residents and rental clientele.

32
33 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE**
34 **VILLAGE OF VOLENTE, TEXAS, THAT:**

35
36 **Section 1. Legislative Findings.**

37
38 The recitals above made in the Preamble are hereby deemed to be the Factual and Legislative
39 Findings of the Village Council, and are hereby incorporated within this Ordinance.

40
41
42 **Section 2. Purpose.**

43
44 The provisions of this amending Ordinance are intended to provide sufficient time for the Planning
45 and Zoning Commission to review and recommend possible changes to Council on some of the
46 requirements in the Conditional Use Section 30.133 of the Zoning Ordinance, in regards the

47 Conditional Use of Residential Property for Short Term Rental Use.

48
49 **Section 3. Amendment to Section 30.133 Conditional Use Permit Restricting the Use**
50 **and location Short Term Rentals.**

51
52 The Village of Volente’s Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section
53 30.133 Item (c) 17 of the Village’s Zoning Regulations are hereby amended to follows:

54
55 The Effective Date will be change to February 28th, 2015 instead of January 21st, 2015.

56
57 **Section 4. Effective Date.**

58
59 This Ordinance shall take effect immediately after the fulfillment of the public posting and
60 newspaper publication requirements of Section 52.012 of the Local Government Code.

61
62 **Section 5. Compliance with Public Notice and Meeting Requirements.**

63
64 It is hereby officially found and determined that the meeting at which this Ordinance is passed was
65 open to the public as required and that public notice of the time, place, and purpose of said meeting
66 was given as required by the Open Meetings Act.

67
68 **PASSED AND APPROVED** this, the 20th day of January, 2015, by a vote of the Volente
69 Village Council of ____ in favor, to ____ opposed, and with ____ abstentions.

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71
72
73 **VILLAGE OF VOLENTE**
74
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78 _____
79 Ken Beck, Mayor

80
81 **ATTEST:**
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86 _____
87 Julia Vicars, Acting Village Secretary

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Village of Volente

AMENDING ORDINANCE NO. 2015-O-02

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING ORDINANCE NO. 2004-O-32 SO AS TO MAKE CHANGES TO SECTION 30.133 CONDITIONAL USE PERMIT TO ADD TO SECTION 30.133 (c) (17) SHORT TERM RENTAL AND TO AMMEND CERTAIN SUB SECTIONS OF 30.133 CONDITIONAL USE TO ACCOMADATE THE USE OF SHORT TERM RENTAL: PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, PENALTIES, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES;

WHEREAS, the City Council of Volente ("Council") has actively been studying and evaluating the impact of development; and considering regulations that seek to provide for the orderly and safe development of land and use of property within its Village limits (i.e. incorporated municipal boundary) and to avoid development that may constitute a public nuisance, impose an unreasonable burden on public infrastructure, or unreasonably disturb and devalue adjoining properties; and

WHEREAS, the Council seeks to preserve the health, safety and general welfare of the community by enacting comprehensive development, subdivision and zoning regulations that provide for orderly growth, insure that the impact of development has an acceptable impact on the distinctive character of the community and preserve the cultural and aesthetic character of the Village; and

WHEREAS, the Council seeks to promote a positive Village image reflecting order, harmony and pride, thereby strengthening the economic stability of the Village's commercial, cultural, environmental, historical, residential and scenic areas; and

WHEREAS, the Council has found it to be in the best interest of the public safety, health and general welfare of the Village to regulate the use and development of land so to preserve the quality of life for Village residents, prohibit overcrowding, reduce strain on infrastructure, and prevent the loss of historical and ecological resources; and

WHEREAS, the Village Council is expressly authorized by the Texas Standard Zoning Enabling Act, Texas Local Government Code, Chapter 212, to adopt zoning regulations and appoint a Planning and Zoning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS: THAT THE FOLLOWING RULES SHALL BE ADDED TO REGULATE AND GOVERN THE CONDITIONAL USE PERMIT SECTION FOR THE USE OF SHORT TERM RENTAL FOR THE VILLAGE OF VOLENTE, TEXAS.

47 **PART ONE Purpose:**
48 ***Additions to the Section 30.133 Conditional Use Permit to accomplish the following purposes:***
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50 (c). Authorized Conditional Uses:

51
52 (2) Amusement park, but not within three hundred feet (300') *changed to "five hundred*
53 *feet (500')"* of any Residential District.

54
55 (3) Circus, carnival or zoo grounds, but not within three hundred feet (300') *changed to*
56 *"five hundred feet (500')"* of any Residential District.

57
58 (5) Clinic or institution, provided that any institution permitted in any Residential District
59 shall be located on a site of not less than five (5) acres, shall not occupy more than ten
60 percent (10%) of the total lot area and shall be set back from all property lines at least
61 two feet (2') for each foot one (1) of building height *and add "or the required zoning set*
62 *back whichever is greater."*

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64
65 ***To Add (17) Short Term Rentals: Short Term Rental*** the rental of a residence for less than thirty
66 (30) days. Where permitted in a district, a property owner who desires to rent
67 his or her partial and/or entire residential structure for a period of less than thirty
68 (30) days, whether leased directly or subleased through another party, shall
69 comply with the following special criteria and conditions:

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71 a. All structures used for Short Term Rentals shall comply with all
72 applicable regulations and ordinances of the Village of Volente;

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74 b. All structures used for Short Term Rentals shall comply with LCRA and
75 OSSF septic tank regulations and have the septic tank capacity to
76 adequately dispose of the volumes of wastewater generated from the short
77 term rental of the structure;

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79 c. The Application for a Short Term Rental Conditional Use Permit shall
80 include the following:

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82 1. A written verification from the owner of the real property verifying
83 the property will be used for Short Term Rentals;

84
85 2. A sworn affidavit by the owner of the property to be used for Short
86 Term Rentals that that the applicant has sent written notification by
87 regular first class mail via the United States Postal Service or email
88 to all owners of real property within five hundred (500) feet of the
89 property to be used for Short Term Rentals that the owner has
90 applied for a permit for Short Term Rental use. Written
91 notification shall include:

92
93 a. The name of the authorized agent and owner of the unit, and

- 94 telephone numbers at which those parties may be reached on a
95 twenty-four (24) hour basis;
96
97 b. The enforcement telephone number at which members of the
98 public may report violations of the vacation rental program
99 regulations or conditions of approval attached to a specific
100 vacation rental permit;
101
102 c. The maximum number of occupants permitted to stay in the
103 rental unit.
104
105 3. The maximum number of persons permitted at the Short Term
106 Rental to stay overnight are two persons, over the age of 16, per
107 bedroom with a maximum of three additional overnight guests.
108
109 4. The maximum number of persons permitted at the Short Term
110 Rental in addition to the number of occupants for overnight
111 occupancy shall not exceed ten (10) persons or the maximum
112 number of persons permitted at the Short Term Rental under the
113 provisions of the Uniform Fire Code.
114
115 5. The permit fee is one hundred and fifty dollars (\$150.00) for the
116 original application with a fifty dollar (\$50.00) fee for each renewal
117 permit application.
118
119 6. Once the Village Administrator determines that the application is
120 administratively complete, he/she is authorized to issue the Owner of a
121 Short Term Rental a permit for an initial period of one year. If the
122 Village Administrator determines that the application is not
123 administratively complete and the Applicant disagrees, the Planning
124 and Zoning Commission shall determine whether the application is
125 administratively complete.
126
127 7. If the Village Administrator refuses to issue the Owner a permit, the
128 Owner can appeal the Village Administrator's decision to the Village
129 Council.
130
131 d. Parking by renters or their guests shall be limited to one-side of the right-
132 of-way directly contiguous to the Short Term Rental (provided the
133 pavement is a minimum of twenty (20) feet from the side of the vehicle to
134 the other side of the roadway), to the garage and to the driveway on the
135 Short Term rental property. The parking shall not prevent or obstruct
136 ingress and egress to the neighboring properties or to emergency and/or
137 fire vehicles;
138
139 e. There shall be no signage or advertisement of the Short Term Rental Use
140 displayed on the premises of the Short Term Rental property that is

141 visible from the exterior of the house.
142

- 143 f. Holders of a Short Term Rental Use permit shall comply with and ensure
144 that their tenants comply with all applicable City Ordinances and state
145 laws regulating litter, waste disposal, noise, nuisance, and other
146 regulations for the protection of the health, safety, and welfare of the
147 public.
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- 149 g. The address of a Short Term Rental, the phone numbers of the Owner,
150 Agent, Fire Department and Village Office shall be prominently displayed
151 on the inside of the front door of the Short Term Rental Unit.
152
- 153 h. Tenants of a property used for Short Term Rental Use shall not create a
154 nuisance by way of noise, damage, odors, inconsiderate or offensive
155 behavior, late night parties, illegal drug or alcohol use, public exposure,
156 disturbance of the peace, disorderly conduct, or any other conduct that
157 may constitute a private or public nuisance. Nuisance is defined as an
158 activity that disturbs neighboring persons of ordinary sensibilities or that
159 unreasonably interferes with the normal use and enjoyment of properties
160 beyond the boundaries of the Short Term Rental property.
161
- 162 i. Permits authorizing the use of single family residential properties as unless
163 the Owner of the Short Term Rental shall have been convicted of three or
164 more violations of this ordinance by proceedings in the Village's
165 Municipal Court or in the Travis County Courts at Law or District Courts.
166
- 167 j. Any current permit will automatically terminate upon the third conviction
168 of a violation of the provisions of this Ordinance by proceedings in either
169 the Village of Volente Municipal Court or in the Travis County Courts
170 at Law or District Courts. The Owner cannot apply for a new permit
171 under this Ordinance for a period of one year following termination of a
172 permit for three violations of the provisions of this Ordinance.
173
- 174 k. A permit under this *add "Ordinance and/or"* Ordinance 2014-O-11 is not
175 transferable upon sale of the Short Term Rental Property.
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178 **Section (d) Procedure:**
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180 Before authorization of any conditional use, public notice shall be given and public
181 hearings shall be held as provide in Chapter 211, Texas Local Government Code; provided that a
182 conditional use permit for a period not to exceed seven (7) calendar days may be given for a use
183 set forth in subsection (c) (3) or (c) (4) above after a public hearing is held by the council after
184 having received a report and recommendation from *add "Planning and Zoning Commission"*
185 concerning the effect of the proposed use of the adjacent and neighboring properties and
186 neighborhoods.
187

188 **Section (d) Procedure Subsection (2) Application for Conditional Use Permit Part (A)**
189 **Application Requirements:**

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191 An application for a conditional use permit may be submitted by the property owner of
192 by the property owner’s designated representative to the Village. The application shall be
193 accompanied by a concept plan a prepared in accordance with the requirements of the Village’s
194 site development ordinance *add “Section 33.315”*.
195

196 **Section (d) Procedure Subsection (3) Procedures for Conditional Use Permit Part (A)**
197 **Commission Recommendations:**

198 Upon receipt of the recommendation from the Village, the *add “Planning and Zoning”*
199 Commission shall conduct a public hearing in order to formulate its recommendations to the
200 council on the conditional use permit application *add “except for Section (c) Item (17) Short*
201 *Term Rental”*. Following the public hearing, the *add “Planning and Zoning”* Commission
202 shall recommend approval, approval subject to modification, or denial of the proposal to the
203 council. If the appropriateness of the use cannot be assured at the location, the *add “Planning*
204 *and Zoning Commission”* shall recommended denial of the application as being incompatible
205 with existing uses or with other uses permitted by right in the *add “zoning”* district.
206

207 **Section (d) Procedure Subsection (4) Standards Part (A) Factors for Consideration:**

208 When considering applications for a conditional use permit, the *add “Planning and*
209 *Zoning”* Commission in making its recommendation and the council in rendering its decision on
210 the application shall, on the basis of the concept plan and other information submitted, evaluate
211 the impact of the conditional use on and the compatibility of the use with, surrounding properties
212 and neighborhoods to ensure the appropriateness of the use at a particular location.
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214 **Section (d) Procedure Subsection (4) Standards Part (B) Conditions:**

215 In approving the conditional use permit application, the *add “Planning and Zoning”*
216 Commission, *add “and/or the Village Administration”* may recommend and the council shall
217 impose such conditions as are reasonably necessary to assure compliance with these standards
218 and the purpose and intent of this article. Any conditions imposed shall be set forth in the
219 ordinance approving the conditional use, and shall be incorporated into or noted on the *add*
220 *“concept” remove site* plan for final approval. The Village shall verify that *add “concept”*
221 *remove site* plan incorporates all conditions set forth in the ordinance authorizing the conditional
222 use. The Village shall maintain a record of such approved conditional uses and the *add*
223 *“concept” remove site* plans and conditions attached thereto.
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225 **PART 2. Conflicting Provisions.**

226 In the case of any conflict between the other provisions of this Ordinance and any existing
227 ordinance of the Village, the provisions of this Ordinance will control.
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229 **PART 3. Severability.** If any part of this ordinance, or the application of the same to any
230 person, or set of circumstances is for any reason held to be unconstitutional, invalid, or
231 unenforceable, the validity of the remaining portions of this ordinance shall not be affected
232 thereby, this being the intent of the City Council in adopting this ordinance and all provisions of
233 this ordinance are declared severable for that purpose.

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PART 4. Effective Date: This Ordinance shall become effective upon approval of the City Council OR if required by State law, after any required posting and publication of this Ordinance.

PART 5. Public Notice and Meeting: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS on this 20th day of January 2015, by a vote of ___ ayes, ___ nays, and ___ abstentions.

Ken Beck, Mayor
Village of Volente

Attest:

Julia Vicars, Acting City Secretary



RESOLUTION NO. 2015-R-1

WHEREAS, the Texas Open Meetings Act was adopted in 1967 to help make governmental decision-making transparent to the public by requiring meetings of governmental bodies to be open to the public, except for expressly authorized closed sessions, and to be preceded by public notice of the time, place and subject matter of the meeting; and

WHEREAS, the Texas Open Meetings Act was amended during the most recent state legislative session by passage of Senate Bill 1297 and by House Bill 2424, both of which authorize the establishment and use by municipal governments of an online message board; and

WHEREAS, such online message board is restricted to use by members of the governmental body or staff members of the governmental body who have received specific authorization from a member of the governmental body, and allows Council Members to communicate and exchange information without violating the Texas Open Meetings Act; and

WHEREAS, communication on an online message board by authorized users must be displayed in real time, must be searchable and viewable by the public, and must remain posted for a statutory time and remain archived and accessible for a statutory time; and

WHEREAS, such statutory safeguards allow communication by Council Members between regularly-scheduled meetings, and increase Council Members' ability to communicate with one another in a manner that leads to more informed decision making, while at the same time offering paramount protection to the public's right and ability to have fully-transparent and open access;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE:

The City Secretary and City Administrator with Council support, is hereby directed to develop and implement an online message board for use by the Council Members and other staff members of the governmental body who have received specific authorization from a Council Member, and the online message board and use of same must adhere to the statutory requirements set forth in Senate Bill 1297 and House Bill 2414, to-wit:

- (1) The City may have only one online message board to be used for the purposes described in the statute;
- (2) The City must own or control the online message board;

- (3) The online message board must be prominently displayed on the City's primary Internet web page, and cannot be more than one click away from the City's primary Internet web page;
- (4) The online message board may only be used by members of the governmental body or by staff members of the governmental body who have received specific authorization from a member of the governmental body, and if an authorized staff member posts, the name and title of the staff member must be posted along with the communication;
- (5) Any communication to the online message board must be in writing;
- (6) The communication must be posted to the online message board which must be viewable and searchable by the public;
- (7) The communication must be displayed in real time and displayed for no less than 30 days after the communication is first posted;
- (8) When a posting is removed from the online message board after a minimum 30-day period, the City must maintain the posting for 6 years; such posting is public information and must be disclosed in accordance with the Public Information Act.
- (9) The governmental body may not vote or take any action that is required to be taken at a meeting by posting on the online message board.

The City Secretary is further directed to implement the following restrictions and capabilities for the online message board:

- (1) Use of the online message board shall be restricted exclusively to City Council Members and to such staff members of the City who have received specific authorization from a Council Member, and if an authorized staff member posts, the name and title of the staff member must be posted along with the communication;
- (2) The City Secretary may authorize City staff to respond to questions or requests;
- (3) Users are to be given the capability and authorization to create categories under which to post;
- (4) Users are to be given the capability and authorization to upload and share documents.

The City Secretary is further directed to provide City Council with a briefing update on status of implementation of the online message board by February 17, 2015 and to achieve full implementation of the online message board by March 17, 2015.

Passed and adopted this ____ day of _____, 20__.

Signed:

Ken Beck, Mayor of the Village of Volente

Attest:

Julia Vicars, Acting City Secretary of the Village of Volente