



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

**TOWN COUNCIL MEETING
SEPTEMBER 8, 2016 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, 2016 as Constitution Week in the Town of Lakewood Village; to be received by representatives of the Daughters of the American Revolution

C. PUBLIC HEARING: – A public hearing is scheduled on the proposed combined 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.

D. PUBLIC HEARING: – A public hearing is scheduled to provide an opportunity for citizen comment on the proposed nuisance ordinance restricting the placement of bulk trash for pick-up earlier than 10 days prior to the date of bulk trash collection.

E. PUBLIC HEARING: – A public hearing is scheduled to provide an opportunity for citizen comment on the proposed water and wastewater impact fees.

F. 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 may be taken on these items at this meeting.

G. CONSENT AGENDA: All of the items on the Consent Agenda are considered to be self-explanatory and will be enacted by 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 August 11, 2016 Council Meeting (Asbell)
2. Extension of Contract with Patterson Professional Services through September 30, 2019 (Asbell)

H. REGULAR AGENDA:

1. Consideration of Minutes of the July 14, 2016 Council Meeting (Asbell)
2. Variance request for lot 4, Block F, Section 1 (412 Hillside) for Garage Location(Asbell)
3. Consideration of Ordinance Adopting the 2016 Property Tax Rate of \$0.30/\$100 (Asbell)
4. Consideration of Ratification of Ordinance 16-08 Adopting the Fiscal Year 2016-2017 Budget (Asbell)
5. Consideration of Authorizing Expenditures for Road Repairs (Vargus)
6. Consideration of Nuisance Ordinance Related to Bulk Trash (Vargus)
7. Consideration of Expenditure for Park Improvements (Vargus)
8. Discussion of Policy for Town Attorney Opinions (Vargus)
9. Discussion of Policy for Accounting and Finance (Tantalo)

I. 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

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

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

L. ADJOURNMENT

I do hereby certify that the above notice of meeting was posted on the designated place for official notice at 7:45 p.m. on Friday, September 2, 2016.

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 MUNICIPAL DEVELOPMENT DISTRICT may attend this meeting. No action will be taken by the MDD Board during this meeting.

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

AUGUST 11, 2016

Council Members:

Dr. Mark Vargus, Mayor
Ed Reed – Mayor Pro-Tem
Clint Bushong
Gary Newsome
Ray Duff - Absent
Dan Tantalo

Town Staff:

Linda Asbell, TRMC, Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Regular Session of the Town Council to order at 7:00 p.m. on Thursday, August 11, 2016, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG:

(Agenda Item A)

Mayor Vargus led the Pledge of Allegiance

PUBLIC HEARING:

(Agenda Item B)

A public hearing was held to provide an opportunity for citizens to comment on the proposed budget for Fiscal Year 2016-2017. Mayor Vargus opened the public hearing at 7:02 p.m.

No one asked to speak

MOTION: Upon a motion made by Mayor Pro-Tem Reed and seconded by Councilman Newsome, council voted four (4) “ayes”, no (0) “nays” to close the public hearing at 7:02pm. *The motion carried.*

PUBLIC HEARING:

(Agenda Item C)

A public hearing was held to provide an opportunity for citizens to comment on the proposed tax rate for Fiscal Year 2016-2017. Mayor Vargus opened the public hearing at 7:03.

No one asked to speak.

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MOTION: Upon a motion made by Councilman Bushong and seconded by Mayor Pro-Tem Reed, council voted four (4) “ayes”, no (0) “nays” to close the public hearing at 7:03pm. *The motion carried.*

VISITOR/CITIZENS FORUM:

(Agenda Item D)

No one requested to speak.

CONSENT AGENDA:

(Agenda Item E)

1. Minutes of July 14, 2016 Council Meeting (Asbell)
2. Minutes of August 1, 2016 Council Meeting (Asbell)
3. Appointment of Gary Newsome, Darrell West, and Abdiel Garza to Capital Improvements Advisory Committee (Asbell)
4. Resolution setting September 22, 2016 for Public Hearing on Land Use Assumptions and Capital Improvement Projects as Required by Local Government Code §395.042 (Vargus)

Mayor Vargus requested Item 3 be pulled and discussed separately

Councilman Bushong requested Item 2 be pulled and discussed separately

Town Secretary Asbell requested item 1 be pulled due to changes requested by Councilman Tantalo

MOTION: Upon a motion made by Councilman Bushong and seconded by Mayor Pro-Tem Reed, council voted four (4) “ayes”, no (0) “nays” to approve consent item 4, Resolution setting September 22, 2016 for Public Hearing. *The motion carried.*

MOTION: Upon a motion made by Councilman Tantalo and seconded by Councilman Newsome, council voted three (3) “ayes”, no (0) “nays”, with Councilman Bushong abstaining, to approve the minutes of August 1, 2016 as presented. *The motion carried.*

Mayor Vargus discussed the requirements of membership on the CIAC and possible schedule conflicts. Councilman Tantalo expressed concern that the committee members be advised of all legal responsibilities. Councilman Bushong reported that Town Engineer, Todd Strauss would be attending the CIAC meeting to provide instruction on the responsibilities of the committee.

MOTION: Upon a motion made by Councilman Bushong and seconded by Mayor Pro-Tem Reed, council voted three (3) “ayes”, no (0) “nays”, with Councilman Newsome abstaining, to appoint Gary Newsome, Darrell West, and Abdiel Garza to Capital Improvements Advisory Committee. *The motion carried.*

REGULAR AGENDA:

(Agenda Item F)

**Consideration of a Variance Request for
Lot11 ,Block F, Section 1 for Front Yard Set-
Back (Asbell)**

(Agenda Item F.1)

Mayor Vargus reported that the prior owner of the lot requested and was approved for a variance due to the shape of the lot. The new owner of the property has designed a house and needs a variance for the front yard setback. A fire hydrant is in the front and there are two utility/drainage easements in the back. Mayor Vargus distributed an elevation rendering of the proposed house. Mayor Vargus reported that the front of the house will be 30' off of the street on the front and both sides do comply with the side setbacks. The requested variance would allow the house to be built with a 10' setback on the front

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Newsome, council voted four (4) "ayes", no (0) "nays" to approve the variance request to allow a 10' front yard setback for Lot 11, Block F, Section 1. *The motion carried.*

**Presentation by Patterson Professional
Services on Status of Water and Wastewater
Systems (Asbell)**

(Agenda Item F.2)

Mayor Vargus introduced Mark Patterson of Patterson Professional Services. Mr. Patterson stated that the town is doing a very good job of maintaining the infrastructure. Mr. Patterson stated that all TCEQ requirements are met. Last year many improvements were made to the Wastewater Plant. This year the town received a perfect score on the water inspection. In the last two years the town has spent \$300,000 water and sewer upgrades and the town has a very healthy system. The wastewater re-permit is in the final stages and will be approved with no changes in the very near future. The EPA instituted new E.coli rules, which required E.coli testing if tests show positive for BacT. Patterson reported that the town has never had a positive test for BacT. Mr. Patterson reported on distribution map requirements which Lakewood Village will easily be able to comply with due to the GIS mapping the town has completed.

Mr. Patterson reported that the Rocky Point system is also in full compliance with the state requirements and is doing very well.

There was some discussion on the status of the lift stations. Mr. Patterson reported that the gasses in lift stations are extremely corrosive but the town of Lakewood Village has replaced and updated the components and the town is "years" away from needing to replace a lift station. Mayor Vargus reported that the lift station on Stowe has already been replaced and there are

several parts in inventory to allow for immediate replacement of components that might fail. There was some discussion about the plan for installation of pressure sensors at the bottom of the lift stations to replace the floats. Mayor Vargus reported that the next lift station that will need to be replaced is the one located at the sewer plant. Mr. Patterson reported that based on the current condition of the equipment he does not anticipate any replacements being necessary in the near future.

Mr. Patterson reported that the Town qualifies for a “superior water system” designation. The Town will need to send a letter to the Austin office of TCEQ indicating that the town desires the designation. The next scheduled inspection would be more complex and if passed the town would receive the designation. Mr. Patterson reported that the “superior water system” designation is a prestigious title and is highly desirable. There was some discussion about using recycled and reclaimed water and the daily required E.coli testing.

**Discussion of Impact Fee Implementation
(Vargus)**

(Agenda Item F.3)

Mayor Vargus introduced Town Engineer, Mr. Todd Strouss of Kimley Horn. Mr. Strouss provided an overview of impact fee basics. Mr. Strouss reviewed the costs that are recoverable through impact fees and the components of impact fees. Impact fees can be extended to the ETJ. Mr. Strouss reviewed the Land Use Assumptions with development in the ETJ connecting to the town’s wastewater system. Impact fees must be reviewed and readopted every five years. There was discussion about the application of impact fee assessments only on new development. There was some discussion about the criteria for inclusion of a property in the waste water impact fee area. There was some discussion about the status and findings of the well study. Mayor Vargus reported that with the completion of this process the town will have, for the first time in its history, an integrated plan for all future development.

Mr. Strouss reviewed the project schedule. Mayor Vargus reported on the use of impact fees as a tool for development. There was some discussion on the cost to the town of new infrastructure and the recoverable percentage of that cost. There was some discussion on the financial risk to the town of not implementing impact fees.

**Discussion of Past and Current Town
Financial Performance (Vargus)**

(Agenda Item F.4)

Mayor Vargus reported that the town attempted to have an audit conducted in 1996. The auditor in 1995 reported that because the town had no records or functional accounting system they were unable to perform an audit. In the late 1990s the then town secretary began embezzling funds and that continued until 2005. Even after the embezzlement there was still no audit performed.

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In 2007 Mayor Vargus reported that he and the current town secretary, Linda Asbell made hundreds of corrections and built a new and accurate accounting system. Mayor Vargus spent a year compiling the necessary information to provide an auditor to value the infrastructure and report on the financial status of the town. In 2008 the town received a clean audit and has received a perfect audit every year since 2008. Mayor Vargus reviewed the historical changes in property taxes and revenues. Mayor Vargus reported on the history of revenues received from building permits. Mayor Vargus reviewed the process he and Town Secretary Linda Asbell undertook to critically review every single bill and expenditure the town had. Mayor Vargus reviewed the audited historical maintenance and operations revenues which went from \$255,018 in 2007 to \$79,069 in 2016 due to the economy down turn and the lack of new residential construction. Road repair is a priority but the council has to work within the reality of the available funds. There was some discussion on the reserve funds for the Utility Fund. There was some discussion on the prioritization of projects due to limitation of available funds. Councilman Tantalo expressed concern that the limitations of available funds should require council to hold budget workshops and review every single line item on the budget. There was some discussion about the town council working hard to not raise the tax rate versus the typical municipality in Texas which automatically raises tax rates to the maximum allowable amount each year. Mayor Vargus reported that the town carried approximately \$110,000 of debt in 2006. Councilman Tantalo stated that the town has a choice to provide services or not and expressed his desire to over communicate the issues to the citizens and make informed decisions. There was some discussion on the requirements of the town to provide services and the State mandated standards for sizing on water and sewer infrastructure. Linda Ellis, 818 Carrie, asked about the sustainability of the town. There was some discussion on other options for providing water to the town. There was some discussion about following the same or similar financial practices of other towns. Mayor Vargus stated that the financial practice of the typical municipality is to issue debt and raise the tax rate. Lakewood Village has the opportunity to creatively solve the financing of new infrastructure because of the low tax rate. Mayor Pro-Tem Reed stated that the discussion has drifted from the stated agenda item and he would like council to return to the agenda.

EXECUTIVE SESSION:

(Agenda Item G)

At 8:57 p.m. Mayor Vargus recessed into executive session in compliance with (1) § 551.074 Texas Government Code to wit: Personnel Matters, Evaluation of the Town Secretary; Evaluation of the Administrative Assistant.

RECONVENE:

(Agenda Item H)

Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 9:26 pm. No action was taken.

REGULAR AGENDA:

(Agenda Item I)

**Consideration of Municipal Development
District Budget for Fiscal Year 2016-2017
(Asbell)**

(Agenda Item I.1)

Mayor Vargus reviewed the proposed MDD budget. Councilman Tantalo expressed concern with the transfer of funds from the MDD to the town and stated that he checked with TML and TML stated that the transfer of the funds was not appropriate. Councilman Tantalo stated that he has requested a letter from Town Attorney Andy Messer for an official opinion. Mayor Vargus stated that there is an Attorney General opinion that specifically addresses residential roads and the use of sales tax revenue as being an approved project.

MOTION: Upon a motion made by Mayor Pro-Tem Reed and seconded by Councilman Bushong, council voted three (3) “ayes”, one (1) “nays” (Councilman Tantalo) to approve the Municipal Development District Budget for Fiscal Year 2016-2017 as presented. *The motion carried.*

**Consideration of Fiscal Year 2016-2017
Budget (Vargus)**

(Agenda Item I.2)

Mayor Vargus reviewed the budget summary and the capital improvement expenses. Mayor Vargus reviewed the General Fund Revenues and highlighted the major changes in numbers from the previous year’s budget and stated this is a very conservative budget. There was some discussion about the audit process and the final audited numbers. There was some discussion about future budget amendments if necessary. Council discussed the possibility of requiring a citizen to reimburse the town for the cost of emergency services if the cause of the emergency response is due to a violation of a law or town ordinance. There was some discussion about improvements to Witt Park. There was some discussion about the budget process and steps taken to support each proposed number. Council discussed the availability of reserve funds in the event of an unanticipated expense. There was some discussion about the slight increase in the water system operator contract rate. There was some discussion about the engineering expense in the Utility Fund. Council discussed the cost of sewer repairs. There was some discussion about the previous approval of the emergency interconnect for water service to the Town of Little Elm’s surplus well on Eldorado Parkway near the Lakewood Village entrance. There was some discussion about utility fund capital improvement projects approved and completed over the last two years. Mayor Vargus reviewed the Road Maintenance Road Fund. There was some discussion about the use of the revenues in the Road Maintenance Fund.

MOTION: Upon a motion made by Mayor Pro-Tem Reed and seconded by Councilman Bushong, council voted three (3) “ayes”, one (1) “nays” (Councilman Tantalo) to approve the Fiscal Year 2016-2017 budget as discussed. *The motion carried.*

**Discussion of 2016-2017 Ad Valorem Tax
Rate (Vargus)**

(Agenda Item I.3)

Mayor Vargus distributed and reviewed the Town’s Truth in Taxation statement. The effective tax rate is \$0.242, the rollback rate is \$0.46 which would result in an 8% increase in revenues. Mayor Vargus proposed the town keeps the rate at \$0.30, which is \$0.25 for maintenance and operations and \$0.05 for debt servicing. There was some discussion about the processing for adopting the proposed tax rate.

**Consideration of Nuisance Ordinance
Relating to Bulk Trash (Vargus)**

(Agenda Item I.4)

Mayor Vargus reported on a problem with citizens putting bulk trash out as early as one month ahead of the bulk trash pick-up date. This ordinance restricts setting out bulk trash to 10 days prior to the date of pick-up. There was some discussion about the criminal penalty associated with violation of the ordinance. Council discussed considering the ordinance for passage at the September meeting.

MOTION: *There was no motion*

**Discussion of Budget Workshop Findings
and Next Steps (Tantalo)**

(Agenda Item I.5)

Councilman Tantalo stated that he expected the council to extensively review the budget line by line prior to passage. Councilman Tantalo reported that the council should have between eight and ten budget workshops to properly outline priorities and reveal them to the public. There was some discussion about council members review of the budget. There was some discussion about the prioritization of street repairs. There was some discussion about the possibility of scheduling future meetings to workshop budget amendments and the possibility of considering a proposal by Councilman Tantalo to begin the budget review process for the next fiscal year earlier in the year.

**Discussion of Ordinance 07-09, Section 3
Compliance (Tantalo)**

(Agenda Item I.6)

Councilman Tantalo reported that the town has a financial disclosure ordinance that the town is not following. Councilman Tantalo requested the council comply with the existing ordinance. There was some discussion about the original reason for the creation of the ordinance. Mayor Vargus reported that he created the ordinance less than three months after he took office because there was no accurate accounting system and the previous Town Administration had never completed a financial audit. Mayor Vargus reported that he wanted to improve the transparency and gain the confidence of the town after the embezzlement and lack of financial accountability. After the town had annual audited financial reports, there was no ongoing need for the reports. Councilman Bushong reported that when the financial controls ordinance was passed a few months ago this ordinance would have been repealed but it was overlooked. Councilman Bushong stated that he would support following the ordinance and tracking the interest in the reports. If the interest drops off then council should consider repealing the ordinance.

COUNCIL AND STAFF COMMENTS

(Agenda Item J)

Town Secretary, Linda Asbell, thanked Mayor Pro-Tem Reed and called attention to the beautiful reclaimed wood Texas flag hanging in the council chambers and the wooden case for organization of the marquee letters, both made by Mayor Pro-Tem Reed.

Town Secretary, Linda Asbell, thanked Mayor Pro-Tem Reed, Councilman Bushong, and Mayor Vargus for replacing the broken and scratched cover on the marquee.

Town Secretary, Linda Asbell, reported to the council that the Texas Municipal League annual conference will be October 4-7 in Austin.

Town Secretary, Linda Asbell, reported that she donated personal funds, in the name of the Town of Lakewood Village, to a special fund that had been set up to directly support the families of the Dallas Police Officers murdered on July 7, 2016. The organization sent bracelets showing support for the Dallas and DART Police Officers. Town Council members and Town Secretary Asbell posed for a picture wearing the bracelets to send the Dallas Police Department.

ADJOURNMENT

(Agenda Item J)

MOTION: Upon a motion made by Councilman Bushong and seconded by Mayor Pro-Tem Reed council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular

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Session of the Lakewood Village Town Council at 11:27 p.m. on Thursday,
August 11, 2016. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 8th day of September
2016.

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY

Agreement for Water and Wastewater Services

Patterson Professional Services ("PPS") and the Town of Lakewood Village ("Town") hereby enter into the following agreement for Water and Wastewater ("utility") services.

1. Terms of Agreement

This Agreement shall be in effect for a three-year term, beginning October 1, 2016 and ending September 30, 2019. At the end of the three-year term the Agreement will automatically renew for one-year periods unless terminated by either party with a 90-day advance notice before the Agreement termination date.

2. Patterson Professional Services Operator Responsibilities

Patterson Professional Services ("PPS") shall operate as the exclusive agent for the Town in providing water and wastewater services in compliance with all TCEQ regulations and in accordance with all permits. For regulatory purposes, PPS shall be the licensed operator of record for the Town's utilities. PPS is responsible for meeting and maintaining all professional standards required by TCEQ or other applicable regulatory bodies.

PPS is responsible for the collection of Water and Wastewater samples and delivery of such to a commercial laboratory facility for the required testing. PPS is responsible for timely filing of all mandated TCEQ reports and other regulatory reporting that may arise subsequently (e.g., North Texas Groundwater Conservation District).

PPS is responsible for routine non-invasive preventative maintenance and monitoring of the utility equipment. PPS is also responsible for maintaining hour logs for utility motors (e.g., lift stations blower motors etc.).

PPS is responsible for coordinating utility work performed by subcontractors. However, PPS is not authorized to hire or retain subcontractors for services without prior Town approval. PPS is responsible for monitoring and maintaining sufficient Town inventory of critical parts necessary to effect timely repairs of water and wastewater equipment.

PPS duties and responsibilities are further defined with additional detail in Appendix A. The duties outlined in Appendix A are incorporated by reference.

3. PPS Responsibilities for Town's Utility Billing Process

PPS is responsible for monthly collection of customer usage/consumption data necessary for the preparation of utility billing. This primarily includes performing a monthly meter reading of all meters connected to the Town's water connections. PPS will also re-read meters if suspect readings warrant it to assure accurate billing. PPS is not responsible for the issuance of monthly utility bill to water utility customers. PPS is responsible for turning on (starting) and turning off (stopping) water services as directed by the Town.

4. PPS Semi-Annual Reporting to the Town Council

PPS is required to provide inputs to the Town Council and be available for public comments semi-annually. One appearance shall be approximately in June/July timeframe, the primary purpose of which is to provide information and recommendations for the annual budgeting

process. PPS shall provide inputs and cost estimates regarding any capital expenditures and proposed non-routine maintenance.

The second appearance shall be approximately in the January/February timeframe, the primary purpose of which is to report on the state of regulatory compliance during the previous 12-month period and the state of the water and wastewater systems. This report should detail the most recent utility inspections and compliance and remediation efforts, evidence of meeting all reporting requirements and any other regulatory information.

5. Scope of Supported Water and Wastewater Systems

This Agreement includes all water and wastewater systems currently in operation and any future systems for which the Town acquires and assumes operational responsibility.

6. Ability to Renegotiate Terms of Agreement

The terms and pricing contained in this Agreement may be renegotiated if the Scope of the Agreement has substantially changed, causing major workload increase, and both parties are in agreement to open discussions.

7. Consideration for Services Provided

The Base consideration or fee shall be a fixed amount of \$3,600.00 paid monthly during the term of this agreement. The Town will pay all required lab testing fees to the testing service at the rates extended by the laboratory testing firm.

8. Penalties

PPS will reimburse the Town for penalties imposed by TCEQ or other regulatory entity if directly due to PPS negligence or preventable error. PPS will not be at fault for issues brought to the Town's or Town Council's attention for which action was not taken, or preventative measures were not implemented.

IN WITNESS WHEREOF, the Parties hereto have caused their hands and seals to be set this _____ day of _____, 2016.

TOWN OF LAKEWOOD VILLAGE

PATTERSON PROFESSIONAL SERVICES

By: _____

By: _____

Mark Vargus, Mayor

Mark Patterson, President

Appendix A: Duties & Responsibilities

Water Operations

Daily – Monday through Friday

- Check pressure, pressure tanks and pumps
- Check water level in storage tanks
- Check chlorinator and change tanks when required

Monthly

- Take bacteriological samples and deliver to the laboratory for testing
- Order chlorine as needed
- Check motors and lubricate as required per manufacturers maintenance standards
- Take water consumption meter readings for all connections

Quarterly

- Complete and submit Quarterly Chlorine Reports to the TCEQ
- Complete and submit Quarterly well production numbers to the NTGCD

Annually

- Complete and submit Water Use Survey to TWDB
- Prepare Consumer Confidence Report (Town Staff to distribute to customers & certify delivery to the TCEQ)

Wastewater Operations

Daily – Monday through Friday

- Test settleable solids in aeration tank as needed
- Measure and record flow
- Test and record chlorine residual
- Check chlorinator and change tanks when required
- Check return sludge lines
- Check Lift Stations. Record readings in the lift station hour log.
- Clean clarifier, weirs, pipes, and chlorine contact basin as needed

Weekly

- Test and record DO, effluent BOD, TSS and pH balance as required by permit

Monthly

- Complete and submit monthly TCEQ report – provide a copy to the Town
- Check, clean and lubricate blowers, motors and air filters as needed
- Arrange for sludge removal as needed
- Copy Lift Station hour log readings for the Town
- Coordinate all subcontractors and suppliers for all water and wastewater requirements as needed

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

JULY 14, 2016

Council Members:

Dr. Mark Vargus, Mayor
Gary Newsome
Clint Bushong
Ed Reed
Ray Duff
Dan Tantalo

Town Staff:

Linda Asbell, TRMC, Town Secretary - ABSENT

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 14, 2016, 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

The Visitor/Citizen forum was held at this time:

VISITOR/CITIZENS FORUM:

(Agenda Item C)

Mr. Michael Neal, 530 Highridge Drive, spoke of his concern about limiting parking in the area around and in front of his residence.

Item E.15 was considered at this time:

**Consideration of Resolution for the
Appointment of One Member to the Board of
Managers of the Denco Area 9-1-1 District
(Asbell)**

(Agenda Item E.15)

Mayor Vargus introduced Jim Carter. Mr. Carter discussed the role of Denco 9-1-1, its mission, and future plans.

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MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Tantalo council voted five (5) “ayes”, no (0) “nays”, to approve the resolution naming Mr. Jim Carter as the Lakewood Village nominee for the DENCO 9-1-1 Board. *The motion carried.*

PUBLIC HEARING:

(Agenda Item B)

A public hearing was held to allow the owner, lienholder, or mortgagee of 665 Woodcrest Drive to show cause why the civil penalties shall not be imposed for failure to comply with the May 27, 2016 Order of Demolition. Mayor Vargus opened the public hearing at 7:24 p.m. Attorney Sammy Hooda appeared representing Wells Fargo, owner of the property. Mr. Hooda briefly discussed the history of the property and noted that Wells Fargo accepted the town’s purchase price. Mr. Hooda stated that Wells Fargo has a contract with Auction.com to dispose of portions of their repossession portfolio. Mayor Vargus closed the public hearing at 7:39 p.m.

Consideration of Assessment of Civil Penalties for Failure to Comply with the Order of Demolition for 665 Woodcrest Drive (Vargus)

(Agenda Item E.7)

MOTION: Upon a motion made by Mayor Pro-Tem Reed and seconded by Councilman Newsome, council voted five (5) “ayes”, no (0) “nays” to find that the owner of the property received due notice of the public hearing and notice to correct deficiencies on the property by demolition, and that the owner failed to comply with the requirement to demolish the property and therefore civil penalties should be assessed. *The motion carried*

CONSENT AGENDA:

(Agenda Item D)

1. Minutes of the June 9, 2016 Council Meeting (Asbell)
2. Interlocal Agreement with Denton County for the Collection of Ad Valorem Taxes (Asbell)
3. Authorize Mayor Pro-Tem Reed as Signatory on Town Bank Accounts (Asbell)
4. Authorize Eric Farage as Signatory on Municipal Development District Bank Account (Asbell)
5. Engagement of Nabors CPA for Audit Services (Asbell)
6. Consideration of Replat Request for 446 Peninsula (Asbell)

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

REGULAR AGENDA:

(Agenda Item E)

**Consideration of Enforcement of No Parking
at Intersections (Vargus)**

(Agenda Item E.8)

There was some discussion about the length of the no-parking transition area entering and leaving an intersection. Mayor Pro-Tem Reed reported serious nature of the frequency of cars parking and obstructing the fire hydrant located near the intersection of Melody Lane and Highridge Drive and stated that it must be remedied immediately. Mayor Vargus stated that he was working with the Town Attorney to draft an ordinance with specific language that can be discussed at the next meeting.

**Consideration of Appointments to the
Capital Improvements Advisory Committee
(Vargus)**

(Agenda Item E.9)

Mayor Vargus reported on the nature of the role of the CIAC and the legislative requirements on the board composition. There was some discussion about members willing to serve. Mr. Danny Cook indicated from the audience that he would be willing to serve. There were some discussions about appointing a member that lives in the extraterritorial jurisdiction.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Tantalo, council voted five (5) “ayes”, no (0) “nays” to appoint Mr. Chip Hill (Rivercrest Homes), Mr. Van Freeman (Baringer Homes), Dr. Chris Farage, and Mr. Danny Cook to the Capital Improvements Advisory Committee. *The motion carried.*

Discussion of 2016-2017 Budget (Vargus)

(Agenda Item E.10)

There was some discussion on the various general and utility funds revenues and expenses. Mayor Vargus discussed the Debt Servicing fund and explained the breakdown of the ad valorem tax distribution to debt servicing. \$0.16 of the \$0.25 tax rate goes to pay the certificates of obligation leaving \$0.09 for general town operations. There was some discussion on the Road Maintenance Fund and the various dedicated sources of revenue. Mayor Vargus discussed the history of the Municipal Development District’s use of tax proceeds in support of the town.

Mayor Vargus discussed the proposal to increase the contribution of revenue from the MDD to the Road Maintenance Fund.

**Discussion of Waste Water Treatment Plant
Expansion (Vargus)**

(Agenda Item E.11)

There was some discussion about circumstances under which the town would allow customers in the Rocky Point area to access and utilize sewer services provided by the Town. There was some discussion on the types of housing that might be desirable.

**Discussion of Use of Social Media by Town
Officials (Bushong)**

(Agenda Item E.12)

Councilman Bushong discussed the various Open Meetings Act issues related to the use of Facebook by elected officials on topics relating to town business. Councilman Bushong elaborated on the unofficial town policy that Linda Asbell, Town Secretary, was the authorized representative for the Town on Facebook and her interactions were restricted to providing access to town information and directing people to the official Town website. Councilman Tantalo objected and stated that other municipalities were participating on Facebook and stated he did not agree with the policy. Mayor Vargus stated that other municipalities do have Facebook accounts but elected officials do not engage in the discussions. Councilman Tantalo requested an opinion from the Town Attorney.

At August 11, 2016 Town Council Meeting Councilman Tantalo Requested the minutes to agenda item E.12 be amended as indicated below:

Councilman Bushong discussed the various Open Meetings Act issues related to the use of Facebook by elected officials on topics relating to town business. Councilman Bushong elaborated on the unofficial town policy that Linda Asbell, Town Secretary, was the authorized representative for the Town on Facebook and her interactions were restricted to providing access to town information and directing people to the official Town website. Councilman Tantalo ~~objected~~ requested verbiage that outlined the guidelines the council was agreeing to abide by. Councilman Tantalo ~~and~~ stated that other municipalities were participating on Facebook and stated he ~~did~~ could not agree with ~~the~~ a policy that had not been defined. Mayor Vargus stated that other municipalities do have Facebook accounts but elected officials do not engage in the discussions. Councilman Tantalo requested an opinion from the Town Attorney.

**Discussion of Proclamation on Ethics
(Tantalo)**

(Agenda Item E.13)

**LAKEWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
JULY 14, 2016**

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Councilman Tantalo discussed various ethics-related documents he read from other municipalities. Mayor Vargus objected to portions of the proposed proclamation. Mayor Vargus stated that inclusion of these portions was demeaning and belittled the hard work of the other council members. Mayor Pro-Tem Reed stated that this agenda item could have benefited from councilmembers providing input prior to being placed on the agenda. Councilman Tantalo stated the goal was simply to document the standards to which the Town Council is already holding itself.

At August 11, 2016 Town Council Meeting Councilman Tantalo Requested the minutes to agenda item E.13 be amended as indicated below:

Councilman Tantalo discussed various ethics-related documents he read from other municipalities. Mayor Vargus objected to portions of the proposed proclamation. Mayor Vargus stated that inclusion of these portions was demeaning and belittled the hard work of the other council members. Mayor Pro-Tem Reed stated that this agenda item could have benefited from councilmembers providing input prior to being placed on the agenda. Councilman Tantalo stated that would have been a violation of the Texas Open Meetings Act. Councilman Tantalo stated the goal was simply to document the standards to which the Town Council is already holding itself.

**Discussion of Resolution on Financial
Transparency/Texas Transparency Stars
Program (Tantalo)**

(Agenda Item E.14)

Councilman Tantalo briefly reviewed the Texas Stars Transparency Program. Mayor Vargus stated that the town does not currently have the resources to meet the requirements of this program. When the town has a Finance Director, additional staff, and an IT department it may be worthwhile to re-examine participating in the program.

At August 11, 2016 Town Council Meeting Councilman Tantalo Requested the minutes to agenda item E.14 be amended as indicated below:

Councilman Tantalo briefly reviewed the Texas Stars Transparency Program. Mayor Vargus stated he stopped complying with the Town Financial Disclosure Ordinance because no one cared. Mayor Vargus stated that the town does not currently have the resources to meet the requirements of the Texas Stars Transparency Program. When the town has a Finance Director, additional staff, and an IT department it may be worthwhile to re-examine participating in the program.

EXECUTIVE SESSION:

(Agenda Item F)

At 10:25 p.m. Mayor Vargus recessed into executive session in compliance with (1) § 551.071

**LAKEWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
JULY 14, 2016**

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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

RECONVENE:

(Agenda Item G)

Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 11:13 p.m.

COUNCIL AND STAFF COMMENTS

(Agenda Item H)

Mayor Pro-Tem Reed noted that the yield signs have been re-faced and installed. Mayor Pro-Tem Reed also reported that the replacement Plexiglas for the marquee would be ordered shortly.

Councilman Newsome encouraged council to work together during meetings.

ADJOURNMENT

(Agenda Item I)

MOTION: Upon a motion made by Councilman Duff and seconded by Mayor Pro-Tem Reed, council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 11:17 p.m. on Thursday, July 14, 2016. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 8th day of September 2016.

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY



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 Mike Baalman	Address 12605 Skeeter Dr. Frisco, TX 75034
Day Time Telephone 214-325-2185	
Email michaelbaalman@yahoo.com	
Owner Name Same as Applicant? <input checked="" type="checkbox"/> Yes	
Day Time Telephone 214-325-2185	Address
Email	
PROPERTY	
Address or General Location 412 Hillside	
Legal Description (If Platted) Lot 4 Block F	
Lot Size <input type="checkbox"/> Square Feet OR <input type="checkbox"/> Acres 85.49X120X59.45X122.55	Zoning Classification
Existing Use of Land and/or Building(s) Vacant Lot	
REQUESTED VARIANCE	
Variance to Section(s) of the Ordinance Garage side yard set back.	
Current Ordinance Requirement(s) Requires the garage to be a side load garage with a 28' set back.	
Requested Variance(s) I would like to request do to the width of the lot. I would like to make the house a front load garage. If this will not be acceptable.I will need a side yard Variance do to the garage side yard set back.	



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 <i>Mick Boatman</i>	Date <i>8-23-16</i>



BUILDING DEPARTMENT

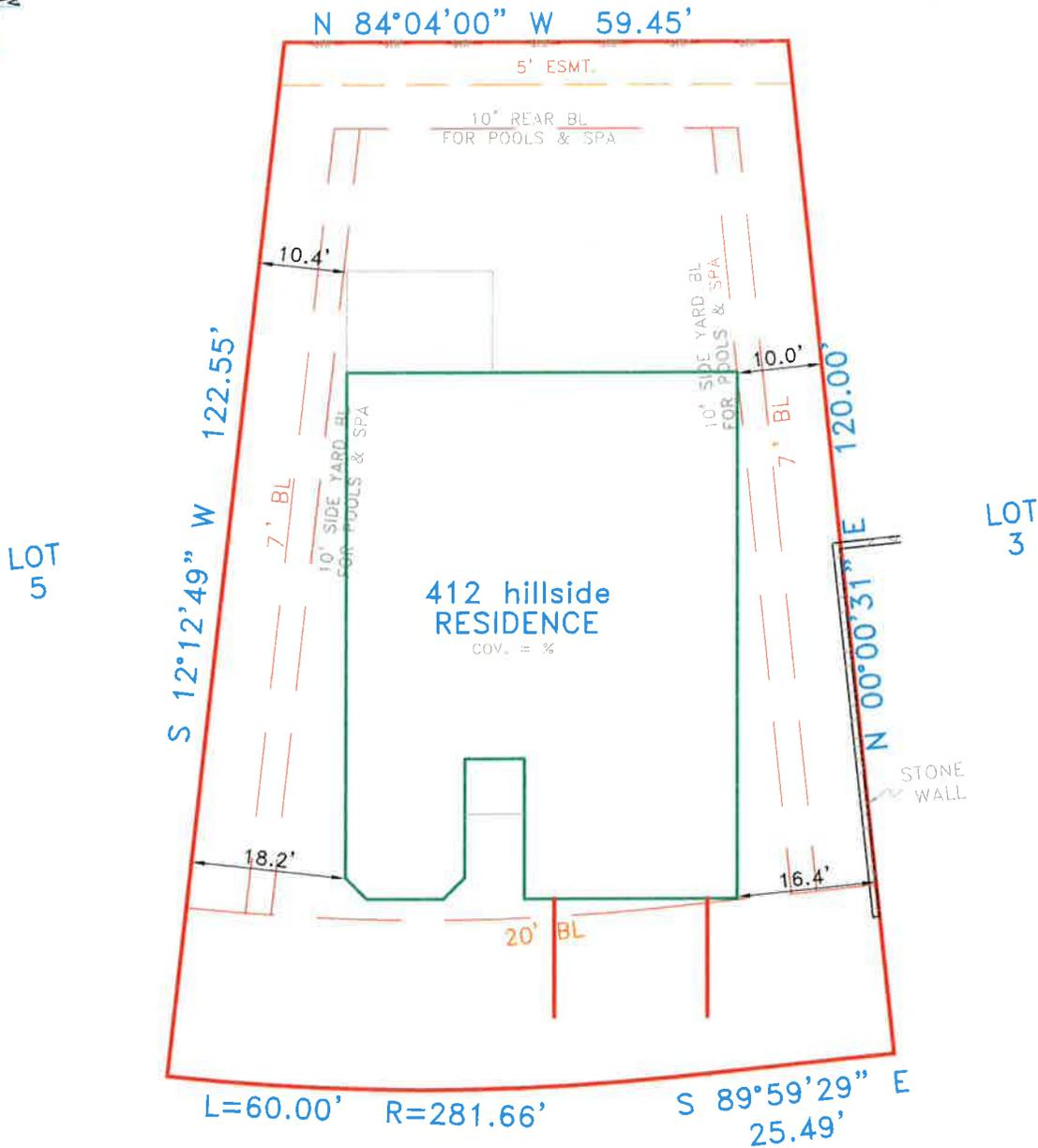
VARIANCE REQUEST

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

REVISED: 10/09/2014

TOWN USE ONLY	
Received By	Receipt Number
Date Submitted	Case Number
Date Notices Mailed	Date Notice Published
Town Council Meeting Date	
Decision	
Conditions	

PLOT PLAN



HILLSIDE DRIVE
60' R.O.W.

1" = 20'

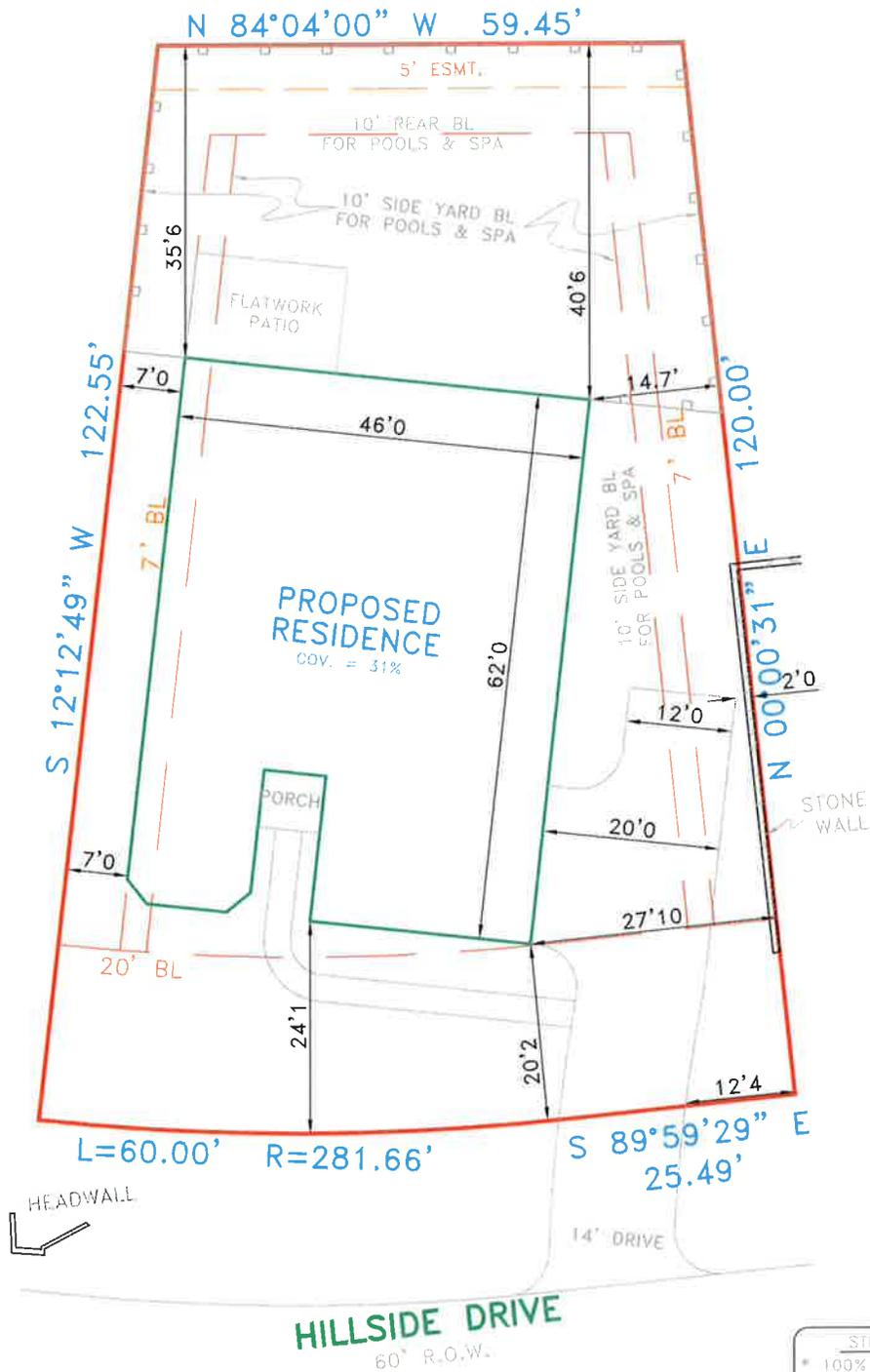
SOD REAR:	0	SQ. YD.
FR & SIDES:	0	SQ. YD.
TOTAL SOD:	0	SQ. YD.
PATIO:	0	SQ. FT.
LEAD WALK:	0	SQ. FT.
CITY WALK:	0	SQ. FT.
DRIVEWAY:	0	SQ. FT.
APPROACH:	0	SQ. FT.
TOTAL :	0	SQ. FT.
FENCE:	0	LN. FT.
LOT:	0	SQ. FT.

STRUCTURAL OPTIONS
 * 100% BRICK
 * COVERED PATIO

NOTE: BUILDER TO VERIFY ALL INFORMATION LISTED
 CBC SURVEYING
 Firm No. 10168800
 (214) 349-9485
 DRAWN BY:
 JOB#
 DATE: 00/00/00

ADDRESS
LOT, BLOCK
 ADDITION
 CITY, TEXAS

PLOT PLAN



1" = 20'

SOD REAR:	248	SQ. YD.
FR & SIDES:	461	SQ. YD.
TOTAL SOD:	709	SQ. YD.
PATIO:	206	SQ. FT.
LEAD WALK:	148	SQ. FT.
CITY WALK:	0	SQ. FT.
DRIVEWAY:	941	SQ. FT.
APPROACH:	114	SQ. FT.
TOTAL :	1,409	SQ. FT.
FENCE:	159	LN. FT.
LOT:	8,868	SQ. FT.

STRUCTURAL OPTIONS
 * 100% BRICK

412 HILLSIDE DRIVE
LOT 4, BLOCK F
LAKEWOOD VILLAGE
 LAKEWOOD VILLAGE, TEXAS

NOTE: BUILDER TO VERIFY ALL INFORMATION LISTED
 CBC SURVEYING
 Firm No. 10168800
 (214) 349-9485
 DRAWN BY: CGF
 JOB# 1603637-1
 DATE: 06/21/16

TOWN OF LAKEWOOD VILLAGE

ORDINANCE NO. 16-09

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS FIXING AND LEVYING TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017 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, 2016; 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, 2016 and ending September 30, 2017 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 11th of August, 2016 the budget for the fiscal year beginning October 1, 2016 and ending September 30, 2017; 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, 2016 and ending September 30, 2017, 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 \$0.30 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 \$0.25 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, 2016, and all ad valorem taxes shall be delinquent after January 31, 2017. There shall be no discount for payment

of taxes on or prior to January 31, 2017. 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, 2017 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, 2016, and ending September 30, 2017, 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 8th day of September 2016.

Dr. Mark E. Vargus
Mayor

ATTESTED:

Linda Asbell, TRMC
Town Secretary

TOWN OF LAKEWOOD VILLAGE

ORDINANCE NO. 16-08

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2016 AND TERMINATING ON SEPTEMBER 30, 2017, 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, 2016 and terminating September 30, 2017, 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 11, 2016, 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, 2016 and ending September 30, 2017; 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 11th day of August 2016.

Dr. Mark E. Vargus
MAYOR

ATTESTED:

Linda Asbell, TRMC
Town Secretary



**TOWN OF LAKEWOOD VILLAGE, TEXAS
FISCAL YEAR 2016-2017
ANNUAL BUDGET**

This budget will raise more revenue from property taxes than last year’s budget by an amount of \$12,127, which is a 4.8 percent increase from last year’s budget. Of the \$12,127 increase, the property tax revenue to be raised from new property added to the tax roll this year is \$3,962. excluding the one-time gain from new housing, the average annual increase for existing property owners is 3.26 percent.

RECORD OF VOTE ON PROPOSAL TO CONSIDER ADOPTION OF BUDGET

POSITION	NAME	FOR	AGAINST	PRESENT and not voting	ABSENT
Mayor	Dr. Mark E. Vargus			X	
Mayor Pro-Tem	Ed Reed	X			
Council Member #1	Ray Duff	X			
Council Member #2	Dan Tantalo		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 2015	TAX YEAR 2016
Property Tax Rate	\$0.300000/\$100	\$0.300000/\$100
Effective Tax Rate	\$0.283479/\$100	\$0.290901/\$100
Effective Maintenance and Operations Tax Rate	\$0.236246/\$100	\$0.262617/\$100
Debt Rate	\$0.050000/\$100	\$0.050000/\$100
Rollback Tax Rate	\$0.457894/\$100	\$0.460518/\$100

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

DEBT ISSUE	PRINCIPAL	INTEREST	TOTAL
2014 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 \$1,178,000.

2016-2017 BUDGET SUMMARY

Exhibit A

	Budget 2015-2016	Budget 2016-2017
General Fund Operating Revenues	\$402,650	\$415,400
General Fund Operating Expenses	(<u>\$398,000</u>)	(<u>\$378,600</u>)
General Fund Operating Surplus	\$4,650	\$36,800
Utility Fund Operating Revenues	\$315,320	\$329,000
Utility Fund Operating Expenses	(<u>\$288,000</u>)	(<u>\$335,160</u>)
Utility Fund Operating Surplus	\$27,320	(\$6,160)
Road Maintenance Fund Revenues	\$17,790	\$37,600
Road Maintenance Fund Expenses	<u>\$0</u>	<u>\$0</u>

GENERAL FUND REVENUES

			BUDGET	YTD (10 mo.)	BUDGET
			2016	31-Jul-16	2017
<i>OPERATING REVENUES</i>					
4000	<i>Tax Income</i>		\$210,000	\$209,965	\$218,800
	<i>Debt Servicing (\$0.05)</i>		\$42,000	\$41,993	\$43,800
4005	<i>Sales Tax</i>		\$28,000	\$25,606	\$30,000
4010	<i>Interest</i>		\$1,000	\$910	\$500
4101	<i>Building Permits- New</i>		\$30,000	\$17,165	\$30,000
4102	<i>CO/CSI Inspections</i>		\$2,500	\$3,150	\$3,000
4103	<i>Contractor Registrations</i>		\$600	\$625	\$600
4104	<i>Sprinkler Permits</i>		\$300	\$400	\$400
4105	<i>Fence Permits</i>		\$300	\$450	\$300
4106	<i>Reinspect Fees</i>		\$2,000	\$8,125	\$3,000
4107	<i>Pool Permits</i>		\$1,000	\$1,450	\$1,000
4108	<i>Flatwork Permits</i>		\$600	\$375	\$400
4109	<i>Plumbing Permit</i>		\$1,000	\$600	\$500
4110	<i>Electrical Permits</i>		\$1,000	\$1,100	\$1,000
4111	<i>Replating Fees</i>		\$0	\$250	
4112	<i>Building Permits - Remodel</i>			\$3,925	\$2,500
4113	<i>Miscellaneous Permits</i>		\$500	\$1,275	\$1,000
4120	<i>Preliminary Plat Fees</i>		\$0	\$1,400	
4201	<i>Franchise Fee</i>		\$34,000	\$31,338	\$32,000
4202	<i>Pet Registration</i>			\$35	
4204	<i>Town Hall</i>		\$100	\$50	\$100
4950	<i>Unallocated Revenues</i>		\$4,000	\$2,227	\$2,500
4207	<i>Utility Fee for Services-LWV</i>		\$38,000	\$38,000	\$38,000
4208	<i>Utility Fee for Services-Rocky Pt</i>		\$4,250	\$4,238	\$4,000
4301	<i>Code Enforcement</i>			\$1,000	
4302	<i>Court Costs Fees</i>				
4401	<i>Mowing Abatement Fees</i>		\$500	\$700	
4402	<i>Lien Receipts</i>		\$1,000	\$6,527	\$2,000
4800	<i>Asset Sales</i>			\$9,081	
<i>TOTAL OPERATING FUNDS</i>			\$402,650	\$411,960	\$415,400

GENERAL FUND EXPENSES

		BUDGET	YTD (10 mo.)		BUDGET
		2016	31-Jul-16		2017
<i>Operating Expenses</i>					
5001	<i>Office Supplies</i>	\$1,000	\$1,208		\$1,200
5002	<i>Postage</i>	\$200	\$46		\$100
5003	<i>Computers Maintenance</i>	\$200	\$170		\$300
5007	<i>Advertising</i>	\$300	\$718		\$875
5008	<i>Elections</i>	\$3,000	\$3,168		\$3,000
5011	<i>Town Engineer</i>	\$0	\$780		\$0
5012	<i>Attorney Fees</i>	\$50,000	\$87,058		\$20,000
5013	<i>Accounting Fees</i>	\$10,500	\$10,500		\$10,800
5014	<i>Fire/EMS</i>	\$29,000	\$19,050		\$30,000
5016	<i>Building Inspections</i>	\$18,000	\$22,375		\$18,000
5021	<i>Town Maintenance</i>	\$4,000	\$6,125		\$4,000
5022	<i>Street Repair</i>	<i>moved to road maintenance fund</i>			
5024	<i>Animal Control</i>	\$200	\$300		\$300
5025	<i>Parks/Recreation/Playground</i>	\$8,000	\$4,454		\$12,000
5026	<i>Town Mowing</i>	\$1,500	\$2,700		\$2,500
5027	<i>Town Hall Improvements</i>	\$1,000	\$1,052		\$1,000
5031	<i>Telephone/Telecom</i>	\$1,600	\$1,406		\$1,600
5032	<i>Electricity</i>	\$6,800	\$4,905		\$6,500
5033	<i>Propane</i>	\$600	\$590		\$600
5041	<i>Abatement Mowing</i>	\$700	\$1,130		
5051	<i>Payroll</i>	\$60,000	\$50,000		\$63,000
5055	<i>Benefits - Insurance</i>	\$8,200	\$6,013		\$8,200
5056	<i>Payroll Tax Expense</i>	\$4,600	\$2,927		\$4,800
5057	<i>Benefits- Retirement</i>	\$3,000	\$3,000		\$3,150
5058	<i>UF Payroll Tax Sharing</i>		\$788		\$1,000
5061	<i>Appraisal District</i>	\$1,300	\$1,222		\$1,300
5062	<i>Tax Collector</i>	\$300	\$0		\$300
5070	<i>Capital Improvements</i>	\$0	\$7,400		\$0
5071	<i>Drainage Improvements</i>		\$3,600		\$0
5075	<i>Debt Servicing (Principle)</i>	\$145,000	\$145,000		\$149,000
5076	<i>Debt Servicing (Interest)</i>	\$27,800	\$27,850		\$24,925
5085	<i>Town Functions</i>	\$1,500	\$1,405		\$2,500

5101	<i>Continuing Education</i>	\$1,000	\$225		\$500
5102	<i>Travel Meeting Expenses</i>	\$3,600	\$2,749		\$3,000
5103	<i>Membership Dues</i>	\$1,000	\$1,055		\$1,000
5200	<i>Contingency Fund</i>	\$3,000	\$6,727		\$3,000
5280	<i>Municipal Court</i>				
	<i>Court Attorney Fees</i>	\$1,000			
	<i>Lien Recording Fees</i>	\$100	\$282		\$150
	<i>Abatements</i>		\$6,750		
<i>TOTAL OPERATING EXPENSES</i>		\$398,000	\$434,728		\$378,600

UTILITY FUND REVENUES

		BUDGET	YTD (10 mo.)		BUDGET
		2016	31-Jul-16		2017
<i>OPERATING REVENUES</i>					
	<i>Water Revenue</i>	\$150,000	\$107,605		\$154,000
	<i>Sewer Revenue</i>	\$104,000	\$82,156		\$102,000
	<i>Solid Waste</i>	\$46,000	\$35,666		\$46,000
	<i>Late Fees</i>	\$4,000	\$2,573		\$3,000
	<i>USACE - OLW</i>				
	<i>Sendziak Restitution</i>				
	<i>Miscellaneous</i>	\$1,000	\$4,339		\$1,000
	<i>Water Tap Fees</i>	\$4,725	\$6,300		\$6,300
	<i>Meter Set Fees</i>	\$1,170	\$1,560		\$1,560
	<i>Sewer Tap Fees</i>	\$3,825	\$5,100		\$5,100
	<i>Interest</i>	\$600	\$767		\$640
	<i>MDD LOC Interest</i>				\$400
	<i>MDD LOC Principal</i>				\$9,000
<i>TOTAL OPERATING FUNDS</i>		\$315,320	\$246,066		\$329,000

UTILITY FUND EXPENDITURES

	BUDGET	YTD (10 mo.)		BUDGET
	2016	31-Jul-16		2017
<i>Operating Expenses</i>				
<i>Office Supplies</i>	\$1,500	\$1,783		\$2,000
<i>Postage</i>	\$1,800	\$1,528		\$2,000
<i>Insurance</i>	\$4,600	\$4,928		\$5,200
<i>TCEQ Licensing Fees (Water)</i>	\$500	\$484		\$500
<i>TCEQ Licensing Fees (Sewer)</i>	\$1,250	\$3,565		\$1,300
<i>Fee for Administrative Services</i>	\$38,000	\$38,000		\$38,000
<i>Software Licensing Fees</i>	\$750	\$720		\$1,000
<i>Operator Salaries</i>	\$36,600	\$27,450		\$42,200
<i>Solid Waste</i>	\$42,000	\$30,848		\$42,000
<i>Engineer</i>	\$30,000	\$18,400		\$40,000
<i>GIS Mapping</i>		\$320		
<i>Contract Labor</i>		\$168		
<i>Sewer Scheduled Maintenance</i>	\$1,000	\$3,800		\$3,000
<i>Water Scheduled Maintenance</i>	\$1,000	\$1,680		\$2,000
<i>Laboratory (Sewer)</i>	\$4,500	\$3,098		\$4,000
<i>Laboratory (Water)</i>	\$500	\$441		\$600
<i>Water Repairs</i>	\$10,000	\$1,725		\$10,000
<i>Sewer Repairs</i>	\$10,000	\$12,122		\$10,000
<i>Meter Set Fee</i>		\$1,000		\$1,560
<i>Water Equipment</i>	\$2,000	\$7,757		\$4,000
<i>Sewer Equipment</i>	\$1,000	\$4,172		\$4,000
<i>Chemicals (Water)</i>	\$1,000	\$1,233		\$1,000
<i>Chemicals (Sewer)</i>	\$800	\$115		\$200
<i>Electricity (Water)</i>	\$17,000	\$10,760		\$15,000
<i>Electricity (Sewer)</i>	\$21,000	\$14,388		\$18,000
<i>Payroll</i>	\$8,000	\$11,244		\$16,000
<i>Contingency Fund</i>	\$1,000	\$405		\$1,000
<i>Capital Improvements</i>	\$51,000	\$69,033		\$70,000
<i>Sludge Removal (Sewer)</i>	\$1,200	\$0		\$600
<i>Total Operating Expenses</i>	\$288,000	\$271,167		\$335,160

ROAD MAINTENANCE FUND

	BUDGET	YTD	BUDGET
	2016	31-Jul-16	2017
Revenues			
<i>EDC</i>	\$7,000	\$11,773	\$0
<i>Town (0.5% sales tax)</i>			\$15,000
<i>MDD (0.25% sales tax)</i>	\$4,700	\$4,723	\$8,500
<i>Franchise Fee - Residential</i>	\$5,160	\$3,620	\$10,000
<i>Franchise Fee - Commercial</i>	\$900	\$4,015	\$4,000
<i>Interest</i>	\$30	\$70	\$100
	\$17,790	\$24,201	\$37,600
Expenses			
<i>Maintenance</i>	\$0	\$0	\$0
<i>Beginning Fund Balance</i>	\$7,000	\$8,097	\$36,000
<i>Revenues</i>	\$17,790	\$24,201	\$37,600
<i>Expenses</i>	\$0	\$0	\$0
<i>Ending Fund Balance</i>	\$24,790	\$32,298	\$73,600

DEBT SERVICING FUND

<i>Debt Servicing Fund</i>		<i>Loan Balance</i>	
Starting: OCT-01-2015	\$166	CO Balance: OCT-01-2015	\$1,472,000
Interest	\$42	Principle Payments	(\$145,000)
D/S Tax	\$41,966	Interest Payments	<u>(\$27,850)</u>
GF Transfer	\$131,000	CO Balance: SEP-30-2016	\$1,327,000
Bond Payment	(\$159,646)		
Bond Payment	(\$13,204)		
Fee	(\$300)		
<hr/> <hr/>			
Ending: SEP-30-2016	\$23		
Starting: OCT-01-2016	\$23	CO Balance: OCT-01-2016	\$1,327,000
Interest	\$42	Principle Payments	(\$149,000)
Tax	\$43,800	Interest Payments	<u>(\$24,925)</u>
GF Transfer	\$130,425	CO Balance: SEP-30-2017	\$1,178,000
Bond Payment	(\$162,204)		
Bond Payment	(\$11,721)		
Fee	(\$300)		
<hr/> <hr/>			
Ending: SEP-30-2017	\$65		



Estimate

Walts paving

For: Lake Wood Village

Estimate No: 10

Date: September 1, 2016

Description	Quantity	Rate	Amount
Clean areas of vegetation rotomill with 48 inch planer compact base tack coat and pave with 3 to 4 inches of hot mix Asphalt type D surface Mix compact with vibrating steel drum roller	20,100	\$2.00	\$40,200.00

All work is done to customer satisfaction without proper base preparation asphalt is guaranteed failure we are going to come in their rotomill all bad areas and compact to smoothness so we have a consistent 3 to 4 inches of smooth asphalt before we lay our asphalt we are going to tack coat with hot CSS 1H asphalt emulsion after we lay our asphalt we will compact with 3 ton vibratory roller and seal edges of asphalt to keep moisture out project should be

Total \$40,200.00

Attachment #1



Attachment #2



Attachment #3



Attachment #4



Action Paving, Inc.

554 W. College St.
Lewisville, TX 75057

214-715-1005
actionpavinginc@aol.com

Proposal

Proposal Submitted to

Mark Vargus

As

Town of Lakewood Village

Street

City, State, Zip Code

Attention

Phone

mark@lakewoodvillagetx.us

We hereby submit specifications and estimates for:

Asphalt Level ups: Clean all loose debris and vegetation from designated areas. Apply Tack Coat (CSS-1H) within designated areas. Install Hot Mix Asphalt Tye "D" 2"-4" in thickness to provide a smoother surface. Roll and compact with steel wheel roller followed up with rubber tired roller. All areas have been marked on pavement in pink paint.

Melody Lane: 6,237 sq ft
Carrie Lane: 3,147 sq ft
Highridge Lane: 10,775 sq ft

Total: 20,159 sq ft x \$2.10 per sq ft = \$42,333.90

Additional level ups @ \$2.10 per sq ft

Job Name

Same

Job Address

City, State

Property Contact

Phone

Mark

214-558-6847

Date

Proposal Good For:

Job No:

TOTAL \$42,333.90

TAX

GRAND TOTAL

Exclusions: (Unless noted)

Permits, bonds and testing

Utility relocation/adjustment, irrigation or landscape repair

Cracking due to weather conditions

Action Paving, Inc. guarantees materials and workmanship for a period of 1 year, exclusive of mechanical damage, chemical spillage or abnormal abuse.

Because of the volatility of prices for construction materials, Action Paving, Inc. cannot guarantee the cost of materials used in the work contained in this proposal for more than 30 days beyond this proposal date, regardless of whether this proposal is signed. Unless agreed upon elsewhere, customer agrees to pay the increase in cost of materials only, if notified of increase prior to work being done that includes a material with increased cost. Difference in material price will not exceed the "cash" price of Supplier on date work is done versus the "cash" price of Supplier on date of this proposal.

Any failure of the materials used in construction to conform to the requirements of the contract document or failure of workmanship to conform to standards utilized by generally proficient builders engaged in similar work and performing under similar circumstances shall be rectified at the expense of Action Paving Inc. in a prompt fashion. This paragraph supersedes and/or overrides any implied warranties under Texas Law.

We propose to furnish all materials, equipment and labor – compete in accordance with above specifications for the sum of:

Forty Two Thousand Three Hundred Thirty Three dollars and 90/100

Payment to be made as follows:

Due in Full Upon Completion

ACCEPTANCE: "The terms and conditions contained herein this contract are an integral part of this agreement, which, by authorized signature, the contracting party acknowledges to have read, understood and agreed".

Please sign below, make a copy for your records and return the original to Action Paving, Inc.

Authorized Signature

Printed Signature

Title

Date

Authorized Signature

Estimator

Title

Date

**TOWN OF LAKEWOOD VILLAGE N
ORDINANCE 16-XX**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS PROVIDING FOR PUBLIC NUISANCES, COMMUNITY APPEARANCE TO PROTECT PROPERTY VALUES, QUALITY OF LIFE AND PUBLIC HEALTH AND SAFETY, AND TO PROVIDE FOR THE CONTROL OF OPEN BURNING; PROVIDING FOR DEFINITIONS; PROVIDING FOR OWNER'S DUTY TO MAINTAIN PROPERTY BY KEEPING PROPERTY FREE AND CLEAR OF NUISANCES INCLUDING WEEDS, BRUSH AND UNSIGHTLY MATTER; DUTY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR NOTICE OF VIOLATION; PROVIDING FOR TOWN ABATEMENT; PROVIDING FOR ADMINISTRATIVE FEES; PROVIDING FOR OFFENSES, PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE REPEALER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village, Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council of Lakewood Village, Texas in order to provide for the general health and welfare of the citizens of this Town is permitted to enact certain rules and regulations; and

WHEREAS, the Town Council of the Town of Lakewood Village, Texas adopts the Texas Health and Safety Code, Chapter 342, Subchapter A, as amended and supplemented by the terms of this Ordinance.

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

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Repeal

Nuisance/Burning Ordinance 12-08 is hereby repealed in its entirety. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of said Ordinances except those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and those that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim or lawsuit that has been initiated or has arisen under or pursuant to any of the Ordinances or sections thereof that have been specifically repealed on the date of the adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance or section thereof and for that purpose the Ordinance or section thereof shall remain in full force and effect.

Section 3: Penalty Clause

1. After any required notice to the owner, the failure or refusal to comply with any demand for compliance within the applicable time period shall be deemed as maintaining a public nuisance and the Mayor, Mayor Pro-Tem, Town Administrator/Town Secretary, or the Town Council designee may issue a citation in municipal court and/or file a lien upon and against such real property to include all costs, Town administrative fees, filing fees, charges and expenses. Any owner, as defined herein, violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed \$2000.00 for each offense. Each day a violation of any provision of this ordinance shall continue, it shall constitute a separate offense.

2. The property owner's failure to comply with this ordinance may result in the Town securing a lien against the property. In this event, the Town will file with the County Clerk a statement of the expenses incurred in correcting the condition of the property. The Town shall have a privileged lien on the property, second only to tax liens and liens for street improvements, together with ten percent (10%) on the delinquent amount from the date such payment was due.

Section 4: 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 5: Savings Clause

All rights and remedies of the Town of Lakewood Village are expressly saved as to any and all violations of the provisions of any Ordinances affecting and which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 7: Effective Date

This Ordinance shall be in full force and effect 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 January, 2016.

Dr. Mark Vargus
Mayor

ATTEST:

Linda Asbell, TRMC
Town Secretary

Exhibit A



**DUTY TO MAINTAIN PROPERTY
NUISANCE AND BURNING REGULATIONS**

Adopted: August 11, 2016

2.1 DEFINITIONS

“Builder/Developer/Contractor” shall mean any person(s), firm, corporation or other entity that has been hired by an owner, as defined herein, to perform any new construction, remodel or repair of said property within the corporate limits of the Town of Lakewood Village. If the owner is also the builder/developer/contractor, as defined herein, then the owner is held to the limitations of a builder/developer/contractor as specified in this ordinance.

“Bulk Trash” shall mean any rubbish/brush as defined herein and other large or bulky items approved for collection as “bulk trash” on the designated day as set forth within the contract between the Town of Lakewood Village and the Town’s Solid Waste Collection provider.

“Nuisance” shall mean whatsoever is dangerous to human life or health, whatsoever renders the ground, the water, the air or the food a hazard or injurious to human life or health or that is offensive to the senses or that is detrimental to the public health is hereby declared to be a nuisance.

“Owner” shall mean any person(s) or entities owning, claiming, occupying or having supervision or control of any lot, tract, parcel of land, occupied or unoccupied, improved or unimproved, within the corporate limits of the Town of Lakewood Village.

“Rubbish/brush” shall mean lawn trimmings, tree trimmings, trash, debris, rubble, concrete, cement, stone, excess or useless fragments of construction materials, or other miscellaneous useless waste or rejected matter.

“Town” shall mean The Town of Lakewood Village

“Weeds/Vegetation” shall mean vegetation, including grass, that because of its height is objectionable, unsightly or unsanitary, but excluding shrubs, bushes, trees, cultivated flowers, and cultivated crops.

SECTION 2

DUTY TO MAINTAIN PROPERTY

- 2.1 It shall be unlawful for any owner to allow a nuisance of weeds/vegetation, as defined in Section 1 herein, to grow to a height greater than 12 inches upon any real property within one hundred fifty (150) feet of any property line which abuts a Town street right-of-way and within 50 feet from any part of a habitable dwelling.
- 2.2 Any builder/developer/contractor is strictly prohibited from burning any materials within the Town of Lakewood Village including, but not limited to, any rubbish/brush, as defined in Section 1 herein. Burning of any materials shall be prohibited on any construction site.
- 2.3 Also, it shall be unlawful for any builder/developer/contractor to allow a nuisance of rubbish/brush to accumulate or be present upon any real property within the Town of Lakewood Village, unless such nuisance of rubbish/brush is in a covered container designed for such purposes.

2.4 It shall be unlawful for any owner to allow a nuisance of rubbish/brush, as defined in Section 1 herein, to accumulate or be present upon any real property within the Town in excess of ten days.

2.5 It shall be the duty of any owner to maintain their property in a reasonable neat and orderly fashion. Therefore,

2.5.a Outside storage of auto parts, appliances, lawnmowers, bicycles, building materials and motorcycles, or any items that fall within the definition of “nuisance” as defined in Section 1 herein, is strictly prohibited.

2.5.b Exterior paint, trim, gutters, down spouts, garage doors, windows, masonry and siding shall be maintained in such a manner so as to be consistent with surrounding homes. In general, an owner shall maintain their property in such a manner as necessary to provide a pleasing appearance to their surrounding neighbors.

2.5.c If a building permit is current, it is reasonable to temporarily store, in outside view, such building materials as needed to complete the permitted construction.

2.5.d Placement of bulk trash for collection in excess of ten (10) days prior to date of collection as established by Solid Waste Collection contract is strictly prohibited.

2.5.e Violation of this section is subject to notice and penalties as described herein.

SECTION 3 **RESPONSIBILITY FOR ENFORCEMENT**

Enforcement of this Ordinance shall be the responsibility of the proper State and Denton County authorities; the Mayor, Mayor Pro-Tem and Town Administrator/Town Secretary; and/or any person(s) duly appointed by the Town Council.

SECTION 4 **NOTICE OF VIOLATION**

In the event that any owner fails to comply with the provisions of this ordinance, ~~upon receiving a written complaint, or based on a complaint by~~ an authorized person or entity pursuant to Section 43, the Town shall give ten (10) days’ notice in writing to such owner, or by certified mail, return receipt requested addressed to such owner at their last known mailing address, demanding compliance with this ordinance. Additionally, pursuant to the Texas Health and Safety Code, Section 342.006, this is the only notice that will be given for the next twelve (12)

months. If, within the next twelve (12) months, the same violation(s) occurs again, the Town, without notice, may take the appropriate actions to bring the property into compliance and assess its expenses as provided by Section 65 herein.

~~4.2. In the event that any owner fails to comply with the provisions of this ordinance, upon receiving a written complaint, or based on a complaint by an authorized person or entity pursuant to Section 4, the Town shall give ten (10) days notice in writing to such owner, or by certified mail, return receipt requested addressed to such owner at their last known mailing address, demanding compliance with this ordinance. Additionally, pursuant to the Texas Health and Safety Code, Section 342.006, this is the only notice that will be given for the next twelve (12) months. If, within the next twelve (12) months, the same violation(s) occurs again, the Town, without notice, may take the appropriate actions to bring the property into compliance and assess its expenses as provided by Section 6 herein.~~

SECTION 5 **ABATEMENT BY TOWN**

- 5.1 If an owner fails or refuses to comply with the Town's demand for compliance with of this Ordinance within ten (10) days of the notice provided pursuant to Section 4 herein, the Town may do such work or cause the work to be done to bring the real property into compliance with this ordinance.
- 5.2. The expense incurred in correcting any condition of a property in violation of this ordinance shall be paid by the Town and charged to the owner of such property. A statement of the cost incurred by the Town shall be mailed to the owner. Such statement shall be paid by the owner within 30 days of the date of the mailing thereof. In the event that the statement has not been paid within the 30-day period, the Town has the right to exhaust any and all remedies available under this Ordinance and state law.

SECTION 6 **ADMINISTRATIVE FEE**

In addition to collecting the costs and expenses incurred for correcting any violation(s) involving abatement by the Town, the Town shall charge the minimum of \$100.00 not to exceed a maximum of \$500.00 per occurrence, which sum is hereby found to be the cost to the Town of administering the terms of this ordinance.

SECTION 7
OFFENSES, PENALTIES, AND LIENS

- 7.1 After any required notice to the owner, the failure or refusal to comply with any demand for compliance within the applicable time period shall be deemed as maintaining a public nuisance and the Mayor, Mayor Pro-Tem, Town Administrator/Town Secretary, or the Town Council designee may issue a citation in municipal court and/or file a lien upon and against such real property to include all costs, Town administrative fees, filing fees, charges and expenses. Any owner, as defined herein, violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed \$2000.00 for each offense. Each day a violation of any provision of this ordinance shall continue, it shall constitute a separate offense.
- 7.2 The property owner's failure to comply with this ordinance may result in the Town securing a lien against the property. In this event, the Town will file with the County Clerk a statement of the expenses incurred in correcting the condition of the property. The Town shall have a privileged lien on the property, second only to tax liens and liens for street improvements, together with ten percent (10%) on the delinquent amount from the date such payment was due.

End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

Ordinance Number	Date	Summary
00-04A	June 05/2000	• Original Adoption
05-011		• Repealed for historical purposes (never officially took effect)
09-12	Sept. 24, 2009	• Clarified burning restrictions, Repealed
12-08	June 14, 2012	• Clarified areas required to be mowed, Repealed
16-XX	Aug. 11, 2016	• Introduced time frame for bulk trash to be place for pick-up

