

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

AUGUST 17, 2010

Council Members:

Mike Schnittker, Mayor
Dr. Mark Vargus, Mayor Pro-Tem
Ken Guthrie
Harold Wood
Carl Menckhoff, M.D.
Dave Getka - ABSENT

Town Staff:

Linda Asbell, Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Schnittker called the Town Council to order at 7:03 p.m. on Tuesday, August 17, 2010, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG

(Agenda Item A)

Mayor Schnittker

VISITOR/CITIZENS FORUM:

(Agenda Item B)

No one requested to speak

REGULAR AGENDA:

(Agenda Item C)

Receive Report from Building Inspector on Condition of Property at 828 Carrie Lane

(Agenda Item C.1)

Steve Freeman, Building Inspector for Lakewood Village reviewed the findings of his 7/26/10 inspection of the property. Mr. Freeman reported that there was no evidence that he could find that the sewer from the property had ever been connected to the municipal sewer service. Mr. Freeman reported that a large amount of funding would be required to bring this property up to code. It is possible that an illegal septic system was put in on the property that will have to be removed. Mr. Freeman reported on the structural damage caused by the porches pulling away from the house. Mr. Freeman reported on the large amount of exposed wiring and the illegal

**LAKEWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
AUGUST 17, 2010**

Page 2

end-to-end wiring (flying-taps). He also reported that the stairs in the house are going to have to be pulled out and replaced. Mr. Freeman reported on the missing hearth extensions at fireplaces causing an extreme fire hazard. He also noted the 3rd and 4th floors having additional rooms framed in without proper exits per fire code. He reported about several roof studs that were cut at approximately 80% that are supporting a roof load. The purlin supports were placed at 6 foot centers instead of 4 foot centers and were missing entirely in many places. The roof is leaking in many places. Mr. Freeman expressed extreme concern about the number of serious violations of life/health/safety regulations. There was some discussion on the cost of repairs being a minimum of \$250,000 and likely well over \$500,000. There was some discussion on the sewer issues regarding the gray water being discharged directly onto the lot, and the black water being trenched out to the lake. All the sheet-rock is going to have to be removed to allow for a complete electrical inspection. There was some discussion about the requirements to remove the 3rd and 4th floor and put in the proper supports for the roof. There was some discussion on the likelihood of getting a bank to finance to amount of repairs that will be required for this structure. There was some concern about the walls on the first floors being able to support the weight of the upper floors. Councilman Menckhoff expressed his desire to protect the Town and to look at whether the property is more likely to be sold with the house remaining on the property or with the house removed from the property. City Secretary Linda Asbell reported that the appraiser hired by the bank has recommended the house be demolished and the appraiser reported that the real estate agent was going to also recommend demolition. City Secretary Asbell also reported that she has had discussions with the Bank's attorney and he did not indicate the position the bank was taking on demolition. There was some discussion on the cost of demo and if the bank would be required to bear the costs.

**Consideration to Declare the Property
Located at 828 Carrie Lane to be
Substandard**

(Agenda Item C.2)

Councilman Guthrie asked the Building Inspector about the supports in the roof, the building inspector reported that many of the roof supports were removed. Mayor Schnittker asked the Building Inspector if it was safe to turn on water, electricity, gas, and whether the sewer could exit the structure. The Building Inspector reported that it is not safe to turn on any utilities. The Building Inspector also reported that it is not safe for anyone to walk up or down the main staircase at the front of the house.

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Wood the Council voted four (4) "ayes" and no (0) "nays" to declare the structure at 828 Carrie Lane to be substandard. The motion carried

**LAKWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
AUGUST 17, 2010**

Page 3

PUBLIC HEARING:

(Agenda Item D)

To allow the owner of the property located at 828 Carrie Lane to show cause why such building should not be declared to be substandard and why owner should not be ordered to repair or destroy such building. Mayor Schnittker opened the public hearing at 7:45 p.m.

No one requested to speak.

MOTION: Upon a motion made by Councilman Guthrie and seconded by Councilman Menckhoff the Council voted four (4) “ayes” and no (0) “nays” to close the public hearing at 7:45 p.m. The motion carried

REGULAR AGENDA: (continued)

(Agenda Item C)

Consideration to order the building located at 828 Carrie Lane to be demolished or other appropriate action taken.

(Agenda Item C.3)

Mayor Schnittker reported that for him to be comfortable allowing repairs to be made the owner should have to show financial backing sufficient to cover the cost of all repairs. David Lebowitz, registered code enforcement officer and registered fire inspector for the State of Texas introduced himself. Mr. Lebowitz reported that an order would be issued and the City Secretary would have it filed at the County within 10 days and notify the owner and all interested parties. If the bank does not do anything the Town needs to know what their plan is as far as enforcement of the order. The Town has the option to seize the property through injunctive relief or to file liens. Mr. Lebowitz reported the Town Council tonight should order the bank to either repair, rehabilitate, or demolish the property within a specified timeframe. Mr. Lebowitz reported that following the order and the expiration of the specified timeframe and repairs have not been made the Town can then begin issuing citations for violations. Mr. Lebowitz reported that the conditions of demolition would be need to be determined to order the removal of the structure and all curtilage as well all underground structures and service lines. Mr. Lebowitz volunteered his assistance to the Town during this process.

There was some discussion on the timeframe to give the bank to make their repairs or respond.

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Guthrie the Council voted four (4) “ayes” and no (0) “nays” to order the structure

**LAKWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
AUGUST 17, 2010**

Page 4

at 828 Carrie Lane to be either repaired or demolished by the owner within 60 days of the date of this hearing . The motion carried

ADJOURNMENT

(Agenda Item E)

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Wood the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 8:55 on Thursday, August 17, 2010. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 9th day of September, 2010

APPROVED

Mike Schnittker
MAYOR

ATTEST:

Linda Asbell
CITY SECRETARY