



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

**TOWN COUNCIL MEETING  
AUGUST 11, 2016 7:00 P.M.**

**REGULAR SESSION – AGENDA**

Call to Order and Announce a Quorum is Present

**A. PLEDGE TO THE FLAG:**

**B. PUBLIC HEARING:** A public hearing is scheduled on the proposed budget for Fiscal Year 2016-2017 to provide an opportunity for citizen comment. The Town Council may adopt the budget with or without amendment by ordinance on one (1) reading.

**C. PUBLIC HEARING:** – A public hearing is scheduled on the proposed tax rate for Fiscal Year 2016-2017 to provide an opportunity for citizen comment.

**D. 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.

**E. 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 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. Ordinance Setting September 20, 2016 for Public Hearing on Land Use Assumptions and Capital Improvement Projects as Required by Local Government Code §395.042 (Vargus)

**F. REGULAR AGENDA:**

1. Variance request for lot 11, Block F, Section 1 for front yard set-back (Asbell)
2. Presentation by Patterson Professional Services on Status of Water & Wastewater Systems (Asbell)
3. Discussion of Impact Fee Implementation (Vargus)
4. Discussion of Past and Current Town Financial Performance (Vargus)

**G. EXECUTIVE SESSION:** Recess into executive session in compliance with (1) § 551.074, Texas Government Code to wit: Personnel Matters, Evaluation of the Town Secretary; Evaluation of Administrative Assistant

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

**I. REGULAR AGENDA:**

1. Consideration of Municipal Development District Fiscal Year 2016-2017 Budget (Asbell)
2. Consideration of Fiscal Year 2016-2017 Budget (Vargus)
3. Discussion of 2016-2017 Ad Valorem Tax Rate (Vargus)
4. Consideration of Nuisance Ordinance Relating to Bulk Trash (Vargus)
5. Discussion of Budget Workshop Findings and Next Steps (Tantalo)
6. Discussion of Ordinance 07-09, Section 3 Compliance (Tantalo)

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

**K. ADJOURNMENT**

I do hereby certify that the above notice of meeting was posted on the designated place for official notice at 6:15 p.m. on Friday, August 5, 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.



# 2017 BUDGET SUMMARY

2017 BUDGET SUMMARY						
	BUDGET	<i>Unaudited</i>		BUDGET	YTD (10 mo.)	
CASH BUDGET	2015	2015 Actual		2016	31-Jul-16	2017
General Fund Revenues	\$382,160	\$409,141		\$402,650	\$411,960	\$415,400
General Fund Expenses	<u><b>\$381,996</b></u>	<u><b>\$399,252</b></u>		<u><b>\$398,000</b></u>	<u><b>\$434,728</b></u>	<u><b>\$378,600</b></u>
General Fund Surplus	<b>\$164</b>	<b>\$9,889</b>		<b>\$4,650</b>	<b>(\$22,768)</b>	<b>\$36,800</b>
Utility Fund Revenues	\$335,120	\$349,849		\$315,320	\$246,066	\$329,000
UtilityFund Expenses	<u><b>\$203,960</b></u>	<u><b>\$253,045</b></u>		<u><b>\$288,000</b></u>	<u><b>\$271,167</b></u>	<u><b>\$319,560</b></u>
UtilityFund Surplus/Deficit	<b>\$131,160</b>	<b>\$96,804</b>		<b>\$27,320</b>	<b>(\$25,101)</b>	<b>\$9,440</b>
	Note: 2015 Utility CAPX = \$43,759					
	Note: 2014 Utility CAPX = \$250,631					



		<i><b>General Fund Revenues</b></i>					
		<b>BUDGET</b>	<i>Unaudited</i>		<b>BUDGET</b>	<b>YTD (10 mo.)</b>	<b>BUDGET</b>
		<b>2015</b>	<b>2015 Actual</b>		<b>2016</b>	<b>31-Jul-16</b>	<b>2017</b>
<i><b>OPERATING REVENUES</b></i>							
4000	<i>Tax Income</i>	\$194,000	\$191,273		\$210,000	\$209,965	\$218,800
	<i>Debt Servicing (\$0.05)</i>	\$38,600	\$38,703		\$42,000	\$41,993	\$43,800
4005	<i>Sales Tax</i>	\$25,000	\$31,030		\$28,000	\$25,606	\$30,000
4010	<i>Interest</i>	\$800	\$1,854		\$1,000	\$910	\$500
4101	<i>Building Permits- New</i>	\$41,000	\$48,698		\$30,000	\$17,165	<b>\$30,000</b>
4102	<i>CO/CSI Inspections</i>	\$3,600	\$3,150		\$2,500	\$3,150	\$3,000
4103	<i>Contractor Registrations</i>	\$600	\$750		\$600	\$625	\$600
4104	<i>Sprinkler Permits</i>	\$300	\$925		\$300	\$400	\$400
4105	<i>Fence Permits</i>	\$500	\$525		\$300	\$450	\$300
4106	<i>Reinspect Fees</i>	\$2,000	\$2,400		\$2,000	\$8,125	\$3,000
4107	<i>Pool Permits</i>	\$1,000	\$3,375		\$1,000	\$1,450	\$1,000
4108	<i>Flatwork Permits</i>	\$600	\$750		\$600	\$375	\$400
4109	<i>Plumbing Permit</i>	\$300	\$1,225		\$1,000	\$600	\$500
4110	<i>Electrical Permits</i>	\$1,000	\$1,325		\$1,000	\$1,100	\$1,000
4111	<i>Replattng Fees</i>				\$0	\$250	
4112	<i>Building Permits - Remodel</i>					\$3,925	\$2,500
4113	<i>Miscellaneous Permits</i>	\$500	\$2,200		\$500	\$1,275	\$1,000
4120	<i>Preliminary Plat Fees</i>				\$0	\$1,400	
4201	<i>Franchise Fee</i>	\$29,000	\$35,323		\$34,000	\$31,338	\$32,000
4202	<i>Pet Registration</i>		\$70			\$35	
4204	<i>Town Hall</i>	\$100	\$150		\$100	\$50	\$100
4950	<i>Unallocated Revenues</i>	\$2,300	\$4,011		\$4,000	\$2,227	\$2,500
4207	<i>Utility Fee for Services-LWV</i>	\$35,260	\$35,260		\$38,000	\$38,000	\$38,000
4208	<i>Utility Fee for Services-Rocky Pt</i>	\$4,200	\$4,200		\$4,250	\$4,238	\$4,000
4301	<i>Code Enforcement</i>		\$904			\$1,000	
4302	<i>Court Costs Fees</i>						
4401	<i>Mowing Abatement Fees</i>	\$500			\$500	\$700	
4402	<i>Lien Reciepts</i>	\$1,000	\$1,040		\$1,000	\$6,527	\$2,000
4800	<i>Asset Sales</i>					\$9,081	
<i><b>TOTAL OPERATING FUNDS</b></i>		<b>\$382,160</b>	<b>\$409,141</b>		<b>\$402,650</b>	<b>\$411,960</b>	<b>\$415,400</b>



## General Fund Expenses

		BUDGET 2015	Unaudited 2015 Actual		BUDGET 2016	YTD (10 mo.) 31-Jul-16		BUDGET 2017
<b>Operating Expenses</b>								
5001	Office Supplies	\$1,000	\$2,470		\$1,000	\$1,208		\$1,200
5002	Postage	\$200	\$151		\$200	\$46		\$100
5003	Computers Maintenance	\$1,000	\$197		\$200	\$170		\$300
5007	Advertising	\$300	\$369		\$300	\$718		\$875
5008	Elections	\$2,000	\$2,832		\$3,000	\$3,168		\$3,000
5011	Town Engineer	\$0	\$0		\$0	\$780		\$0
5012	Attorney Fees	\$20,000	\$45,200		\$50,000	\$87,058		\$20,000
5013	Accounting Fees	\$10,500	\$10,500		\$10,500	\$10,500		\$10,800
5014	Fire/EMS	\$26,000	\$28,750		\$29,000	\$19,050		\$30,000
5016	Building Inspections	\$18,000	\$23,625		\$18,000	\$22,375		\$18,000
5021	Town Maintenance	\$4,000	\$7,408		\$4,000	\$6,125		\$4,000
5022	Street Repair	Moved to Road Maintenance Fund						
5024	Animal Control	\$200	\$365		\$200	\$300		\$300
5025	Parks/Recreation/Playground	\$35,000	\$8,746		\$8,000	\$4,454		\$12,000
5026	Town Mowing	\$2,000	\$3,110		\$1,500	\$2,700		\$2,500
5027	Town Hall Improvements	\$1,000	\$0		\$1,000	\$1,052		\$1,000
5031	Telephone/Telecom	\$1,700	\$1,249		\$1,600	\$1,406		\$1,600
5032	Electricity	\$6,680	\$6,421		\$6,800	\$4,905		\$6,500
5033	Propane	\$800	\$466		\$600	\$590		\$600
5041	Abatement Mowing	\$700	\$1,158		\$700	\$1,130		
5051	Payroll	\$57,000	\$57,262		\$60,000	\$50,000		\$63,000
5055	Benefits - Insurance	\$8,000	\$7,853		\$8,200	\$6,013		\$8,200
5056	Payroll Tax Expense	\$4,400	\$3,719		\$4,600	\$2,927		\$4,800
5057	Benefits- Retirement	\$2,900	\$3,000		\$3,000	\$3,000		\$3,150
5058	UF Payroll Tax Sharing		\$657			\$788		\$1,000
5061	Appraisal District	\$1,300	\$1,568		\$1,300	\$1,222		\$1,300
5062	Tax Collector	\$300	\$0		\$300	\$0		\$300
5070	Capital Improvements	\$0	\$1,245		\$0	\$7,400		\$0
5071	Drainage Improvements					\$3,600		\$0
5075	Debt Servicing (Principle)	\$128,000	\$128,000		\$145,000	\$145,000		\$149,000
5076	Debt Servicing (Interest)	\$38,526	\$38,084		\$27,800	\$27,850		\$24,925
5085	Town Functions	\$2,000	\$1,122		\$1,500	\$1,405		\$2,500
5101	Continuing Education	\$1,500	\$955		\$1,000	\$225		\$500
5102	Travel Meeting Expenses	\$2,400	\$3,433		\$3,600	\$2,749		\$3,000
5103	Membership Dues	\$500	\$1,209		\$1,000	\$1,055		\$1,000
5200	Contingency Fund	\$3,000	\$1,711		\$3,000	\$6,727		\$3,000
5280	Municipal Court							
	Court Attorney Fees	\$1,000			\$1,000			
	Lien Recording Fees	\$90	\$317		\$100	\$282		\$150
	Abatements		\$6,100			\$6,750		
<b>TOTAL OPERATING EXPENSES</b>		<b>\$381,996</b>	<b>\$399,252</b>		<b>\$398,000</b>	<b>\$434,728</b>		<b>\$378,600</b>



## *Utility Fund Revenues*

		<b>BUDGET</b>	<i>Unaudited</i>		<b>BUDGET</b>	<b>YTD (10 mo.)</b>	<b>Seasonal Change</b>	<b>BUDGET</b>
		<b>2015</b>	<b>2015 Actual</b>		<b>2016</b>	<b>31-Jul-16</b>	<b>from Prior Year</b>	<b>2017</b>
<b><i>OPERATING REVENUES</i></b>								
	<i>Water Revenue</i>	\$160,000	\$143,978		<i>\$150,000</i>	\$107,605	<b>9.72%</b>	<i>\$154,000</i>
	<i>Sewer Revenue</i>	\$101,000	\$102,248		<i>\$104,000</i>	\$82,156	<b>0.36%</b>	<i>\$102,000</i>
	<i>Solid Waste</i>	\$44,000	\$44,615		<i>\$46,000</i>	\$35,666	<b>-0.02%</b>	<i>\$46,000</i>
	<i>Late Fees</i>	\$4,000	\$4,359		<i>\$4,000</i>	\$2,573	<b>-26.02%</b>	<i>\$3,000</i>
	<i>USACE - OLW</i>							
	<i>Sendziak Restitution</i>	\$2,500	\$27,007					
	<i>Miscellaneous</i>	\$1,000	\$5,859		<i>\$1,000</i>	\$4,339		<i>\$1,000</i>
	<i>Water Tap Fees</i>	\$4,725	\$3,150		<i>\$4,725</i>	\$6,300		<i>\$6,300</i>
	<i>Meter Set Fees</i>	\$1,170	\$780		<i>\$1,170</i>	\$1,560		<i>\$1,560</i>
	<i>Sewer Tap Fees</i>	\$3,825	\$2,550		<i>\$3,825</i>	\$5,100		<i>\$5,100</i>
	<i>Interest</i>	\$500	\$855		<i>\$600</i>	\$767		<i>\$640</i>
	<i>MDD LOC Interest</i>	\$400	\$289					<i>\$400</i>
	<i>MDD LOC Principal</i>	\$12,000	\$14,159					<i>\$9,000</i>
<b><i>TOTAL OPERATING FUNDS</i></b>		<b>\$335,120</b>	<b>\$349,849</b>		<b><i>\$315,320</i></b>	<b>\$246,066</b>	<b>4.13%</b>	<b><i>\$329,000</i></b>



			<b>Utility Fund Expenses</b>				
			<b>BUDGET</b>	<i>Unaudited</i>	<b>BUDGET</b>	<b>YTD (10 mo.)</b>	<b>BUDGET</b>
			<b>2015</b>	<b>2015 Actual</b>	<b>2016</b>	<b>31-Jul-16</b>	<b>2017</b>
<b>Operating Expenses</b>							
	Office Supplies		\$2,000	\$1,145	\$1,500	\$1,783	\$2,000
	Postage		\$1,500	\$1,415	\$1,800	\$1,528	\$2,000
	Insurance		\$5,600	\$4,622	\$4,600	\$4,928	\$5,200
	TCEQ Licensing Fees (Water)		\$450	\$484	\$500	\$484	\$500
	TCEQ Licensing Fees (Sewer)		\$1,250	\$1,250	\$1,250	\$3,565	\$1,300
	Fee for Administrative Services		\$35,260	\$35,260	\$38,000	\$38,000	\$38,000
	Software Licensing Fees		\$700	\$750	\$750	\$720	\$1,000
	Operator Salaries		\$36,600	\$36,600	\$36,600	\$27,450	\$36,600
	Solid Waste		\$40,000	\$37,704	\$42,000	\$30,848	\$42,000
	Engineer			\$770	\$30,000	\$18,400	<b>\$30,000</b>
	GIS Mapping		\$2,000	\$92		\$320	
	Contract Labor		\$8,000	\$2,424		\$168	
	Sewer Scheduled Maintenance		\$1,000	\$3,285	\$1,000	\$3,800	\$3,000
	Water Scheduled Maintenance		\$0	\$0	\$1,000	\$1,680	\$2,000
	Laboratory (Sewer)		\$4,500	\$4,281	\$4,500	\$3,098	\$4,000
	Laboratory (Water)		\$600	\$1,629	\$500	\$441	\$600
	Water Repairs		\$10,000	\$12,444	\$10,000	\$1,725	\$10,000
	Sewer Repairs		\$10,000	\$11,176	\$10,000	\$12,122	\$10,000
	Meter Set Fee			\$675		\$1,000	\$1,560
	Water Equipment		\$2,500	\$2,016	\$2,000	\$7,757	\$4,000
	Sewer Equipment		\$500	\$0	\$1,000	\$4,172	\$4,000
	Chemicals (Water)		\$800	\$767	\$1,000	\$1,233	\$1,000
	Chemicals (Sewer)		\$500	\$1,122	\$800	\$115	\$200
	Electricity (Water)		\$17,000	\$18,045	\$17,000	\$10,760	\$15,000
	Electricity (Sewer)		\$21,000	\$20,131	\$21,000	\$14,388	\$18,000
	Payroll			\$8,306	\$8,000	\$11,244	<b>\$16,000</b>
	Contingency Fund		\$1,000	\$2,893	\$1,000	\$405	\$1,000
	Capital Improvements			\$43,759	\$51,000	\$69,033	<b>\$70,000</b>
	Sludge Removal (Sewer)		\$1,200	\$0	\$1,200	\$0	\$600
	<b>Total Operating Expenses</b>		<b>\$203,960</b>	<b>\$253,045</b>	<b>\$288,000</b>	<b>\$271,167</b>	<b>\$319,560</b>



Road Maintenance Fund					
		BUDGET	BUDGET	YTD	BUDGET
		2015	2016	31-Jul-16	2017
Revenues					
	EDC	\$3,200	\$7,000	\$11,773	\$0
	Town ( 0.5% sales tax )				\$15,000
	MDD ( 0.25% sales tax )	\$2,720	\$4,700	\$4,723	\$8,500
	Franchise Fee - Residential	\$5,160	\$5,160	\$3,620	\$10,000
	Franchise Fee - Commercial	\$900	\$900	\$4,015	\$4,000
	Interest	\$30	\$30	\$70	\$100
		\$12,010	\$17,790	\$24,201	\$37,600
Expenses					
	Maintenance	\$0	\$0	\$0	\$0
	Beginning Fund Balance	\$1,000	\$7,000	\$8,097	\$36,000
	Revenues	\$12,010	\$17,790	\$24,201	\$37,600
	Expenses	\$0	\$0	\$0	\$0
	Ending Fund Balance	\$13,010	\$24,790	\$32,298	\$73,600



### ***Debt Servicing Fund***

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<b>Starting: OCT-01-2015</b>	<b>\$166</b>	
Interest	\$42	
D/S Tax	\$41,966	\$0.05
GF Transfer	\$131,000	\$0.16
Bond Payment	<b>(\$159,646)</b>	
Bond Payment	<b>(\$13,204)</b>	
Fee	<b>(\$300)</b>	
<hr/>		
<b>Ending: SEP-30-2016</b>	<b>\$23</b>	

<b>Starting: OCT-01-2016</b>	<b>\$23</b>	
Interest	\$42	
Tax	\$43,800	\$0.05
GF Transfer	\$130,425	\$0.15
Bond Payment	<b>(\$162,204)</b>	
Bond Payment	<b>(\$11,721)</b>	
Fee	<b>(\$300)</b>	
<hr/>		
<b>Ending: SEP-30-2017</b>	<b>\$65</b>	

### ***Loan Balance***

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CO Balance: OCT-01-2015	<b>\$1,472,000</b>
Principle Payments	<b>(\$145,000)</b>
Interest Payments	<b>(\$27,850)</b>
<hr/>	
CO Balance: SEP-30-2016	<b>\$1,327,000</b>

CO Balance: OCT-01-2016	<b>\$1,327,000</b>
Principle Payments	<b>(\$149,000)</b>
Interest Payments	<b>(\$24,925)</b>
<hr/>	
CO Balance: SEP-30-2017	<b>\$1,178,000</b>



**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.



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

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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)

**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.

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

**(Agenda Item E.13)**

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



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

**Page 5**

**EXECUTIVE SESSION:**

**(Agenda Item F)**

At 10:25 p.m. Mayor Vargus recessed into executive session in compliance with (1) § 551.071 Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.072 Texas Government Code to wit: deliberations about real property; 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 11th day of August 2016.

APPROVED

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Dr. Mark E. Vargus  
MAYOR



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

**Page 6**

ATTEST:

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Linda Asbell, TRMC  
TOWN SECRETARY



# **LAKEWOOD VILLAGE TOWN COUNCIL**

## **COUNCIL MEETING**

**AUGUST 1, 2016**

### **Council Members:**

Dr. Mark Vargus, Mayor  
Ed Reed, Mayor Pro-Tem  
Gary Newsome  
Clint Bushong - ABSENT  
Ed Reed  
Ray Duff - ASBSENT

### **Town Staff:**

Linda Asbell, TRMC, Town Secretary

### **SPECIAL SESSION - 5:30 P.M.**

With a quorum of the Council Members present, Mayor Vargus called the Special Session of the Town Council to order at 5:30 p.m. on Monday, August 1, 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

### **REGULAR AGENDA:**

**(Agenda Item B)**

### **Discussion of Fiscal Year 2016-2017 (Tantalo)**

**(Agenda Item B.1)**

Councilman Tantalo thanked Mayor Vargus for doing an exceptional and thorough job in preparing the budget for the council. Councilman Tantalo stated that it is now time for the councilmen to take the budget and review the numbers. There was some discussion on the ad valorem taxes for next year being approximately \$9,000 lower now that the certified tax roll has been received. There was some discussion on the Road Maintenance Fund being maintenance on the roads within town that are not the concrete roads. Councilman Tantalo requested councilmembers to formulate the priorities of the council for repair of existing roads. Mayor Vargus reported that of the \$0.25 received on the ad valorem tax rate, \$0.16 is used to pay for the concrete roads. Council discussed priorities two years ago and decided that they wanted to dedicate that amount of funding to the concrete roads and understood that other areas, like parks, would not receive the funding received in previous years. Councilman Tantalo stated that his reason for requesting this meeting was to allow the council do perform their fiduciary duty by reviewing the budget. Councilman Tantalo reviewed the total taxes received by the town through sales tax, ad valorem, and ad valorem debt servicing over the previous 4 years. Mayor Vargus reported that in 2006 the budget that was adopted was larger than the budget adopted



**LAKEWOOD VILLAGE TOWN COUNCIL  
REGULAR SESSION  
AUGUST 1, 2016**

**Page 2**

each subsequent year after until 2013. During the six years from 2006 through 2013 funding had to be made up from previous over spending and property values decreasing. Mayor Vargus stated that the numbers have to be viewed in the context of funds being recouped from previous years and not viewed as a tax increase. Councilman Tantalo stated that his calculation of a 61% tax increase is based on the effective tax rate, not the actual tax rate. Councilman Tantalo proposed some spending principles. Mayor Vargus reported that there are many components to attorney fees that are not obvious; zoning/subdivision/building ordinance implementation and review; properties that are not in compliance and required major intervention. Mayor Pro-Tem Reed stated that council cannot take a general statement like “if you have to call an attorney to find out if something is legal, not to do it” and just adopt it because there are too many variables and one-off situations. Mayor Vargus stated he agrees that the town should attempt to decrease the attorney fees but there are situations like the implementing impact fees and review of the ordinances are not things that cannot be done without oversight of attorneys. Councilman Tantalo stated that he believes in analyzing practices of other towns and taking their best practices to adopt them in Lakewood Village. There was some discussion about the Town Council being very clear about stating their vision for the town over the last 5 years. Councilman Tantalo expressed concern about funds not being dedicated to maintenance on current infrastructure. There was some discussion about the Road Maintenance Fund. Mayor Vargus reviewed the separation of the responsibility for road maintenance being transferred from the General Fund to the Road Maintenance Fund. Councilman Tantalo reviewed the Road Maintenance fund and questioned the inclusion of funds from the Municipal Development District sales tax, and asked if the council’s intention is to increase the residential franchise fee for residential trash collection from \$2.00 to \$4.00. There was some discussion about the improvement and maintenance of roads being a priority of the council.

There was some discussion about the responsibilities of the Town Secretary. Councilman Tantalo stated that he does not believe the Town Secretary should not be working on any project that is not directly benefiting the current town citizens within the existing corporate town limits. Mayor Pro-Tem Reed stated that the Town Secretary has important responsibilities that are focused on the Extra Territorial Jurisdiction of the town. Mayor Pro-Tem Reed stated that planning for things outside the current town limits takes a large amount of time and is critically important. Mayor Vargus reported that focus on the ETJ properties and use of that area directly affects the citizens of Lakewood Village and expenditures of time that project protects the current citizens of the town. There was some discussion about time and focus being divided between the ETJ and the inside of the corporate town limits.

There was discussion about the numbers proposed within the budget. Councilman Tantalo stated that Mayor Vargus did a lot of good work on preparing the budget but the councilmen have not reviewed the details of the individual lines. There was some discussion about documenting the details of the planned capital improvements for the next fiscal year. There was discussion about the process involved with proposing and adopting a budget, including inclusion of the capital improvements projects planned for that year. There was some discussion about the need for a



**LAKEWOOD VILLAGE TOWN COUNCIL  
REGULAR SESSION  
AUGUST 1, 2016**

**Page 3**

new well to provide water service to current customers and planned new customers. There was some discussion about planning for areas covered by the sewer Certificate of Convenience and Necessity.

Councilman Tantalo generally reviewed his proposed changes to the budget. Mayor Pro-Tem Reed stated that he previously indicated a time-limit of two hours for this meeting due to a previous commitment and recommended that the meeting be adjourned.

Mayor Pro-Tem Reed left the dais at 7:37 p.m. At 7:37 p.m. the meeting was adjourned due to lack of a quorum.

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

APPROVED

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Dr. Mark E. Vargus  
MAYOR

ATTEST:

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Linda Asbell, TRMC  
TOWN SECRETARY





# MEMORANDUM

TO: Town Council  
FROM: Linda Asbell, TRMC, Town Secretary  
DATE: August 5, 2016  
RE: Agenda Item E6 – Appointments to the Capital Improvements Advisory Committee

## **Current CIAC Members**

### **Place #1**

Mr. Chip Hill (Real Estate Professional)  
Original Appointment: 07/2016  
Expires: 06/2018

### **Place #2**

Mr. Van Freeman (Real Estate Professional)  
Original Appointment: 07/2016  
Expires: 06/2018

### **Place #3**

Dr. Chris Farage, Citizen LWV  
Original Appointment: 07/2016  
Expires 06/2018

### **Place #4**

Mr. Danny Cook, Citizen LWV  
Original Appointment: 07/2016  
Expires: 06/2018

### **Place #5**

Vacant

### **Place #6**

Vacant

### **Place #7**

Vacant

### **Place #8**

Vacant

The CIAC committee is required to have 40% of members be real estate professionals. Mr. Gary Newsome (real estate professional), Mr. Darrell West (Citizen LWV), and Mr. Abdiel “Jay” Garza (ETJ citizen) have expressed an interest in serving on the committee. I recommend they be appointed to the committee.



**TOWN OF LAKEWOOD VILLAGE, TEXAS**

**RESOLUTION NO. XXXX**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, SETTING A DATE FOR A PUBLIC HEARING FOR THE PURPOSES OF ADOPTING THE TOWN'S CAPITAL IMPROVEMENTS PLAN AND LAND USE ASSUMPTIONS FOR WATER AND WASTEWATER IMPACT FEES.**

**WHEREAS**, Chapter 395 of the Local Government Code has outlined the procedure for adopting impact fees; and

**WHEREAS**, it is desirable to adopt water and wastewater impact fees to be charged in the Town of Lakewood Village; and

**WHEREAS**, an engineering study has been completed on the proposed water and wastewater infrastructure to meet the needs of the town for future development.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT A PUBLIC HEARING SHALL BE HELD TO APPROVE A CAPITAL IMPROVEMENTS PLAN AND LAND USE ASSUMPTIONS FOR WATER AND WASTEWATER IMPACT FEES, AS PROVIDED BY CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE, TO BE HELD AS DESCRIBED BELOW:**

**SECTION 1.** This public hearing will be held on **September 22<sup>nd</sup>, 2016 at 7:00 pm at Town Hall at 100 Highridge Drive, Lakewood Village, TX 75068.**

**SECTION 2.** Any member of the public has the right to appear at the public hearing and present evidence for or against the plan and assumptions.

**SECTION 3.** A public notice shall be posted for the public hearing meeting all the requirements of Chapter 395 of the Texas Local Government Code for the amendment of impact fees.

**PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THIS 11th DAY OF AUGUST, 2016.**

---

Dr. Mark Vargus, Mayor  
Town of Lakewood Village

ATTEST:

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Linda Asbell, TRMC, Town Secretary  
Town of Lakewood Village





## VARIANCE REQUEST

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

### BUILDING DEPARTMENT

REVISED: 10/09/2014

#### APPLICANT / OWNER

Applicant Name <i>O'Homes LLC</i>	Address <i>LOT 11 BLK F HILL side Jr.</i>	
Day Time Telephone <i>469-888-1886</i>		
Email <i>aeogbe@gmail.com</i>		
Owner Name <i>Same</i>	Same as Applicant? <input checked="" type="checkbox"/> Yes	Address
Day Time Telephone		
Email		

#### PROPERTY

Address or General Location <i>Peninsula and Hillside</i>		
Legal Description (If Platted) <i>Section 1, BLK F, Lot 11</i>		
Lot Size <i>12,000</i>	<input checked="" type="checkbox"/> Square Feet OR <input type="checkbox"/> Acres	Zoning Classification <i>residential</i>
Existing Use of Land and/or Building(s) <i>vacant</i>		

#### REQUESTED VARIANCE

Variance to Section(s) of the Ordinance <i>Ordinance 14-04 Section 2.4.2</i>
Current Ordinance Requirement(s) <i>20' Front yard setback</i>
Requested Variance(s) <i>Variance for front offset to 10' front setback</i>





## BUILDING DEPARTMENT

# VARIANCE REQUEST

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

REVISED: 10/09/2014

### SUBMITTAL REQUIREMENTS

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

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

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

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

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

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

### NOTICE

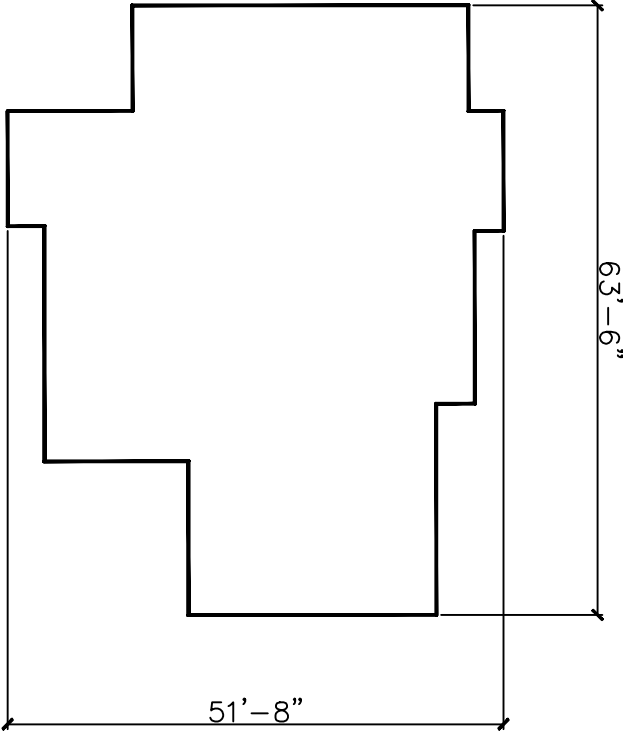
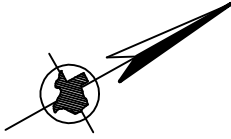
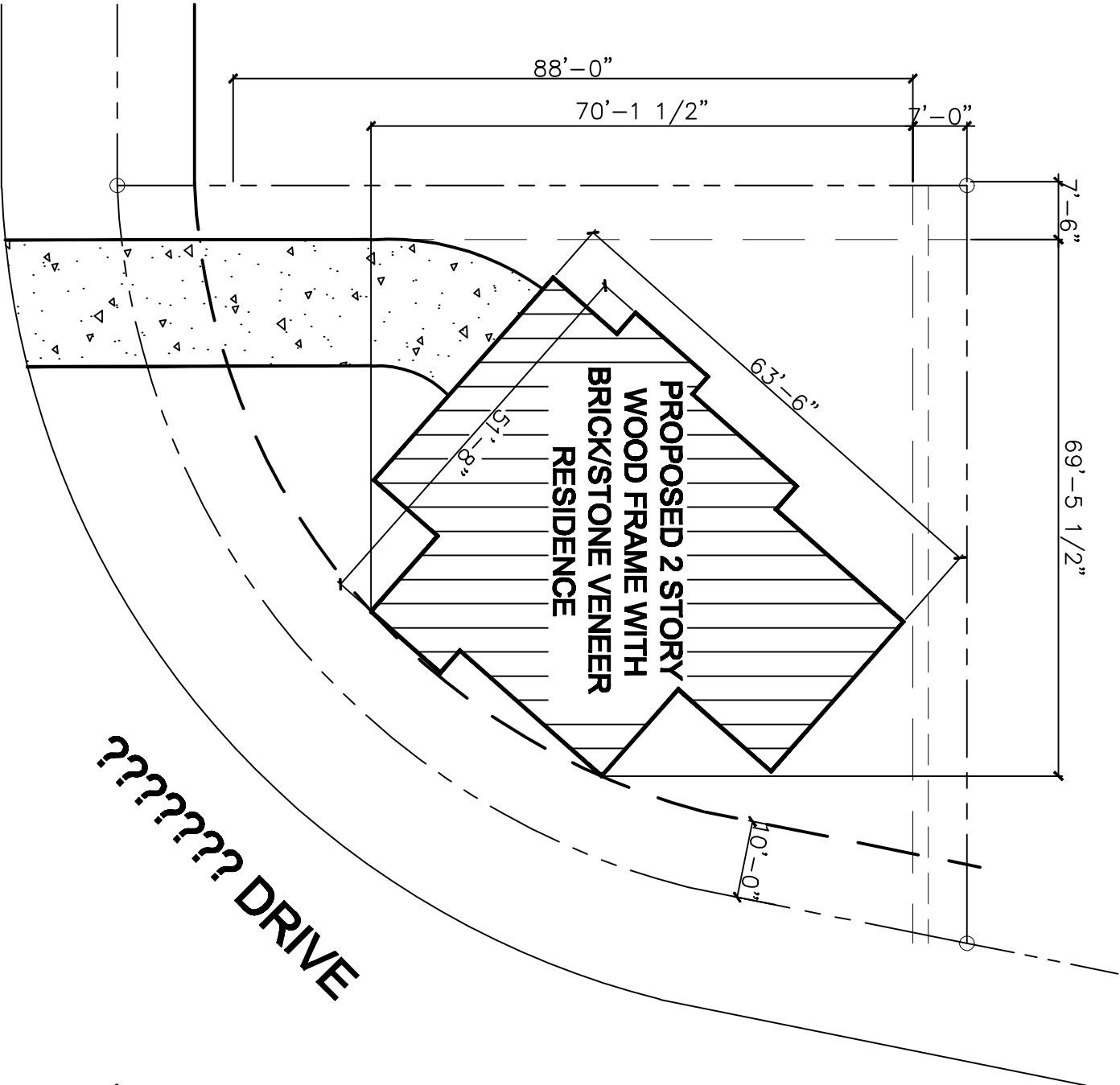
To the best of my knowledge, this application and associated documents are complete and correct, and it is understood that I or another representative should be present at all public meetings concerning this application.

Applicant Signature

Date

08/08/2016





# PLOT PLAN

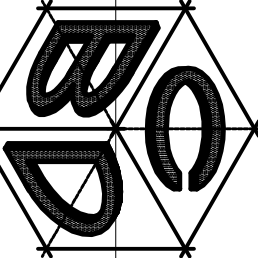
SCALE: 1"=20'-0"

## LEGAL:

LOT 11 / BLOCK F  
HILLSIDE DRIVE  
LAKEWOOD VILLAGE, TEXAS



date: 8/2/16  
drawn: ART  
scale: 1" = 20'-0"  
job #: CBD-0/HOMES



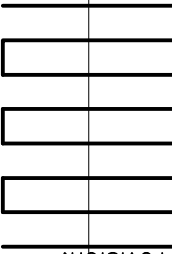
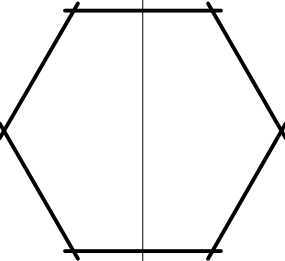
CORNERSTONE  
BUILDING  
DESIGN

801 HEBRON PKWY, #7203 LEWISVILLE, TEXAS 75029 940/453-1046

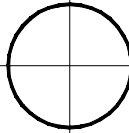
O'HOMES LLC

?????? DRIVE  
LAKEWOOD VILLAGE, TEXAS

Please Note: Prior to any construction or dedication, the General Contractor must verify dimensions, easements, and all governing codes and ordinances with the local jurisdiction. The General Contractor, Cornerstone Building Design, assumes no liability for any structures constructed or dedicated based on this design. This design is for informational purposes only and is not to be used for any other purpose. This home design is the property of Cornerstone Building Design. Copyright (C) 2018.



revision:





**Town of Lakewood Village**  
**Timeline for Adoption of Amendments to Land Use Assumptions (“LUA”), Capital**  
**Improvements Plan (“CIP”) and Impact Fees under Local Government Code (“LGC”)**

<b>REQUIRED ACTION</b>	<b>TIME REQUIRED</b>	<b>DATE</b>
Appoint Capital Improvements Advisory Committee. <sup>1</sup> LGC 395.058	On or before the date an ordinance is adopted setting the public hearing date for the LUA and CIP.	<b>7/14/2016</b>
Work Session with Council to discuss LUA and CIP list. Adopt ordinance setting September 22, 2016 for public hearing on LUA and CIP. LGC 395.042	No statutory requirement. This is an administrative briefing meeting.	<b>8/11/2016</b>
Receive LUA and CIP.	Any time after appointment of Capital Improvements Advisory Committee.	<b>7/29/2016</b>
Receive final Impact Fee update report.		<b>8/10/2016</b>
Work Session with CIAC to present LUA and CIP		<b>8/15/2016</b>
Make available to the public the proposed LUA and CIP. LGC 395.043	On or before date the Notice of Public Hearing on proposed LUA and CIP is published.	<b>8/16/2016</b>
Publish notice of public hearing on LUA and CIP. LGC 395.044	At least 30 days before the date of the hearing. Notice must be published in official newspaper and mailed by certified mail to anyone who has requested it. See statute for specific requirements	<b>8/19/2016</b>
CIAC to file its written recommendations/ comments on proposed LUA and CIP. LGC 395.050	Before the 5 <sup>th</sup> business day before the date of Public Hearing on proposed LUA and CIP	<b>9/12/2016</b>
Conduct Public Hearing and on proposed LUA and CIP.	On the date specified in the notice, which must be at least 30 days after the notice is provided.	<b>9/22/2016</b>
Adopt ordinance approving LUA and CIP. LGC 395.045	Within 30 days after the Public Hearing on LUA and CIP. (Can adopt at the same meeting that Public Hearing is conducted, if adopt after the Public Hearing).	<b>9/22/2016</b>
Adopt ordinance setting November 10, 2016 for date of public hearing to discuss and review the updates to the Impact Fee. LGC 395.047		<b>9/22/2016</b>
Publish notice of Public Hearing on Impact Fee. LGC 395.049	At least 30 days before the date of the hearing. Notice must be published in official newspaper and mailed by certified mail to anyone who has requested it. See statute for specific requirements	<b>9/30/2016</b>
Work Session with CIAC to present Impact Fee per service unit.	No statutory requirement. This is an administrative briefing meeting.	<b>10/12/2016</b>
CIAC to file its written recommendations/	Before the 5 <sup>th</sup> business day before the date	<b>10/17/2016</b>



comments of proposed impact fees. LGC 395.050	of Public Hearing on proposed impact fees.	
Conduct Public Hearing and on proposed Impact Fee. LGC 395.047	On the date specified in the notice, which must be at least 30 days after the notice is provided.	<b>11/10/2016</b>
Adopt ordinance approving Impact Fee. LGC 395.051	Within 30 days after the date of the public hearing on the impact fee. (Can adopt at the same meeting that Public Hearing is conducted, if adopt after the Public Hearing).	<b>11/10/2016</b>

<sup>1</sup> The Capital Improvements Advisory Committee must be composed of not less than five members who must be appointed by a majority vote of the City Council. Not less than 40 percent of the membership must be representatives of the real estate, development or building industries who are not employees or officials of the City or another governmental entity. The Planning and Zoning Commission may act as the Advisory Committee if the Commission includes at least one representative of the real estate, development or building industry who is not an employee or official of the City or another governmental entity. If no such representative is a member of the Planning and Zoning Commission, the Commission may still act as the advisory committee if at least one such representative is appointed by the City Council as an ad hoc voting member of the Commission when it acts as the Advisory Committee. If the impact fee is to be applied in the extraterritorial jurisdiction of the City, the membership must include a representative from that area. LGC LGC 395.058.





# **Lakewood Village Impact Fees Water and Wastewater**

**August 11, 2016**

**Kimley»Horn**



# Impact Fee Basics



- What Are They?
  - One-time fee assessed to recover infrastructure costs required to serve new development
  - Governed by Chapter 395 of the Texas LGC
- Why impact fees?
  - Provides an additional funding tool for infrastructure systems
  - Provides for the orderly growth of the community
  - Allows for a balanced funding combination that recognizes the benefits of growth



# Impact Fee Basics



- What Costs Are Recoverable?
  - Construction, Planning, Surveying, Legal Services, and Engineering
  - Land Acquisition and Associated Costs
  - Capital Imp. Planning and/or Financial Consulting
  - Projected Interest and Finance Costs
  - Only Town Dollars



# Impact Fee Basics



- What Costs Are Non-Recoverable?
  - Capital Improvements NOT Identified in the CIP
  - Operations and Maintenance Costs
  - Improvements to Remedy Existing Deficiencies
  - Administrative and Operational Costs of the Town
  - Non-CIP Debt Service
  - Non-Town Dollars



# Impact Fee Components



- Service Areas
- Land Use Assumptions
- Capital Improvement Plans
- Service Units





# **Water and Wastewater Impact Fees**

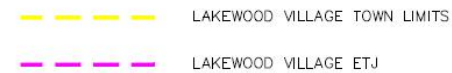


# Impact Fee Components Service Areas



- Area to be served by Impact Fee CIP
- Water and Wastewater Service Areas are within the existing ETJ

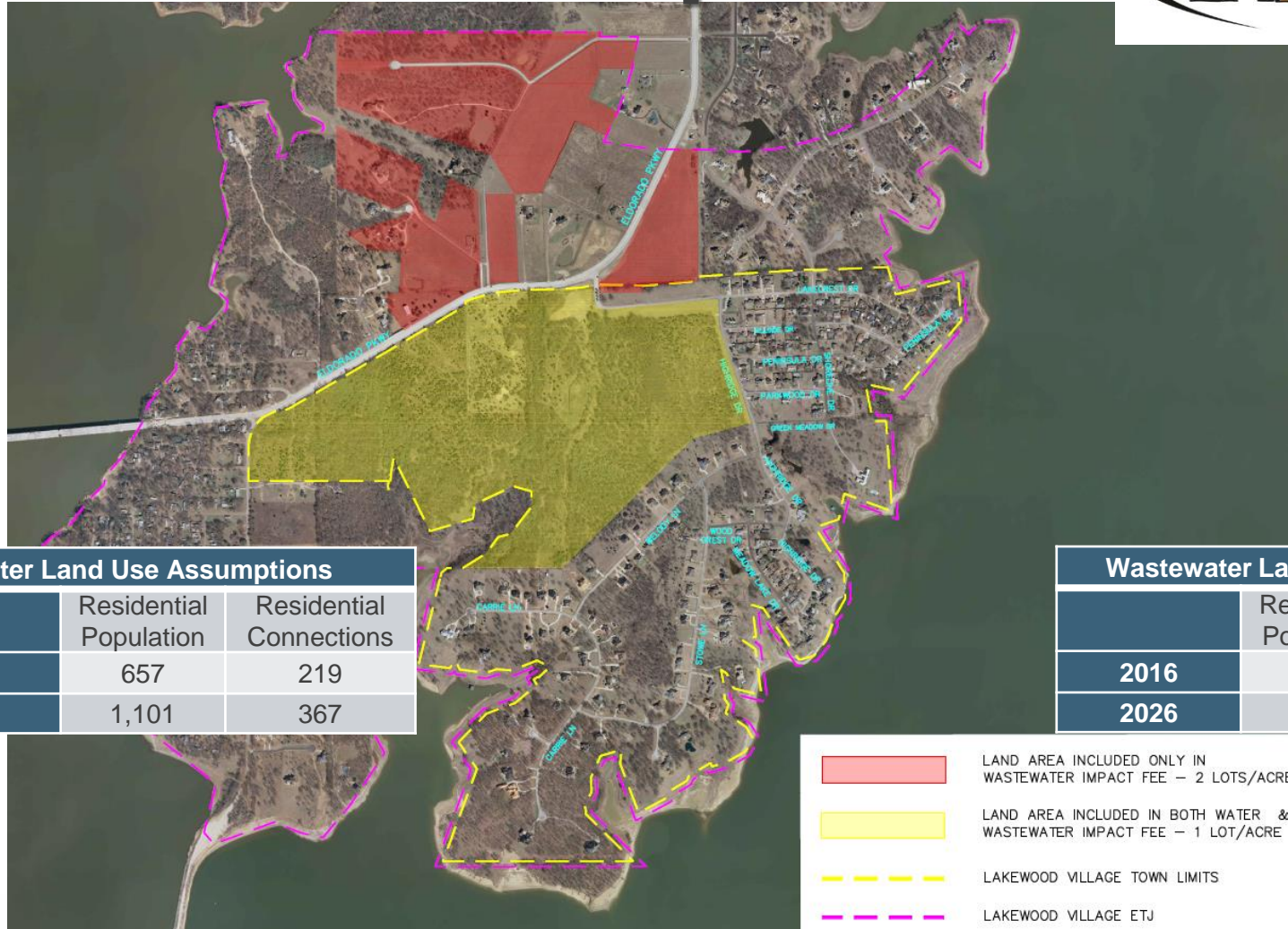






# Impact Fee Components

## Land Use Assumptions



**Water Land Use Assumptions**

	Residential Population	Residential Connections
<b>2016</b>	657	219
<b>2026</b>	1,101	367

**Wastewater Land Use Assumptions**

	Residential Population	Residential Connections
<b>2016</b>	657	219
<b>2026</b>	1,629	543

- LAND AREA INCLUDED ONLY IN WASTEWATER IMPACT FEE — 2 LOTS/ACRE
- LAND AREA INCLUDED IN BOTH WATER & WASTEWATER IMPACT FEE — 1 LOT/ACRE
- LAKEWOOD VILLAGE TOWN LIMITS
- LAKEWOOD VILLAGE ETJ



# Impact Fee Components

## Water Impact Fee CIP





# Impact Fee Components

## Wastewater Impact Fee CIP



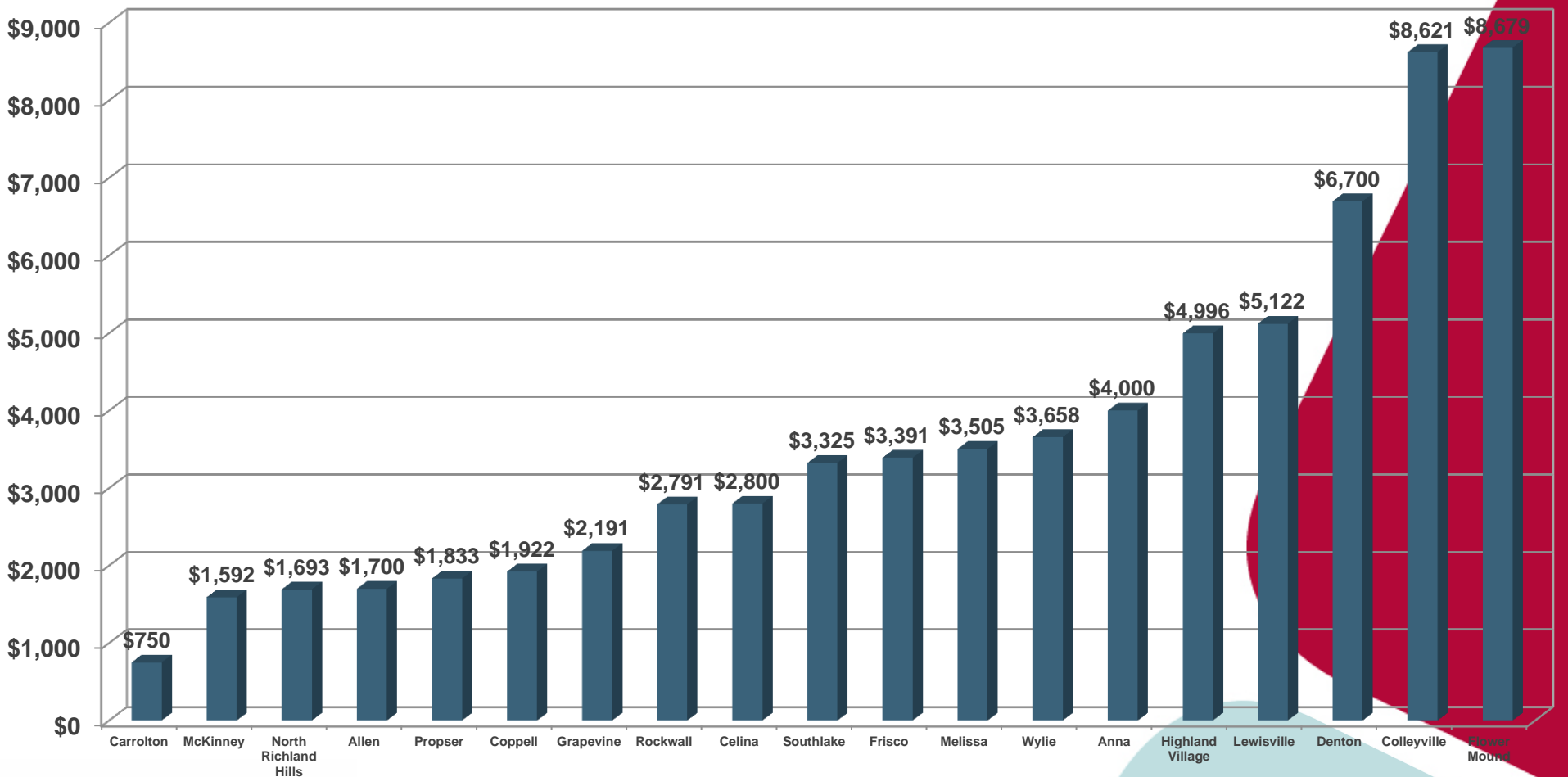




# Comparisons



# Water and Wastewater Impact Fee Comparisons: Single Family





# Next Steps



## • Project Schedule

- |  |          |
|--|----------|
| ✓ Council Work Session – LUA & CIP                   | 8/11/16  |
| • Publish Notice of Public Hearing – LUA & CIP       | 8/15/16  |
| • Work Session with CIAC – LUA & CIP                 | 8/17/16  |
| • Council Public Hearing on LUA & CIAC               | 9/20/16  |
| • Publish Notice of Public Hearing – W/WW Impact Fee | 9/22/16  |
| • Work Session with CIAC – W/WW Impact Fee           | 10/12/16 |
| • Work Session with Council – W/WW Impact Fee        | 10/20/16 |
| • Council Public Hearing – W/WW Impact Fee           | 10/25/16 |





QUESTIONS?





# MEMORANDUM

TO: Town Council  
 FROM: Linda Asbell, TRMC, Town Secretary  
 DATE: August 5, 2016  
 RE: Agenda Item II – MDD Fiscal Year 2016-2017 Budget

The Municipal Development District Board approved the budget below at their 07/28/2016 meeting. The MDD Board is requesting council approve the budget as presented.

## Municipal Development District Budget

	2015	2015	2016	YTD	Prior YTD	Approved 2017
	BUDGET	ACTUAL	BUDGET	19-Jul-16	19-Jul-15	BUDGET
<b>Operating Revenues</b>						
Interest	\$10	\$8	\$10	\$17	\$6	\$10
Water Revenue	\$16,000	\$14,760	\$14,200	\$12,055	\$11,849	\$15,055
Late Fees	\$350	\$479	\$400	\$231	\$400	\$300
	\$16,360	\$15,247	\$14,610	\$12,303	\$12,255	\$15,365
<b>Operating Expenses</b>						
Operator	\$2,400	\$2,400	\$2,400	\$1,800		\$2,400
Admin Fee	\$4,200	\$4,200	\$4,250	\$4,238		\$4,250
TCEQ Licensing Fee	\$175	\$175	\$175	\$175		\$175
Electricity	\$1,200	\$932	\$1,200	\$778		\$1,200
Repairs	\$600	\$1,078	\$1,500	\$0		\$1,500
Chemicals	\$200	\$125	\$200	\$0		\$200
Laboratory	\$600	\$742	\$720	\$399		\$720
Postage	\$0					\$0
Supplies	\$0					\$0
Contingency	\$0	\$160				\$0
Interest Expense	\$400	\$430				\$550
	\$9,775	\$10,242	\$10,445	\$7,390		\$10,995
<b>Operating Income</b>	\$6,585	\$5,005	\$4,165	\$4,913		\$4,370



<b>CAPX</b>	\$0	\$0	\$0	(\$27,790)		\$0
<b>Non-Operating Revenue</b> Sales Tax Water Tap Fee Meter Set Fee <b>Non-Operating Expenditures</b> Debt Servicing LWV Road Project	\$8,160	\$17,443	\$15,000	\$14,171	\$14,639	\$16,920
				\$1,575		\$0
				\$390		\$0
	(\$12,000)	(\$14,019)				(\$8,460)
	(\$2,720)	(\$5,814)	(\$5,000)	(\$4,723)		(\$8,460)
<b>Non Operating Income</b>	(\$6,560)	(\$2,390)	\$10,000	\$11,413		\$ (0)





# MEMORANDUM

TO: Town Council  
CC: Linda Asbell  
FROM: Dr. Mark E. Vargus, Mayor  
DATE: August 7, 2016  
RE: 2017 Proposed Budget

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I am submitting the following as the fiscal 2017 Proposed Budget. The document contains the General Fund and Utility Fund revenue and expense line items. We have two additional dedicated funds which I have broken out separately - the Road Maintenance Fund and the Debt Servicing Fund. Many of the costs and revenues are not materially significant and vary little from year to year. I have identified the primary discretionary revenues and expenses and highlight them in blue in the budget sheets. Below, I summarize the important issues in each fund.

## GENERAL FUND

General Fund revenues are front loaded, as we receive approximately 80 percent of the anticipated revenues in December and January. Throughout the year we then draw down our funds as we pay for town maintenance, salaries, street lights, mowing, etc. We also typically receive revenue from two to five new home building permits each year, but this occurs at random, unplanned times. **Sales tax receipts are the sole revenue stream that the Town receives on a regular monthly basis.**

Several expense items relating to 2016 are not expected to be as large in 2017. Legal costs will decline and should be significantly lower with much of the development related costs (developer agreements, PID financing) being borne by the developers. Costs relating to the acquisition and demolition of 665 Woodcrest should be complete by current fiscal year-end. We may incur costs relating to resolving outstanding legal issues concerning 423 Hillside. We may also incur costs associated with impact fee ordinances which can ultimately be partially recovered, but these costs will be incurred by the UF.

I have included \$12,000 for the parks. We have commonly cut this budget line item as we looked to cut expenses for the road project. The town is experiencing a significant new inflow of many small children – the playground must be updated. We have made improvements this year with new swings, new equipment, and new mulch. We must continue this. Further, we must make some effort to plan and execute a vision for Witt Park. We made a commitment to the family that we would make it a park – it is time to do this. For 2017 I have not identified specific projects – I would like to put together an advisory group who will make recommendations which I will review and bring to you with itemized costs.



## UTILITY FUND

In contrast to the GF, the Utility Fund revenues are back-loaded; we earn significantly more revenue in the summertime July – September 4th quarter. However, on the expense side, the UF incurs large annual payments at the start of the year (the administrative fees, insurance, licensing fees, etc.). Historically, the majority of CAPX for the UF also was incurred early in the year when the water system demand was minimal and operational safety margins were the greatest. Thus it is not unusual for the cash flow to be negative at this time in the year.

Comparing our current results to the same time period last year, our water revenues are approximately 9 percent above the prior period, while sewer and garbage are unchanged (as expected since they are flat rates, not based on usage) However, caution is advised as the unprecedented rain from last year makes water usage comparisons difficult. I forecast 2017 revenues to be in line with budgeted 2016. .

The UF will incur significant engineering expenses related to impact fees in 2016. There may be some continuing costs in 2017, especially if we perform some planning for the new well. Capital improvements are covered under a separate memo in the packet. Finally, regarding personnel, we need to discuss the level of effort and the financial costs relating to Summer's role in the UF department. Previously the position was a non-employee contract labor. In 2015 we made the position a part-time employee (the net effect was we were required to pay SS and Medicare). For 2017, we need to re-evaluate the position and determine the functional role, staffing, utilization, and our financial commitment

I look forward to your comments;





# **TOWN OF LAKEWOOD VILLAGE**

## **ORDINANCE NO. 16-XX**

**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:**

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Linda Asbell, TRMC  
Town Secretary





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

This budget will raise **more/less** revenue from property taxes than last year's budget by an amount of **\$XX,XXX**, which is a **X.X** percent **increase/decrease** from last year's budget. Of the **\$XX,XX increase/decrease**, the property tax revenue to be raised from new property added to the tax roll this year is **\$X,XXX**.

**RECORD OF VOTE ON PROPOSAL TO CONSIDER ADOPTION OF BUDGET**

POSITION	NAME	FOR	AGAINST	PRESENT and not voting	ABSENT
Mayor	Dr. Mark E. Vargus				
Mayor Pro-Tem	Ed Reed				
Council Member #1	Ray Duff				
Council Member #2	Dan Tantalo				
Council Member #4	Gary Newsome				
Council Member #5	Clint Bushong				

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

TAX RATE	TAX YEAR 2015	TAX YEAR 2016
Property Tax Rate	\$0.300000/\$100	
Effective Tax Rate	\$0.283479/\$100	
Effective Maintenance and Operations Tax Rate	\$0.236246/\$100	
Debt Rate	\$0.050000/\$100	
Rollback Tax Rate	\$0.305145/\$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 **\$XXX,XXX**.



## **2016 BUDGET SUMMARY**

Exhibit A

<b>Proposed 2016</b>		
General Fund Operating Revenues	\$415,400	
General Fund Operating Expenses	(\$378,000)	
General Fund Operating Surplus	\$36,800	
Utility Fund Operating Revenues		\$329,000
Utility Fund Operating Expenses		(\$319,000)
Utility Fund Operating Surplus		\$9,440
<b>CASH RESERVE BALANCES 2016</b>		
General Fund Beginning	\$X	
Reserve Funds Provided/Used	\$X	
<b>Reserve Funds Ending</b>	<b>\$X</b>	
Utility Fund Reserve Beginning		\$X
Cash from Operations		\$X
Capital Expenditures		\$X
<b>Reserve Funds Ending</b>		<b>\$X</b>



**GENERAL FUND REVENUES**

			<b>BUDGET</b>	<b>YTD (10 mo.)</b>		<b>BUDGET</b>
			<b>2016</b>	<b>31-Jul-16</b>		<b>2017</b>
<b><i>OPERATING REVENUES</i></b>						
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		<b>\$30,000</b>
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 Reciepts</i>		\$1,000	\$6,527		\$2,000
4800	<i>Asset Sales</i>			\$9,081		
<b><i>TOTAL OPERATING FUNDS</i></b>			<b>\$402,650</b>	<b>\$411,960</b>		<b>\$415,400</b>



**GENERAL FUND EXPENSES**

		<b>BUDGET</b>	<b>YTD (10 mo.)</b>		<b>BUDGET</b>
		<b>2016</b>	<b>31-Jul-16</b>		<b>2017</b>
<b><i>Operating Expenses</i></b>					
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		<b>\$20,000</b>
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		<b>\$12,000</b>
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		<b>\$63,000</b>
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		<b>\$3,150</b>
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
<b>5075</b>	<b><i>Debt Servicing (Principle)</i></b>	<b>\$145,000</b>	<b>\$145,000</b>		<b>\$149,000</b>
<b>5076</b>	<b><i>Debt Servicing (Interest)</i></b>	<b>\$27,800</b>	<b>\$27,850</b>		<b>\$24,925</b>
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		
<b><i>TOTAL OPERATING EXPENSES</i></b>		<b>\$398,000</b>	<b>\$434,728</b>		<b>\$378,600</b>



**UTILITY FUND REVENUES**

		BUDGET	YTD (10 mo.)		BUDGET
		2016	31-Jul-16		2017
<b>OPERATING REVENUES</b>					
	<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
<b>TOTAL OPERATING FUNDS</b>		<b>\$315,320</b>	<b>\$246,066</b>		<b>\$329,000</b>



**UTILITY FUND EXPENDITURES**

		<b>BUDGET</b>	<b>YTD (10 mo.)</b>		<b>BUDGET</b>
		<b>2016</b>	<b>31-Jul-16</b>		<b>2017</b>
<b><i>Operating Expenses</i></b>					
<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		\$36,600
<i>Solid Waste</i>		\$42,000	\$30,848		\$42,000
<i>Engineer</i>		\$30,000	\$18,400		<b>\$30,000</b>
<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		<b>\$16,000</b>
<i>Contingency Fund</i>		\$1,000	\$405		\$1,000
<i>Capital Improvements</i>		\$51,000	\$69,033		<b>\$70,000</b>
<i>Sludge Removal (Sewer)</i>		\$1,200	\$0		\$600
<b><i>Total Operating Expenses</i></b>		<b>\$288,000</b>	<b>\$271,167</b>		<b>\$319,560</b>



<b>Revenues</b>			
<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
	<b>\$17,790</b>	<b>\$24,201</b>	<b>\$37,600</b>
<b>Expenses</b>			
<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
<b>Ending Fund Balance</b>	<b>\$24,790</b>	<b>\$32,298</b>	<b>\$73,600</b>



**DEBT SERVICING FUND**

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



**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.

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Dr. Mark Vargus  
Mayor

ATTEST:

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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**

<b>Ordinance Number</b>	<b>Date</b>	<b>Summary</b>
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



## **TOWN OF LAKEWOOD VILLAGE**

### **ORDINANCE NO. 07-09**

**AN ORDINANCE ESTABLISHING POLICIES AND PROCEDURES FOR THE DISCLOSURE OF MONTHLY FINANCIAL INFORMATION; POSTING REQUIREMENTS OF VENDOR CONFLICTS-OF-INTEREST STATEMENTS; PROVIDING FOR DEFINITIONS; PROVIDING REPEAL CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lakewood Village, Texas is a Type B 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 of Lakewood Village, collects fees and levies taxes upon its citizens in order to collect monies for the administration of the Town; and the Town Council exercises discretion over the investment of said monies for the future betterment of the Town; and

**WHEREAS**, promoting financial transparency through increased disclosures is desirable as a means of maintaining the public trust and confidence in the Town Council's financial stewardship; and

**WHEREAS**, the Town Council of Lakewood Village has the responsibility to select vendors to provide essential services and products, and the Texas Legislature has recently enacted laws governing the filing of vendor conflict-of-interest questionnaires;

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

#### **SECTION 1. PURPOSE**

This ordinance sets forth disclosure requirements for financial transactions that the Town consummates, including disclosure frequency, manner of disclosure, and assigns compliance responsibility to the Town Financial Officer. This ordinance also requires public disclosure of State mandated vendor conflict-of-interest questionnaires (Form CIQ) upon receipt by the Town.

#### **SECTION 2. DEFINITIONS**

Unless the context requires otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereafter designated:

*Town* shall mean the Town of Lakewood Village, Texas.

*Transaction* shall mean any bank draft or electronic funds transfer from any Town financial account to a third party or person.



*Ordinance* shall mean this Ordinance

*Person* shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, successors or assigns.

### **SECTION 3. REQUIRED FINANCIAL DISCLOSURES**

(a) Concurrent with the agenda posting of the regularly scheduled monthly Council meeting, the Town shall post in a public manner a monthly financial report containing the following information:

(i) A list of all disbursement transactions from the preceding calendar month, which includes the following detailed information:

The date and amount of the transaction,  
The identity of the recipient,  
A brief description or account classification of the transaction

(ii) A categorized summary of revenues for the preceding month. The summary should be disaggregated to allow for the general source of the revenue such as “monthly water billing receipts” but is not intended to require disclosure of receipts from individual persons.

(iii) The approximate cash balances in the Town depository and checking accounts.

(b) Upon request, a copy of the financial report shall be provided free of charge to any citizen subsequent to posting and prior to the regular council meeting. Citizens will not be required to submit a Public Information Act request to obtain a copy.

(c) Decisions relating to the report style, formatting, additional content, and manner of posting shall be determined by the Mayor or his designate.

### **SECTION 4. POSTING OF FORM CIQ**

Chapter 176 of the Texas Local Government Code requires certain vendors and parties doing business with municipalities to file conflict-of-interest Form CIQ annually. The law also requires vendors to file updated forms when necessary and mandates that respondents to bid and proposal requests also file form CIQ. Upon receipt of a Form CIQ, the Town shall:

(a) in a timely manner, publicly post the notice for a period of at least 5 business days.

(b) Upon request, the Town shall provide, free of charge, a copy of the form to any citizen without requiring the citizen to file a Public Information Act request.



## **SECTION 5. RESPONSIBILITY**

As the Chief Financial Officer for the Town, compliance with this ordinance shall be the responsibility of the Mayor.

## **SECTION 6. REPEAL CLAUSE**

All ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the Town not in conflict with the provisions of this ordinance shall remain in full force and effect.

## **SECTION 7. SUPERCEDING REGULATION OR STATUE**

Whenever any applicable statue, regulation, or permit of any state, federal, or other agency, having jurisdiction over the subject matter of this Ordinance, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

## **SECTION 8. SEVERABILITY CLAUSE**

The provisions of this Ordinance are severable, and if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance 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 despite such invalidity, which remaining portions shall remain in full force and effect.

## **SECTION 9. EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its date of passage and publication as provided by law.

**DULY PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas, this 13thday of September, 2007.

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Mike Schnittker, Mayor Pro-Tem  
Town of Lakewood Village

ATTEST:

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Linda Asbell, City Secretary  
Town of Lakewood Village