

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

JANUARY 14, 2016

Council Members:

Dr. Mark Vargus, Mayor
Carl Menckhoff, M.D., Mayor Pro-Tem
Clint Bushong
Ray Duff
Gary Newsome
Ed Reed

Town Staff:

Linda Asbell, TRMC, Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Regular Session of the Town Council to order at 7:00 p.m. on Thursday, January 14, 2015, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG:

(Agenda Item A)

Mayor Vargus led the pledge of allegiance

PUBLIC HEARING:

(Agenda Item B)

A public hearing was held to provide an opportunity for citizen comment on the proposed Comprehensive Plan, including thoroughfare plan and future land use assumptions. Mayor Vargus opened the public hearing at 7:01 pm.

Mayor Vargus reviewed the components and purpose of the comprehensive plan. Mayor Vargus reported that some of the text portions of the comprehensive plan still need to be updated and he does not anticipate the plan being adopted tonight.

Dan Cook, 730 Carrie Lane, Lakewood Village – Mr. Cook stated that he has meet with every citizen on Melody Lane and Carrie Lane regarding the planed trail behind Melody Lane. Mr. Cook stated that no one he spoke to supports the planned trail behind Melody Lane. Mr. Cook requested that all trails be placed within the confines of the new development and not along the edge as a border between developments. Mr. Cook requested that council not vote on the comprehensive plan tonight and expressed concern that citizens be given enough time to review and respond to any development plans.

Joni Lehan, 750 Carrie Lane, Lakewood Village – Mrs. Lehan stated that earlier today she sent an email to each of the councilmembers and she heard back from three of them. Mrs. Lehan read

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a prepared statement in opposition of the proposed comprehensive plan. Within the statement, Mrs. Lehan stated that passage of the comprehensive plan will bind the town to whatever LandPlan submits or be the subject of a lawsuit later. Mrs. Lehan stated that a variance will be required to be given to LandPlan. Mrs. Lehan stated that she believes the order of the agenda items designed to discourage citizen participation. Mrs. Lehan asked that each councilmember explain the components of the comprehensive plan. Mrs. Lehan stated that she and her husband respectfully request that the council vote against the comprehensive plan. Mrs. Lehan also requested that council consider repealing the previously approved Master Park Plan. Mrs. Lehan requested that the 40' buffer between new development and existing homes be made into a protected wildlife area and the proposed park be a wildlife sanctuary. Mrs. Lehan spoke against non-maintained public space and provided suggestions for improvements to be made to existing town property/parks. Mrs. Lehan asked that residents be involved in decisions. Councilman Bushong asked for clarification on what part of the comprehensive plan she was opposed to. Mrs. Lehan provided examples of evidence that agreements were being made behind the scenes with LandPlan (removal of the large sign from their property at the entrance, text on their website offering mixed lot sizes). Councilman Bushong reported that he personally removed the LandPlan sign because it was rotten, fell down, and at that point was considered to be rubbish.

Scott Parker, 740 Carrie Lane, Lakewood Village – Reported that previous speakers covered his concerns and declined to comment further.

MOTION: Upon a motion made by Councilman Reed and seconded by Councilman Duff, council voted five (5) “ayes” and no (0) “nays” to close the public hearing at 7:21 pm. *The motion carried.*

VISITOR/CITIZENS FORUM:

(Agenda Item C)

Jannet Fleitman, 828 Carrie Lane, Lakewood Village – Mrs. Fleitman stated that she has lived in Lakewood Village for three years. She served on the Economic Development Corporation. One of the projects the EDC was asked to accomplish was parks improvements. Mrs. Fleitman stated that some repairs have been made to the town hall park but not all tasks have been completed. Because the Economic Development Corporation will be dissolved, Mrs. Fleitman requested that council dedicate the reallocated sales tax to the creation of a parks department and park improvements. Mayor Pro-Tem Menckhoff reported that in previous years the council has earmarked up to \$10,000 each year for parks improvement but the problem is man-power. Mayor Pro-Tem Menckhoff asked for people that are interested in parks improvements to please volunteer. Mayor Vargus stated that the council is interested in making improvements but also has to be financially responsible when making purchases. Mayor Vargus reviewed the history of the dedication of Witt Park and the numerous improvements that have already been made to that property to prepare it for additional park improvements.

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Mr. Paul Bowers, 827 Carrie, stated that he would pay \$600 toward trashcans for the parks.

Mrs. Becky Hunt, 809 Carrie, reported that she would put a sign-up sheet on the desk for people to use to volunteer for parks.

Mrs. Janie Newsome, 765 Highridge Drive, stated that the 650 Highridge Drive property was allowed to remove trees and park numerous cars on the driveway and it is difficult to trust a council that allowed the property to be used in that manner.

Mrs. Brandi Lei, 400 Peninsula Drive, stated that she is involved in public administration and emergency management and teaches at a university so she understands taxes. Mrs. Lei asked if the town has discussed the planned increase in population with the fire department and the county emergency services. Mayor Vargus reported that the Town of Little Elm provides fire and EMS services through an interlocal agreement. Mayor Vargus stated that in addition to the base “readiness” fee, the town pays \$550.00 for every call to fire and EMS. This year the cost went up significantly because of the number of calls, however the cost is still much lower than what it would be through an agreement with another provider. Councilman Bushong stated that our development standards require developers to involve the fire department and fire marshal during developments.

Dion Petaros asked for clarification on the \$550.00 per run cost to the town. Vargus explained the contract and payment for services.

CONSENT AGENDA:

(Agenda Item D)

1. Minutes of the December 10, 2015 Council Meeting (Asbell)
2. Ordinance calling a General and a Special Election (Asbell)

MOTION: Upon a motion made by Councilman Newsome and seconded by Mayor Pro-Tem Menckhoff, council voted five (5) “ayes” and no (0) “nays” to approve the consent agenda items as presented. *The motion carried.*

REGULAR AGENDA:

(Agenda Item E)

Presentation of Audit of Fiscal Year 2014-2015, Mr. Wayne Nabors, Nabors CPA Services (Vargus)

(Agenda Item E.1)

Mayor Vargus introduced Mr. Wayne Nabors and reported that the town has been receiving annual financial audits since 2008. Mr. Nabors reported that the Town of Lakewood Village has received a clean audit again this year and town management is to be commended for their fiscal

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responsibility. General Fund reserve is recommended to be at least 25% and the town of Lakewood Village has 45% in reserve. Revenues for General Fund were up approximately 26% and expenses were up approximately 36% but that was due to planned spending on capital improvements.

Mr. Nabors reported that the town has 5.6 times the assets over liabilities. Recommended reserve fund for Utility is 32% and LWV has 62%. Utility revenues were up and the expenses stayed the same as the previous year. Mr. Nabors stated that the town has done a very good job managing expenses. Mr. Nabors reviewed the debt and reported that the town is on a good schedule for repayment of the bond debt. The growth of the town will be a strong factor in keeping the tax rate low.

Mr. Nabors reported that he received full participation and support of town management. Staff worked diligently to get information Mr. Nabors needed.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted five (5) “ayes” and no (0) “nays” to accept the audit as presented. *The motion carried.*

**Consideration of Engagement of Town
Engineers for the Design and Bidding of
Melody Lane and Carrie Lane Road
Repair/Rehabilitation, Mr. Todd Strouse,
Kimley Horn (Vargus)**

(Agenda Item E.2)

Mayor Vargus introduced Mr. Todd Strouse and Mr. Stewart Williams with Kimley Horn. Mayor Vargus stated that Melody Lane and Carrie Lane are not in good condition and need to be repaired. Carrie Lane and Melody Lane will be repaired using Texas Department of Transportation standards and Kimley Horn will provide design standards and oversight of the bidding process. Mr. Strouse stated that they will create plans for design of the roads, contract documents, and conduct the bidding of the projects.

There was some discussion on Kimley Horn providing inspection and oversight of the construction process. There was some discussion on change orders. There was some discussion on the options for repair, including comprehensive replacement of the road.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Newsome, council voted five (5) “ayes” and no (0) “nays” to authorize Mayor Vargus to execute the contract with Kimley Horn for design and bidding for repair of Melody Lane and Carrie Lane. *The motion carried.*

**Consideration of Certificate of Occupancy
Ordinance (Bushong)**

(Agenda Item E.3)

Councilman Bushong reported that the fees were removed from this ordinance to put into the consolidated fee ordinance. Councilman Bushong reviewed a minor change to the provision of the ordinance which will require a certificate of occupancy inspection if a utility account has been requested to be reinstated if it is not been in good standing for six months.

MOTION: Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Bushong, council voted five (5) “ayes” and no (0) “nays” to approve the Certificate of Occupancy Ordinance as presented. *The motion carried.*

**Consideration of Animal Control Ordinance
(Bushong)**

(Agenda Item E.4)

Councilman Bushong reported that the registration fee has been removed from this ordinance to be included in the consolidated fee ordinance. Councilman Bushong also reported that the animal registration form has been removed.

MOTION: Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Duff, council voted five (5) “ayes” and no (0) “nays” to approve the Animal Control Ordinance as presented. *The motion carried.*

**Discussion of Changing the Inspection Fee
for Water Heater Replacements (Bushong)**

(Agenda Item E.5)

Councilman Bushong stated that water heaters are a potentially dangerous repair made in a home and this proposed change would reduce the fee in an effort to encourage citizens to comply with the requirement to have a permit and inspection. Mayor Vargus reported on a few of the very dangerous situations that have been uncovered by the building inspector. Councilman Bushong stated that if council supports this change he will bring the updated consolidated fee ordinance at a future meeting for council consideration. There was some discussion on emergency repairs being made prior to a permit being pulled.

**Consideration of Electioneering Ordinance
(Vargus)**

(Agenda Item E.6)

Mayor Vargus reported that council considered this ordinance at the last council meeting. The ordinance reflects the changes made by the recent legislature. Mayor Vargus stated that he reviewed electioneering regulations enacted by other neighboring municipalities and modified them to allow some electioneering in public spaces.

MOTION: Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Reed, council voted five (5) “ayes” and no (0) “nays” to approve the Electioneering Ordinance as presented. *The motion carried.*

**Consideration of Capital Expenditures for
Utility Infrastructure Improvements
(Vargus)**

(Agenda Item E.7)

Mayor Vargus reported that in 2014 the town spent over \$250,000 updating the utility infrastructure preparing for the concrete road project in 2015. Mayor Vargus reviewed a proposed emergency interconnect with the Town of Little Elm for water, and the Texas Commission on Environmental Quality requirement for emergency back-up power which will be solved via the emergency interconnect. Mayor Vargus stated that the town is currently investigating using a utility easement already owned by CoServ. There was some discussion about cost of water purchased from the Town of Little Elm during an emergency.

There was some discussion about continuation of the fire hydrant project by installing three hydrants on Hillside Drive at a cost of approximately \$8,000 each. Mayor Vargus reported that Peninsula Lane water line is too small to support additional fire hydrants. New sections of water main will need to be considered for Peninsula Drive before additional hydrants can be installed.

Mayor Vargus reported on the new storage building at the wastewater plant and the inventory which has been moved to the new building. Mayor Vargus reviewed the noise suppression efforts which have been completed at the sewer plant and changes to the fence around the plant.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Reed, council voted five (5) “ayes” and no (0) “nays” to authorize Mayor Vargus to begin the fire hydrant project on Hillside Drive. *The motion carried.*

**Consideration of Reconstruction of
Highridge Mailbox Facility (Vargus)**

(Agenda Item E.8)

Mayor Vargus reviewed the proposal for a new mailbox facility on Highridge Drive. The new facility will be moved feet away from Highridge to allow for a pull out lane so cars will not have to park on Highridge. The new facility will provide covered access to mailboxes and additional safety for citizens. There was some discussion about repurposing of the mailbox facility for future use if the mailboxes move. Mayor Vargus reported that he will bring a proposal to council at a future meeting with cost estimates for construction of the new mailbox facility.

**Consideration of Snow/Ice Removal &
Treatment Plan (Vargus)**

(Agenda Item E.9)

Councilman Reed contacted both the Town of Little Elm and Denton County to determine their winter road treatment priorities. Councilman Reed reported that he will meet with a representative of Denton County and the Town of Little Elm to finalize a coordinated and comprehensive plan to protect all three entities. Mayor Vargus reviewed the proposed winter road plan for Lakewood Village to follow until a coordinated plan between Denton County and the Town of Little Elm is put in place.

MOTION: Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Bushong, council voted five (5) “ayes” and no (0) “nays” to adopt the snow/ice removal and treatment plan for roads as presented. *The motion carried.*

**Consideration of Appointment to Board of
the Municipal Development District(Vargus)**

(Agenda Item E.10)

Mayor Vargus reported that the terms of several members have expired and new members need to be appointed. Dan Tantalo reported that he would like to continue to serve as the President of the MDD. Mayor Vargus reported that Linda Loudon and David Batchelder both expressed interest in serving on the board. Dan Tantalo reviewed the organization and purpose of the Municipal Development District and encouraged citizens to participate by serving on the board of the district. There was some discussion about the projects on which the MDD has been focusing.

MOTION: Upon a motion made by Councilman Buchong and seconded by Mayor Pro-Tem Menckhoff, council voted five (5) “ayes” and no (0) “nays” to appoint Dan Tantalo, Linda Asbell, David Batchelder, and Linda Loudon to the board of the Municipal Development District. *The motion carried.*

**Consideration of Resolution Prohibiting
Firearms During Open Meetings (Reed)**

(Agenda Item E.11)

Councilman Reed reviewed the new regulations on handgun carry effective January 1, 2016. Councilman Reed reported that the town has the authority to prohibit the carrying of a handgun during an open meeting. There was some discussion on prohibiting firearms at all meetings. There was some discussion on the prohibition of weapons at town hall because it houses the municipal court and court offices.

MOTION: Upon a motion made by Councilman Reed and seconded by Councilman Bushong, council voted five (5) “ayes” and no (0) “nays” to approve the resolution prohibiting firearms during open meetings as presented. *The motion carried.*

**Consideration of Ordinance Adopting the
Comprehensive Plan**

(Agenda Item E.12)

Mayor Vargus reported that he and Councilman Bushong are working on updates for the text of the comprehensive plan. Councilman Bushong reported that another public hearing will be held prior to adoption of the comprehensive plan. Mayor Vargus reviewed the proposed thoroughfare plan. There was some discussion about a new entrance to town with a divided road with a center median and improvements to Lakecrest Drive from the entrance which would also include a median. The goal is to make the entrance roads all similar and attractive. There was some discussion about planning for road locations in anticipation of development.

Mayor Vargus reviewed a proposed future land use map. Councilman Bushong reported to the audience that council meetings are the only way the council members can all get together to discuss issues. This is a first look at a proposed plan so they can discuss and plan. Mayor Pro-Tem Menckhoff reported that the historical benefit of zoning the undeveloped property as one-acre minimum lot size was to provide a negotiating position with developers. The town, in recent years, has adopted codes and standards that make that particular position unnecessary. Mayor Pro-Tem Menckhoff stated that the council looked closely at the undeveloped properties in town and evaluated how those properties would realistically develop. Council looked at a graduated density plan so undeveloped properties on the far west would be higher density and density would decrease gradually as it moves closer to the currently developed areas of town. Mayor Vargus reviewed the history of zoning of section 6, from it being completely unzoned to a developer that wanted to build a prison on the property, to a zoning of half-acre lots in 1995. In 2001 the property in Section 6 was for sale and a company that build track-starter homes, the town council rezoned the property to one acre lots. The town is now protected by ordinances

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prohibiting alleys, homeowners associations, and other features the town has determined are undesirable. The Shores was developed 20 years ago and there are still approximately 24 one-acre lots that are empty. It does not make sense to plan for development at the same sizes as the existing lots that are not developed. There was some discussion about impact fees, water resources and availability, the cost of building necessary infrastructure. Mayor Pro-Tem Menckhoff stated that the council has absolutely heard the concerns of the citizens speaking tonight. Council has a responsibility to make decisions that are in the best interest of the town as a whole and no matter what decision is made there will be people that are unhappy. Mayor Pro-Tem Menckhoff stated the Town Councilmembers do not get paid for the work they do and they are citizens of the town just like everyone else. Their focus is always to do the best they can for the town as a whole.

MOTION: Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Bushong, council voted five (5) “ayes” and no (0) “nays” to table this item to the next meeting. *The motion carried.*

EXECUTIVE SESSION:

(Agenda Item F)

At 10:39 p.m. Mayor Vargus recessed into executive session in compliance with (1) § 551.071 Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.072 Texas Government Code to wit: Deliberations about Real Property; (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations; and (4) § 551.076 Texas Government Code to wit: deliberations about Security Devices

RECONVENE:

(Agenda Item G)

Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 11:19 pm.

COUNCIL AND STAFF COMMENTS

(Agenda Item H)

No Comments were Made

ADJOURNMENT

(Agenda Item I)

MOTION: Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Bushong, council voted five (5) “ayes” and no (0) “nays” to adjourn

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the Regular Session of the Lakewood Village Town Council at 11:22 p.m. on Thursday, January 14, 2016. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 11th day of February 2016.

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY