

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

NOVEMBER 10, 2016

Council Members:

Dr. Mark Vargus, Mayor
Ed Reed – Mayor Pro-Tem
Clint Bushong
Gary Newsome – arrived at 7:09 p.m.
Ray Duff
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, November 10, 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 water and wastewater impact fees. Mayor Vargus opened the public hearing at 7:02 p.m.

Mayor Vargus reviewed the history of public hearings and meetings on the topic of water and wastewater impact fees.

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to close the public hearing at 7:05 pm. *The motion carried.*

VISITOR/CITIZENS FORUM:

(Agenda Item C)

Sandra Viscuso, 316 Hillside Drive, reported a concern about spiders in the mailbox area. Town Secretary Linda Asbell reported that the town’s pest control company treated the area earlier that day. Mrs. Viscuso asked the town council about prohibitions on vehicles parking on the street overnight. Mayor Vargus explained the state law about street parking and stated that Lakewood Village does not have prohibitions on street parking.

Councilman Gary Newsome arrived at 7:09 p.m.

Mr. Heath Zingelmann, 10 Hidden Valley Airpark, Shady Shores, TX reported that he is trying to sell 327 Parkwood which is a vacant lot next to a house he owns at 331 Parkwood. Mr. Zingelmann would like to sell 327 Parkwood but his mortgage company indicated they need a letter from the town stating that the remaining land conforms to town regulations. Mayor Vargus reviewed the history of 327 Parkwood. Mayor Vargus reported that the home at 331 Parkwood was built too close to the property line but the property had never been replatted and is a non-conforming property that is “grandfathered”. Mr. Zingelmann will provide language for a letter to the town stating that 331 Parkwood is a legal non-conforming property and the Mayor will sign the letter.

REGULAR AGENDA:

(Agenda Item D)

Consideration of Variance Request for 464 Peninsula – front facing garage, garage door set-back, and garage depth (Asbell)

(Agenda Item D.1)

Mr. Kevin Ribble, owner of 464 Peninsula, reviewed the variances he is requesting. Mr. Ribble stated that in designing his home he attempted to comply with all applicable ordinances. Due to the property size and the location of the 537-elevation line, he was unable to strictly comply in three areas: garage door setback, garage depth, and he would like to have garage space for three vehicles, which causes one garage entry to be front facing. Mr. Ribble reported that he has spoken to his neighbors and no one expressed concern with his design. Mayor Vargus reviewed the history of variance approvals in that area. Mr. Ribble stated that he is ready to start building as soon as he receives approval from council.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted five (5) “ayes”, no (0) “nays” to approve all three variances requested for 464 Peninsula. *The motion carried.*

Consideration of Ordinance Adopting Impact Fees (Bushong)

(Agenda Item D.2)

Councilman Bushong reviewed the ordinance and the proposed impact fees. Mr. Todd Strouse, Kimley Horn, reported that the town attorney has reviewed the ordinance and incorporated changes the attorney recommended. Mr. Strouse reviewed the impact fee tables and the procedures for adjusting or changing the fees. The impact fees must be reviewed and updated every five years. Mayor Vargus reported on the financial vulnerability the town has without impact fees in place. Mr. Darrell West, member of the CIAC committee, stated that the

committee supports council adopting the maximum impact fees. Councilman Tantalo requested clarification on the process for amending the impact fees. Mr. Strouse reported that impact fees could be amended through negotiations with a developer and would be documented in the Planned Development document. Any change in policy, changing the fee maximum, would require a vote of the town council. Council discussed amending the language in Section 15.c.: “The mayor may resolve the appeal without further action if the appellant agrees with the Mayor’s decision, and receives subsequent council approval.”

MOTION: Upon a motion made by Councilman Duff and seconded by Councilman Bushong, council voted five (5) “ayes”, no (0) “nays” to approve the ordinance adopting water and wastewater impact fees as amended in Section 15.C. *The motion carried.*

The council returned to Visitor Forum to hear Mr. Heath Zingelmann.

**Discussion of Employment Status of Building
Official & Building Inspectors (Vargus)**

(Agenda Item D.3)

Mayor Vargus reviewed the history of the contracted building inspectors utilized by the town. These inspectors would not be covered by the town’s insurance if they were the subject of a lawsuit related to a property they inspected for the town. Mayor Vargus reported that he and Mayor Pro-Tem Reed met with the current Building Official, Deputy Building Official, and Building Inspector. They all agreed that becoming part-time employees of the town would be the best way to revolve the legal liability to which they are exposed. The town would begin withholding taxes from their pay and the town would be responsible for the employer side of the payroll taxes. Councilman Tantalo stated that he would not support bringing on additional employees due to the additional cost to the town. Councilman Tantalo recommended that the town investigate the cost of purchasing an insurance policy to provide them coverage in lieu of making them employees. Mayor Pro-Tem Reed stated Councilman Tantalo had a good idea and asked him to bring that research for council to consider. Mayor Pro-Tem Reed reported that the type of coverage the town has access to would be much more comprehensive and cost effective than any individual policy obtained for coverage. There was some discussion about the liability exposure the building officials experience. Mayor Vargus reported that other cities either have employees or they hire a third-party company. There was some discussion about obtaining an addendum on insurance coverage the town currently has. There was some discussion about the need for multiple inspectors to provide coverage for other inspectors during vacations, illnesses, or other commitments.

**Discussion of Utility and Building Services
Coordinator Position (Reed)**

(Agenda Item D.4)

Mayor Pro-Tem Reed reported that he spent a lot of time with Summer Paulsen to define a job description and salary range for the position she currently holds. Mayor Pro-Tem Reed reviewed the process he used to identify the tasks, group the tasks, and measure the importance of those tasks. Mayor Vargus reported that comparisons cannot be made to positions in other municipalities because there are no defined positions that cover all the tasks for which Ms. Paulsen is responsible. Mayor Pro-Tem Reed stated that there was a difficulty in identifying a job title because her responsibilities are so diverse. Mayor Pro-Tem Reed reviewed the task groups; the approximate time spent performing these tasks, and compared those to the value ranking of the task. Mayor Pro-Tem Reed reviewed his key conclusions. The position handles a significant number of tasks, and 80% of the time spent by this position is on tasks critical to the town's operation (generating water bills, maintenance of the utility billing software, generating bank deposits). Mayor Vargus reported Ms. Paulsen previously was working three days a week and approximately two months ago was moved to four days a week to provide better coverage for necessary tasks. Mayor Pro-Tem Reed reviewed his salary investigation and salary recommendation along with possible implementation approaches. There was some discussion about the benefit to the town of creating a definable position with a full job description. There was some discussion about the proposed draft job description and salary range. Mayor Pro-Tem Reed clarified that this review is on the position itself and is separate from a review of Ms. Paulsen's performance. Council will review the materials and consider action at the next council meeting.

**Consideration of Energy Code Ordinance –
Adopting 2015 Version of Code (Bushong)**

(Agenda Item D.5)

Councilman Bushong reported that the State of Texas adopted the 2015 energy code to be effective September 1, 2016. This ordinance conforms to the State requirement.

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

**Consideration of Minutes of the October 13,
2016 Council Meeting (Asbell)**

(Agenda Item D.6)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (5) "ayes", no (0) "nays" to approve the minutes as presented. *The motion carried.*

EXECUTIVE SESSION:

(Agenda Item E)

At 8:36 p.m. Mayor Vargus recessed into executive session in compliance with (1) § 551.071(1) Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.071(2) Texas Government Code to wit: Consultation with the Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter to receive legal advice; (3) § 551.072 Texas Government Code to wit: deliberations about real property; and (4) § 551.087 Texas Government Code to wit: Economic Development Negotiations

Councilman Tantalo stated that he would not participate in the first two executive session items since the Town Attorney is not present. Mayor Vargus stated that agendas are prepared in advance of the meeting and council is not required to address every item listed on the exception list. Because council has no current need to discuss exceptions (1), and (2) there was no need to have the attorney present, council will begin with exception (3). Councilman Tantalo did not leave the dais when councilmembers left to hold the executive session.

RECONVENE:

(Agenda Item F)

Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 9:36 pm. No action was taken.

COUNCIL AND STAFF COMMENTS

(Agenda Item G)

Councilman Newsome thanked Councilman Tantalo, Jamie Tantalo, Darrell West, and everyone involved in making the Halloween Hay Ride a success.

Mayor Vargus reported that the new banners for the town have been installed and Christmas banners will be installed right after Thanksgiving.

Town Secretary Linda Asbell reported that she has received notice from the Texas Commission on Environmental Quality. The Town's application to amend the Sewer Certificate of Convenience and Necessity has moved into the final stage. She expects to have the final approval and a "findings of fact and conclusions of law" by February 6, 2017.

Mayor Vargus reported that Councilman Bushong recommended that the town host an appreciation meal in December for everyone who works for the town. It would give council members an opportunity to meet with people they might not have had the opportunity to know

**LAKWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
NOVEMBER 10, 2016**

Page 6

before. Mayor Vargus reported that it is likely that the December council meeting will be cancelled and the appreciation dinner might be held on December 8th.

Mayor Vargus reported that he met a vendor at the Texas Municipal League conference that has solar lighting that utilizes the brighter and longer lasting LED lights and high efficiency batteries. The town could consider adding lighting to the banners, which would also provide some lighting along the very dark section of Lakecrest Drive.

ADJOURNMENT

(Agenda Item H)

MOTION: Upon a motion made by Councilman Newsome and seconded by Councilman Tantalo council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 9:14 p.m. on Thursday, January 12, 2017. The motion carried.

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

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY