



**LAKWOOD VILLAGE TOWN HALL
100 HIGHRIDGE DRIVE
LAKWOOD VILLAGE, TEXAS**

**TOWN COUNCIL MEETING
SEPTEMBER 10, 2015 7:00 P.M.**

REGULAR SESSION – AGENDA

Call to Order and Announce a Quorum is Present

A. PLEDGE TO THE FLAG:

B. PRESENTATION: A proclamation designating September 17 – 23, 2015 as Constitution Week in the Town of Lakewood Village; to be received by representatives of the Preston Ridge Chapter of the Daughters of the American Revolution

C. VISITOR/CITIZENS FORUM: At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

D. PUBLIC HEARING: A public hearing is scheduled on the proposed property tax rate of \$0.30/\$100 to provide an opportunity for citizen comment. The Town Council may adopt the tax rate with or without amendment by ordinance on one (1) reading.

E. CONSENT AGENDA: All of the items on the Consent Agenda are considered to be self-explanatory and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item from the Consent Agenda a speaker card must be filled out and submitted to the Town Secretary prior to the call to order.

1. Minutes of the July 9, 2015 Council Meeting (Asbell)
2. Minutes of the August 13, 2014 Council Meeting (Asbell)
3. Minutes of the September 2, 2015 Council Meeting (Asbell)

F. REGULAR AGENDA:

1. Consideration of Ordinance Adopting the 2015 Property Tax Rate of \$0.30/\$100 (Vargus)
2. Consideration of Ratification of Ordinance 15-11 Adopting the Fiscal Year 2015-2016 Budget (Vargus)
3. Discussion on Water / Wastewater System (Mark Patterson, Patterson Professional Services)
4. Discussion on Status of Well Condition and Water Restrictions (Vargus)
5. Consideration of Variance Request for Front Facing Garage and Garage Dimensions for 420 Hillside (Vargus)
6. Consideration of Variance Request for Front Yard Fence for 770 Carrie Lane (Vargus)
7. Consideration of Variance Request for Side-Yard Set-back for Driveway Extension at 470 Peninsula (Vargus)

G. EXECUTIVE SESSION: Recess 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; and (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations

H. RECONVENE: Reconvene into regular session and consideration of action, if any, on items discussed in executive session

I. COUNCIL AND STAFF COMMENTS: Comments may be made by Council or Staff. No formal action may be taken on these items at this meeting.

J. ADJOURNMENT

I do hereby certify that the above notice of meeting was posted on the designated place for official notice before 5:00 p.m. on Friday, September 4, 2015.

Linda Asbell, TRMC, Town Secretary



The Town Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 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 551.087 (Economic Development).

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Town Secretary's office at 972-294-5555 or FAX 972-292-0812 for further information.

One or more members of the LAKEWOOD VILLAGE ECONOMIC DEVELOPMENT CORPORATION and the LAKEWOOD VILLAGE MUNICIPAL DEVELOPMENT DISTRICT may attend this meeting. No action will be taken by either the EDC or MDD Boards during this meeting.

Proclamation

Of The Town of Lakewood Village

WHEREAS: on September 17, 1787, fifty-five delegates to the Constitutional Convention in Philadelphia's Independence Hall signed the United States Constitution; and

WHEREAS: September 17, 2015 marks the two hundred twenty-eighth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is the privilege, honor, and duty of the American people to accord official recognition to this magnificent document; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through September 23rd as Constitution week,

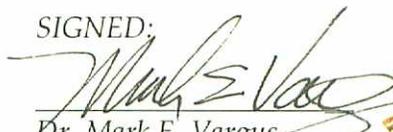
NOW, THEREFORE I, Dr. Mark E. Vargus, Mayor of the Town of Lakewood Village in the State of Texas do hereby proclaim the week of September 17th through September 23rd as

Constitution Weeks

and ask our citizens to reaffirm the ideals the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us, and reflecting on the privilege of being an American with all the rights and responsibilities, which that privilege involves.

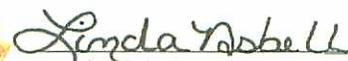
IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Town to be affixed this 10th day of September of the year 2015.

SIGNED:


Dr. Mark E. Vargus
Mayor



ATTEST:


Linda Asbell, TRMC
Town Secretary

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

JULY 9, 2015

Council Members:

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

Town Staff:

Linda Asbell, TRMC, Town Secretary – ABSENT
Summer Paulsen, Administrative Assistant

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, July 9, 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

VISITOR/CITIZENS FORUM:

(Agenda Item B)

No one requested to speak.

CONSENT AGENDA:

(Agenda Item C)

1. Minutes of the June 11, 2015 Council Meeting (Asbell)
2. Engagement of Nabors CPA Services, P.C. for Fiscal Year 2014-2015 Audit (Asbell)

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Bushong the Council voted four (4) “ayes” and no (0) “nays” with Mayor Pro-Tem Menckhoff abstaining, to approve the minutes of the June 11, 2015 Council Meeting. *The motion carried.*

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MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Bushong the Council voted five (5) “ayes” and no (0) “nays” to approve the engagement of Nabors CPA Services, PC for Fiscal Year 201-2015 Audit. *The motion carried.*

REGULAR AGENDA

(Agenda Item D)

**Discussion of Impact Fee Implementation,
Town Engineer Kimley Horn (Vargus)**

(Agenda Item D.1)

Mayor Vargus introduced Town Engineers Todd and Anthony from Kimley Horn. Mayor Vargus explained importance of impact fees. Anthony reviewed his impact fee presentation. There was some discussion on calculating fees and setting a plan. Mayor Vargus stated the town will provide answers to the questions and verified the Engineers will help the town work through Texas Commission on Environmental Quality regulations. Kimley Horn will calculate the maximum allowable impact fee. The law has provided for credit allowances by way of either credit calculation a percentage. Anthony reported that impact fees are well worth the effort it takes to set them if community wants to be able to fund future. Mayor Vargus clarified the funds would be segregated. Anthony will assist setting up required segregation dependent upon the type of impact fee charged. He also explained the time frames and responsible parties for paying the fees. There was some discussion on timeline and scope of the impact fee implementation. There was some discussion on the ability of council to negotiated impact fees with developers based on infrastructure or other dedications to the town. Council thanked the engineers for their time.

**Consideration of Appointments to the
Economic Development Corporation (Asbell)**

(Agenda Item D.2)

Mayor Vargus explained the law recently passed by the Texas Legislature. The Governor signed the law two weeks ago permitting cities to abolish Economic Development Corporations and move the sales tax collected to the town. There was some discussion of an ordinance to abolish EDC because it is no longer needed. The Municipal Development District will remain in place because the law did not include abolishing Municipal Development Districts. Bill Schoknecht expressed disappointment about not being notified prior to the meeting. Mayor Vargus reported this was new information and an ordinance will be on the agenda for the council to consider next month. Councilman Getka Dave asked about the possibility of placing House Bill 157 on the website.

MOTION: *No motion was made*

**Consideration of Appointments to the
Municipal Development District (Asbell)**

(Agenda Item D.3)

Mayor Vargus reported that the terms of some of the members expire this year. There was some discussion about the focus and goals of the Municipal Development District. There was some discussion on considering members from the Economic Development Corporation, which will be dissolved, for membership on the Municipal Development District Board.

MOTION: *No motion was made.*

**Consideration of Amending Fee Ordinance
Related to Utility Rates (Vargus)**

(Agenda Item D.4)

Mayor Vargus reviewed the fee ordinance and the proposed changes. There was some discussion about new water rates and the impact on billing. There was some discussion on the water rates of surrounding municipalities being 40% higher than Lakewood Village rates. Mayor Vargus and Dan Tantalo reported that the Rocky Point Water System would not be changing its water rates. There was some discussion about a \$1.00 increase in the sewer rate and the cost of repairs to the lift stations. Mayor Vargus stated that the town needs to plan for additional ground storage for water and the possibility of a developer contributing to that cost. There was some discussion on the small increase for garbage collection. This is the first increase since 2011.

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Bushong, council voted five (5) “ayes” and no (0) “nays” to approve the fee ordinance as discussed. *The motion carried.*

**Consideration of Parking & Oversized
Vehicle Ordinance (Vargus)**

(Agenda Item D.5)

Mayor Vargus reported on the State laws restricting parking in and around intersections. There was some discussion on oversized vehicles parked on Peninsula Drive. There was some discussion about safety at the intersection of Highridge Drive and Melody Lane. Trucks and other vehicles often park at that intersection and block the fire hydrant and a portion of the driving lane. Mayor Vargus reported that an ordinance can restrict parking in specific areas. There was some discussion about required signage. Councilman Bushong reported that street parking on Shoreline Drive is also a concern. Mayor Vargus stated that he will propose a new ordinance which defines no-parking areas. Mayor Pro-Tem Menckhoff reported concern with the application and enforcement of parking restrictions. Mayor Vargus reported that towing

vehicles is a challenge but he will look into proposing some procedures for council to consider. Councilman Reed reported a problem with parking around construction of new homes.

MOTION: *No motion was made*

**Discussion of Ordinance Adopting 2011
Electric Code (Bushong)**

(Agenda Item D.6)

Councilman Bushong reported that each code is being updated to the same standard as area municipalities. The ordinance will adopt the national code, and specifically includes arc fault protection for residential structures.

**Consideration of Municipal Development
District Fiscal Year 2015-2016 Budget**

(Agenda Item D.7)

Dan Tantalo, Municipal Development District President, reviewed the financial report and proposed budget for the Municipal Development District and reported that the debt to the Lakewood Village Utility Fund will be paid off this month. He reported that the board is anticipating updating the system. There was some discussion on potential upgrades to infrastructure and the possibility of amending the budget as specific projects are identified. There was some discussion about the Municipal Development District now having the ability to obtain a bank loan. Mr. Tantalo reported that he would set up a meeting with Sam Morgan and Mark Patterson to discuss the infrastructure improvements that are needed.

MOTION: *No motion was made.*

**Consideration of Fiscal Year 2015-2016
Budget**

(Agenda Item D.8)

Mayor Vargus reviewed the proposed budget. There was some discussion about street repair and bond payments. Mayor Vargus reported to council that the budget for travel has increased to make funds available for council to attend the Texas Municipal Conference. There was some discussion about the cost of elections. Mayor Vargus stated that all restitution money has been collected from Dawn Sendziak so that income line has now been removed. There was some discussion about Utility Fund expenses. There was some discussion about capital improvements for next year. There was some discussion about repairs needed for the GIS laptop. There was some discussion about the sewer plant renewal. Council discussed the Road Maintenance Fund and repairs to Melody Lane. There was some discussion about the need for a Public Works

service building. Council thanked Mayor Vargus for all his time and effort in preparing the budget.

MOTION: Upon a motion made by Councilman Reed and seconded by Councilman Newsome, council voted five (5) “ayes” and no (0) “nays” to approve the Fiscal Year 2015-2016 Budget as discussed. *The motion carried.*

**Discussion of Construction Issues Related to
829 Carrie and 635 Melody (Vargus)**

(Agenda Item D.9)

Mayor Vargus reported that workers at 635 Melody Lane excavated into the neighbor’s yard. It appears the construction company is doing minimal work and delaying actually fixing the situation with the neighbors.

Mayor Vargus reported that Brent Ashton, owner of 829 Carrie Lane is in the audience. Mayor Vargus stated the goal is to get the house finished and to meet the zoning requirements. There is a current issue with garage and the town wants to prevent future problems. Council reviewed the timeline of the construction. There was some discussion on points during the review of the timeline. There was some discussion on the submittal of plans and the need to have the detached garage approved. There was some discussion on the building calling in inspections out of order, requesting partial inspections, and the multiple failed inspections. Mr. Ashton disagreed with the electric meter being pulled rather than power being discontinued at the pole during a time when the electrical wiring was underwater from the flooding rains. Mr. Ashton stated that he appreciated that the Building Inspector found that the builder used the wrong size wiring. Mr. Ashton stated that he believes the only current issue is the drainage. Mayor Vargus reported that the builder seems “stuck” on passing the Housing Second inspections and has failed multiple times. There was discussion on the need for approval of a new set of plans that show the detached garage and identifying the basketball court within the house plans. Mr. Ashton reported that the detached garage is expected to be completed at the same time as the house but the weather has caused a delay. Mayor Pro-Tem Menckhoff stated that he would like to move on and find a solution for the issues on this property. Mr. Ashton requested that Mayor Vargus and himself along with another member of the Town Council meet with a representative from the United States Army Corps of Engineers to discuss drainage. Mr. Ashton would like that meeting to take place as soon as possible.

**Consideration of Variance Request for
Garage Set-Back at 428 Hillside (Vargus)**

(Agenda Item D.10)

Mayor Vargus reported that the construction on this home is completed and the Building Inspector has issued a certificate of occupancy. This variance is requested as a housekeeping

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matter to close this construction file. The garage and driveway on the finished house is slightly inside the setback but causes no issues with adjacent properties.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Getka, council voted five (5) “ayes” and no (0) “nays” to approve variance as requested at 428 Hillside Drive. *The motion carried.*

EXECUTIVE SESSION:

(Agenda Item E)

At 9:35 p.m. Mayor Vargus recessed into executive session in compliance with Section (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 F)

Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 10:14 PM.

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Getka, council voted five (5) “ayes” and no (0) “nays” to authorize Mayor Vargus to engage Attorney Jim Matthews for legal services for an amount not exceeding \$10,000. *The motion carried.*

COUNCIL AND STAFF COMMENTS

(Agenda Item G)

Mayor Vargus reported that a new law allows a municipality to annex a county road adjacent to a property being annexed

Councilman Reed reported that he will be meeting with County Commissioner Hugh Coleman and his staff sometime during the month of July.

Councilman Newsome reported that his church recently installed a two-sided electronic sign at his church. It has good resolution and he would like the town to consider replacing the marquee with an electronic sign.

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Administrative Assistant, Summer Paulsen, distributed a handout with the Texas Municipal League Conference schedule and reminded Councilmembers to pick up their mail from their mailboxes.

Mayor Vargus and Mayor Pro-Tem Menckhoff both reported their schedules might conflict with the August council meeting date.

ADJOURNMENT

(Agenda Item H)

MOTION: Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Getka, council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 10:31 p.m. on Thursday, July 9, 2015. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 10th day of September 2015.

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

AUGUST 13, 2015

Council Members:

Dr. Mark Vargus, Mayor
Carl Menckhoff, M.D., Mayor Pro-Tem - ABSENT
Clint Bushong
Dave Getka - ABSENT
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 7:04 p.m. on Thursday, August 13, 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

VISITOR/CITIZENS FORUM:

(Agenda Item B)

No one requested to speak.

REGULAR AGENDA

(Agenda Item C)

**Consideration Ordinance Appointing
Building Official and Deputy Building
Official (Vargus)**

(Agenda Item C.1)

Mayor Vargus reported that a few years ago there was a reported concern about liability coverage for our building inspectors, Steve Freeman and Bryan Ausenbaugh. This ordinance protects the building inspectors as officials of the town to be covered by the town's insurance through Texas Municipal League.

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MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Newsome, council voted three (3) “ayes” and no (0) “nays” to approve Ordinance 15-12 appointing Building Official and Deputy Building Official. *The motion carried.*

**Consideration of Certificate of Convenience
and Necessity Agreement between the Town
of Lakewood Village and Town of Little Elm
(Vargus)**

(Agenda Item C.2)

Mayor Vargus reported that the Town of Little Elm approved the agreement.

MOTION: Upon a motion made by Councilman Reed and seconded by Councilman Newsome, council voted three (3) “ayes” and no (0) “nays” to approve the Certificate of Convenience and Necessity Agreement between the Town of Lakewood Village and the Town of Little Elm and authorizing Mayor Vargus to execute the agreement. *The motion carried.*

**Consideration of Municipal Development
District Fiscal Year 2015-2016 Budget
(Vargus)**

(Agenda Item C.3)

Mayor Vargus reviewed the proposed MDD budget.

MOTION: Upon a motion made by Councilman Reed and seconded by Councilman Bushong, council voted three (3) “ayes” and no (0) “nays” to approve the Municipal Development District 2015-2016 budget. *The motion carried.*

**Consideration of the Economic Development
Corporation Fiscal Year 2015-2016 Budget
(Vargus)**

(Agenda Item C.4)

Mayor Vargus reported that the Economic Development Budget has not been finalized yet and will be presented at a future meeting.

MOTION: *No motion made*

Discussion of Variance Request for Front Facing Garage and Garage Dimensions for 420 Hillside (Vargus)

(Agenda Item C.5)

Mayor Vargus reported that there are not enough council members present to consider approval of a variance but he would like to provide the council some information. The property at 420 Hillside is the smallest lot in the town and due to the lot size there is not enough room to allow for a side entry garage. The garage must be front facing and due to the configuration of the lot the garage size must also be reduced. The garage can be constructed at 20.5 feet rather than the required 24'. This item will be considered at the next council meeting.

Discussion of Variance Request for Front Yard Fence for 770 Carrie (Vargus)

(Agenda Item C.6)

Mayor Vargus reported that no action can be taken at this meeting. Mayor Vargus reported that the houses are stacked so they do not line up and there is a conflict between the goals of the neighbors with regard to fencing. Mayor Vargus stated that he would like to talk to both 770 Carrie and 760 Carrie owners and see if there is a way to work out an agreement that both parties are happy with prior to the next meeting.

Consideration of Adoption of 2011 Electrical Code (Bushong)

(Agenda Item C.7)

Councilman Bushong reported that this ordinance adopts the national code rather than the international code. Councilman Bushong reported that the council will need to consider moving toward the 2014 in the near future.

MOTION: Upon a motion made by Councilman Newsome and seconded by Councilman Reed, council voted three (3) "ayes" and no (0) "nays" to approve the Ordinance adopting the 2011 Electrical Code. *The motion carried.*

Consideration of Ordinance Dissolving the Economic Development Corporation and Calling a Special Election (Vargus)

(Agenda Item C.8)

Mayor Vargus reported that the Texas Legislature made a change to the law which now allows municipalities to rearrange the sales tax collected and dissolve Economic Development Corporation. An election must be held in 2016 to change the sales tax rate. Currently the town collects 1%, EDC collects .5%, and the MDD collects .5%. The town will hold an election to

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redistribute the sales tax to 1.5% collected by the town and .5% collected by the MDD. The overall sales tax paid by the customer will not change. Mayor Vargus reported that he believes this is one of the most well thought out pieces of legislation coming out of Austin.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Newsome, council voted three (3) “ayes” and no (0) “nays” to approve the Ordinance adopting the 2011 Electrical Code. *The motion carried.*

Discussion of Regulation of Drones (Getka)

(Agenda Item C.9)

Mayor Vargus reported that the FAA regulates air space 400 feet and above, and anything below 400’ that might interfere with air space above 400 feet. Texas has a state law regulating drones and strictly protecting the privacy of citizens whose images might be taken by the drone. There was some discussion about State and Federal regulations preempting any municipal regulation.

**Discussion of No Parking/Tow Zones
(Vargus)**

(Agenda Item C.10)

Mayor Vargus reported on a meeting with the Town Attorney and a discussion regarding no parking and tow-away zones. State law prohibits parking within thirty-feet of an intersection. The town can pass an ordinance authorizing towing of any vehicle parked in the no-parking zone. There was discussion of safety concerns with on-street parking inside the intersection area of Highridge Drive and Melody Lane. Councilman Reed reported on several “near-misses” he experienced at that intersection because of vehicles parking within that intersection. Councilman Newsome stated that on-street parking at that intersection affects visibility and safety.

EXECUTIVE SESSION:

(Agenda Item D)

At 8:10 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 E)

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Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 8:40 PM.

COUNCIL AND STAFF COMMENTS

(Agenda Item F)

Town Secretary, Linda Asbell, reported that she would be out of town attending a legislative session from Wednesday through Friday of next week.

ADJOURNMENT

(Agenda Item G)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Reed, council voted three (3) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 10:04 p.m. on Thursday, August 13, 2015. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 10th day of September 2015.

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

SEPTEMBER 2, 2015

Council Members:

Dr. Mark Vargus, Mayor
Carl Menckhoff, M.D., Mayor Pro-Tem – via teleconference
Clint Bushong
Dave Getka - ABSENT
Gary Newsome
Ed Reed

Town Staff:

Linda Asbell, TRMC, Town Secretary

REGULAR SESSION - 5:30 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Regular Session of the Town Council to order at 5:30 p.m. on Wednesday, September 2, 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

REGULAR AGENDA

(Agenda Item B)

**Discussion of Implementation of Level 5
Emergency Water Management Plan
(Vargus)**

(Agenda Item B.1)

Mayor Vargus reported that per the Water Management Ordinance he has declared a level 5 water emergency. Mayor Vargus reported that the system pressure has been lowered from 70 psi to 50 psi to conserve water. The level of the Paluxy aquifer is low and the water demand from citizens has caused Well #2 to cavitate. The town ran test on Well #2 which showed about 9 feet of water over the well pump. It is approximately 800 feet deep and is producing approximately 55 gallons per minute. The pump for Well #2 was turned off yesterday. At 6:30am September 2 there was only four feet of water in the storage tanks. Mayor Vargus manually turned on Well #2. The town cannot produce enough water to meet current demand without Well #2. Madwell Well Service is coming tomorrow to evaluate the well and determine if the pump can be lowered deeper into the aquifer. According to the well records for Well #3 there was over 500 feet of

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water over the well pump at the time it was constructed in 2002. There is now only nine feet of water. It is possible that the motor for the well is malfunctioning. Madwell will determine the actions that need to be taken over the next two days. Notices have been placed around town and on the marquee that all outdoor watering is prohibited. Notice has also been posted on the town website and on the Village People FaceBook page. Mayor Vargus will drive around town in the evening and notify people who are irrigating that they are in violation of current water restrictions. One written warning will be given and violations following that warning will receive a citation and fined between \$200 and \$2,000 each day. Per the Water Management Ordinance the Mayor is authorized to discontinue water service on the third violation.

An emergency interconnect between the Town of Little Elm is possible by connecting fire hydrants to receive water from the well north of the school board property. If water is received via a fire hydrant a boil water notice must be issued.

Mayor Vargus asked members of council to keep an eye on the water storage levels and to contact Sam Morgan if the water levels go below ten feet.

ADJOURNMENT

(Agenda Item C)

MOTION: Upon a motion made by Councilman Newsome and seconded by Councilman Reed, council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 5:56 p.m. on Wednesday, September 2, 2015. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 10th day of September 2015.

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY

TOWN OF LAKEWOOD VILLAGE

ORDINANCE NO. 15-14

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS FIXING AND LEVYING TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 AT A RATE OF \$.30 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN AS OF JANUARY 1, 2015; DIRECTING THE ASSESSMENT THEREOF TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT OPERATIONS AND MAINTENANCE EXPENSES; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; ADOPTING AN EXEMPTION FROM THE TAX HEREIN LEVIED FOR PERSONS 65 YEARS OF AGE OR OLDER IN THE AMOUNT OF \$25,000.00 OF THE APPRAISED VALUE OF THEIR RESIDENCE HOMESTEAD; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village, Texas (the “Town”) hereby finds that the tax for the fiscal year beginning on October 1, 2015 and ending September 30, 2016 hereinafter levied for current expenses of the Town and the general improvements of the Town and its property, must be levied to provide the revenue requirements of the budget for the ensuing year; and

WHEREAS, the Town Council has approved, by a separate ordinance, adopted on the 9th of July, 2015 the budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016; and

WHEREAS, all statutory and constitutional requirements concerning the levying and assessments of ad valorem taxes have been approved and completed in due and correct time.

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

Section 1. That there be and is hereby levied and ordered to be assessed and collected for the fiscal year beginning October 1, 2015 and ending September 30, 2016, on all taxable property, real, personal, and mixed, situated within the corporate limits of the Town of Lakewood Village, Texas, and not exempted by the Constitution of the State, valid State laws or this ordinance, a total tax of \$.30 on each One Hundred Dollars (\$100.00) assessed value of taxable property, which shall be apportioned and distributed as follows : For the purpose of the payment of defraying the maintenance and operation expenses of the Town, a tax of \$.25 on each One Hundred Dollars (\$100.00) assessed value of all taxable property, and for the purpose of the payment of defraying debt servicing expenses of the Town, a tax of \$0.05 on each One Hundred Dollars (\$100.00) assessed value of all taxable property.

Section 2. That all ad valorem taxes shall become due and payable on October 1, 2015, and all ad valorem taxes shall be delinquent after January 31, 2016. There shall be no discount for payment

of taxes on or prior to January 31, 2016. A delinquent tax shall incur all penalty and interest authorized by law, Section 33.01 of the Texas Property Tax Rate Code, to wit: a penalty of 6% of the amount of the tax for the first calendar month the tax is delinquent plus 1% for each additional month or portion of a month the tax remains unpaid prior to July 1st of the year in which it becomes delinquent.

Provided, however, a tax delinquent on July 1 incurs a total penalty of 12% of the amount of the delinquent tax without regard to the number of the months the tax has been delinquent. A delinquent tax shall also accrue interest at a rate of 1% for each or portion of a month the tax remains unpaid. Taxes that remain delinquent on July 1, 2016 incur additional penalty of 15% if the amount of taxes, penalty and interest due; such additional penalty is to defray the cost of collection due pursuant to the contract with the Town's Attorney authorized by Section 6.30 Texas Property Code.

Section 3. Taxes shall be payable in Denton County, Texas at the office of the Denton County Tax Collector. The Town shall have available all rights and remedies provided by law for the enforcement of the collection of taxes levied under this ordinance.

Section 4. All delinquent taxes shall bear interest as provided by State Law, in addition to penalties.

Section 5. There is hereby adopted and established an exemption from the tax levied by this ordinance for persons who are 65 years of age or older in the amount of \$25,000.00 of the appraised value of their residence homestead.

Section 6. That any and all ordinances, resolutions, rules, regulations, policies or provisions in conflict with the provisions of this ordinance are hereby repealed and rescinded to the extent of the conflict herewith.

Section 7. If any section, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof by any person or circumstances, is held invalid by any Court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions and shall remain in full force and effect.

Section 8. The fact that it is necessary that this ordinance be enacted in order to authorize the collection of ad valorem taxes for the fiscal year beginning October 1, 2015, and ending September 30, 2016, this ordinance shall take effect from and after its passage as the law in such cases provides.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, on this 10th day of September 2015.

Dr. Mark E. Vargus
Mayor

ATTESTED:

Linda Asbell, TRMC
Town Secretary

TOWN OF LAKEWOOD VILLAGE

ORDINANCE NO. 15-11

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2015 AND TERMINATING ON SEPTEMBER 30, 2016, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT PROJECT AND ACCOUNT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village, Texas (the "Town") has caused to be filed with the Town Secretary a budget to cover all proposed expenditures of the government of the Town for the fiscal year beginning October 1, 2015 and terminating September 30, 2016, and

WHEREAS, the said budget shows as definitely as possible each of the various projects for which appropriations are set in the budget, and the estimated amount of money carried in the budget for each of such projects, and

WHEREAS, said budget has been filed with the Town Secretary and available for inspection by any taxpayer, and

WHEREAS, public notice of a public hearing on the proposed annual budget, stating the date, time, place, and subject matter of said hearing, was given as required by laws of the State of Texas, and

WHEREAS, such public hearing was held on August 13, 2015, prior approval of which date being hereby ratified and confirmed by the Town Council, and all those wishing to speak on the budget were heard, and

WHEREAS, the Town Council has studied said budget and listened to the comments of the taxpayers at the public hearing held therefore and has determined that the budget attached hereto is in the best interest of the Town of Lakewood Village.

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

1. That the budget attached hereto as Exhibit "A" and incorporated herein for all purposes is adopted for the fiscal year beginning October 1, 2015 and ending September 30, 2016; and such purposes, respectively such sums of money for such projects, operations, activities, purchases and other expenditures as proposed in the attached budget.

2. That no expenditures of the funds of the Town shall hereafter be made except in strict compliance with such budget, except in case of grave necessity, emergency expenditures to meet unusual or unforeseen conditions, which could not, by reasonable, diligent thought and attention, have included in the original budget, may from time to time be authorized by the Town Council as amendments to the original budget.

3. That the Mayor shall file or cause to be filed a true and correct copy of said budget, along with this ordinance with the Town Secretary.

4. The necessity of adopting and approving a proposed budget for the next fiscal year as required by the laws of the State of Texas, require that this ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, on this 13h day of August 2015.

Dr. Mark E. Vargus
MAYOR

ATTESTED:

Linda Asbell, TRMC
Town Secretary



**TOWN OF LAKEWOOD VILLAGE, TEXAS
FISCAL YEAR 2015-2016
ANNUAL BUDGET**

This budget will raise more revenue from property taxes than last year’s budget by an amount of \$18,015, which is a 7.7 percent increase from last year’s budget. Of the \$18,015 increase, the property tax revenue to be raised from new property added to the tax roll this year is \$4,709.

RECORD OF VOTE ON PROPOSAL TO CONSIDER ADOPTION OF BUDGET

POSITION	NAME	FOR	AGAINST	PRESENT and not voting	ABSENT
Mayor	Dr. Mark E. Vargus				
Mayor Pro-Tem	Carl Menckhoff, M.D.	X			
Council Member #1	Dave Getka	X			
Council Member #3	Ed Reed	X			
Council Member #4	Gary Newsome	X			
Council Member #5	Clint Bushong	X			

PROPERTY TAX RATE COMPARISON (Rates expressed per \$100 of value)

TAX RATE	TAX YEAR 2014	TAX YEAR 2015
Property Tax Rate	\$0.300000/\$100	\$0.300000/\$100
Effective Tax Rate	\$0.238766/\$100	\$0.283479/\$100
Effective Maintenance and Operations Tax Rate	\$0.238766/\$100	\$0.236246/\$100
Debt Rate	\$0.050000/\$100	\$0.050000/\$100
Rollback Tax Rate	\$0.307865/\$100	\$0.305145/\$100

PROPERTY TAX RATE COMPARISON (Rates expressed per \$100 of value)

DEBT ISSUE	PRINCIPAL	INTEREST	TOTAL
2013 Certificates of Obligation	0.05	0	0.05

The total amount of municipal debt obligation secured by property taxes for the Town of Lakewood Village is \$1,472,000.

2016 BUDGET SUMMARY

Exhibit A

Proposed 2015		
General Fund Operating Revenues	\$402,650	
General Fund Operating Expenses	(\$398,000)	
General Fund Operating Surplus	\$4,650	
Utility Fund Operating Revenues		\$315,320
Utility Fund Operating Expenses		(\$288,000)
Utility Fund Operating Surplus		\$27,320
CASH RESERVE BALANCES 2015		
General Fund Beginning	\$200,000	
Reserve Funds Provided/Used	\$4,650	
Reserve Funds Ending	\$204,650	
Utility Fund Reserve Beginning		\$190,000
Cash from Operations		\$78,320
Capital Expenditures		(\$51,000)
Reserve Funds Ending		\$217,320

GENERAL FUND REVENUES				
		BUDGET	YTD	BUDGET
		2016	31-May-15	2015
OPERATING REVENUES				
4000	<i>Tax Income</i>	\$210,000	\$190,523	\$194,000
	<i>Debt Servicing (\$0.05)</i>	\$42,000	\$38,553	\$38,600
4005	<i>Sales Tax</i>	\$28,000	\$21,269	\$25,000
4101	<i>Building Permits- New</i>	\$30,000	\$55,500	\$41,000
4112	<i>Building Permits - Remodel</i>			
4200	<i>Franchise Fee</i>	\$34,000	\$33,562	\$29,000
4106	<i>Reinspect Fees</i>	\$2,000	\$1,650	\$2,000
4103	<i>Contractor Registrations</i>	\$600	\$600	\$600
4109	<i>Plumbing Permit</i>	\$1,000	\$1,000	\$300
4010	<i>Interest</i>	\$1,000	\$2,613	\$800
4108	<i>Flatwork Permits</i>	\$600	\$750	\$600
4107	<i>Pool Permits</i>	\$1,000	\$1,675	\$1,000
4105	<i>Fence Permits</i>	\$300	\$225	\$500
4110	<i>Electrical Permits</i>	\$1,000	\$650	\$1,000
4104	<i>Sprinkler Permits</i>	\$300	\$600	\$300
4102	<i>CO/CSI Inspections</i>	\$2,500	\$1,500	\$3,600
	<i>Miscellaneous Permits</i>	\$500	\$825	\$500
4100	<i>Town Hall</i>	\$100	\$150	\$100
4950	<i>Unallocated Revenues</i>	\$4,000	\$8,488	\$2,300
	<i>Pet Registration</i>		\$50	
	Transfer from MDD			
	<i>Utility Fee for Services-LWV</i>	\$38,000	\$35,260	\$35,260
	<i>Utility Fee for Services-Rocky Pt</i>	\$4,250	\$2,100	\$4,200
4209	<i>PEG Fees</i>		\$143	\$75
4800	<i>Municipal Court Fines</i>		\$252	
4802	<i>Court Costs Fees</i>			
4650	<i>Mowing Abatement Fees</i>	\$500		\$500
	<i>Lien Receipts</i>	\$1,000	\$335	\$1,000
TOTAL OPERATING FUNDS		\$402,650	\$398,273	\$382,235

GENERAL FUND EXPENSES				
		BUDGET	YTD	BUDGET
		2016	31-May-15	2015
Operating Expenses				
5022	<i>Street Repair</i>		\$7,580	
5012	<i>Attorney Fees</i>	\$50,000	\$36,921	\$20,000
5051	<i>Payroll</i>	\$60,000	\$37,262	\$57,000
5055	<i>Benefits - Insurance</i>	\$8,200	\$5,215	\$8,000
5056	<i>Payroll Tax Expense</i>	\$4,600	\$2,115	\$4,400
5057	<i>Benefits- Retirement</i>	\$3,000	\$3,000	\$2,900
5016	<i>Building Inspections</i>	\$18,000	\$13,525	\$18,000
5011	<i>Town Engineer</i>	\$0		\$0
5014	<i>Fire/EMS</i>	\$29,000	\$7,188	\$26,000
5027	<i>Town Hall Improvements</i>	\$1,000		\$1,000
5070	<i>Capital Improvements</i>	\$0	\$1,245	\$0
	Debt Servicing (Principle)	\$145,000	\$128,000	\$128,000
5075	Debt Servicing (Interest)	\$27,800	\$23,438	\$38,526
5200	<i>Contingency Fund</i>	\$3,000	\$1,452	\$3,000
5026	<i>Town Mowing</i>	\$1,500	\$825	\$2,000
	<i>Parks/Recreation/Playground</i>	\$8,000	\$7,226	\$35,000
5021	<i>Town Maintenance</i>	\$4,000	\$1,736	\$4,000
5013	<i>Accounting Fees</i>	\$10,500	\$10,500	\$10,500
5102	<i>Travel Meeting Expenses</i>	\$3,600	\$1,742	\$2,400
5031	<i>Telephone/Telecom</i>	\$1,600	\$999	\$1,700
5032	<i>Electricity</i>	\$6,800	\$3,761	\$6,680
5033	<i>Propane</i>	\$600	\$466	\$800
5101	<i>Continuing Education</i>	\$1,000	\$160	\$1,500
5001	<i>Office Supplies</i>	\$1,000	\$1,850	\$1,000
5008	<i>Elections</i>	\$3,000	\$1,006	\$2,000
5002	<i>Postage</i>	\$200	\$67	\$200
5003	<i>Computers Maintenance</i>	\$200	\$85	\$1,000
5061	<i>Appraisal District</i>	\$1,300	\$784	\$1,300
5007	<i>Advertising</i>	\$300	\$332	\$300
5103	<i>Membership Dues</i>	\$1,000	\$969	\$500
5062	<i>Tax Collector</i>	\$300		\$300
5085	<i>Town Functions</i>	\$1,500	\$1,122	\$2,000
5021	<i>Animal Control</i>	\$200	\$290	\$200

GENERAL FUND EXPENSES (continued)				
		BUDGET	YTD	BUDGET
		2016	31-May-15	2015
	<i>Court Attorney Fees</i>	\$1,000	\$651	\$1,000
5280	<i>Municipal Court</i>			
5041	<i>Abatement Mowing</i>	\$700	\$4,500	\$700
	<i>Lien Recording Fees</i>	\$100	\$160	\$90
	<i>Postage</i>		\$33	
TOTAL OPERATING EXPENSES		\$398,000	\$306,205	\$381,996

UTILITY FUND REVENUES				
		BUDGET	BUDGET	YTD
		2016	2015	31-May-15
OPERATING REVENUES				
	<i>Water Revenue</i>	\$150,000	\$160,000	\$81,230
	<i>Commercial Water Revenue</i>			\$1,814
	<i>Sewer Revenue</i>	\$104,000	\$101,000	\$68,049
	<i>Solid Waste</i>	\$46,000	\$44,000	\$29,652
	<i>Late Fees</i>	\$4,000	\$4,000	\$2,860
	<i>USACE - OLW</i>			
	<i>Sendziak Restitution</i>		\$2,500	\$27,007
	<i>Miscellaneous</i>	\$1,000	\$1,000	\$670
	<i>Water Tap Fees</i>	\$4,725	\$4,725	\$3,150
	<i>Meter Set Fees</i>	\$1,170	\$1,170	\$780
	<i>Sewer Tap Fees</i>	\$3,825	\$3,825	\$2,550
	<i>Interest</i>	\$600	\$500	\$490
	<i>MDD LOC Interest</i>		\$400	\$347
	<i>MDD LOC Principal</i>		\$12,000	\$13,400
TOTAL OPERATING FUNDS		\$315,320	\$335,120	\$231,999

<i>Utility Fund Expenses</i>			
	BUDGET	BUDGET	YTD
	2016	2015	31-May-15
<i>Operating Expenses</i>			
<i>Capital Improvements</i>	\$51,000		\$27,800
<i>GIS Mapping</i>		\$2,000	\$92
<i>Operator Salaries</i>	\$36,600	\$36,600	\$21,350
<i>Payroll</i>	\$8,000		\$4,100
<i>Engineer</i>	\$30,000		\$770
<i>Contract Labor</i>		\$8,000	\$2,424
<i>Electricity (Water)</i>	\$17,000	\$17,000	\$10,120
<i>Electricity (Sewer)</i>	\$21,000	\$21,000	\$13,725
<i>Solid Waste</i>	\$42,000	\$40,000	\$23,993
<i>Water Repairs</i>	\$10,000	\$10,000	\$2,756
<i>Sewer Repairs</i>	\$10,000	\$10,000	\$7,547
<i>Water Scheduled Maintenance</i>	\$1,000	\$0	\$2,460
<i>Sewer Scheduled Maintenance</i>	\$1,000	\$1,000	
<i>Insurance</i>	\$4,600	\$5,600	\$4,588
<i>Contingency Fund</i>	\$1,000	\$1,000	\$81
<i>Water Equipment</i>	\$2,000	\$2,500	\$706
<i>Sewer Equipment</i>	\$1,000	\$500	
<i>Chemicals (Water)</i>	\$1,000	\$800	\$767
<i>Chemicals (Sewer)</i>	\$800	\$500	\$498
<i>Laboratory (Water)</i>	\$500	\$600	\$238
<i>Laboratory (Sewer)</i>	\$4,500	\$4,500	\$2,876
<i>Office Supplies</i>	\$1,500	\$2,000	\$942
<i>Postage</i>	\$1,800	\$1,500	\$1,121
<i>TCEQ Licensing Fees (Water)</i>	\$500	\$450	\$484
<i>TCEQ Licensing Fees (Sewer)</i>	\$1,250	\$1,250	\$1,250
<i>Sludge Removal (Sewer)</i>	\$1,200	\$1,200	\$600
<i>Computers / IT</i>			\$480
<i>Software Licensing Fees</i>	\$750	\$700	\$375
<i>Fee for Administrative Services</i>	\$38,000	\$35,260	\$35,260
<i>Total Operating Expenses</i>	\$288,000	\$203,960	\$167,403

ROAD MAINTENANCE FUND				
		BUDGET	YTD	BUDGET
		2016	31-May-15	2015
Revenues				
	<i>EDC</i>	\$7,000	\$5,783	\$3,200
	<i>MDD</i>	\$4,700	\$3,965	\$2,720
	<i>Franchise Fee - Residential</i>	\$5,160		\$5,160
	<i>Franchise Fee - Commercial</i>	\$900		\$900
	<i>Interest</i>	\$30	\$10	\$30
		\$17,790	\$9,758	\$12,010
Expenses				
	<i>Maintenance</i>	\$0	\$7,580	\$0
	<i>Beginning Fund Balance</i>	\$7,000	\$1,006	\$1,000
	<i>Revenues</i>	\$17,790	\$9,758	\$12,010
	<i>Expenses</i>		(\$7,580)	
	<i>Ending Fund Balance</i>	\$24,790	\$3,184	\$13,010

Capital Projects - Utility Fund

Fire Hydrant Project

Hillside (east)	\$8,000
Peninsula (west)	\$8,000

Utilities Service Building \$35,000

=====
\$51,000

TOWN OF LAKEWOOD VILLAGE, TEXAS

ORDINANCE NO. 13-13

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS ADOPTING A DROUGHT CONTINGENCY AND WATER MANAGEMENT PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES, ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village recognizes that the amount of water available to the Town and its water utility customers is limited and subject to depletion during periods of extended drought or other water supply limitations; and

WHEREAS, the City recognizes the natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Section 11.1272 of the Texas Water Code (TWC) and Title 30, Rule 288.2 of the Texas Commission on Environmental Quality (TCEQ) require all public supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of the Town of Lakewood Village, Texas, the Town Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:

Section 1: PURPOSE AND SCOPE

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Town of Lakewood Village hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance.

Water uses regulated or prohibited under this Drought Contingency and Emergency Water Management Plan (“the Plan”) are considered to be non-essential and continuation of

such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 7 of the Plan.

Section 2: PUBLIC EDUCATION & NOTIFICATION

- A) The Town of Lakewood Village will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and water management measures to be implemented in each stage. This information will be provided by means of the Town's website, the marquee located at Town Hall, signs posted in public places and utility bill inserts.
- B) At any time this plan is initiated or terminated, the Mayor or his/her designee shall notify the public by means of the Town's website, the marquee located at Town Hall and signs posted in public places and shall be effective immediately. Members of Town Council shall be notified directly.
- C) At any time Stages 4 or 5 of the plan are initiated or terminated, the Mayor or his/her designee shall notify the Little Elm Fire Department.

Section 3: EXEMPTIONS

- A) Governmental use of water determined to be necessary for the public health, safety, and welfare, or for essential services such as fire, police, and emergency services, are exempt from any and all restrictions or mandates herein.
- B) All persons who are permitted by the Town of Dallas to pump out of Lake Lewisville for the purpose of irrigation.
- C) All persons who are permitted by the Town of Lakewood Village to irrigate with reclaimed water.

Section 4: DEFINITIONS

For the purposes of this Plan, the following definitions shall apply:

Aesthetic Water Use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and Institutional Water Use: water use, which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the Town of Lakewood Village.

Domestic Water Use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Drip Irrigation: Also known as, *trickle irrigation* or *micro-irrigation* is an irrigation method, which minimizes the use of water and fertilizer by allowing water to drip slowly to the roots of plants through a network of valves, pipes, tubing and emitters.

Even Number Address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

General Emergency: a condition in which the existing or projected water supply available to the Town is not anticipated to meet the ordinary water requirements of the metered water users. This condition may be the result of factors including, but not limited to, natural emergency conditions and/or a failure of the Town's water distribution system.

Hose-end Sprinkler: designed to screw into a standard hose and rest on the ground wherever you drag it and set it down, it then delivers water in a spray pattern in the immediate area.

Landscape: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-Essential Water Use: water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

- a) irrigation of landscape areas and parks, except otherwise provided under this Plan;
- b) use of water to wash any motor vehicle, motorbike, watercraft, trailer, airplane or other vehicle;
- c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- e) use of water to fill indoor or outdoor swimming pools or Jacuzzi-type pools;
- f) use of water from hydrants for construction purposes or any other purposes other than firefighting;
- g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

- h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Odd Numbered Address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Person: owner, occupant, or person in control of the premises or a person authorized by the owner, occupant, or person in control of the premises.

Total Production Capability: the total net aggregate amount of water that can be produced from all water wells capable of supplying water to the system in any given 24-hour period.

Trigger: a threshold level to be used as an initiation or termination point for actions based on certain criteria.

Utility Operations Company: the entity with which the Town maintains its current water maintenance contract.

Section 5: CRITERIA FOR INITIATION AND TERMINATION OF WATER MANAGEMENT RESPONSE STAGES

The Mayor or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

Criteria triggering the implementation of various levels of the Plan include, but are not limited to, the following:

- a) General Emergency;
- b) Water demand equals or exceeds water production.

Section 6: WATER MANAGEMENT STAGES

Stage 1: MILD - Water Awareness

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) Annually, beginning on the final Monday of May (Memorial Day) and ending on October 31st (Halloween) or;

- b) Demand exceeds 90% of deliverable capacity for three (3) consecutive days or;
- c) Water demand approaches a reduced delivery capacity for all or part of the system due to supply or production capacity limitations.

Water Use Reduction

- a) Water customers are requested to voluntarily reduce water use by 2%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are requested to voluntarily conserve water and adhere to prescribed restrictions for non-essential water use as defined in Section 4:
 - 1) Sub section C, use of water to wash down hard surfaces;
 - 2) Sub section D, use of water to wash the outside of homes or buildings;
- b) Water customers are required limit irrigation of landscaped areas to the hours between 6:00 p.m. to 4:00 a.m. daily;
- c) The use of drip irrigation or soaker hoses for landscaped areas or foundations are permitted at any time during the day.

Requirements for Termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

Stage 2: MODERATE – Water Warning

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) Demand exceeds 90% of deliverable capacity for six (6) consecutive days or;
- b) Demand equals or exceeds 100% of delivery capacity for one (1) day or;
- c) Water demand approaches a reduced delivery capacity for all or part of the system due to supply or production capacity limitations.

Water Use Reduction

- a) Water customers are required to reduce water use by 10%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are required to conserve water and adhere to prescribed restrictions for non-essential water use defined in Section 4:
 - 1) Sub section C, use of water to wash down hard surfaces;
 - 2) Sub section D, use of water to wash the outside of homes or buildings;
 - 3) Sub section F, use of water from hydrants for construction purposes.
- b) Water customers are required to limit irrigation of landscaped areas to the hours between 6:00 p.m. to 4:00 a.m. daily.
- c) The use of drip irrigation or soaker hoses for landscaped areas or foundations are permitted at any time during the day.

Requirements for Termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of six (6) consecutive days and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

Stage 3: SEVERE – Water Watch

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) Demand exceeds 90% of deliverable capacity for nine (9) consecutive days or;
- b) Demand equals or exceeds 100% of delivery capacity for three (3) consecutive days or;
- c) Water demand approaches a reduced delivery capacity for all or part of the system due to supply or production capacity limitations.

Water Use Reduction

- a) Water customers are required to reduce water use by 20%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are required to conserve water and adhere to prescribed restrictions for non-essential water use defined in Section 4:
 - 1) Sub section B, use of water to wash vehicles or watercraft;
 - 2) Sub section C, use of water to wash down hard surfaces;
 - 3) Sub section D, use of water to wash the outside of homes or buildings;
 - 4) Sub section E, use of water to fill a pool;
 - 5) Sub section F, use of water from hydrants for construction purposes.

- b) Water customers are required to limit irrigation of landscaped areas and adhere to the prescribed restrictions:
 - 1) To the hours between 6:00 p.m. and 4:00 a.m.;
 - 2) Water customers with even addresses water only on even numbered days;
 - 3) Water customers with odd address water only on odd numbered days;
- c) Water customers are required to limit the top off of a pool to the hours between 6:00 p.m. and 4:00 a.m.
- d) Water customers are required to limit the use of drip irrigation and soaker hoses for landscaped areas or foundations to the hours between 6:00 p.m. and 4:00 a.m.

Requirements for Termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of nine (9) consecutive days and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

Stage 4: CRITICAL – Water Crisis

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) Demand exceeds 90% of deliverable capacity for twelve (12) consecutive days or;
- b) Demand equals or exceeds 100% of delivery capacity for six (6) consecutive days or;
- c) Water demand approaches a reduced delivery capacity for all or part of the system due to supply or production capacity limitations.

Water Use Reduction

- a) Water customers are required to reduce water use by 30%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are required to conserve water and adhere to prescribed restrictions for non-essential water use defined in Section 4:
 - 1) Sub section B, use of water to wash vehicles or watercraft;
 - 2) Sub section C, use of water to wash down hard surfaces;
 - 3) Sub section D, use of water to wash the outside of homes or buildings;
 - 4) Sub section E, use of water to fill a pool;

- 5) Sub section F, use of water from hydrants for construction purposes.
- b) Water customers are required to limit irrigation of landscaped areas and adhere to the prescribed restrictions:
 - 1) To the hours between 6:00 p.m. and 4:00 a.m.;
 - 2) Water customers with even addresses water only on Sundays and Thursdays;
 - 3) Water customers with odd addresses water only on Saturdays and Wednesdays;
- c) Water customers are required to limit the top off of a pool to the hours between 6:00 p.m. and 4:00 a.m.
- d) Water customers are required to limit the use of drip irrigation and soaker hoses for landscaped areas or foundations to the hours between 6:00 p.m. and 4:00 a.m.

Requirements for Termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of twelve (12) consecutive days and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

Stage 5: EMERGENCY

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) General emergency.

Water Use Reduction

- a) Water customers are required to reduce water use by 50%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are required to conserve water and adhere to prescribed restrictions for non-essential water use defined in Section 4:
 - 1) Sub section A; use of water for irrigation, including drip or soaker hoses;
 - 2) Sub section B, use of water to wash vehicles or watercraft;
 - 3) Sub section C, use of water to wash down hard surfaces;
 - 4) Sub section D, use of water to wash the outside of homes or buildings;
 - 5) Sub section E, use of water to fill a pool including top off;
 - 6) Sub section F, use of water from hydrants for construction purposes.

b) Water customers are requested to voluntarily conserve essential water use.

Requirements for Termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of one (1) day and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

Summary Non-Essential Water Use and Water Stages

	Stage 1 Mild	Stage 2 Moderate	Stage 3 Severe	Stage 4 Critical	Stage 5 Emergency
Reduction Target	Voluntary - 2%	10%	20%	30%	50%
Irrigation - Sprinklers (Section 4a)	Seasonal - Between 6:00 p.m. & 4:00 a.m.	Between 6:00 p.m. & 4:00 a.m.	Between 6:00 p.m. & 4:00 a.m. & Alternating Even / Odd Addresses	Between 6:00 p.m. & 4:00 a.m. & Twice a Week	No non-essential water use. Voluntary conservation of essential water use.
Irrigation – Drip or Soaker Hose (Section 4a)	No restrictions		Between 6:00 p.m. & 4:00 a.m.		
Vehicles (Section 4b)	No restrictions		Not allowed		
Hard Surfaces (Section 4c)	No restrictions	Not allowed			
Buildings (Section 4d)					
Pools (Section 4e)	No restrictions	No restrictions	Top Off Only Between 6:00 p.m. and 4:00 a.m.		
Hydrants (Section 4f)		Not allowed			

Section 7: ENFORCEMENT

- A) No person shall knowingly or intentionally allow the use of water from the Town of Lakewood Village for residential, governmental or any other purpose in a manner contrary to any provision of the Plan, or in an amount in excess of that permitted by the response stage in effect at the time pursuant to action taken by the Mayor, or his/her designee, in accordance with the provisions of the Plan.

- B) Any person who violates the Plan is guilty of a misdemeanor and, upon receiving one warning in writing and, upon conviction shall be punished by a fine of not less two-hundred dollars (\$200) and not more than two-thousand dollars (\$2,000). Each day that one or more of the provisions in the Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of the Plan, the Mayor shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. In addition, suitable assurance must be given to the Town of Lakewood Village that the same action shall not be repeated while the Plan is in effect. Compliance with the plan may also be sought through injunctive relief in the district court.

Section 8: VARIANCE

The Mayor, or his/her designee, may, in writing, grant a *temporary* variance for existing water uses otherwise prohibited under the Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance or if the following conditions are met:

- a) Compliance with the Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect; and
- b) Alternative methods can be implemented which will achieve the same level of reduction in water use; or
- c) Literal enforcement of the ordinance would create an undue and extreme hardship.

The temporary variance shall automatically expire on the date of the next Council meeting, at which time the person may request a variance from the Town Council. An approved variance shall specify the termination date and shall otherwise expire when the Plan is no longer in effect.

No variance shall be retroactive or otherwise justify any violation of the Plan occurring prior to the issuance of the variance.

Section 9: REPEALER / SAVINGS

Ordinance 11-20 is hereby repealed in its entirety.

Section 10: SEVERABILITY

The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance, despite such invalidity, which remaining portions shall remain in full force and effect.

Section 11: EFFECTIVE DATE

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the 14th day of October, 2013.

Mike Schnittker
Mayor, Town of Lakewood Village

ATTEST:

Linda Asbell
Town Secretary, Town of Lakewood Village



VARIANCE REQUEST

100 Highridge Drive
Lakewood Village, TX 75068
(972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

BUILDING DEPARTMENT

REVISED: 10/09/2014

APPLICANT / OWNER	
Applicant Name SAM ELPAZZABI	Address 420 420 Hillside DR.
Day Time Telephone 714-789-9551	
Email BARingerhomes@yahoo.com	
Owner Name <input type="checkbox"/> Same as Applicant? <input type="checkbox"/> Yes SAM ELPAZZABI	Address
Day Time Telephone 714-789-9551	
Email	

PROPERTY	
Address or General Location Hillside Drive (#420)	
Legal Description (If Platted) Section 1, Blk F, Lot 5	
Lot Size <input checked="" type="checkbox"/> Square Feet OR <input type="checkbox"/> Acres 7610	Zoning Classification SF-District 1
Existing Use of Land and/or Building(s) lot	

REQUESTED VARIANCE
Variance to Section(s) of the Ordinance Front facing garage. Garage size 20.5' x 22' deep.
Current Ordinance Requirement(s) Garage size 25' x 22' deep.
Requested Variance(s)



VARIANCE REQUEST

100 Highridge Drive
Lakewood Village, TX 75068
(972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

BUILDING DEPARTMENT

REVISED: 10/09/2014

SUBMITTAL REQUIREMENTS

If the applicant is not the owner, a letter signed and dated by the owner certifying their ownership of the property and the authorizing the applicant to represent the person, organization, or business that owns the property.

If not platted, a metes and bounds legal description of the property.

A written statement documenting the reason for the variance(s), including evidence that the request complies with the following criteria as required for approval of a variance.

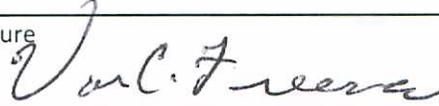
- 1) A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
- 2) The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;
- 3) The variance is the minimum amount necessary to allow a reasonable use of the property;
- 4) The sole reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship;
- 5) The variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district; and,
- 6) The variance will not alter the essential character of the zoning district within which the subject property is located, and is in harmony with the intent and purposes of the zoning ordinance.

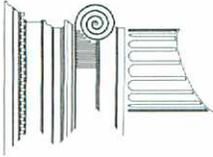
Site plan, submitted on drawing sheet size 11" X 17", showing:

- 1) Scale and north arrow;
- 2) Location of site with respect to streets and adjacent properties;
- 3) Property lines and dimensions;
- 4) Location and dimensions of buildings;
- 5) Building setback distances from property lines;
- 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; and
- 7) Any other proposed features of the site which are applicable to the requested variance.

NOTICE

To the best of my knowledge, this application and associated documents are complete and correct, and it is understood that I or another representative should be present at all public meetings concerning this application.

Applicant Signature 	Date 8-4-2015
--	------------------



Martinez Design
 Tel: 972-891-1160
 Tel: 972-891-1252
 martinezdesign.com

GENERAL NOTES

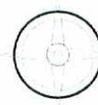
1. THE GENERAL CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES PRIOR TO THE START OF CONSTRUCTION.
2. THESE PLANS ARE INTENDED FOR THE GENERAL CONTRACTOR'S USE ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES PRIOR TO THE START OF CONSTRUCTION.
3. THE GENERAL CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES PRIOR TO THE START OF CONSTRUCTION.
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE STATE AND LOCAL ORDINANCES.
5. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ANY ENGINEERING NECESSARY TO COMPLETE THESE PLANS. IT IS RECOMMENDED THAT THESE PROFESSIONAL ENGINEERS.

SQUARE FOOTAGE

FOUNDATION	1,500.0 SF
FLOOR AREA	210.0 SF
GARAGE AREA	420.0 SF
COVERED PATIO AREA	180.0 SF

LEGEND

SYMBOL	ITEM DESCRIPTION
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Project Name:

NEW HOUSE

Project Address:

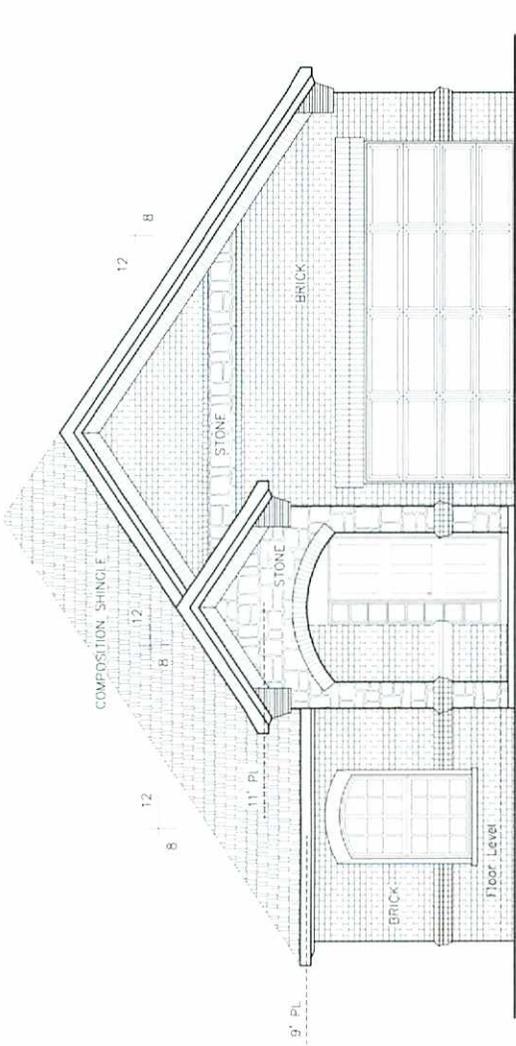
**447 HILLSIDE DR
 LITTLE ELK, TX 75068**

Sheet Name:

ELEVATIONS

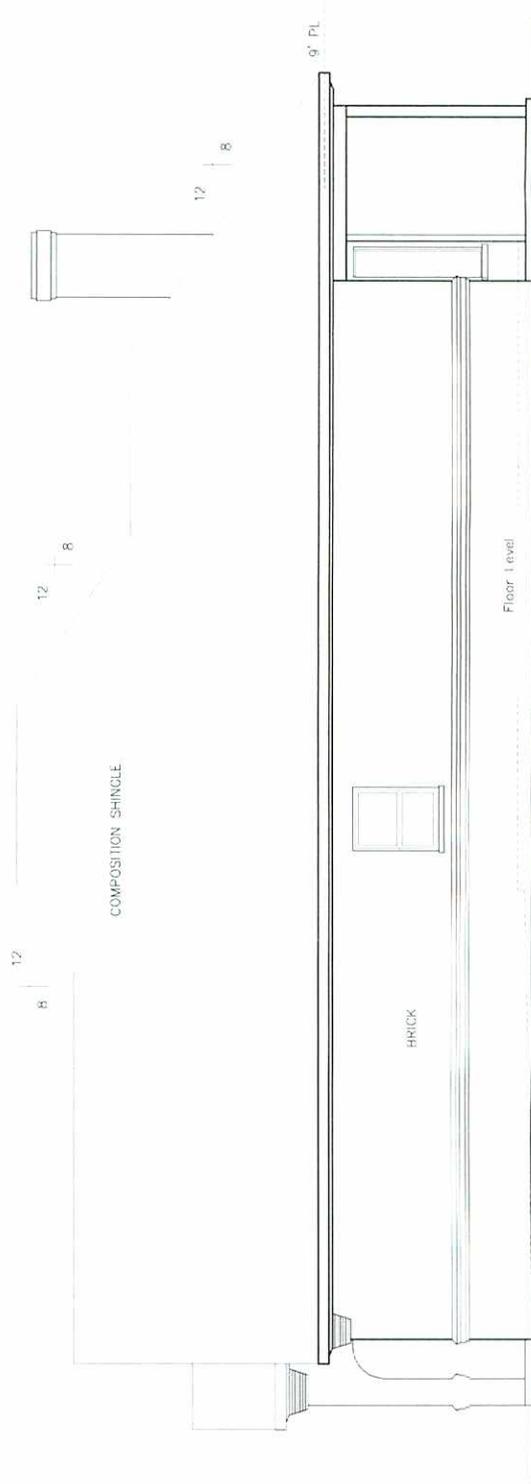
Project #: HQ#65-1015
 Date: 06-07-2015
 Scale: 1/4" = 1'-0"

Sheet #: **A-9**



FRONT ELEVATION

SCALE : 1/4" = 1'-0"



RIGHT ELEVATION

SCALE : 1/4" = 1'-0"



**Martinez
Design**
 28 322.911.4190
 martinezdesign@gmail.com

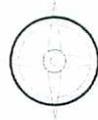
GENERAL NOTES

1. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND VERIFY THE ACCURACY OF ALL DIMENSIONS AND MATERIALS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND MATERIALS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND MATERIALS PRIOR TO CONSTRUCTION.
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4. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND VERIFY THE ACCURACY OF ALL DIMENSIONS AND MATERIALS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND MATERIALS PRIOR TO CONSTRUCTION.
5. IT IS THE RESPONSIBILITY OF THE ARCHITECT TO PROVIDE ALL NECESSARY DIMENSIONS AND MATERIALS PRIOR TO CONSTRUCTION. THE ARCHITECT SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND MATERIALS PRIOR TO CONSTRUCTION.

SQUARE FOOTAGE

LIVING AREA	1,500.0 SF
PORCH AREA	87.0 SF
GARAGE AREA	428.0 SF
COVERED PATIO AREA	180.0 SF

SYMBOL	ITEM DESCRIPTION



Project Name:

NEW HOUSE

Project Address:

**447 HILLSIDE DR
LITTLE ELM, TX 75068**

File Name:

ELEVATIONS

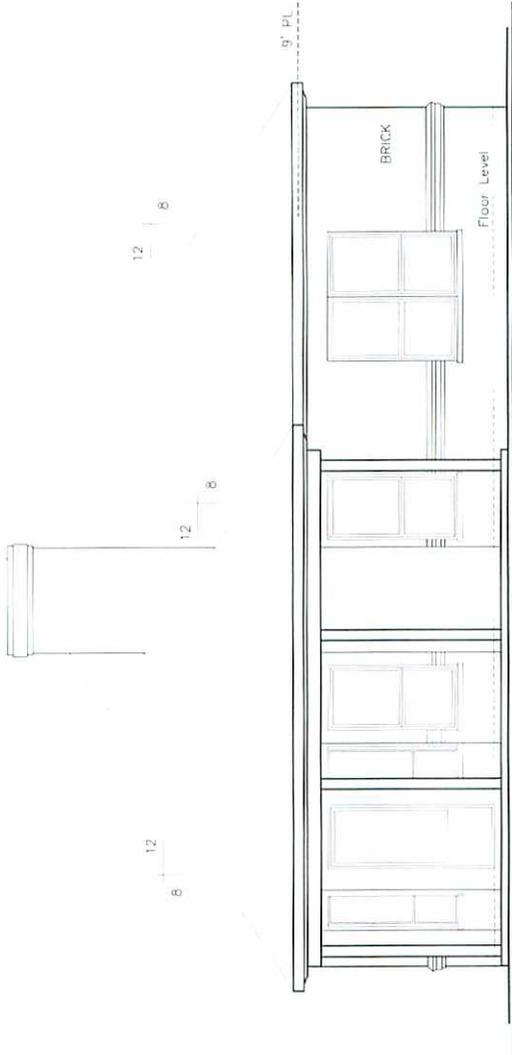
Project No: **HO465-1015**

Drawn By: **JAM**

Date: **06-07-2015**

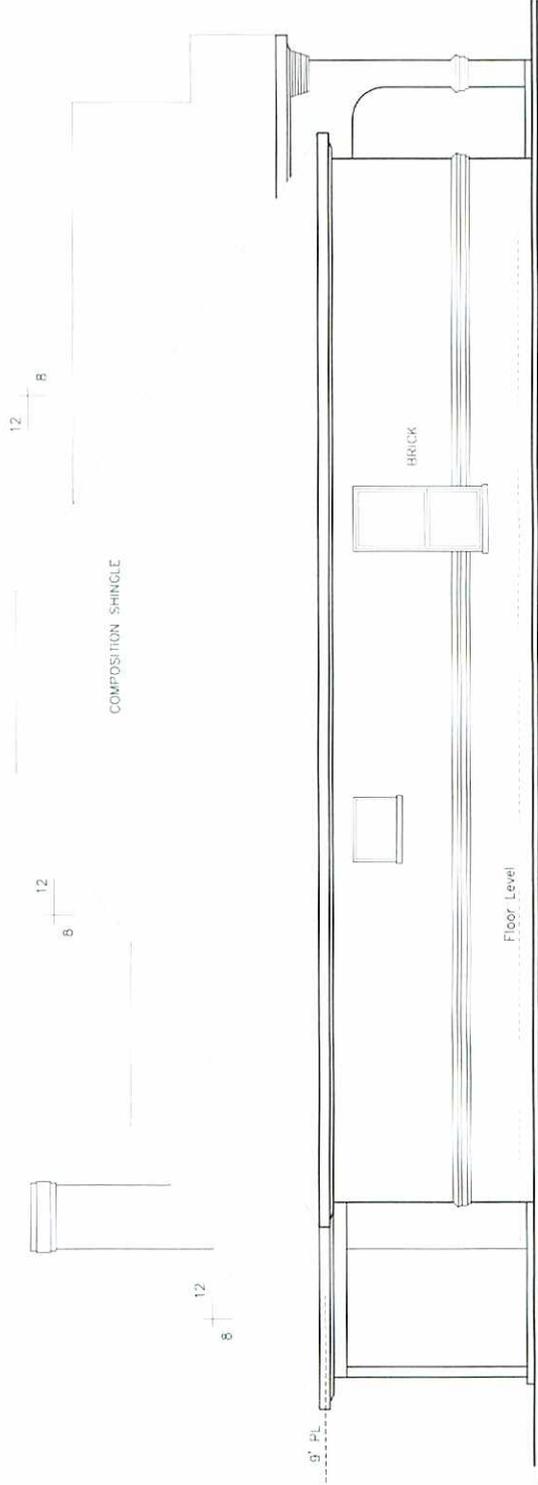
Scale: **1/4" = 1'-0"**

Sheet No: **A-11**



REAR ELEVATION

SCALE : 1/4" = 1'-0"



LEFT ELEVATION

SCALE : 1/4" = 1'-0"



Martinez Design
 Tel: 972.891.4190
 Tel: 972.871.2617
 martinez73@gmail.com

GENERAL NOTES

1. THE LOCAL CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND SHALL BE RESPONSIBLE FOR THE COST OF SUCH PERMITS AND APPROVALS.
2. THESE PLANS ARE INTENDED FOR THE GENERAL INFORMATION OF THE CLIENT AND ARE NOT TO BE USED FOR CONSTRUCTION.
3. THE LOCAL CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND SHALL BE RESPONSIBLE FOR THE COST OF SUCH PERMITS AND APPROVALS.
4. ALL WORK NOT SHOWN ON THESE PLANS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE APPROVED BY THE LOCAL GOVERNMENT AND ALL APPLICABLE STATE AND LOCAL ORDINANCES, CODES AND REGULATIONS.
5. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND SHALL BE RESPONSIBLE FOR THE COST OF SUCH PERMITS AND APPROVALS.

SQUARE FOOTAGE

LIVING AREA	1,500.0 SF
PORCH AREA	87.0 SF
GARAGE AREA	428.0 SF
COVERED PATIO AREA	180.0 SF

LEGEND

SYMBOL	ITEM DESCRIPTION
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Project Name:

NEW HOUSE

Project Address:

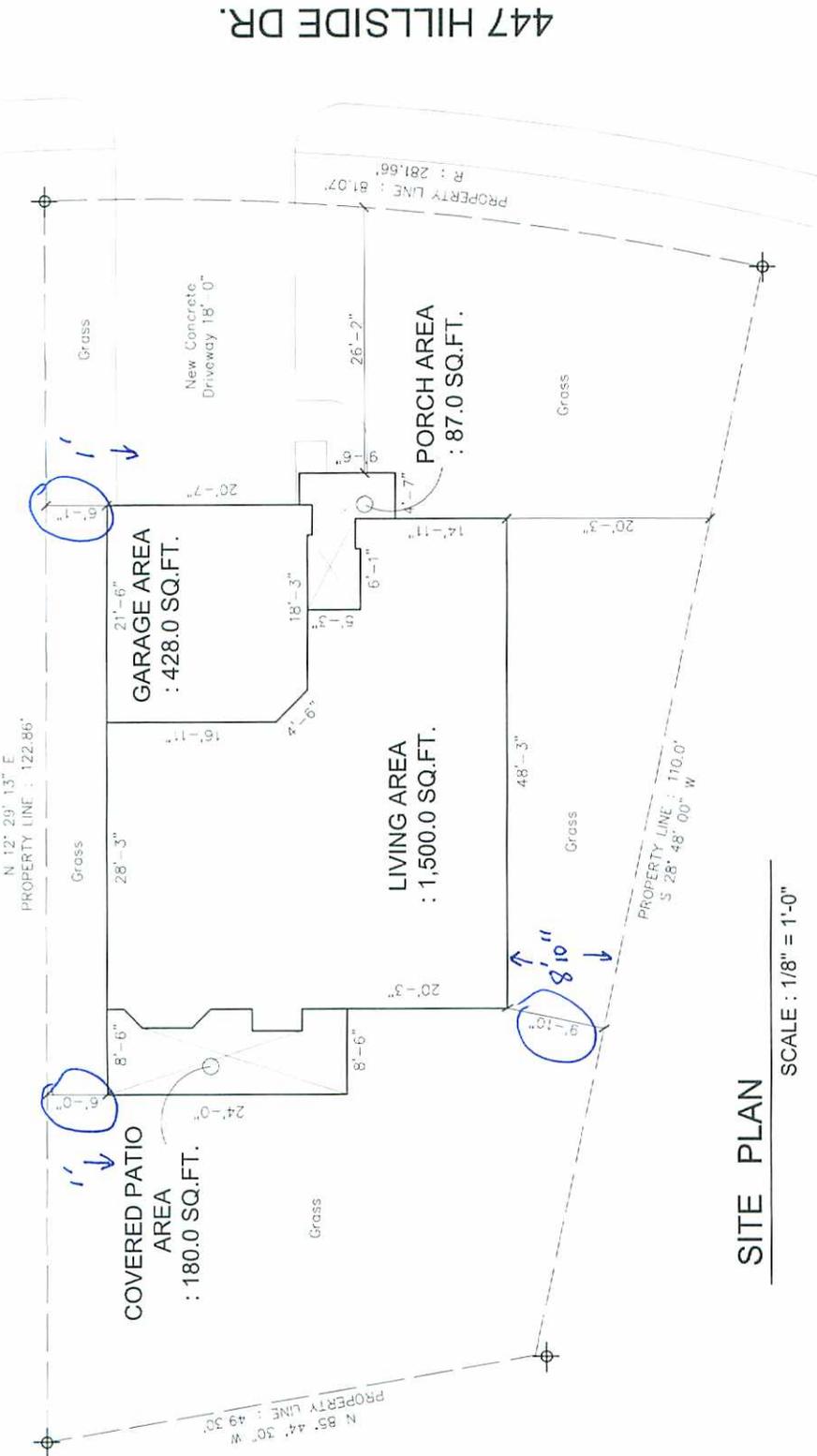
447 HILLSIDE DR.
 LITTLE ELM, TX 75068

Site Name:

SITE PLAN

Project No.: H0965-1015
 Drawn By: JAM
 Date: 06-07-2015
 Scale: 1/8" = 1'-0"

Sheet #: **A-1**



PROJECT DATA

ADDRESS: 447 HILLSIDE DRIVE

LOT No.: 5 420

BLOCK No.: F

AREAS IN SQUARE FEET

NEW HOUSE LIVING AREA: 1,500.0 S.F.

NEW PORCH AREA: 87.0 S.F.

NEW COVERED PATIO AREA: 180.0 S.F.

NEW GARAGE AREA: 428.0 S.F.

SITE PLAN

SCALE : 1/8" = 1'-0"

447 HILLSIDE DR.



Martinez Design
 Tel.: 372-891-1150
 Tel.: 372-871-2572
 martinezdesign.com

GENERAL NOTES

1. THE GENERAL CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE LOCAL, STATE AND FEDERAL AGENCIES PRIOR TO THE START OF CONSTRUCTION.
2. THESE PLANS ARE INTENDED FOR THE GENERAL CONTRACTOR'S USE ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE LOCAL, STATE AND FEDERAL AGENCIES PRIOR TO THE START OF CONSTRUCTION.
3. THE GENERAL CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE LOCAL, STATE AND FEDERAL AGENCIES PRIOR TO THE START OF CONSTRUCTION.
4. ALL WORK PERFORMED ON THIS PROJECT SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES AND REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE LOCAL, STATE AND FEDERAL AGENCIES PRIOR TO THE START OF CONSTRUCTION.

SQUARE FOOTAGE

EXTERIOR AREA	1,500.0 SF
FLOOR AREA	210.0 SF
GARAGE AREA	620.0 SF
COVERED PATIO AREA	180.0 SF

LEGEND

SYMBOL	ITEM DESCRIPTION
--------	------------------



PROJECT NAME:

NEW HOUSE

PROJECT ADDRESS:

447 HILLSIDE DR.
 LITTLE ROCK, TX 75068

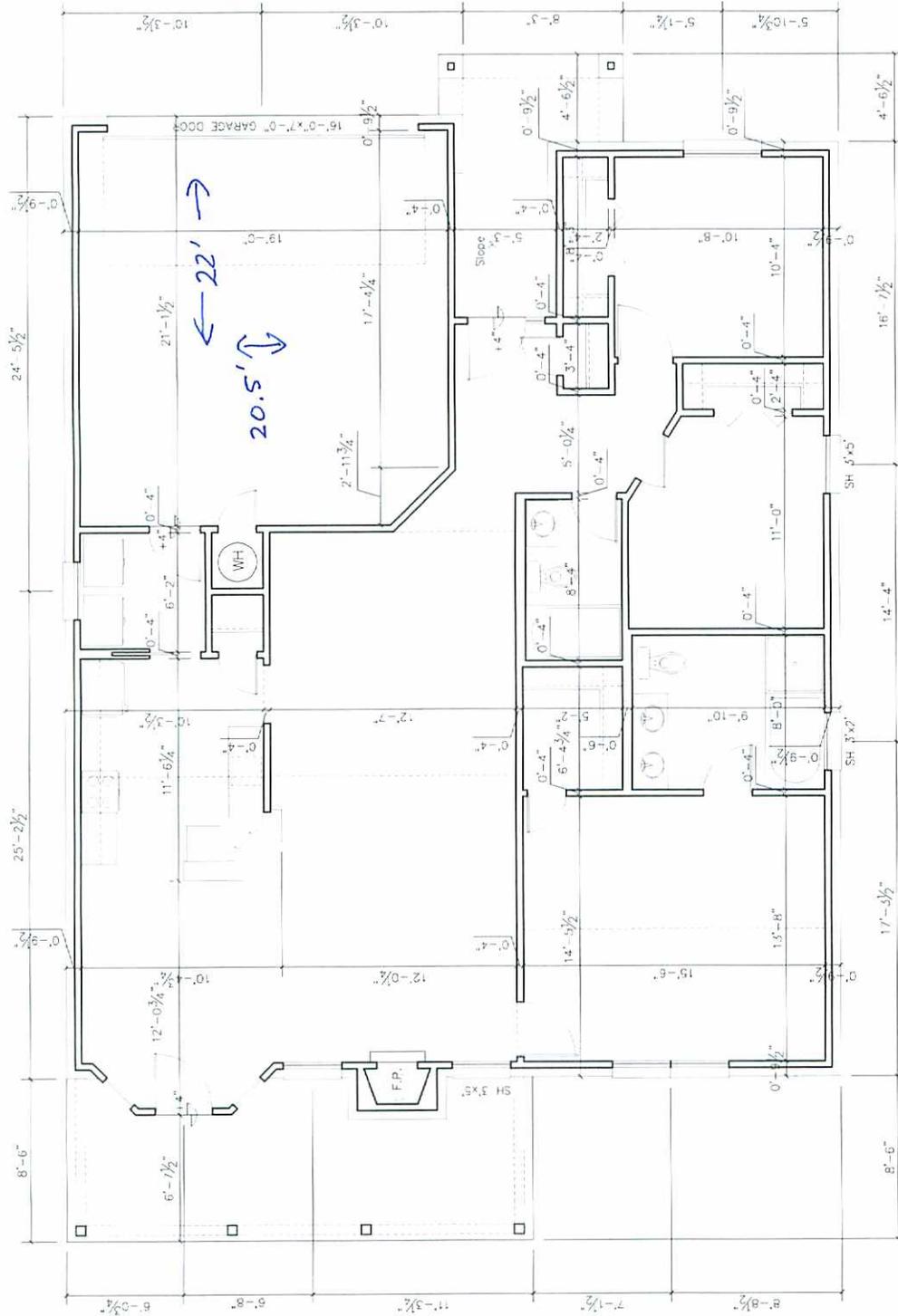
TYPE: HOUSE

DIMENSIONS PLAN

PROJECT NO.: HQ465-1015
 DRAWN BY: JAM
 DATE: 08-07-2015
 SCALE: 1/4" = 1'-0"

Sheet #:

A-3



DIMENSIONS PLAN

SCALE : 1/4" = 1'-0"

Linda Asbell

From: Osama Elazzabi <oalazabi@gmail.com>
Sent: Tuesday, August 04, 2015 2:54 PM
To: Linda@lakewoodvillagetx.us
Subject: Variance request

Dear Linda

I do authorize mr van to file the variances request on my behalf Osama Elazzabi

best regards



BUILDING DEPARTMENT

VARIANCE REQUEST

100 Highridge Drive
 Lakewood Village, TX 75068
 (972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

REVISED: 10/09/2014

APPLICANT / OWNER	
Applicant Name Dion & Julie Petaros	Address 770 Carrie Lane
Day Time Telephone 972-987-4494	Lakewood Village, TX 75068
Email petaros@yahoo.com	
Owner Name Same as Applicant? <input checked="" type="checkbox"/> Yes	
Day Time Telephone	Address
Email	
PROPERTY	
Address or General Location 770 Carrie Lane, Lakewood Village, TX 75068	
Legal Description (If Platted) Lot 22, Block A, The Shores of Lakewood Village, Section Five-Phase Three	
Lot Size <input type="checkbox"/> Square Feet OR <input checked="" type="checkbox"/> Acres	Zoning Classification
1.014	R (Residential)
Existing Use of Land and/or Building(s) Residence	
REQUESTED VARIANCE	
Variance to Section(s) of the Ordinance 03-04 Fences Ordinance, Section 8.00, 1(c)	
Current Ordinance Requirement(s) Front yard. No fence (shall be) permitted in the front yard unless a part of the landscaping or a decorative screen, but in no case shall the fence exceed three (3) feet in height	
Requested Variance(s) Construction of eight (8) foot high "simulated stone" vinyl fence six inches West of side property line to a point 18 feet forward of existing 770 Carrie Lane building line, adjacent to, and not forward of, the existing chain link fence, constructed by the owners of 760 Carrie Lane, located on the same property line. This variance request is part of a fence project, the remainder of which complies with all applicable ordinances.	



BUILDING DEPARTMENT

VARIANCE REQUEST

100 Highridge Drive
Lakewood Village, TX 75068
(972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

REVISED: 10/09/2014

SUBMITTAL REQUIREMENTS

If the applicant is not the owner, a letter signed and dated by the owner certifying their ownership of the property and the authorizing the applicant to represent the person, organization, or business that owns the property.

If not platted, a metes and bounds legal description of the property.

A written statement documenting the reason for the variance(s), including evidence that the request complies with the following criteria as required for approval of a variance.

- 1) A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
- 2) The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;
- 3) The variance is the minimum amount necessary to allow a reasonable use of the property;
- 4) The sole reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship;
- 5) The variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district; and,
- 6) The variance will not alter the essential character of the zoning district within which the subject property is located, and is in harmony with the intent and purposes of the zoning ordinance.

Site plan, submitted on drawing sheet size 11" X 17", showing:

- 1) Scale and north arrow;
- 2) Location of site with respect to streets and adjacent properties;
- 3) Property lines and dimensions;
- 4) Location and dimensions of buildings;
- 5) Building setback distances from property lines;
- 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; and
- 7) Any other proposed features of the site which are applicable to the requested variance.

NOTICE

To the best of my knowledge, this application and associated documents are complete and correct, and it is understood that I or another representative should be present at all public meetings concerning this application.

Applicant Signature 	Date 31 JULY 2015
---	----------------------

PROPERTY LINE → 6' VINYL CLAD CHAIN LINK FENCE 120' ↓



↑ EXISTING FENCE

136'

770 CARRIE

EXISTING FENCE & GATE

760 CARRIE
EXISTING FENCE

HOUSE

48'

81'

NEW FENCE
(ADJACENT TO
EXISTING 6'
CHAIN LINK
FENCE)

PORCH

HOUSE

PORCH

PLAN FOR 770 CARRIE LANE FENCE PROJECT

Fence project at 770 Carrie Lane

The fence ordinance for Lakewood Village is vague at best, and certainly open to interpretation as to whether the "building line" verbiage is related to the structure or the required setback on the property. Also, the ordinance does not specify which forward "building line", if one were to interpret the ordinance as meaning a physical structure on a property, especially when one of the adjacent properties involves construction years after the original construction on the other property. This is especially applicable when the new construction includes locating a structure nearly sixty (60) feet forward of the original (property at 770 Carrie Lane) structure the building inspector deems as "controlling". As the property owners at 760 Carrie have elected to build their house so far forward of all the other houses on this side of Carrie Lane, but especially concerning the property at 770 Carrie, the case of the fence request for 770 Carrie Lane is a unique situation which requires a unique response. The structure at 760 Carrie Lane places their pool and back patio directly adjacent and within twenty-four feet 24 feet of our (770 Carrie Lane) master bedroom windows.

As a result of this location and proximity, numerous incidents have arisen necessitating the installation of a video surveillance system. This system is being used to document occurrences for possible use in future actions. Should the council require additional information regarding this, we will be glad to furnish it in closed session. Construction of this fence to the forward point of the existing six (6) foot vinyl clad chain link fence, constructed by the owners of 760 Carrie Lane and located precisely on the property line between the two properties involved, is necessary in order to stop these incidents. Our waiver request is to construct our fence, to ensure privacy, only to the forward point of the fence already existing on the property line between these two properties.

Additional reasons for our constructing this fence to the forward limit requested are to relieve the nuisance occurrences regarding noise and animal issues. Once again, these issues are directly related to the owners of 760 Carrie Lane constructing their residence, including pool and patio, in such proximity and so far forward of our residence as to regularly create a noise nuisance whenever they are using their pool or patio. This nuisance is exacerbated on weekends and holidays when visitors to 760 Carrie Lane become very loud and play music extremely loud. As the type of fence we are installing has sound barrier properties, constructing the fence to the limit of eighteen (18) feet forward of our house structure will substantially reduce the noise nuisance. Regarding animal nuisance, their small dog barks continuously when outdoors which is especially problematic as the barking occurs at all hours of the day and night. This interferes with our ability to enjoy our home/property and further interferes with our ability to sleep. They also routinely have a large black dog staying on the property. When my wife attempts to garden in our front or side yard, this dog raises up with front paws on the top of their chain link fence, which is only four (4) feet above their retaining wall, on the property line (adjacent to the patio at 760 Carrie Lane and our side and front yard), becomes menacing and growls to the point of scaring my wife away. This further precludes our right to peaceful and quiet enjoyment of our property.

Construction of this fence within the parameters of the project, is required to resolve the above stated issues, but also demonstrates our intent to preserve our property rights and the right to peaceful and quiet enjoyment of our property. This preservation of our rights will also allow the owners of the property at 760 Carrie Lane the ability to peacefully enjoy their property. This fence project is designed relieve the necessity of engaging in further actions to protect our rights and ensure the safety of my family and property.



PROJECT PERMIT

100 Highridge Drive
 Lakewood Village, TX 75068
 (972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

BUILDING DEPARTMENT

REVISED: 10/09/2014

PERMIT TYPE			
<input type="checkbox"/> MECHANICAL <input type="checkbox"/> ELECTRICAL <input type="checkbox"/> PLUMBING <input type="checkbox"/> IRRIGATION <input type="checkbox"/> FLATWORK <input type="checkbox"/> FENCE <input checked="" type="checkbox"/> STRUCTURE <input type="checkbox"/>			
PROPERTY OWNER INFORMATION			
Property Owner Dion & Julie Petaros		Notes See attached Documents	
Property Owner Address 770 Carrie Lane Lakewood Village, TX 75068			
CONTRACTOR INFORMATION			
Contact Name John Davis		Business Address 2509 Minnis Stre Haltom City, TX	
Business Name Acme Fence Company		Registered with Town? <input type="checkbox"/> Yes	
Office Number 817-831-8880	Mobile Number		
DESCRIPTION OF WORK			
Class of Work: <input type="checkbox"/> New <input checked="" type="checkbox"/> Addition <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Repair			
Replace 136 feet of 6 foot vinyl clad chain link fence with 8 foot vinyl "simulated stone" fence and add 48 feet of 8 foot vinyl fence along the same property line. See attached documents.			
NOTICE			
<p>This permit shall become null and void if work or construction authorized is not commenced within 180 days, or if work or construction is suspended or abandoned for a period of one hundred eighty (180) days at any time work is commenced.</p> <p>I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions and laws and ordinances governing this type of work will be compiled with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provision of any other state or local law regulating construction or performance of construction.</p>			
Signature 		Date 31 JULY 2015	
TOWN USE ONLY			
Permit Expiration	Date Paid	<input type="checkbox"/> Check # <input type="checkbox"/> Money Order	Fee

\$25 permit
fee paid

FENCE PROJECT FOR 770 CARRIE LANE – JULY 2015

EXAMPLE OF SIMULATED STONE VINYL FENCE

FENCE IS FINISHED (IDENTICALLY) ON BOTH SIDES



Plan for 770 Carrie Lane is to replace existing 138' Vinyl clad Chain Link Fence (from property line with 760 Carrie Lane) with 8' Simulated Stone Vinyl Fence. Plan further includes extending new fence an additional 48' southward towards the street along the same property line. This new (extended) fencing will end at the point where the existing fence DIRECTLY ON THE PROPERTY LINE WITH 760 CARRIE CURRENTLY ENDS approximately 18 feet forward of the front corner of the structure (our house) at 770 Carrie Lane. None of the new (extended) fence (extended forward of the purported 770 Carrie Lane front building line) will extend beyond the existing six (6) foot chain link fence located on the property line with and constructed by the owners of 760 Carrie Lane.

This fence project is required to ensure noise and most importantly, visual (especially into our master bedroom windows) privacy from the adjacent property. Past incidents have already required installation of a closed circuit video surveillance system for documentation.

120' of the existing (being removed from the property line with 760 Carrie) vinyl clad chain link fence will be relocated to the back property line, approximately 18' North of the existing vinyl clad chain link fence on the back side of the property.

PROPERTY LINE → 6' VINYL CLAD CHAIN LINK FENCE 120' ↓



↑ EXISTING FENCE

136'

770 CARRIE

EXISTING FENCE & GATE

760 CARRIE
EXISTING FENCE

HOUSE

48'

82'

PORCH

NEW FENCE
(ADJACENT TO
EXISTING 6'
CHAIN LINK
FENCE)

HOUSE

PORCH

PLAN FOR 770 CARRIE LANE FENCE PROJECT



VARIANCE REQUEST

100 Highridge Drive
Lakewood Village, TX 75068
(972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

BUILDING DEPARTMENT

REVISED: 10/09/2014

APPLICANT / OWNER	
Applicant Name <i>MIKE LINDLEY</i>	Address <i>470 PENINSULA DR</i>
Day Time Telephone <i>972 824 9080</i>	
Email <i>mike@bmrpoolandspa.com</i>	
Owner Name Same as Applicant? <input checked="" type="checkbox"/> Yes	Address
Day Time Telephone	
Email	
PROPERTY	
Address or General Location <i>470 PENINSULA DR</i>	
Legal Description (If Platted) <i>SECTION 1 B11K B LOT 8</i>	
Lot Size <input checked="" type="checkbox"/> Square Feet OR <input type="checkbox"/> Acres <i>14,000 .37 ACRES</i>	Zoning Classification
Existing Use of Land and/or Building(s) <i>RESIDENT</i>	
REQUESTED VARIANCE	
Variance to Section(s) of the Ordinance <i>14-04 TABLE 2.4</i>	
Current Ordinance Requirement(s) <i>SIDEYARD 7'</i>	
Requested Variance(s) - <i>EXTEND DRIVEWAY INTO SIDE YARD SETBACK, WITHIN 1 FOOT OF PROPERTY LINE.</i>	



VARIANCE REQUEST

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Lakewood Village, TX 75068
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BUILDING DEPARTMENT

REVISED: 10/09/2014

SUBMITTAL REQUIREMENTS

If the applicant is not the owner, a letter signed and dated by the owner certifying their ownership of the property and the authorizing the applicant to represent the person, organization, or business that owns the property.

If not platted, a metes and bounds legal description of the property.

A written statement documenting the reason for the variance(s), including evidence that the request complies with the following criteria as required for approval of a variance.

- 1) A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
- 2) The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;
- 3) The variance is the minimum amount necessary to allow a reasonable use of the property;
- 4) The sole reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship;
- 5) The variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district; and,
- 6) The variance will not alter the essential character of the zoning district within which the subject property is located, and is in harmony with the intent and purposes of the zoning ordinance.

Site plan, submitted on drawing sheet size 11" X 17", showing:

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- 5) Building setback distances from property lines;
- 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; and
- 7) Any other proposed features of the site which are applicable to the requested variance.

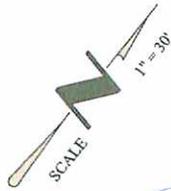
NOTICE

To the best of my knowledge, this application and associated documents are complete and correct, and it is understood that I or another representative should be present at all public meetings concerning this application.

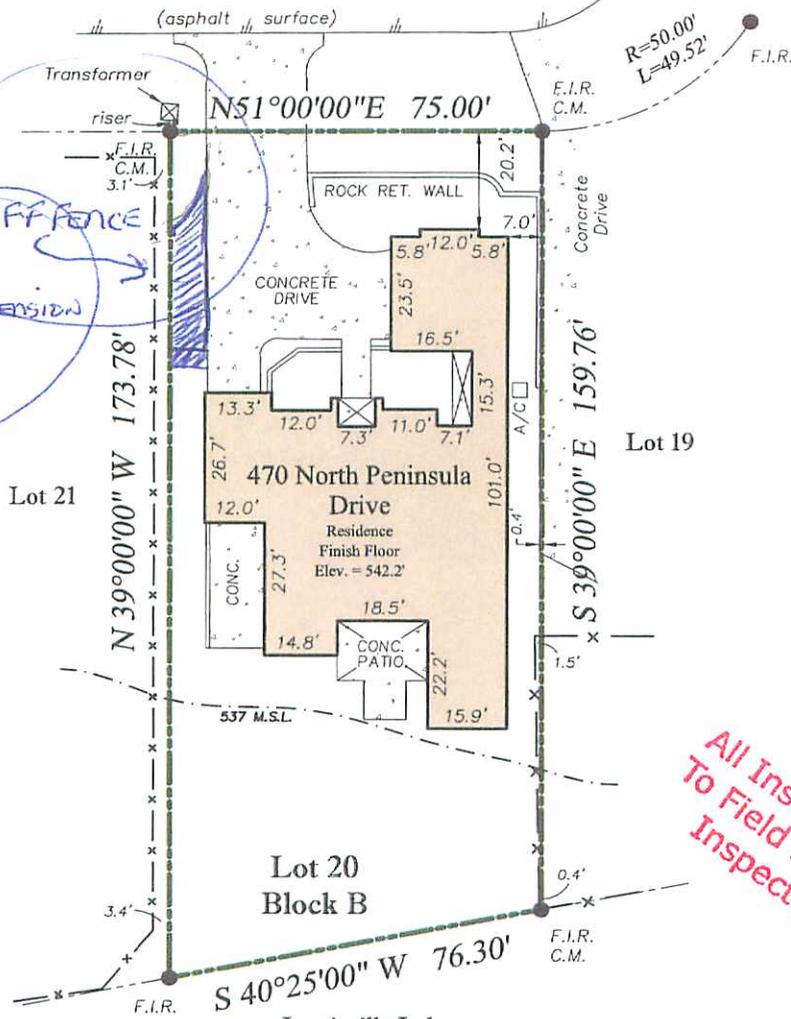
Applicant Signature	Date
	Sept 4, 2015

470 North Peninsula Drive

(60' ROW)
NORTH PENINSULA DRIVE



3' OFF FENCE
DRIVEWAY EXTENSION 8' x 30'



All Installations Subject To Field Inspections And Inspector Approval

Easement recorded in Vol. 338, Pg. 315, D.R.D.C.T., does not affect the subject property.

Easements recorded in Vol. 425, Pg. 311 and Vol. 519, Pg. 193, D.R.D.C.T., affect only those with elevation below 537'. 537' M.S.L. shown hereon located on 3/1/12.

PROPERTY DESCRIPTION: Lot 20, in Block B of LAKEWOOD VILLAGE, SECTION ONE, an Addition to the City of Little Elm, Denton County, Texas according to the Map thereof recorded in Volume 4, Page 58 of the Map Records of Denton County, Texas.

The undersigned have/has received and reviewed a copy of this survey.

X _____

X _____

Date: _____

Date:	5/13/13
ASC No.	1305196
Drawn/Chk	TER/JMR
Client	Lawyers Title Company
G.F. No.	LT2066-2066000096

LEGEND - C.M.= Controlling Monument; I.R.F.= Iron Rod Found; I.P.F.= Iron Pipe Found; F.C.P.= Fence Corner Post. O.H.E.=Overhead Electric. I.R.S.= Iron Rod Set 1/2" diameter with yellow cap stamped "Arthur Surveying Company". All found iron rods are 1/2" diameter unless otherwise noted. — x — (fence / fence post) — DC — (overhead power)

FLOOD NOTE: It is my opinion that the property described hereon partially lies within the 100-year flood zone area according to the Federal Emergency Management Agency Flood Insurance Rate Map Community-Panel No. 481663 0415 G present effective date of map, April 18, 2011, herein property situated within Zones "AE" & "X" (Shaded & Unshaded).

SURVEYORS CERTIFICATION:
The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and to the best of my knowledge, there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way that I have been advised of except as shown hereon. The bearings shown hereon are based on the above referenced recorded map or plat unless otherwise noted.



470 North Peninsula Drive
Little Elm, Texas



Lawyers Title
INSURANCE CORPORATION
3360 Long Prairie Road, Ste. 200
Flower Mound, TX 75028
Ph. 972-221-3521
Fax 972-355-0151

Arthur Surveying Co., Inc.
Professional Land Surveyors
LEWISVILLE: 220 Elm St., # 209
Lewisville, TX 75057
Ph. 972-251-9439
arthururveying.com
DENTON: 1172 Best Oaks
Denton, TX 76210
Ph. 840-432-5165
Established 1986