

TOWN OF WESTOVER HILLS

MINUTES

Town Council Meeting Tuesday, August 19, 2014 Westover Hills Town Hall

Present:

Mayor Pro Tem Kelly Thompson
Council Member Marcus Snyder
Council Member Elliot Goldman
Council Member Jack Koslow

Absent:

Mayor Stephen L. Tatum
Council Member John Thompson III

Staff Present:

Lyle Dresher, Town Administrator
Penny Spikes, Town Secretary
David Burgess, Police Chief
Tim Chambers, Public Works Director
Randy McKee, Building Official
Stan Lowry, Town Attorney

The meeting of the Town of Westover Hills Town Council was held commencing at 6:00 p.m. on Tuesday, August 19, 2014, at the Westover Hills Town Hall pursuant to written notice posted on Friday, August 15, 2014.

1. Call To Order.

With a quorum of Town Council Members present, Mayor Pro Tem Kelly Thompson called the meeting to order at 6:03 p.m.

2. Consider approval of the minutes for the Town Council Meeting of July 15, 2014.

Council Member Jack Koslow made the motion, seconded by Council Member Marcus Snyder, that the minutes of the July 15, 2014, meeting be approved. The motion carried unanimously.

3. Review of the Financial Statements for July 2014.

Paul Kelsey, BDO Town Accountant, was unable to attend the Council meeting. Council Member Jack Koslow questioned the opening paragraph of the BDO cover letter which states BDO provides no assurance that the financial statements are in accordance with Government Accounting Standards Board (GASB). Council Member Koslow asked that it be revisited and explained at the next Council meeting when Mr. Kelsey is in attendance.

4. Discuss and consider approval of a Resolution approving a variance to the Town's Use of Buildings and Structures Ordinance relating to the construction and installation of a 12' x

10' outdoor kitchen, including a roof and cast stone support column structure consistent with existing residence, to be located within the 20-foot rear yard setback at 2213 Canterbury Drive.

Randy McKee, Building Official, presented the variance request to construct an outdoor kitchen in the rear 20-foot setback at 2213 Canterbury Drive. Mr. McKee stated he sent out 23 letters to neighboring residences and received two responses, both in favor of the proposed construction project.

Council Member Elliot Goldman made the motion, seconded by Council Member Marcus Snyder, that Resolution No. 2014-05 be approved to allow construction of an outdoor kitchen into the rear 20-foot setback be approved. The motion carried unanimously.

5. **Discuss and consider approval of a Resolution approving variances to the Town's Use of Buildings and Structures Ordinance relating to the construction of a retaining wall, 3 feet in height, located approximately 10 feet from the rear property line and within the 20-foot rear yard setback; a retaining wall, 3 feet in height, located approximately 10 feet from the side property line with an additional retaining wall adjacent to the pool structure in excess of 3 feet in height located approximately 13 feet from the side property line, both within the 15-foot side yard setback; and a retaining wall, 3 feet in height, located between 25 and 31 feet from the front property line and located within the 35-foot front yard setback at 1409 Arles Court.**

Randy McKee, Building Official, introduced the request by the new owners of 1409 Arles Court, John and Mary Millett, to construct a 3-foot retaining wall in the rear of the property extending into the rear setback, a 3-foot retaining wall extending into the side setback and a 3-foot retaining wall located in the front yard setback. Mr. McKee indicated he received five letters in opposition of the proposal. There was no written response from the neighbor most affected by the requested variances, Dr. Selod at 6209 Indian Creek Drive.

John Millett presented his case stating that the majority of the protests were originating from properties that border the back of his property due to fear of construction harming the trees located in the rear setback. Mr. Millett stated that the retaining wall he intends to construct will not be deep enough to disturb tree roots. He assured that during construction if tree roots were detected, the wall would be relocated so as not to cause root damage. Mr. Millett said an option would be to build the property up by adding 3 feet of soil, but stated it would not be good for the tree roots either.

Georgia Vandervoort, 1416 Westover Lane, addressed the Council in opposition to the requested variances. Mrs. Vandervoort voiced her concern that the construction would damage the roots of the Red Oak tree located in the rear of the property, which borders her residence. Mrs. Vandervoort acquired the services of an arborist, who stated in his report that Red Oak roots have a 35-foot radius and do not tolerate disturbance well. Mrs. Vandervoort agreed to discuss her concerns with Mr. Millett and attempt to come to a compromise.

Council Member Elliot Goldman made the motion, seconded by Council Member Marcus Snyder, to approve Resolution No. 2014-06 approving the uncontested request for a 3-foot retaining wall in front of the 1409 Arles Court property. The motion carried unanimously.

Council Member Elliot Goldman made the motion, seconded by Council Member Jack Koslow, to table the requests to construct a 3-foot retaining wall in the rear setback and a 3-foot retaining

wall adjacent to the side of the property extending into the side setback until Dr. Selod, the nearest neighbor, can be consulted. The motion carried unanimously.

6. Discuss and consider approval of a Resolution approving a landscape variance to the Town's Use of Buildings and Structures Ordinance allowing the planting of new needlepoint holly (hedge) within the front yard (western boundary) that may exceed 4 feet in height at 28 Valley Ridge Road.

Mayor Pro Tem Kelly Thompson recused himself from the meeting because of his being the resident and applicant for the subject variance being considered. Council Member Koslow presided during Mr. Thompson's recusal.

Randy McKee, Building Official, presented the variance request to plant a hedge in the front of 28 Valley Ridge that could eventually exceed 4 feet in height. Mr. McKee stated that the bordering property is owned by Mr. Walsh, who has no objection to the request. Mr. McKee sent out ten letters and no opposition responses were received.

Council Member Elliot Goldman made the motion, seconded by Council Member Marcus Snyder, to approve Resolution No. 2014-07 approving the variance request for a new needlepoint holly (hedge) within the front yard that may exceed 4 feet in height at 28 Valley Ridge Road. The motion carried unanimously.

7. Review and consider approval of an Ordinance amending the Town of Westover Hills Ordinance No. 07-02, relating to the regulation of loud, disturbing and unnecessary noise within the Town of Westover Hills (Item tabled from the July 15, 2014 Town Council Meeting).

Lyle Drescher, Town Administrator, introduced the revised Ordinance No. 07-02 relating to the regulation of loud, disturbing and unnecessary noise within Westover Hills. Language was added that addressed the loading and unloading of construction materials in Section 2.

Council Member Marcus Snyder noted that in Section 2 that the beginning time for Construction-related Activities should be 8:00 a.m., not 8:30 a.m. as currently specified. Council Member Snyder suggested that the phrase "as not to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling or residence" be moved from individual provisions to the opening so that it applies to all provisions.

Council Member Jack Koslow made the motion, seconded by Council Member Marcus Snyder, to approve Ordinance No. 14-01 amending Ordinance No. 07-02 contingent upon correcting the commencement time of 8:30 a.m. to 8:00 a.m. under Construction-related Activities and relocating the phrase "as not to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling or residence" to the introduction of Ordinance No. 07-02. The motion carried unanimously.

8. Review and approval of an Ordinance regulating stop and yield intersections and parking within the Town of Westover Hills (Item tabled from the July 15, 2014 Town Council Meeting).

The Town Council reviewed the recommended changes proposed at the July 15, 2014 Town Council Meeting and suggested that the revised ordinance further reflect (1) the removal of the

phrase in the ordinance heading regarding “regulating the construction of structures which might, impact visibility on the roadway” because the referenced section had been removed from the ordinance in its entirety; (2) Section 3. Speed of Vehicles, Maximum Speed, A. 3. - change speed limit in alleys from 15 miles per hour to 25 miles per hour; (3) Section 5. Parking. B. Construction zone parking, remove “allowed by permit” from paragraph heading and remove “Upon request and approval by the Chief of Police” from first sentence of paragraph; and (4) Section 5. Parking, remove paragraph E., Parking on unapproved surface in its entirety, and renumber paragraph F. to E.

Council Member Jack Koslow made the motion, seconded by Council Member Marcus Snyder, to table this agenda item to provide time to make proposed edits and return to the Town Council for approval. The motion carried unanimously.

9. Discuss and consider the proposed FY 2015 Annual Budget for the Town of Westover Hills.

Lyle Dresher, Town Administrator, presented the proposed budget to Council noting that the Town received its certified taxable value from the Appraisal District on July 24th and that the Town’s taxable value had increased from \$505,834,928 in 2013 to \$519,751,921 for 2014 which included the value of new construction of \$8,922,512. As a result, the 2014 effective tax rate was \$0.347437/\$100 of assessed value (lower than the current tax rate of \$0.3505/\$100 of assessed value). (The effective tax rate is the tax rate that would produce the same amount of tax revenue if applied to the same properties taxed in both years.)

The proposed budget included a tax rate equal to the effective tax rate thus not triggering additional public hearings concerning the rate. Estimated General Fund revenues for FY 15 are \$2,174,341 compared to Re-estimated Budget FY 14 revenues of \$2,118,370. General Fund estimated expenditures of \$2,306,762.89 would exceed revenues by \$132,421.89 resulting in an ending fund balance of \$903,309.11, or 142 days of fund balance.

The Water Utility Fund contemplated total revenues of approx. \$1,111,000 compared to estimated expenditures of \$903,975, excluding depreciation, resulting in an ending working capital balance of \$1,321,842.14. The Public Works Director noted that the City of Fort Worth wholesale water rate increase of 19% and an anticipated reduction in residential water usage of approximated 10% for next fiscal year combined with an increase in wastewater collection fees will have a substantial effect on the Utility Fund.

The proposed budget assumed a 3 % cost of living increase for Town employees; an increase in employee health care costs of approximately 9%, assuming the Town elects to increase hospitalization deductible from the current \$500 per year to \$1000; the replacement of 1 police patrol vehicle; an increase in contractual services of \$35,972 comprising of inflationary increases in professional services, insurance, public safety services [EMS and Fire Protection], tax assessment/collection, etc. The Water Utility Fund anticipates the replacement of a maintenance truck with a new 1 ton maintenance truck capable of being equipped with snow plow equipment and increases in water and wastewater collection fees to address the aforementioned wholesale increases.

The Town Administrator concluded with noting that the Town Council must set a “proposed tax rate” which must be published not later than September 1 as well as set a public hearing date to consider the proposed FY 15 annual budget.

Following discussion between the Town Council and Town Staff, Town Council determined it to be necessary to continue the budget discussion and set a special Town Council Meeting for Thursday or Friday, August 28/29, 2014, depending on a quorum of the Council.

10. Adjournment.

There being no further business to discuss, Mayor Pro Tem Kelly Thompson adjourned the meeting at 8:27 p.m.

Approved:

Penny Spikes
Town Secretary

Stephen L. Tatum
Mayor