

NORTH SHOAL CREEK NEIGHBORHOOD ASSOCIATION
GENERAL MEETING
December 2, 2008

The general meeting of the North Shoal Creek Neighborhood Association was called to order by President, Jeff Russell, in the Pillow Elementary School Cafeteria at 6:32 p.m.

The agenda was presented to the membership and without objection was approved.

Jeff asked Dallas Maham to preside over the meeting so Jeff could present a resolution asking the association to support a variance resolution for 8206 Sandalwood Cv. (See attached). Frank Ivy moved that we support resolution, seconded, motion carried.

Steve Zettner, Sustainable Neighborhoods, presented a resolution asking the association to support a request to require minimum open space in mixed use areas. (See attached). Motion by Mary Arnett that we accept resolution as presented. Seconded and passed.

Vicki McFadden, member of the by-law committee, presented notice that at the next meeting a proposal would be made to an amendment to Article IV (membership) and Article IX (nominations and elections).

Jeff announced that the January annual meeting be January 6, Tuesday. Besty Todd made a motion that meeting be changed to Sunday, January 11, if we pay custodian to be present, at Pillow. Seconded and passed.

Jeff gave an update on Steck re-striping. No plan to do it this year or into next year.

Kevin Weir announced that anyone interested in running for office to let him know, if possible, by December 5.

A new sponsor in the newsletter, Christa Anderson from Garbo, a salon, was introduced.

The September 2 and October 14 minutes will be approved at the January meeting.

Meeting adjourned at 7:54 p.m.

Submitted by


Claudell Migl, Secretary

Approved 1-11-09

8206 SANDALWOOD CV VARIANCE SUPPORT RESOLUTION

WHEREAS, North Shoal Creek Neighborhood Association member Jeffry Russell has submitted a site plan (2008-043886 PR) for a project involving the demolition of two adjacent houses and the construction of one new residence on the two lots, and

WHEREAS, the two lots are located in the 25-year floodplain and therefore the project requires variances from floodplain regulations for approval, and

WHEREAS, there are several benefits to our neighborhood, namely:

- 1 the project reduces the risk to life and property by removing two residences subject to flood damage and replacing them with one, flood proofed residence;
- 2 this type of new construction helps revitalize the neighborhood;
- 3 owner-occupied remodeling efforts are preferred to investor speculation;
- 4 the proposed residence complies with the McMansion rules; and

WHEREAS, the North Shoal Creek Neighborhood Association Board of Directors recommended supporting a variance for this project on May 15, 2007,

THEREFORE, BE IT RESOLVED:

The North Shoal Creek Neighborhood Association recommends granting the floodplain variances for the project at 8206 Sandalwood Cv which is the subject of permit 2008-043886.

ADOPTED AT A REGULAR MEETING

ON: December 2, 2008

Creek
Association

ATTEST:



Claudell Migl
Secretary
North Shoal

Neighborhood

OPEN SPACE RESOLUTION

WHEREAS, the City of Austin added housing capacity for thousands of new residents to arterials in North Central Austin as part of the Commercial Design Standards/Vertical Mixed Use ordinance, and

WHEREAS, these arterials have little or no public open space to create a pedestrian-friendly environment, no public space is required by the CDS/VMU ordinance, and property owners in 3 out of 4 instances have refused requests from area neighborhoods to safeguard minimum open space in their future developments, and

WHEREAS, the City of Austin Parks and Recreation Department uses a land acquisition methodology that can become more restrictive to ensure parkland and open spaces, or their improvements, are available within walking distance of future VMU districts, and

WHEREAS, successful mixed use districts, including 2nd Street District and The Triangle, which were frequently associated with VMU during the VMU Opt-In and Opt-Out marketing campaign to neighborhoods in 2007, include over 20% open space sidewalks, and

WHEREAS, the Anderson Lane VMU corridor, which is about the same length and acreage as the 2nd Street District, under VMU would have less than half of the open space and sidewalks of 2nd Street District, despite the price of land in downtown Austin being 6-8 times higher, and

WHEREAS, the Congress on New Urbanism, which served as the ideological lynchpin for Austin's VMU initiative, in its charter identifies adequate public open space as a necessary requirement for successful mixed use development, and

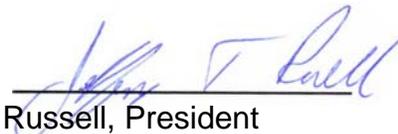
WHEREAS, a pedestrian-friendly mixed use district of appropriate scale and with sufficient open space is critical to achieving the New Urbanist goals of less traffic, less crime, healthier residents, stronger community, longevity of the district as a viable residential and commercial entity, and that without these goals being achieved there is a significant risk that new apartments built along busy midtown streets with poor pedestrian and transit infrastructure will instead add directly to area traffic and create a long-term risk of urban decline for both current and future residents,

THEREFORE, BE IT RESOLVED:

The North Shoal Creek Neighborhood Association has identified open space in mixed use districts as a top priority for resolution in 2009, and we ask that City Council commit to an adequate minimum level of open space for mixed use districts and enable the mechanisms that will achieve this result in 2009.

ADOPTED: December 2, 2008

ATTEST:



Jeffrey T. Russell, President
North Shoal Creek Neighborhood Association

During the open houses held by the Bylaws Committee, a member pointed out the need for a runoff amendment in case of a tie vote during elections. The committee prepared a runoff amendment, but time elapsed at the general meeting on Oct. 14 before it was presented to the membership for a vote. The following is the amendment (**new language in bold typeface**) proposed to be added to Article IX(2)(h):

ARTICLE IX
NOMINATIONS AND ELECTIONS

2. Election Procedure

h. Each candidate must receive a majority vote of the number of votes cast to be elected. **If no candidate receives a majority vote, a runoff election shall be held between the two candidates receiving the greatest number of votes in the prior count. The candidate receiving the most votes in the runoff shall be declared the winner.**

Additionally, at the Oct. 14 meeting the general membership voted to eliminate some clauses under Membership, Article IV. When we did that, it left an error in paragraph #3 which referred to one of the eliminated clauses. The following is a proposed amendment which honors the wishes and vote of the membership on Oct. 14 to remove any distinction between voting rights of new members and regular/current members and fixes the error in paragraph #3. It does, however, propose we have specific record date for registration of members in the household entitled to vote and payment of dues. The legal reasons behind this proposal are numerous and in my opinion include:

- 1) We voted to abide by state law Art. 1396-210 (B)(3) Texas Non-Profit Corporation Act requiring 10% of eligible members to call a special meeting. Since this number can change from time to time, having a record date makes it easier to comply and provide an accurate number to members wanting to call a special meeting.
- 2) State law (Art. 1396-211B) mandates we keep a record of eligible members and gives the right to any member to examine that list at any time. Filling out a registration form with the number of household members over 18 helps us comply with this area of state law. Members can update their registration form at anytime with the treasurer to maintain an accurate membership list.
- 3) State law (Art. 1396-211A) describes many different (and confusing) ways to come up with the record date, but keeps referring to it being set in the bylaws.

Having a specific date for dues and registration also helps our association in the following ways:

- 1) As a non-profit, we rely on membership dues to run our organization. By having a set due date we can better plan for budgets and can compare trends from year to year. For instance if, on March 1 we are behind in memberships from the year before, maybe we have a membership drive.
- 2) Having a specific due date encourages all members to pay dues early in the

membership year.

- 3) A treasurer's responsibilities are numerous; this makes the job easier.

The following is my proposed amendment which, again, I believe honors the vote taken on Oct. 14 to remove any distinctions between new members and current members. It removes the error in paragraph #3 and helps our organization unite with each member having the same voting rights upon payment of dues on a designated date.

ARTICLE IV MEMBERSHIP

1. The membership year of the NSCNA shall run from February 1 to January 31 of each year.
2. Annual dues, per household, shall be set by the Board of Directors.
3. New membership shall be open to any adult over (18) years of age physically residing within the territorial boundaries outlined in Article III who is joining the NSCNA for the first time.
 - a. Any payment of dues after November 1 will be valid for new membership for the remainder of the current year as well as the following membership year from February 1 to January 31.
4. Regular/Current membership shall be open to any adult over (18) years of age physically residing within the territorial boundaries outlined in Article III **who is renewing a current or past membership.**
5. **Registration and Voting**
 - a. **Each adult over (18) years of age physically residing in a new member or regular/current household shall be entitled to one vote upon registration and payment of annual household dues made prior to February 29 of the membership year.**
 - b. **Registration and payment of new member or regular/current household dues after February 29 shall entitle each adult over (18) eighteen years of age in the member household to one vote effective on the 1st day of the month following registration and payment.**
6. Associate membership may be conferred on individuals or organizations who support the purpose of the Association, but who are otherwise ineligible for membership, by majority vote of the Board of Directors.
 - a. Annual dues for associate members of the organization shall be set by the Board of Directors.
 - b. Associate membership shall convey no voting rights.
7. Eligible voting members must be present to vote. Absentee or proxy votes are prohibited.
8. Members and attendees of NSCNA meetings agree to preserve and enhance the good name and reputation of the Association by participating in meetings in a properly and orderly fashion. Disruptive or harassing conduct by any member shall be considered unbecoming conduct and shall be cause for removal from a meeting by a two-thirds vote of eligible members in attendance.

Thank you!
Vicki McGadden