

# **LAKEWOOD VILLAGE TOWN COUNCIL**

## **COUNCIL MEETING**

**SEPTEMBER 13, 2018**

### **Council Members:**

Dr. Mark Vargus, Mayor  
Ed Reed – Mayor Pro-Tem  
Clint Bushong  
Elizabeth Shields  
Darrell West  
Serena Lepley – arrived at 7:23 p.m.

### **Town Staff:**

Linda Asbell, TRMC, CMC – Town Secretary

### **REGULAR SESSION - 7:00 P.M.**

With a quorum of the Council Members present, Mayor Vargus called the Regular Meeting of the Town Council to order at 7:03 p.m. on Thursday, September 13, 2018, 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

### **PRESENTATIONS:**

**(Agenda Item B)**

Mayor Vargus presented a proclamation designating September 17 – 23, 2018 as Constitution week. The presentation was received by Ms. Annette Goode of the Prestonwood Chapter of the Daughters of the American Revolution.

Mayor Vargus presented a proclamation designating October 2018 as Domestic Violence Awareness Month. The proclamation was received by Ms. Hillarye Hightower of Denton County Friends of the Family.

### **PUBLIC HEARING:**

**(Agenda Item C)**

A public hearing was held to provide an opportunity for citizens to comment on the proposed combined property tax rate of \$0.30/\$100. Mayor Vargus opened the public hearing at 7:10 p.m.

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No one requested to speak.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Mayor Pro-Tem Reed, council voted three (3) “ayes”, no (0) “nays” to close the public hearing at 7:11 pm. *The motion carried.*

**PUBLIC HEARING:**

**(Agenda Item D)**

A public hearing was held to provide an opportunity for citizens to comment on the proposed ordinance changes in agenda items G.8 through G.15. Mayor Vargus opened the public hearing at 7:11

No one requested to speak.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilman West, council voted three (3) “ayes”, no (0) “nays” to close the public hearing at 7:11 pm. *The motion carried.*

**VISITOR/CITIZENS FORUM:**

**(Agenda Item E)**

No one requested to speak

**CONSENT AGENDA:**

**(Agenda Item F)**

1. Minutes of June 14, 2018 Council Meeting (Asbell)
2. Minutes of July 10, 2018 Council Meeting (Asbell)
3. Minutes of July 23, 2018 Council Meeting (Asbell)
4. Minutes of August 9, 2018 Council Meeting (Asbell)
5. Interlocal Agreement with Denton County for Tax Collection (Asbell)
6. Engagement of Nabors CPA Services for Town Annual Audit Services (Asbell)
7. Resolution Naming the Denton Record Chronicle as the Official Newspaper (Asbell)

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilman West, council voted three (3) “ayes,” no (0) “nays” to approve consent items as presented. *The motion carried.*

Councilwoman Shields arrived at 7:13 and took her place on the dais.

**REGULAR AGENDA:**

**(Agenda Item G)**

**Consideration of Variance Request for  
Flatwork Encroachment in Side Yard  
Setback for Driveway at 409 Peninsula  
(Asbell)**

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**(Agenda Item G.1)**

Mike Baalman reported he is requesting an extension to the driveway that will stay three feet off the property line and will not extend beyond the front of the house. Mayor Vargus reported that council has previously allowed extra stacking space for parking on an extended driveway. Mayor Vargus stated no concrete can be placed in the side yard. Councilman Bushong requested the property owner provide the impervious surface percentages to assure it is below 50% as required by the zoning ordinance.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilman West, council voted four (4) “ayes”, no (0) “nays” to approve the request for the driveway to encroach in the side yard provided it does not extend beyond the front of the house, less than 50% of the front yard is covered by the impervious surface, and allows a minimum of three feet open space to the property line. *The motion carried.*

**International Dark Sky Association  
Presentation (Reed)**

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**(Agenda Item G.2)**

Mayor Pro-Tem Reed introduced Mr. Gary Carter and reviewed his qualifications as a dark sky advocate. Mr. Carter presented information about light pollution and the impact on the environment. Mr. Carter provided examples of light trespass, glare, clutter, energy waste, and urban sky glow. The disruption of natural light and dark cycles negatively impact human health. Mr. Carter showed examples of good lighting choices that preserve dark skies and prevents light trespass. Mr. Carter reported that the Town of Lakewood Village can obtain the International Dark Sky Association designation without that designation being negatively impacted by light pollution from neighboring communities. There was some discussion about the IDA compliant street lights Lakewood Village recently installed.

Councilwoman Lepley arrived at 7:23 and took her place on the dais.

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**Discussion of Municipal Development  
District sponsored Community Event on  
October 14, 2018 (Asbell)**

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**(Agenda Item G.3)**

Linda Loudon reviewed the activities planned for the event: fire department, sheriff's department, bounce house for the children, live band, and food. Ms. Loudon thanked council for completing the park in time for the event. Council thanked the MDD for coordinating the event.

**Discussion of Current Critical Water  
Conditions (Vargus)**

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**(Agenda Item G.4)**

Mayor Vargus reported that due to the recent rain he is lowering the water conservation level to level three. The root problem of drawdown of the aquifer has not changed and the town still needs to put in new well.

**Consideration of Adoption of Ordinance  
Adopting the 2018 Property Tax Rate of  
\$0.30/\$100 (Asbell)**

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**(Agenda Item G.5)**

**MOTION:** Upon a motion made by Councilman West and seconded by Councilman Bushong, council voted five (5) "ayes", and no (0) "nays" to approve the ordinance adopting the property tax rate of \$0.30/\$100. *The motion carried.*

**ROLL CALL VOTE**

**Town Secretary Asbell called the roll:**

Mayor Vargus – present and not voting

Mayor Pro-Tem Reed - aye

Councilman Bushong - aye

Councilwoman Lepley - aye

Councilwoman Shields - aye

Councilman West - aye

**Consideration of Ratification of Ordinance  
18-02 Adopting Fiscal Year 2018-2019  
Budget (Asbell)**

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**(Agenda Item G.6)**

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Mayor Pro-Tem Reed, council voted four (4) "ayes", and no (0) "nays", with one abstention

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(Councilwoman Shields) to ratify the 2018-2019 Budget as adopted August 9, 2018. *The motion carried.*

**ROLLCALL VOTE**

**Town Secretary Asbell called the roll:**

Mayor Vargus – present and not voting  
Mayor Pro-Tem Reed - aye  
Councilman Bushong - aye  
Councilwoman Lepley - aye  
Councilwoman Shields - abstain  
Councilman West - aye

**Discussion of Republic Services Rate  
Proposal (Vargus)**

**(Agenda Item G.7)**

Mayor Vargus reported that since 2010 the rate has only increased five percent. Mayor Vargus stated he prefers a fixed rate that does not increase yearly. Mayor Vargus reported the recycling industry has dramatically changed from a profitable activity to a costly service to provide due to changes in the type of recycle waste other countries are willing to receive. Mayor Vargus reviewed the options for rate changes proposed by Republic Services. Mayor Vargus stated that he requested bulk be collected quarterly rather than every other month. Republic Services agreed to provide bulk quarterly and guaranteed the bulk would all be collected in one day. There was some discussion about the cost of providing a hazardous household waste collection. Council discussed option two or three being the most desirable. Mayor Vargus reported that council he would bring the full contract to council for consideration at a future meeting.

**Consideration of Contract with Sawko &  
Burroughs for Property Tax Collection  
(Vargus)**

**(Agenda Item G.8)**

Mayor Vargus stated that he prefers to adopt a policy that authorizes Sawko and Burroughs to take action to collect delinquent taxes without additional action from council.

**MOTION:** Upon a motion made by Councilman West and seconded by Councilwoman Lepley, council voted five (5) “ayes”, and no (0) “nays” to authorize Mayor Vargus to execute the contract with Sawko & Burroughs for property tax collection. *The motion carried.*

**Consideration of Certificate of Occupancy  
Ordinance (Vargus)**

**(Agenda Item G.9)**

Mayor Vargus reported the Certificate of Occupancy ordinance has been very successful in identifying dangerous situations in properties. The ordinance needs to allow some flexibility to permit temporary certificates of occupancy but also prevent unauthorized extended occupancy of houses. There was some discussion about the requirement to deposit \$1,000 if the repairs of the structure will take longer than seven days. Councilman Bushong stated he likes that the proposed ordinance allows a property owner to appeal the Building Official's decision to council.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilwoman Lepley, council voted five (5) "ayes", and no (0) "nays" to approve the certificate of occupancy ordinance as presented. *The motion carried.*

**Consideration of Junked Vehicles and  
Parking Ordinance (Vargus)**

**(Agenda Item G.10)**

Mayor Vargus reported the junked vehicle portion of the ordinance is straight from State law. The only proposed changes are to the approved surfaces sections. Mayor Vargus reviewed the history of the approved surface requirement in the ordinance. There was some discussion about allowing paving stones as a concrete equivalent or requiring those to come to council as to request a variance.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilwoman Shields, council voted five (5) "ayes", and no (0) "nays" to approve the junked vehicles and parking ordinance as discussed. *The motion carried.*

**Consideration of Consideration of Candidate  
Forum and Electioneering Ordinance  
(Vargus)**

**(Agenda Item G.11)**

Mayor Vargus reported that the previous candidate forums have been very well attended. Mayor Vargus stated the Town Secretary Asbell verified the process for candidate forums through the Secretary of State and the Texas Ethics Commission. The purpose of the proposed changes to the ordinance is to provide clarification on guidelines and minimize controversy when scheduling candidate forums. There was some discussion on the possibility of establishing set dates if no agreement between candidates can be reached. There was some discussion about the discussed changes being incorporated into the ordinance and council considering the changes at the next council meeting.

**MOTION:**    *No Motion was made.*

Councilwoman Shields left the dais at 9:01 p.m.

**Consideration of Financial Responsibility  
Ordinance (Vargus)**

**(Agenda Item G.12)**

Mayor Vargus reported that the town has several ordinances governing finance responsibility, investments, reporting, and related controls. Mayor Vargus reviewed the elements of the ordinance he will provide for council consideration at a future meeting.

**MOTION:**    *No motion was made.*

**Consideration of Water & Waste Water  
Ordinance (Vargus)**

**(Agenda Item G.13)**

Mayor Vargus reported the \$200 deposit for a water account was established in 1997. In the last two years the town has written off \$3,249.03, after the deposit was applied, on water accounts that were not paid after account holders left town. Mayor Vargus stated he is recommending a water deposit of \$300 that would not be retroactive to current water accounts.

Mayor Vargus reviewed the proposed language specifying regulations on pumping of water from the lake for irrigation purposes. A Customer Service Inspection is required of every lake pump upon installation. There was some discussion about requiring an inspection of the pump upon permit renewal every five years.

**MOTION:**    Upon a motion made by Mayor Pro-Tem Reed and seconded by Councilwoman Lepley, council voted four (4) “ayes”, and no (0) “nays” to approve the water and waste water ordinance as discussed. *The motion carried.*

**Consideration of Consolidated Fee  
Ordinance (Vargus)**

**(Agenda Item G.14)**

Councilman Bushong reviewed proposed changes to the ordinance. There was some discussion about flatwork permits. The Town Secretary will perform a desk review of the flatwork permit and the building inspector will perform a pre-pour inspection. The permit fee will be lowered to \$100 to reflect the removal of a post-pour inspection.

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Councilwoman Shields returned to the dais at 9:23 p.m.

There was some discussion about contraction registration fees. Mayor Vargus reviewed the proposed changes to the water rates. There was some discussion about the proposed water rates. Councilman Bushong reviewed the proposed changes to the water leak adjustment policy and the exclusion of leaks in irrigation systems. A plumbing inspection will be required prior to a leak adjustment being approved.

There was some discussion about updating the meter set fee for larger than ¾” meters at a future meeting. There was some discussion about updating the permit fee for pools at a future meeting.

There was some discussion about the rates selected for the tiers of water usage. Mayor Vargus stated the rates were selected based on input from the Town Engineers about the cost of installing new wells. Mayor Vargus reported he also discussed options with the Town’s financial advisors for financing drilling of new wells. The information received from the Town Engineer and the Town Financial required review of the rates. Councilman Bushong stated the town was not experiencing the current problems with the aquifer when council first began discussing new water rates. There was some discussion about the reserve funds and the cost of an emergency interconnect for water. There was some discussion about the cost savings at the sewer plant as a result of Mayor Pro-Tem Reed’s efforts.

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

**Discussion of Zoning Ordinance (Vargus)**

**(Agenda Item G.15)**

Mayor Vargus reported that Town Secretary Asbell did an analysis of all variances granted in the last five years. Mayor Vargus stated approximately 17 variances were approved and council should consider changes to the ordinance to allow items that would be approved in a standard variance request. No land use or lot size changes are being considered. Councilman Bushong reviewed the process for amending the zoning ordinance.

**EXECUTIVE SESSION:**

**(Agenda Item H)**

No executive session was held.



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**RECONVENE:**

**(Agenda Item I)**

**REPORTS**

**(Agenda Item J)**

Town Secretary Asbell reminded Council members the Texas Municipal League conference is being held in October in Fort Worth.

**ADJOURNMENT**

**(Agenda Item K)**

**MOTION:** Upon a motion made by Councilwoman Lepley and seconded by Councilman Bushong council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Meeting of the Lakewood Village Town Council at 9:57 p.m. on Thursday, September 13, 2018. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 17th day of October 2018.

**APPROVED**

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Ed Reed  
MAYOR PRO-TEM

**ATTEST:**

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Linda Asbell, TRMC, CMC  
TOWN SECRETARY