

**MINUTES OF THE SPECIAL  
MEETING OF THE BOARD OF ALDERMEN  
TOWN OF BAYVIEW, TEXAS**

**Held at  
104 S. San Roman, Bayview, Texas**

**May 14, 2015**

**General**

1. The Special Meeting of the Board of Alderman was called to order at 6:30 p.m. by Mayor Rodino. Those present were Alderman Lowder, Alderman Mullendore, Mayor Rodino, Alderman Stachowiak and Alderman Deason; as well as Town Secretary, Susan Heinz.
2. Mayor Rodino led those present in the Pledge of Allegiance
3. Mayor Rodino welcomed those present and asked if there were any public comments. There were none.

**Action Items**

**Old Business: None**

**New Business:**

1. Discussion of resident's concerns about the proposed installation of a windmill in Madison Grove and approval or rejection of requiring Barbara Creighton to submit with her permit request, at her cost, signed and sealed plans from a State of Texas Licensed Structural Engineer to determine the "site specific" requirements for a proposed windmill in regard to design and specifications necessary for wind speed/wind load, construction materials, corrosion resistance, foundation, and safety apparatuses, to certify that they are suitable for the proposed site and the Town of Bayview's geographical location. These documents would be presented to the Board of Alderman and Building Inspector to ensure the design requirements are adhered to. There was much discussion among the Board members. Alderman Stachowiak explained that a question regarding a foundation for the proposed windmill started this action, also stating that there is nothing in the residential code regarding a windmill. Safety concerns have been expressed, about "site specific" requirements for windmills, Alderman Stachowiak stating that specifications for a windmill in a coastal area would be different than specifications for a windmill in another state. Bayview is in a Windward 1 zone, which means a structure needs to withstand 120 mph gusts for 3 seconds. This windmill has a 35 ft tower, which would necessitate a safe drop zone, which is normally 1 ½ to 2 times the height of the structure. There is a windmill on property on the corner of W. Reparo and FM 2480. Alderman



Mullendore stated that particular windmill had to be shut down within a year due to corrosion from the elements. Alderman Lowder feels that the safety issue was the most important and stated that any language in a proposed ordinance needed to be clear, specific and not subjective. Alderman Mullendore feels that the proposed windmill does not have enough gpm to operate an aerator for a pond, he feels it would be inadequate. Mayor Rodino stated that the purpose of the windmill is not to aerate the pond, but to keep the water level at the proper depth. Alderman Stachowiak stated that Ms. Creighton stated she wanted to insure the windmill, but his opinion is that no one would insure it unless it could stand up to 120 mph winds. Alderman Deason stated that the Special Meeting was set to accommodate Barbara Creighton, and since she sent a note stating that she would not be able to attend the meeting, that her representative would not attend the meeting, and the information she promised had not been forthcoming, he wanted to table items 1, 2 and 3 of the agenda and require Barbara or her representative to be present at the Regular Meeting on May 21 to answer the Board's questions. Mayor Rodino stated that there was a proposal before the Board and suggested the Board go ahead with the proposals, asking Barbara Creighton to provide the requested documentation. Alderman Stachowiak made a motion that we require Ms. Creighton, to abide by Item 1, as earlier read. Alderman Deason seconded, Aldermen Mullendore, Stachowiak and Deason voted in favor, Alderman Lowder abstained. Motion carried.

2. Discussion and approval or rejection of establishing a minimum acceptable 'drop zone' for the proposed windmill. After much discussion, Alderman Stachowiak made a motion that we establish a minimum acceptable safe 'drop zone' for this windmill at one and one-half (1 ½) times its height from the ground to the highest point of its blades. Alderman Deason seconded, all voted in favor. Motion carried.
  
3. Discussion and approval or rejection of requiring both a maintenance plan for the proposed windmill as well as a decommissioning plan to be provided to the town. Alderman Stachowiak presented the results of his research, stating that it is typical for anyone putting in a windmill to provide a maintenance plan. Alderman Stachowiak stated that typically the maintenance plan would go by what the manufacturer suggests for the windmill. Alderman Deason thinks that maintenance should follow manufacturer's recommendations, and that the windmill should be inspected every 6 months by the Building Inspector at the expense of the windmill owner. Alderman Stachowiak made a motion that the property owner must maintain the unit to manufacturer's standards, all periodic maintenance must be performed as recommended by the manufacturer. Mayor Rodino clarified that this pertained to both the maintenance plan for any proposed windmill and a decommissioning plan. Alderman Stachowiak explained that the decommissioning plan detailed what was going to happen if the windmill fell into disrepair, stating that if the windmill did fall into disrepair, the owner would have a limited amount of time to either repair it or tear it down. Alderman Deason asked about inspections. Mayor Rodino recapped the motion



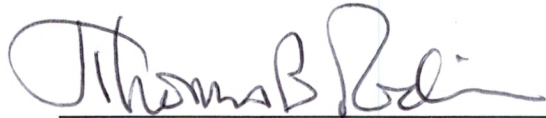
- approval of requiring both a maintenance and inspection plan for any proposed windmill, as well as a decommissioning plan to be provided to the Town. Alderman Deason seconded, all voted in favor. Motion carried.

4. Discussion and possible action of going forward with the development and adoption of an ordinance establishing basic requirement for the safe placement, construction and installation of Residential Wind Energy Conversion Systems (residential windmills) in all zones in the Town of Bayview to be presented at a public hearing. Alderman Stachowiak made a motion to go forward with the ordinance development. Alderman Mullendore seconded. All voted in favor. Motion carried.
5. Discussion and possible action on finalizing the location for the proposed Los Fresnos Volunteer Fire Department fire station at the Town Office site. Mayor Rodino restated that the fire department was planning on putting in a 40 x 40 building on the property and that the proposed location has been changed from behind the office building to the back of the property so that the driveway would be centered with the office entrance. There was some discussion about what the fire department roadway would do to the office parking, Alderman Deason stating that there would be parking south of the roadway, along the Irrigation District fence, with only about 4 parking spaces in front of the office. The fire department would like to remove the mesquite tree on the south side of the building to bring the driveway through there. There was quite a bit of discussion among the Board about the placement of the driveway and the safety concern that the roadway would be very close to the building. Another possibility would be to take the roadway out between the two culverts, which would move the driveway away from the building and not break up the office parking lot. Alderman Mullendore made a motion to finalize the placement of the Los Fresnos Volunteer Fire Department, subject to last minute fine tuning. Alderman Stachowiak seconded. All voted in favor. Motion carried.
6. Discussion and possible action on Jim Sommerfrucht's request for the Town to release two liens on the property at 131 Chachalaca Drive. After some investigation it was determined that one of the liens had been cleared. Mayor Rodino explained that there was another lien on the property at this time and after investigation found that the current lien is an assessment placed on the property by the Town for paving projects in 1983 and 1984. Apparently there was a Town Ordinance 83-1 and 84-1. There is no record of those Ordinances in the Town office. Mayor Rodino explained that the Town had no historical record of these liens, but after consulting with the Town Attorney, the lien is still valid. Jim Sommerfrucht then made a presentation to the Town. He is asking the Town to release the lien in the amount of \$780.00, stating that the lien was filed three weeks before he closed on the property and the Title Company did not find it before he closed and that the lien was actually against the previous owner. Jim Sommerfrucht was asked if he had some recourse through the Title Company, he felt he could not go to them and get the closing on his home sale completed.

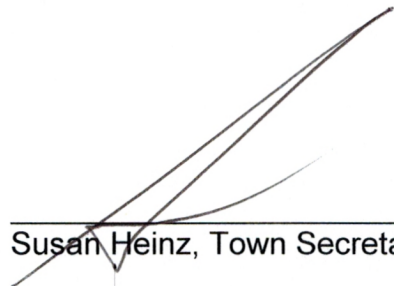
Mayor Rodino stated that the lien was filed against the property, not the owner, and the only way to clear that is that the lien amount is paid or the Board of Alderman can choose to release it. Mr. Sommerfrucht feels that since the lien was filed before he purchased the property, he didn't feel he should have to pay it. Alderman Deason stated at the Town Attorney feels the Town would be setting a precedent if the lien was forgiven. Alderman Deason made a motion to not forgive the lien. Alderman Stachowiak seconded. Aldermen Mullendore, Stachowiak and Deason voted in favor. Alderman Lowder voted against. Motion carried, the lien needs to be paid to the Town.

### **Adjourn**

The meeting was adjourned at 7:26 p.m. with a motion from Alderman Deason, and a second from Alderman Mullendore. All voted in favor. Motion carried.



Thomas B. Rodino, Mayor



Susan Heinz, Town Secretary