



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

**TOWN COUNCIL MEETING
NOVEMBER 10, 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 to provide an opportunity for citizen input on the proposed impact fees.

C. 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.

D. REGULAR AGENDA:

1. Consideration of Variance Request for 464 Peninsula – front facing garage, garage door set-back, and garage depth (Asbell)
2. Consideration of Ordinance Adopting Impact Fees (Bushong)
3. Discussion of Employment status of Building Official & Building Inspectors (Vargus)
4. Discussion of Utility and Building Services Coordinator Position (Reed)
5. Consideration of Energy Conservation Code Ordinance – Adopting 2015 Version of Code (Bushong)
6. Consideration of the Minutes of the October 13, 2016 Council Meeting (Asbell)

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

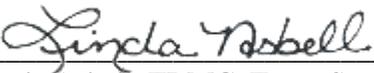
F. RECONVENE: Reconvene into regular session and consideration of action, if any, on items discussed in executive session

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

H. ADJOURNMENT

I do hereby certify that the above notice of meeting was posted on the designated place for official notice at 4:55 p.m. on Friday, November 4., 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 LAKWOOD VILLAGE MUNICIPAL DEVELOPMENT DISTRICT may attend this meeting. No action will be taken by the MDD Board during this meeting.



BUILDING DEPARTMENT

VARIANCE REQUEST

[Handwritten signature]

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

REVISED: 10/09/2014

| APPLICANT / OWNER | |
|---|---|
| Applicant Name <i>Kenneth Graham Construction</i> | Address <i>2221 Justin Rd Suite 119-440 Flower Mound, TX 75028</i> |
| Day Time Telephone <i>469 233 5720</i> | |
| Email <i>Kenny@KennethGrahamLLC.com</i> | |
| Owner Name <i>Kevin Ribble</i> | Address <i>630 High ridge Lakewood Village, TX</i> |
| Day Time Telephone <i>214 676 8662</i> | |
| Email | |
| Same as Applicant? <input type="checkbox"/> Yes | |
| PROPERTY | |
| Address or General Location <i>464 N Peninsula</i> | |
| Legal Description (If Platted) | |
| Lot Size <i>13,586</i> | Zoning Classification |
| <input checked="" type="checkbox"/> Square Feet OR <input type="checkbox"/> Acres | |
| Existing Use of Land and/or Building(s) | |
| REQUESTED VARIANCE | |
| Variance to Section(s) of the Ordinance <i>depth of garage + front facing garage</i> | <i>city council must Approve before Plans can be Released to Build. [Signature]</i> |
| Current Ordinance Requirement(s) | |
| Requested Variance(s) <i>depth of garage not exact garage door set back front facing single car garage</i> | |



BUILDING DEPARTMENT

VARIANCE REQUEST

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

REVISED: 10/09/2014

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
10/24/14



ZONING COMPLIANCE CHECKLIST

Approved 11-3-2016
 Steve Freeman

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

BUILDING DEPARTMENT

REVISED: 09/21/2015

PROPERTY OWNER INFORMATION

| | |
|---|--|
| Property Owner Kevin Ribble | Notes |
| Property Owner Address 630 Highridge Drive Lakewood Village, TX 75068 | <p>46+ Peninsula</p> <p>ONCE BUILDING PLANS ARE APPROVED, NO CHANGES TO PLANS OR SPECIFICATIONS WILL BE ACCEPTED UNLESS APPROVED BY THE TOWN OF LAKEWOOD VILLAGE.</p> <p>All Installations Subject To Field Inspections and Inspector Approval</p> |

DESCRIPTION OF WORK

Class of Work: New Addition Alteration Repair

DWELLING

SETBACKS

| Description | Proposed | Requirement | Description | Proposed | Requirement |
|-------------------------|---------------|--|-------------|----------|-------------|
| Min. Dwelling Area | 2861 | 2000 sq ft | Front | 36 | 20 |
| Min. Garage | 25'4" x 21'7" | 25' W x 22' D | Left | 7 | 7 |
| Min. Driveway Width | 12' | <input checked="" type="checkbox"/> 10' <input type="checkbox"/> 12' | Right | 7 | 7 |
| Max. Impervious Surface | <50% | 50% | Rear | | n/a |

DESIGN

SCREENING

| Description | Proposed | Requirement | Description | Proposed | Requirement |
|--------------------------|----------|---|------------------|-------------|-------------|
| Min. Masonry | 100% | 80% | A/C Equipment | | Yes |
| Min. Roof Pitch | 4/12 | 4/12 | Trash Containers | | Yes |
| Side Entry Garage | yes | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Propane Tank | underground | Yes |
| Min. Garage Door Setback | 25' | 28' | Pool Equipment | | Yes |

REVIEWERS

| | |
|---|--|
| Notes screening for a/c & trash not indicated on plans Variance requested for garage door setback, garage depth, and front facing single car garage | Notes All Inspections Shall Comply with 2012 IRC Requirements & Adopted Ordinances |
| Meets Minimum Requirements: <input type="checkbox"/> Yes <input type="checkbox"/> No | Meets Minimum Requirements: <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Signature _____ Date _____ | Signature _____ Date _____ |

Read all Revisions on Plans - SF

BUYER _____
DATE _____

ACTUAL HOME DIMENSIONS
SPECIFICATIONS MAY VARY Slightly
PLANS AND CONTRACT

REFER TO CHANGE ORDER
FOR SUBSEQUENT CHANGES

STUCCO

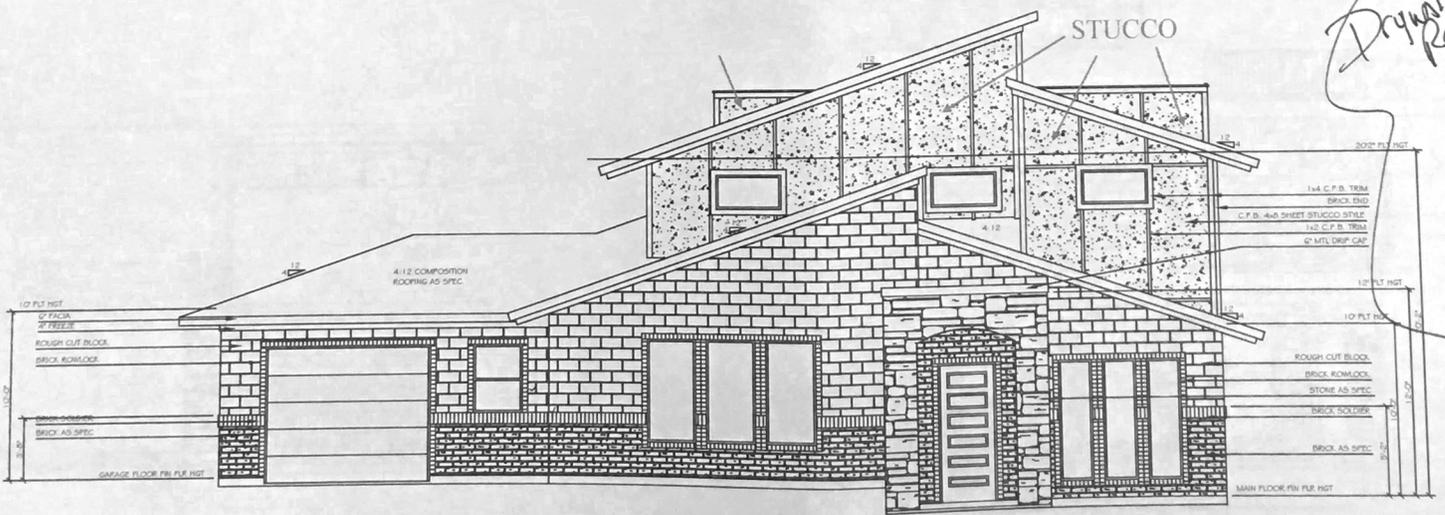
*Lath & Brick
Inspections Req'd*



REAR ELEVATION 100% MASONRY/STUCCO

STUCCO

*Drywall 2x4
Req'd
5/8" Type X
Required
all w/
& cell
pa
Tom*



FRONT ELEVATION 100% MASONRY/STUCCO

FINAL PLANS

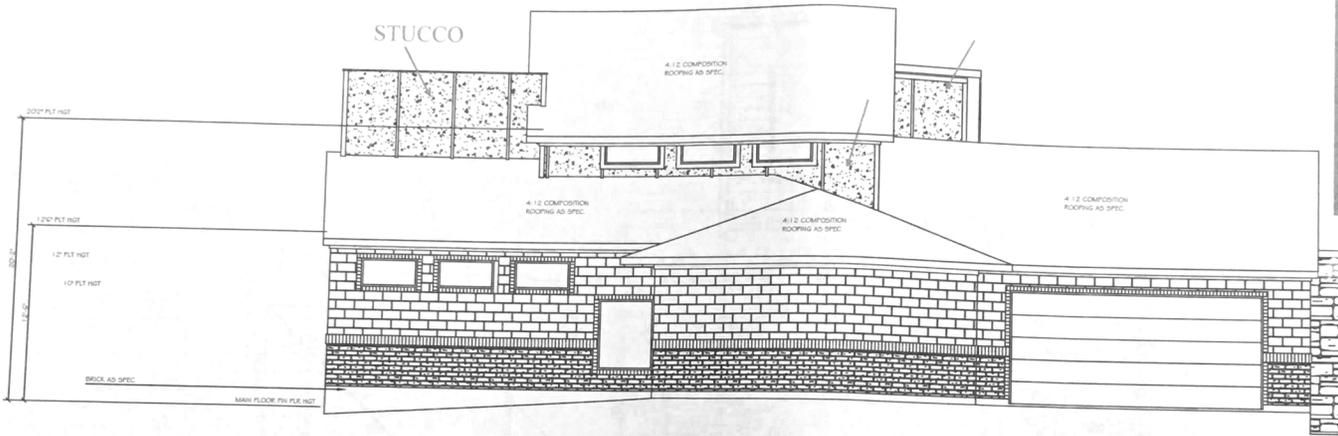
BUYER _____

BUYER _____

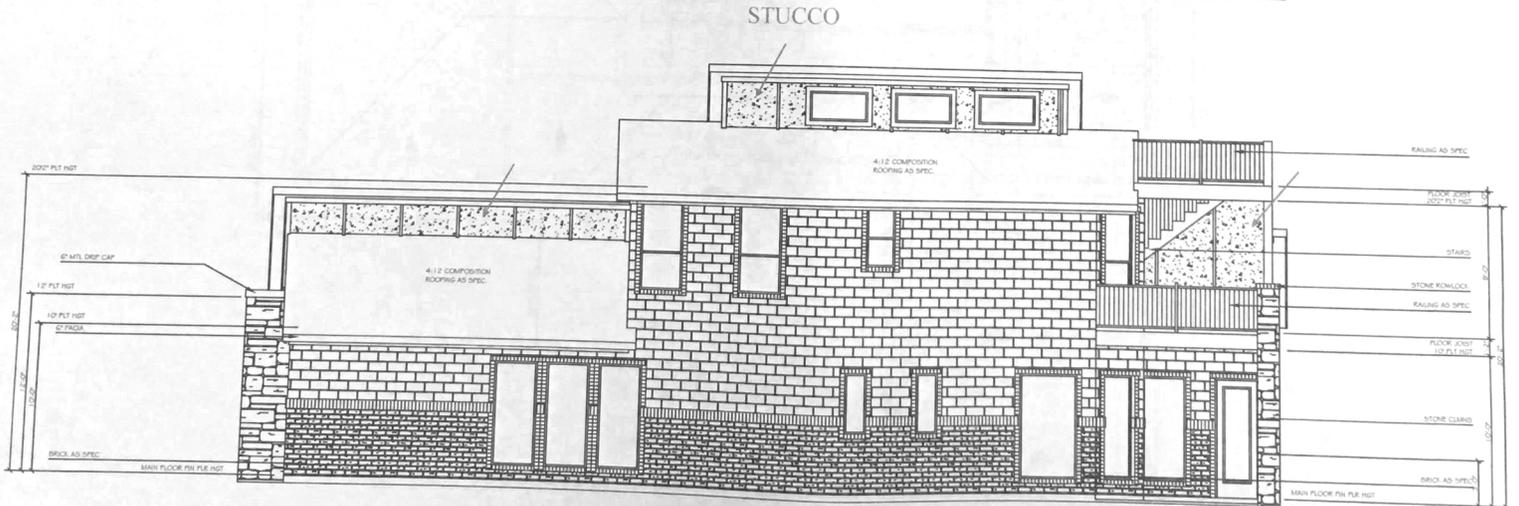
DATE _____

ACTUAL HOOD DIMENSIONS, DESIGN & SPECIFICATIONS MAY VARY SLIGHTLY FROM PLANS AND CONTRACT

REFER TO CHANGE ORDER FOR SUBSEQUENT CHANGES



LEFT SIDE ELEVATION 100% MASONRY/STUCCO



RIGHT SIDE ELEVATION 100% MASONRY/STUCCO

**TOWN OF LAKEWOOD VILLAGE
ORDINANCE NO. 16-XX**

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, ADOPTING WATER AND WASTEWATER IMPACT FEES; PROVIDING FOR THE INCORPORATION OF PREMISES/PURPOSE; PROVIDING DEFINITIONS; PROVIDING APPLICABILITY; PROVIDING FOR CALCULATION OF MAXIMUM IMPACT FEES AND USE OF PROCEEDS FROM IMPACT FEES; REGULATING THE ASSESSMENT AND COLLECTION OF IMPACT FEES; PROVIDING A LAND USE EQUIVALENCY TABLE; IMPOSING AN IMPACT FEE AND PROVIDING FOR EXCEPTIONS; PROVIDING FOR CREDITS; REGULATING ACCOUNTING FOR FEES AND INTEREST; PROVIDING FOR REFUNDS; ADOPTING AND INCORPORATING APPENDIX 1 CONTAINING SCHEDULE 1, “ASSESSMENT OF IMPACT FEES” AND SCHEDULE 2, “COLLECTION RATE”; ADOPTING AND INCORPORATING THE WATER FACILITIES LAND USE ASSUMPTIONS AND SERVICE AREA, THE WATER CAPITAL IMPROVEMENTS PLAN, THE WASTEWATER FACILITIES LAND USE ASSUMPTIONS AND SERVICE AREA, AND THE WASTEWATER CAPITAL IMPROVEMENTS PLAN; ADOPTING VARIOUS OTHER PROVISIONS RELATIVE TO WATER AND WASTEWATER IMPACT FEES; PROVIDING FOR APPEALS; PROVIDING A CUMULATIVE / SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 1987 the Texas Legislature adopted Senate Bill 336, subsequently amended and adopted as Chapter 395 of the Local Government Code authorizing impact fees for water and wastewater facilities (“Chapter 395”); and

WHEREAS, the Town retained qualified professionals who used generally accepted engineering and planning practices to prepare the capital improvements plan and to calculate the Town’s impact fees in accordance with Chapter 395; and

WHEREAS, after notice of public hearing was published as required by Chapter 395, the Town Council held a public hearing on September 22, 2016 in which the Town Council considered and adopted the Capital Improvements Plan and Land Use Assumptions by Resolution No. 16-06 for the proposed impact fees; and

WHEREAS, the Capital Improvement Advisory Committee of the Town of Lakewood Village (“CIAC”), created pursuant to Section 395.058 of Chapter 395, filed its written comments on the proposed Water and Wastewater Impact Fees before the fifth (5th) business day before the date of the public hearing on the adoption of the Water and Wastewater Impact Fee as required by Section 395.050 of Chapter 395; and

WHEREAS, as required by Section 395.044 of Chapter 395, the Town Council provided notice as required and conducted a public hearing on November 10, 2016 on the adoption of Water and Wastewater Impact Fees in which any member of the public had the right to appear at the hearing and present evidence for or against the plan and proposed fee, a record of the hearing was made and will be maintained and available for inspection for at least ten (10) years following the date of the hearing; and

WHEREAS, the Town Council desires to adopt the Water and Wastewater Impact Fees and related administrative processes as herein described, finds that the fees adopted herein are based upon generally accepted engineering and planning practices, finds that the fees set forth herein are reasonable and have been adopted in accordance with Chapter 395, and finds that adoption of this Ordinance is in the best interest of the citizens of the Town of Lakewood Village;

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

Section 1. Incorporation of Premises/Purpose.

A. Incorporation of Premises. The above and foregoing recitals are true and correct and are findings incorporated into this Ordinance and made a part hereof for all purposes.

B. Purpose. This Ordinance is adopted pursuant to the provisions of Chapter 395 of the Texas Local Government Code, as amended, as well as under the authority of Article XI, Section 5 of the Texas Constitution. This Ordinance implements a policy of the Town to impose fees on each new development project to pay the costs of constructing capital improvements and facility expansions necessary to serve new development.

Section 2. Definitions

(1) Advisory Committee (also referred to as Impact Fee Advisory Committee). The Town's Planning and Zoning Commission, together with such ad hoc representatives as may be appointed from time to time, to fulfill the composition mandated by Tex. Loc. Gov't Code sec. 395.058 to serve.

(2) Assessment. The determination of the amount of the maximum impact fee per service unit, which can be imposed, on new development pursuant to Schedule 1 of Appendix 1 of this Ordinance.

(3) Capital improvement. Either a water facility or facility expansion, or a wastewater facility or facility expansion, with a life expectancy of three (3) or more years, to be owned and operated by or on behalf of the Town.

(4) Capital improvements plan. Either water improvements or wastewater improvements adopted or revised under this ordinance, See "Impact fee capital improvements plan" definition below.

(5) Town. Town of Lakewood Village, Denton County, Texas.

(6) Collection. The receipt of impact fees by the Town from a property owner in accordance with Schedule 2 of Appendix 1 of this Ordinance.

(7) Credit. The amount of the reduction of an impact fee for fees, payments, or charges for the same type of capital improvements for which the impact fee has been assessed.

(8) Facility expansion. The expansion of either a water facility or a wastewater facility.

(9) Final plat approval or approval of a final plat. The point at which the applicant has complied with all the conditions of approval required within the Town's Subdivision Ordinance and the plat has been released for filing with the Denton County Clerk.

(10) Final plat recordation. The point at which the applicant has complied with all conditions precedent to recording an approved final plat in the county, including any infrastructure or other improvements required by the Subdivision Ordinance, Subdivision Regulations or any other ordinance.

(11) Impact fee. A charge or assessment imposed against new development in order to generate revenue for funding or recovering of the costs of capital improvements or facility expansions necessitated by and attributable to the new development. The term includes amortized charges, lump sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition. The term does not include:

- (a) Dedication of land for public parks or payment in lieu of the dedication to serve park needs; or
- (b) Dedication of rights-of-way or easements, or the construction or dedication of on-site or off-site water distribution, wastewater collection or drainage facilities, or streets, sidewalks, or curbs if the dedication or construction is required by a valid ordinance and is necessitated by and attributable to the new development;
- (c) Lot or acreage fees or pro-rata fees to be placed in trust funds for the purpose of reimbursing developers for constructing or over-sizing water or wastewater mains or lines; or
- (d) Other pro rata fees for reimbursement of water or wastewater mains or lines extended by the Town.

(12) Impact fee capital improvements plan. Either a water improvements plan or a wastewater improvements plan adopted or revised pursuant to this Ordinance. Impact fee capital improvements plan may refer either to the plan for a particular service or to the aggregation of capital improvements or facilities expansions and the associated costs programmed for all service area for a particular category of capital improvements or facilities expansions.

(13) Land use assumptions. A description of the service area and projections of changes in land uses, densities, intensities, and population in the service area over at least a ten (10) year period which has been adopted by the Town, as may be amended from time to time, and upon which the capital improvements plan is based.

(14) Land use equivalency table. A table converting the demands for capital improvements generated by various land uses to numbers of service units as may be amended from time to time. The land use equivalency table may be incorporated in a schedule of impact fee rates.

(15) Mayor. The Mayor of the Town of Lakewood Village, or his or her designee.

(16) New development. A project involving the subdivision of land; the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of the use of land, any of which has the effect of increasing the requirements for capital improvements or facility expansions, measured by the number of service units to be generated by such activity, and which requires either the approval and filing with the County in which the property is located of a plat pursuant to the Town's subdivision regulations or the issuance of a building permit, or connection to the Town's water or wastewater system, and which has not been exempted from these regulations by provisions of this Ordinance.

(17) Offset. The amount of the reduction of an impact fee designed to fairly reflect the value of system facilities provided by a developer, pursuant to rules herein established or council-approved administrative guidelines pursuant to the Town's Subdivision Ordinance, Subdivision Regulations or other ordinance requirements.

(18) Plat. The term defined in the Town's Subdivision Ordinance, Subdivision Regulations. Plat includes Minor Plat, Replat, and Amended Plat.

(19) Recoupment or Recoup. The imposition of an impact fee to reimburse the Town for capital improvements, which the Town has previously oversized to serve new development and which have been included in the applicable capital improvements plan.

(20) Service area. The entire area within the corporate limits and extraterritorial jurisdiction of the Town, within which impact fees for water or wastewater improvements or facility expansions may be collected for new development occurring within such area and within which fees so collected will be expended for those types of improvements or expansions identified in the capital improvements plan applicable to the service area.

(21) Service unit. A living unit equivalent based upon a 5/8" x 3/4" displacement type water meter, which serves as the standardized measure of consumption, use, generation, or discharge attributable to the new unit of development calculated in accordance with generally accepted engineering or planning standards and based on historical data and trends applicable to the Town or other political subdivision in which the individual unit of development is located during the previous ten (10) years.

(22) Site-related facility. An improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water or wastewater facilities to serve the new development, and which is not included in the capital improvements plans for such facilities and for which the developer or property owner is solely responsible under subdivision or other applicable development regulations.

(23) System facility. A water or a wastewater facility or facility expansion which is designated in the capital improvements plan for that type of facility, and which is not a site-related facility. System facility may include a capital improvement which is located offsite or within or on the perimeter of the development site.

(24) Wastewater facility. A wastewater interceptor or main, lift station, treatment facility or other facility included within and comprising an integral component of the Town's collection and transmission system for wastewater. Wastewater facility includes land, easements or structures associated with such facilities. Wastewater facility excludes a site-related facility.

(25) Wastewater facility expansion. The expansion of the capacity of any existing wastewater improvement for the purpose of serving new development; provided however, the term does not include the repair, maintenance, modernization or expansion of an existing wastewater facility to serve existing development.

(26) Wastewater capital improvements plan. The adopted plan, as may be amended from time to time, which identifies the wastewater facilities or wastewater facility expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of impact fees for wastewater facilities pursuant to this Ordinance.

(27) Water facility. A water transmission line or main, pump station, storage tank, water supply facility, treatment facility or other facility included within and comprising an integral component of the Town's water storage or distribution system. Water facility includes land, easements or structures associated with such facilities. Water facility excludes site-related facilities.

(28) Water facility expansion. The expansion of the capacity of any existing water facility for the purpose of serving new development; provided however, the term does not include the repair, maintenance, modernization or expansion of an existing water facility to serve existing development.

(29) Water capital improvements plan. The adopted plan, as may be amended from time to time, which identifies the water facilities or water facility expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of impact fees for water facilities pursuant to this Ordinance.

Section 3. Applicability

A. The provisions of this Ordinance apply to all new, non-exempt development within the corporate boundaries and/or the extraterritorial jurisdiction of the Town located within a service area as allowed by law and this Ordinance.

B. No final plat for new development shall be approved within the service area without assessment of an impact fee pursuant to this Ordinance. No final plat for new development shall be approved nor shall a building permit be issued or utility connection be made for other types of new

development until the property owner has paid the impact fee stated in Schedule 2 of Appendix 1 to this Ordinance.

Section 4. Calculation of Maximum Impact Fees

Maximum impact fees per service unit shall be established for each service area for each type of capital improvement. The maximum impact fee per service unit for each service area shall be computed in the following manner:

- (1) Calculate the total projected costs of capital improvements necessitated by and attributable to new development in the service area identified in the capital improvements plan ("CIP Costs");
- (2) From such amount, subtract a credit equal to fifty percent (50%) of the amount determined in subsection (1); alternatively, subtract a credit equal to that portion of ad valorem tax revenues, if any, to be generated by new service units during the period the capital improvements plan is in effect, including the payment of debt, associated with the improvements in the plan from the amount determined in subsection (1) ("Credits").
- (3) Divide the resultant amount by the total number of projected service units ("Service Units) anticipated within the service area, based upon the land use assumptions for that service area.
- (4) The formula for calculating the maximum impact fee per service unit described by subsections (1) through (3) may be expressed as:
$$\text{(Total CIP Costs - Total Credits) / Total Service Units}$$

Section 5. Use of Proceeds from Impact Fees

A. Impact fees and the interest earned thereon for each service area may be used to finance or to recoup the costs of any capital improvements or facility expansions identified in the capital improvements plan for the service area, including but not limited to the construction contract price; surveying and engineering fees, and land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees). Impact fees may be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the Town to finance such capital improvements or facility expansions identified in the capital improvements plan. Impact fees may be used to pay fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant who is not an employee of the Town for the preparation of or updating of a capital improvements plan.

B. Impact fees collected pursuant to this Ordinance shall not be used to pay for any of the following expenses:

- (1) construction, acquisition or expansion of capital improvements or assets, or facility expansions other than those identified in the applicable capital improvements plan;
- (2) repair, operation, or maintenance of existing capital improvements or facility expansions;
- (3) upgrade, update, expansion or replacement of existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
- (4) upgrade, update, expansion, or replacement of existing capital improvements to provide better service to existing development; provided, however, that impact fees may be used to pay the costs of upgrading, updating, expanding or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development; or
- (5) administrative and operating costs of the Town; or
- (6) principal payments and interest or other finance charges on bonds or other indebtedness, unless the improvement or expansion is identified in the capital improvements plan and at the time of the pledge, the Town Council certifies in an ordinance or resolution that none of the impact fees will be used or expended for an improvement or expansion not identified in the capital improvements plan.

Section 6. Accounting for Fees and Interest.

A. All impact fees collected shall be deposited in interest-bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee is adopted. Impact fees shall be spent only for the purposes for which the impact fee was imposed in accordance with the capital improvement plan and Chapter 395 of the Texas Local Government Code.

B. Interest earned on impact fees will be credited to the account on which it is earned and is subject to the same restrictions on expenditures under Section 5 of this Ordinance as the funds generating such interest.

C. The records of the accounts into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours consistent with the Public Information Act.

Section 7 Use of Other Financing Mechanisms

A. The Town may finance water and wastewater improvements or facility expansions designated in the applicable capital improvements plan through the issuance of bonds or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.

B. Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.

C. The Town Council may decide that the Town may credit or offset all or a part of impact fees due for a new development pursuant to duly adopted criteria. Any such action shall be in accordance applicable procedures in an open meeting.

Section 8. Impact Fee as Additional and Supplemental Regulation

A. Impact fees established by these regulations are additional and supplemental to, and not in substitution of, any other requirements imposed by the Town on the development of land or the issuance of building permits or certificates of occupancy. Such fee is intended to be consistent with and to further the policies of Town's comprehensive land use plan, the capital improvements plan, the zoning ordinance, subdivision regulations and other Town policies, ordinances and resolutions by which the Town seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

B. This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the Zoning Ordinance, Subdivision Ordinance, Regulations or other ordinances or regulations of the Town, which shall be operative and remain in full force and effect without limitation with respect to all such development.

C. The maximum impact fee assessed per service unit for water or wastewater facilities, as set forth in Schedules 1 and 2 of Appendix 1 and as may be amended from time to time, hereby is declared to be an approximate and appropriate measure of the impacts generated by a new unit of development on the Town's water or wastewater system.

Section 9. Assessment and Collection Schedules for Impact Fees

The amount of the impact fees to be assessed per service unit shall be as set forth in Schedule 1 of Appendix 1 to this Ordinance. The amount of the impact fees, which are to be collected per service unit, shall be as set forth in Schedule 2 of Appendix 1 to this Ordinance. Schedules 1 and 2 may be

amended from time to time utilizing the amendment procedure set forth in Section 13 of this Ordinance and as allowed by Chapter 395.

Section 10. Assessment of Impact Fees

Assessment of impact fees for any new development shall occur in accordance with the provisions of Section 395.016 of the Texas Local Government Code, as it exists or as amended.

Section 11. Collection of Impact Fees

A. Impact fees shall be collected at the time the Town issues a building permit for a new development within the corporate limits of the Town, or at the time of application for an individual meter connection to the water or wastewater system, for land outside Town limits, unless a different time is provided for in an agreement for capital improvements pursuant to subsection (C) of this Section.

B. The number of service units for a new development shall be determined by using the Land Use Equivalency Table in this Ordinance. In determining the number of service units, the following rules shall apply:

- (1) Each new freestanding building requires a new water meter, except as provided in subsection (2).
- (2) Where a site is redeveloped (clearance and reconstruction), no new service units will be attributed to such redevelopment, provided that the water meter is of the same size as the development previously occupying the site. If the meter size is increased, the number of new service units will be based upon the increase in capacity of the meter.
- (3) Existing buildings or land uses may be expanded using existing meter service. No service units will be attributed to such development if the water meter size remains the same. If the meter size is increased, the number of service units will be based upon the increase in capacity of the meter.
- (4) In determining the number of service units for wastewater impact fees, no service units will be attributed to irrigation meters.
- (5) If a new development does not require a water meter for water or wastewater service, or does not generate the need for water or wastewater services, no service will be attributable to the development.

C. The impact fees to be collected per service unit for a new development shall be the amount listed in Schedule 2 of Appendix 1. The Town may enter into an agreement with a developer

for a different time and manner of payment of impact fees, in which case the agreement shall determine the time and manner of payment.

D. The Town shall compute the impact fees for a new development in the following manner:

- (1) The amount of each impact fee shall be determined by multiplying the number of service units generated by the new development by the impact fee per service unit for the service area using Schedule 2 of Appendix 1. The number of service units shall be determined by using the Land Use Equivalency Table below. For single-family residential developments, each irrigation meter shall be counted as additional service unit(s) at the appropriate size.

Land Use Equivalency Table for Water & Wastewater Impact Fees

| WATER METER SIZE | SERVICE UNIT EQUIVALENT |
|-------------------------|--------------------------------|
| 5/8"x3/4" PD | 1.0 |
| 3/4" PD | 1.5 |
| 1" PD | 2.5 |
| 1 1/2" PD | 5 |
| 2" PD | 8 |
| 2" Compound | 8 |
| 2" Turbine | 16 |
| 3" Compound | 17.5 |
| 3" Turbine | 35 |
| 4" Compound | 30 |
| 4" Turbine | 65 |
| 6" Compound | 67.5 |
| 6" Turbine | 140 |
| 8" Compound | 90 |
| 8" Turbine | 240 |
| 10" Turbine | 350 |

**PD = Positive Displacement Meter (typical residential meter)*

***Operating capacities obtained from American Water Works Association (AWWA) C700-15, C701-15, and C702-15. Turbine and Compound meter flows are based on Class II (in-line) meters.*

- (2) The amount of each impact fee shall be reduced by any allowable credits for that category of capital improvements, in the manner provided in Section 12 of this Ordinance.

- (3) The total amount of the impact fees for the new development shall be attached to the development application as a condition of approval.
- (4) The amount of each impact fee for a new development shall not exceed an amount computed by multiplying the fee assessed per service unit pursuant to Section 10 under Schedule 1 of Appendix 1 by the number of service units generated by the development.
- (5) Whenever the property owner proposes to increase the number of service units for a development, the additional impact fees collected for such new service units shall be determined by using Schedule 2 of Appendix 1, then in effect, and such additional fee shall be collected at the times prescribed by this section.

E. Impact fees may be assessed but not collected for property where service is not available unless:

- (1) The Town commits to commence construction of necessary facilities identified in the capital improvements plan within two (2) years under duly awarded and executed contracts or commitments of staff time covering substantially all of the work required to provide service, and to have service available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed; provided that such time does not exceed a maximum of five (5) years; or
- (2) The Town agrees in writing to permit the owner of the property to construct or finance the capital improvement or facility expansion and agrees that the costs incurred or funds advanced will either:
 - (a) be credited against the impact fees otherwise due from new development; or
 - (b) reimburse thru a pro rata agreement to the owner for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions, in which case fees shall be collected and reimbursed to the owner at the time the other new development plats are recorded; or
 - (c) the owner voluntarily requests that the Town reserve capacity to serve future development and the owner enters into a valid written agreement with Town,

Section 12. Credits Against Impact Fees

A. The Town shall credit the contribution of land, improvements or funding for construction of any system facility that is required or agreed to by the Town, pursuant to rules established in this section or pursuant to administrative guidelines promulgated by the Town. The credit shall be associated with the plat or other detailed plan of development for the property that is to be served by the facility.

B. Master planned projects, including subdivisions containing multiple phases may apply for credits against impact fees for the entire project based upon contributions of land, improvements or funds toward construction of system facilities, or other capital improvements supplying excess capacity. The credit determination shall be incorporated within an agreement for credits, in accordance with subsection (F).

C. All credits against impact fees shall be based upon standards promulgated by the Town, which may be adopted as administrative guidelines, including the following standards:

- (1) No credit shall be given for the dedication or construction of site-related facilities.
- (2) The unit costs used to calculate offsets and credits may be those assumed for the water or wastewater improvements included in the applicable capital improvements plan, or other costs used by the Town in the ordinary course of administering its capital facilities agreements and contracts.
- (3) In no event will the Town grant a credit against impact fees due for a category of capital improvements when no impact fees can be collected pursuant to this Ordinance, or for any amount exceeding the total impact fees due for the development for the same type of improvement, unless expressly agreed to by the Town Council in writing.
- (4) In no event will the Town grant credit against impact fees due for a category of capital improvements based upon contributions of a different category of capital improvements.
- (5) The Town may participate in the costs of a system improvement to be dedicated to the Town, including costs that exceed the amount of the impact fees due for the development, in accordance with policies and rules established by the Town. The amount of any credit for construction of a system facility shall be reduced by the amount of any participation funds received from the Town.

D. Credits for construction of improvements shall be deemed created when the improvements are completed and the Town has accepted the facility. Notwithstanding any other agreements, credits created shall expire 10 years from the date the credit was created. Upon

application by the property owner, the Town may agree to extend the expiration date for the credit on mutually agreeable terms.

E. Unless an agreement for credits under subsection (F) is executed providing for a different manner of applying credits against impact fees due, a credit associated with a plat shall be applied at the time of application for the first building permit, or, for land outside the Town, for each utility connection, and, at each application for a building permit or utility connection thereafter, to reduce impact fees due until the credit is exhausted.

F. An owner of a new development who has constructed or financed a capital improvement or facility expansion designated in the applicable capital improvements plan, or other capital improvement that supplies excess capacity, as required or authorized by the Town, shall enter into an agreement with the Town to provide for credits against impact fees due for the development.

The agreement shall identify the basis for, the method for computing and the amount of the credit due and any reduction in credits attributable to consumption of capacity by developed lots or tracts served by the capital improvements. For multi-phased projects, the Town may require that total credits be proportionally allocated among the phases. If authorized by the Town, the agreement also may provide for allocation of credits among new developments within the project, and provisions for the timing and collection of impact fees.

Section 13. Updates to Plans and Revision of Fees

A. The Town shall update its land use assumptions and capital improvements plans at least every five (5) years, commencing from the date of adoption of such plans, and shall recalculate the impact fees based thereon in accordance with the procedures set forth in Texas Local Government Code, Ch. 395, or in any successor statute.

B. The Town may review its land use assumptions, impact fees, capital improvements plans and other factors such as market conditions more frequently than provided in subsection (A) to determine whether the land use assumptions and capital improvements plans should be updated and the impact fees recalculated accordingly, utilizing statutory update procedures.

C. Schedule 2 may be amended without revising land use assumptions and capital improvements plans at any time prior to the update provided for in subsection (A), provided that the impact fees to be collected under Schedule 2 do not exceed the impact fees assessed under Schedule 1. Public notice and hearing is required to amend Schedule 2 in accordance with the procedure for amending impact fees set forth in Texas Local Government Code, Ch. 395, or in any successor statute.

D. If, at the time an update is required pursuant to subsection (A), the Town Council determines that no change to the land use assumptions, capital improvements plans or impact fees are needed, it may dispense with such update by following the procedures in Texas Local Government Code, Section 395.0575 or successor statute.

Section 14. Refunds

A. Upon application, any impact fee or portion thereof collected pursuant to these regulations, which has not been expended within the service area or any other obligations expressly provided for in section 5 of this ordinance, within ten (10) years from the date of payment, shall be refunded to the record owner of the property at the time the refund is paid for the property for which the impact fee was paid or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Section 302.002 Texas Finance Code, or its successor statute. The application for refund pursuant to this section shall be submitted within sixty (60) days after the expiration of the ten (10) year period for expenditure of the fee. An impact fee shall be considered expended on a first-in, first-out basis.

B. An impact fee collected pursuant to these regulations shall also be considered expended if the total expenditures for capital improvements or facility expansions authorized within the service area within ten (10) years following the date of payment exceeds the total fees collected within the service area for such improvements or expansions during such period.

C. If a refund is due pursuant to subsections (A) or (B); the Town shall divide the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

D. If the building permit for a new development for which an impact fee has been paid has expired, and a modified or new application has not been filed within six (6) months of such expiration, the Town shall, upon written application, rebate the amount of the impact fee to the record owner of the property for which the impact fee was paid. If no application for rebate pursuant to this subsection has been filed within this period, no rebate shall become due.

Section 15. Appeals

A. The property owner or applicant for new development may appeal the following administrative decisions of Town staff to the Mayor and Town Council in accordance with the procedures set forth in this Section:

- (1) the applicability of an impact fee to the development;
- (2) the amount of the impact fee due;
- (3) the availability of, the amount of, or the expiration of a credit;
- (4) the amount of the impact fee in proportion to the benefit received by the new development; or

(5) the amount of a refund due, if any.

B. The burden of proof shall be on the property owner or applicant for new development to demonstrate that relief should be granted by the Town.

C. In order to file an appeal under this Section, the property owner or applicant for new development (“appellant”) must file a written notice of appeal with the Mayor within thirty (30) days following the decision appealed from. The Mayor may resolve the appeal without further action if the appellant agrees with the Mayor’s decision. If the appellant does not agree with the decision of the Mayor, the appellant may appeal the matter to the Town Council for final decision. Upon appellant request of Council review, the Town Secretary shall schedule a public hearing at which the appellant may present testimony and evidence before the Town Council. The Council shall act on the appeal within sixty (60) days of receipt of the notice of appeal by the Town.

D. If the notice of appeal is accompanied by a payment in an amount equal to the original determination of the impact fee due, the Town shall process and may issue a building permit if other requirements are met while the appeal is pending,

E. Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the Town Council to determine whether any duty required by this ordinance has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the duty be performed within sixty (60) days of the request. If the Town Council determines that the duty is required pursuant to the ordinance and is late in being performed, it shall cause the duty to commence within sixty (60) days of the date of the request and to continue until completion. This subsection is not applicable to those matters which may be appealed pursuant to subsection (A) of this Section.

Section 16. Waivers and Exemptions

Pursuant to Texas Local Government Code, Section 395.022, as amended, a school district shall not be required to pay impact fees imposed under this Ordinance unless the board of trustees of the district consents to the payment of the fees by entering a contract with the Town imposing the fees.

Section 17. Water Facilities Land Use Assumptions and Service Area

A. The land use assumptions and service area for water facilities as recommended by the Impact Fee Advisory Committee are hereby adopted and are incorporated by reference herein.

B. The land use assumptions for water facilities and the boundaries of the water facilities service area may be amended from time to time or new land use assumptions for water facilities or water facilities service areas may be designated, pursuant to the procedures in Section 13 of this Ordinance

Section 18. Water Capital Improvements Plan

A. The Water Capital Improvements Plan as recommended by the Impact Fee Advisory Committee is hereby adopted and is incorporated by reference herein.

B. The Water Capital Improvements Plan may be amended from time to time, pursuant to the procedures in Section 13 of this Ordinance.

Section 19. Wastewater Facilities Land Use Assumptions and Service Area

A. The land use assumptions and service area for wastewater facilities as recommended by the Impact Fee Advisory Committee are hereby adopted and are incorporated by reference herein.

B. The land use assumptions for wastewater facilities and the boundaries of the wastewater facilities service area may be amended from time to time, or new land use assumptions for wastewater facilities or wastewater facilities service areas may be designated, pursuant to the procedures in Section 13 of this Ordinance.

Section 20. Wastewater Capital Improvements Plan

A. The Wastewater Capital Improvements Plan as recommended by the Impact Fee Advisory Committee is hereby adopted and is incorporated by reference herein.

B. The Wastewater Improvements Plan may be amended from time to time, pursuant to the procedures in Section 13 of this Ordinance.

Section 21. Water and Wastewater Impact Fees

A. The maximum impact fees per service unit for water and wastewater facilities are hereby adopted and incorporated in Schedule 1 as hereinafter set forth as an Appendix 1 to this Ordinance.

B. The impact fees per service unit for water and wastewater facilities, which are to be collected for each new development, are hereby adopted and incorporated in Schedule 2 as hereinafter set forth as an Appendix 1 to this Ordinance.

C. The impact fees per service unit for water and/or wastewater facilities may be amended from time to time, pursuant to the procedures in Section 13 of this Ordinance.

Section 22. Fees For Existing Development

A. If upon the effective date of this Ordinance, any existing development within the service area utilizes a water well, a septic tank or an individual waste disposal system and the property owner requests to be connected to the Town's water or wastewater system, the property owner shall pay the fee prescribed by Section 11 of this Ordinance for connection to the Town's system.

B. If the property owner or any existing development within the service area requests enlargement of a water meter presently serving the development and no new development is to occur on the property, the owner shall pay the fee prescribed by Section 21 of this Ordinance for the increase in size of the capacity of the meter prior to installation of the enlarged meter.

Section 23. Cumulative / Savings Clause

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Town ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. All rights and remedies of the Town of Lakewood Village are expressly saved to any and all violations of the provisions of any ordinance affecting new development of land and fees related thereto, 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 23. Severability Clause

If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Subdivision Regulations of the Town of Lakewood Village, Texas, and the Town Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

Section 24. Effective Date

This ordinance shall take effect immediately from and after its passage as allowed by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas, this 10th day of November 2016

Dr. Mark E. Vargus
Mayor

ATTEST:

Linda Asbell, TRMC
Town Secretary

APPROVED AS TO FORM:

Wm. Andy Messer, Esq.
Town Attorney

APPENDIX 1

| <p align="center"><u>SCHEDULE 1</u> ASSESSMENT OF IMPACT FEES <u>MAXIMUM IMPACT FEES FOR SERVICE UNIT FOR WATER AND WASTEWATER FACILITIES</u></p> | |
|---|---|
| <p align="center">IMPACT FEES</p> | <p align="center">LAND PLATTED AFTER 11/10/2016 [adoption date of new Ord]</p> |
| <p align="center">WATER FACILITIES PER SERVICE UNIT</p> | <p>\$9,695</p> |
| <p align="center">WASTEWATER FACILITIES PER SERVICE UNIT</p> | <p>\$5,923</p> |
| <p align="center"><u>SCHEDULE 2</u> COLLECTION RATE <u>IMPACT FEES FOR SERVICE UNIT FOR WATER AND WASTEWATER</u> <u>FACILITIES</u></p> | |
| <p align="center">IMPACT FEES</p> | <p align="center">LAND PLATTED AFTER 11/10/2016 [adoption date of new Ord]</p> |
| <p align="center">WATER FACILITIES PER SERVICE UNIT</p> | <p>\$9,695</p> |
| <p align="center">WASTEWATER FACILITIES PER SERVICE UNIT</p> | <p>\$5,923</p> |

End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

| | | |
|-------|-------------------|---------------------|
| | | |
| 16-XX | November 10, 2016 | • Original Adoption |



MEMORANDUM

TO: Town Council
CC: Linda Asbell
FROM: Dr. Mark E. Vargus, Mayor
DATE: November 4, 2016
RE: Employment status of Town building officials

Currently we have three building officials, all whom work for Prosper during regular working hours. We do not have the demand necessary to support a full-time building inspector, thus LWV has a long-standing relationship with Prosper's officials. We respect their Prosper responsibilities and neither we nor any builders contact them during the day.

From the *tax perspective*, Steve, Bryan, and Kevin work for the Town as independent contractors. We do not provide benefits and we report their payments to the IRS on Form 1099. Their fee schedule is based on a long-standing memorandum of understanding, which has not changed since I was elected in 2007. From the *governmental perspective*, as the LWV Chief Building Official, Steve is an appointed municipal officer (just like Town Attorney Andy Messer, and Town Engineer Todd Strauss). Steve has testified on the Town's behalf in several legal proceedings and legally represents the Town in all building related issues. Bryan and Keven are similar to a lesser extent.

THE QUESTION: When Steve, Bryan, and Kevin are performing inspections in LWV representing the Town, are they covered under our TML insurance ? What should our obligation be to them ? What's the right thing to do ?

Specifically, all of them have health insurance through their full-time employment, so if they are hurt on the job that is not the issue. However, suppose a disgruntled builder files a lawsuit against Steve for causing him "emotional distress" because the builder failed an inspection. Suppose that a home owner facing the expensive removal of improper wiring threatens to sue the building official if he enforces the code – surprisingly the fee to file a lawsuit is only \$41 in Denton County. **Who pays to defend the building official who is defending our life, health, and safety related building codes ?**

Based on my conversations with our insurers at TML, the answer is unclear. Unquestionably, TML would defend a lawsuit against Town Council members and any part-time or full-time town employees. But while Steve is a municipal officer he is not an employee. I am uncomfortable with there being uncertainty as to this potential liability. **I believe that we have an obligation to protect those that protect us.** We are very fortunate that we literally have officials who "wrote the book" and our citizens deserve and receive the best. This is especially important given that everything in LWV is a custom build – better to have inspectors who have seen it all.

ALTERNATIVE COURSES OF ACTION. We have several options.

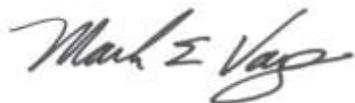
1. Do nothing, leave Steve, Bryan, and Kevin exposed. This is certainly not the best way to retain and hire experienced high-quality building officials. We do not have the demand nor the finances to hire a full-time official. We now know this is a potential issue and they now know it, so ignoring the issue won't make it disappear.

2. Make Steve, Bryan, and Kevin part-time employees, with no benefits and maintaining the current payment-for-services structure. This would provide them with liability coverage under our TML insurance. The additional costs to the Town would be the employer portion of their Social Security and Medicare taxes. For the just completed 2016 fiscal year we paid our building officials a total of \$26,100, which means the financial impact of our SS and Medicare payments would have been \$1,997.

3. We could move to a third-party-contractor and just outsource inspections. **I am convinced this would be a disaster** – we would lose all control over quality. We experimented with a third party inspector back in 2008. When I walked the job I found that the inspector was not following our codes. When I talked with the inspector, he felt that our codes were too strict, so he just enforced what he thought was good. We fired them and we searched out and hired some guy named Steve Freeman.

In my opinion, I strongly recommend that we establish an inspections department and move Steve, Bryan, and Kevin to part-time employees.

I look forward to your comments;



**Task Analysis
&
Salary Recommendations
For
Part Time Position
At
Town of Lakewood Village, TX**

November, 2016

**Ed Reed
Mayor Pro Tem
Town of Lakewood Village, Tx**

Contents

- Task Summary
- Task Groups
- Task Group Estimated Volumes
- Task Groups Estimated Time Required
- Estimated Average Monthly Task Volumes and Time Required Comparison
- Task Rankings
- Key Conclusions
- Salary Findings
- Salary Recommendations
- Job Description

Task Summary

(27)

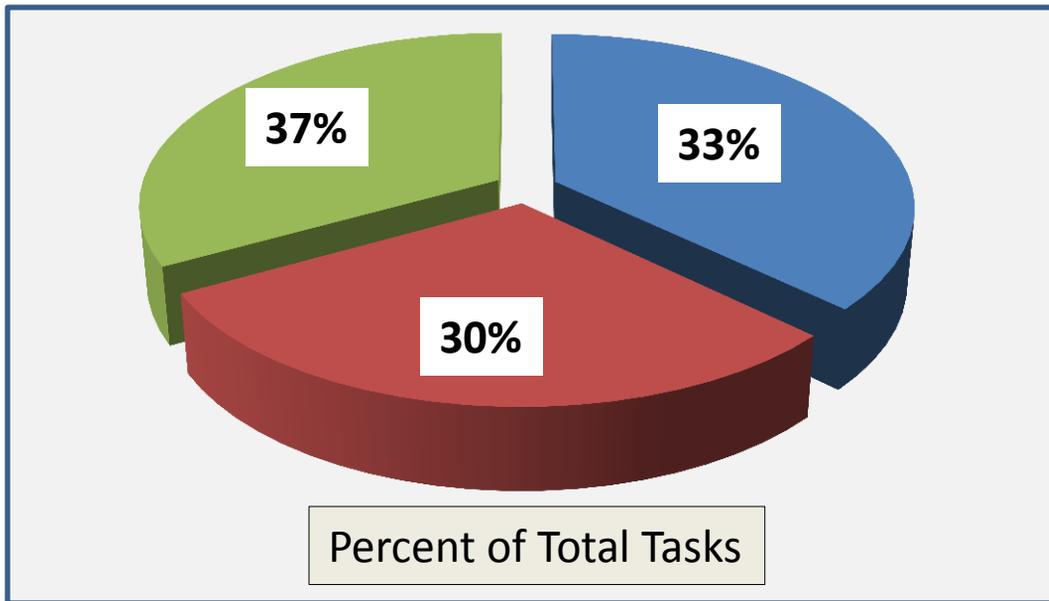
(Random Order)

- Utility account maintenance
- Provide face-to-face citizen assistance
- Check email and distribute
- Process contractor registrations
- Process building permits
- Manage building department calendar
- Search documents for open records requests
- Complete phone calls in/out
- Set up inspection appointments
- Organize and file records/documents
- Prepare meeting presentations
- Manage code enforcement process
- Generate bank deposits
- Schedule meter reads/rereads
- Generate utility bills
- Input water meter readings
- Maintain multiple information reports
- Process/post utility bill payments
- Set up meetings
- Check mail/night box
- Manage office supply inventory
- Clean office, restrooms, meeting room , kitchen
- Purchase and restock fridge supplies
- Create project folders
- Interact with software manufacturers
- Utilize multiple databases in daily transactions
- Maintain expertise with multiple (13) software apps

Task Groups

Data Entry/Maintenance

- Utility account maintenance
- Water readings
- Bank deposits
- Utility bills
- Information reports
- Software apps
- Database knowledge
- Utility bill payments
- Open record request searches
- Interact with software manufacturers



Customer Service

- Code enforcement
- Building permits
- Meeting presentations
- Phone calls in/out
- Inspection appointments
- Citizen face-to-face assistance
- Contractor registrations
- Meter reads/rereads

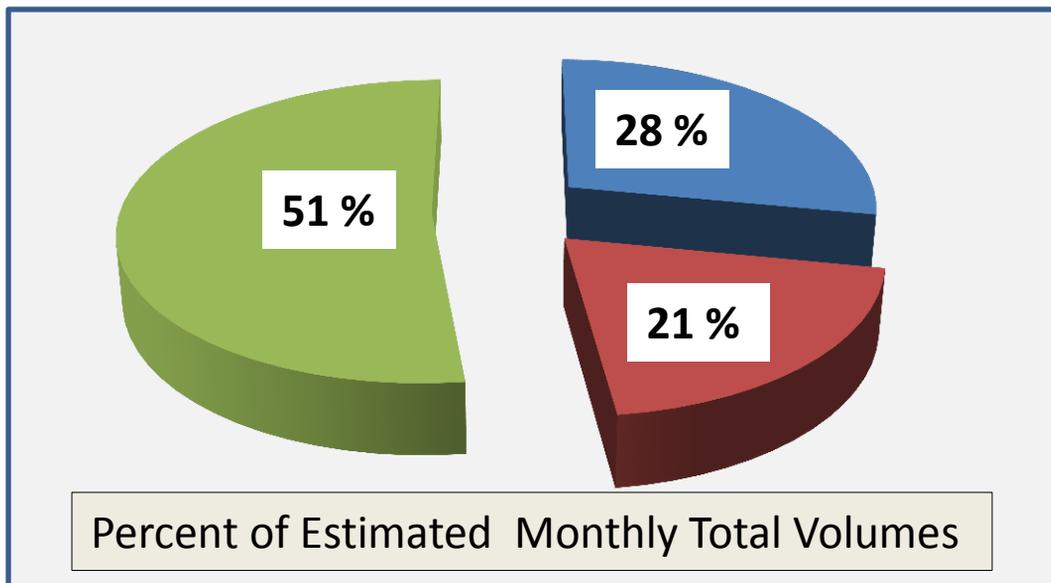
Administration

- Organize files/docs
- Building calendar
- Set up meetings
- Restock fridge
- Project folders
- Email distribution
- Mail/night box
- Clean facilities
- Office supply inventory

Task Group Estimated Volumes

Data Entry/Maintenance

- Utility account maintenance
- Water readings
- Bank deposits
- Utility bills
- Information reports
- Software apps
- Database knowledge
- Utility bill payments
- Open record request searches
- Interact with software manufacturers



Customer Service

- Code enforcement
- Building permits
- Meeting presentations
- Phone calls in/out
- Inspection appointments
- Citizen face-to-face assistance
- Contractor registrations
- Meter reads/rereads

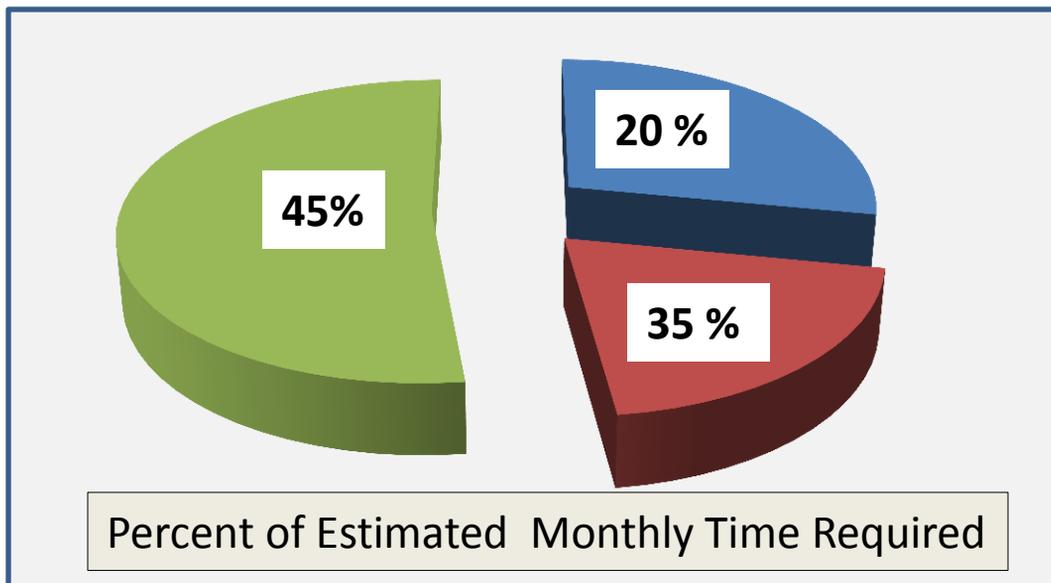
Administration

- Organize files/docs
- Building calendar
- Set up meetings
- Restock fridge
- Project folders
- Email distribution
- Mail/night box
- Clean facilities
- Office supply inventory

Task Group Estimated Time Required

Data Entry/Maintenance

- Utility account maintenance
- Water readings
- Bank deposits
- Generate utility bills
- Information reports
- Software apps
- Database knowledge
- Process utility bill payments
- Open record request searches
- Interact with software manufacturers



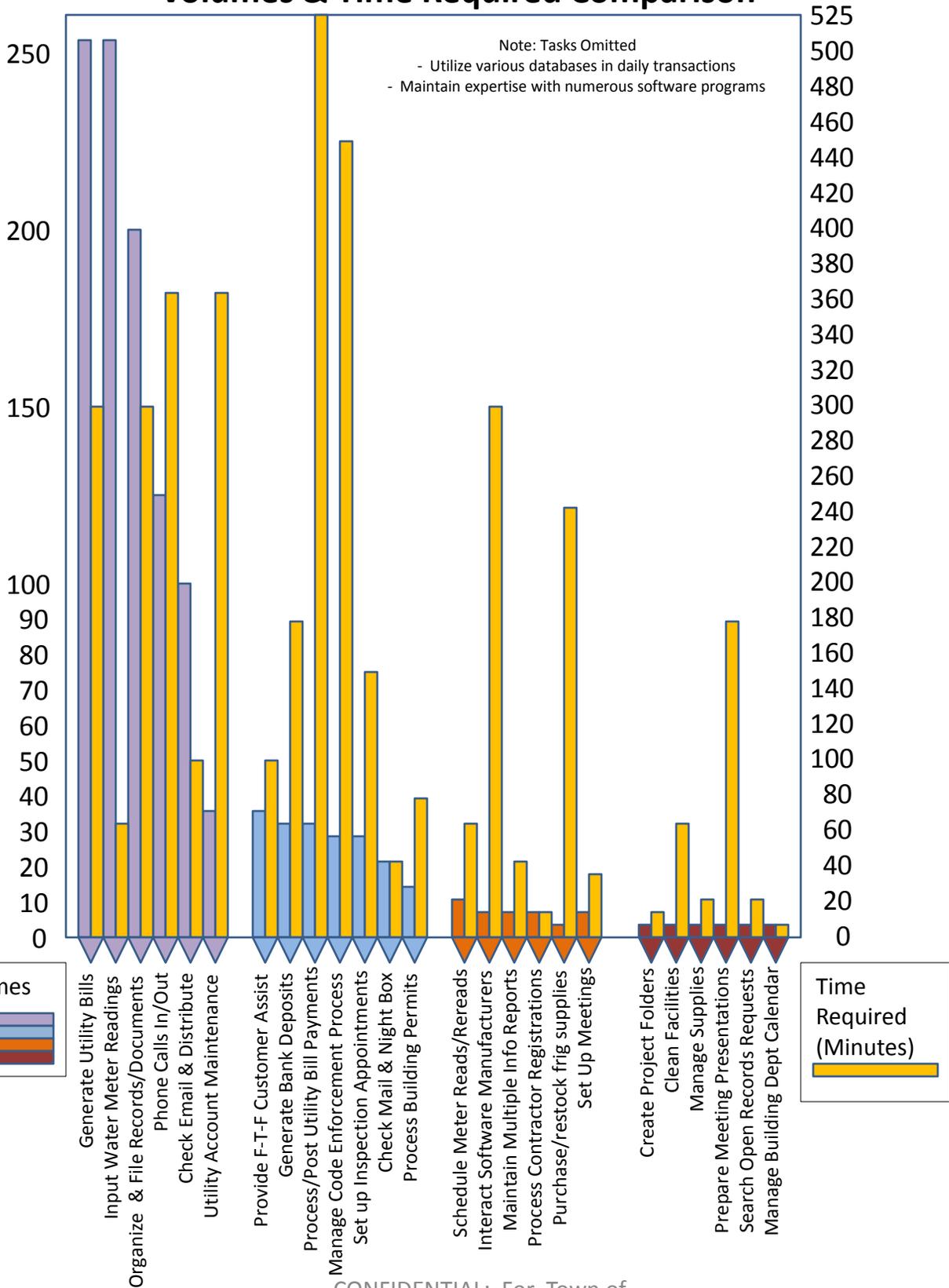
Customer Service

- Code enforcement
- Building permits
- Meeting presentations
- Phone calls in/out
- Inspection appointments
- Citizen face-to-face assistance
- Contractor registrations
- Meter reads/rereads

Administration

- Organize files/docs
- Building calendar
- Set up meetings
- Restock fridge
- Project folders
- Email distribution
- Mail/night box
- Clean facilities
- Office supply inventory

Estimated Monthly Task Volumes & Time Required Comparison



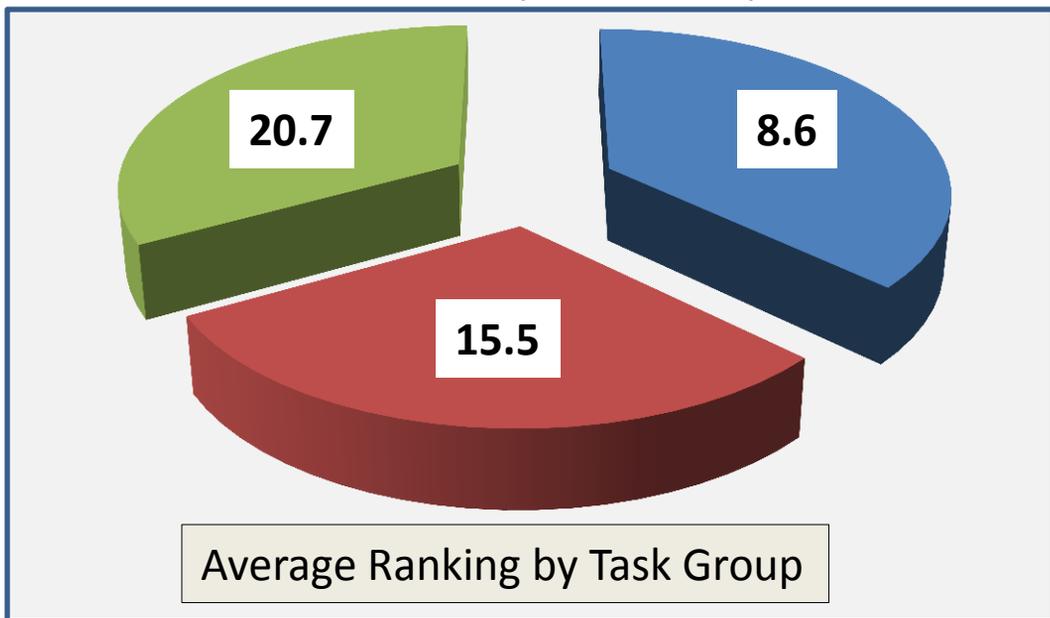
Task Rankings

| Tasks | Importance | Difficulty | Skill | Volume | Time-Final | TOTAL | | |
|---|------------|------------|-------|--------|------------|-------|------------|--|
| 1. Utility account maintenance | 5 | 5 | 5 | 5 | 4 | 24 | 60% | |
| 2. Maintain expertise with software apps | 5 | 4 | 5 | 5 | 5 | 24 | | |
| 3. Generate utility bills | 5 | 4 | 5 | 4 | 5 | 23 | | |
| 4. Utilize multiple databases | 4 | 4 | 5 | 5 | 5 | 23 | | |
| 5. Input water meter readings | 5 | 5 | 5 | 2 | 5 | 22 | | |
| 6. Generate bank deposits | 5 | 4 | 5 | 4 | 4 | 22 | | |
| 7. Manage code enforcement process | 5 | 3 | 4 | 5 | 5 | 22 | | |
| 8. Process/post utility bill payments | 5 | 3 | 3 | 5 | 5 | 21 | | |
| 9. Complete phone calls in/out | 4 | 2 | 3 | 5 | 5 | 19 | | |
| 10. Process building permits | 5 | 3 | 4 | 3 | 3 | 18 | | |
| 11. Maintain multiple information reports | 5 | 4 | 4 | 2 | 2 | 17 | | |
| 12. Interact with software manufacturers | 3 | 3 | 4 | 5 | 2 | 17 | | |
| 13. Prepare meeting presentations | 3 | 4 | 4 | 4 | 1 | 16 | | |
| 14. Provide face-to-face citizen assistance | 5 | 2 | 2 | 3 | 4 | 16 | | |
| 15. Set up inspection appointments | 5 | 2 | 2 | 3 | 3 | 15 | | |
| 16. Organize and file records/documents | 2 | 2 | 2 | 4 | 5 | 15 | | |
| | | | | | | | | |
| 17. Search docs for open records requests | 5 | 3 | 4 | 1 | 1 | 14 | 40% | |
| 18. Purchase and restock fridge supplies | 2 | 2 | 1 | 4 | 2 | 11 | | |
| 19. Check email and distribute | 2 | 1 | 2 | 2 | 4 | 11 | | |
| 20. Process contractor registrations | 4 | 1 | 1 | 1 | 2 | 9 | | |
| 21. Schedule meter reads/rereads | 3 | 1 | 1 | 2 | 2 | 9 | | |
| 22. Check mail/night box | 2 | 1 | 1 | 2 | 3 | 9 | | |
| 23. Set up meetings | 2 | 1 | 1 | 2 | 2 | 8 | | |
| 24. Manage building department calendar | 3 | 1 | 2 | 1 | 1 | 8 | | |
| 25. Clean facilities | 1 | 1 | 1 | 3 | 1 | 7 | | |
| 26. Create project folders | 2 | 1 | 1 | 1 | 1 | 6 | | |
| 27. Manage office supply inventory | 1 | 1 | 1 | 1 | 1 | 5 | | |

Summary of Task Rankings

Data Entry/Maintenance

- Utility account maintenance
- Maintain expertise with software apps
- Utilize multiple databases
- Generate utility bills
- Input water readings
- Generate bank deposits
- Process/post utility bill payments
- Information reports
- Interact with software manufacturers
- Search docs for open records requests



Customer Service

- Manage code enforcement process
- Phone calls in/out
- Building permits
- Meeting presentations
- Citizen face-to-face assistance
- Inspection appointments
- Contractor registrations
- Meter reads/rereads

Administration

- Organize files/docs
- Check email & distribute
- Check mail/night box
- Manage building calendar
- Set up meetings
- Clean facilities
- Restock fridge
- Project folders
- Office supply inventory

Summary of Tasks

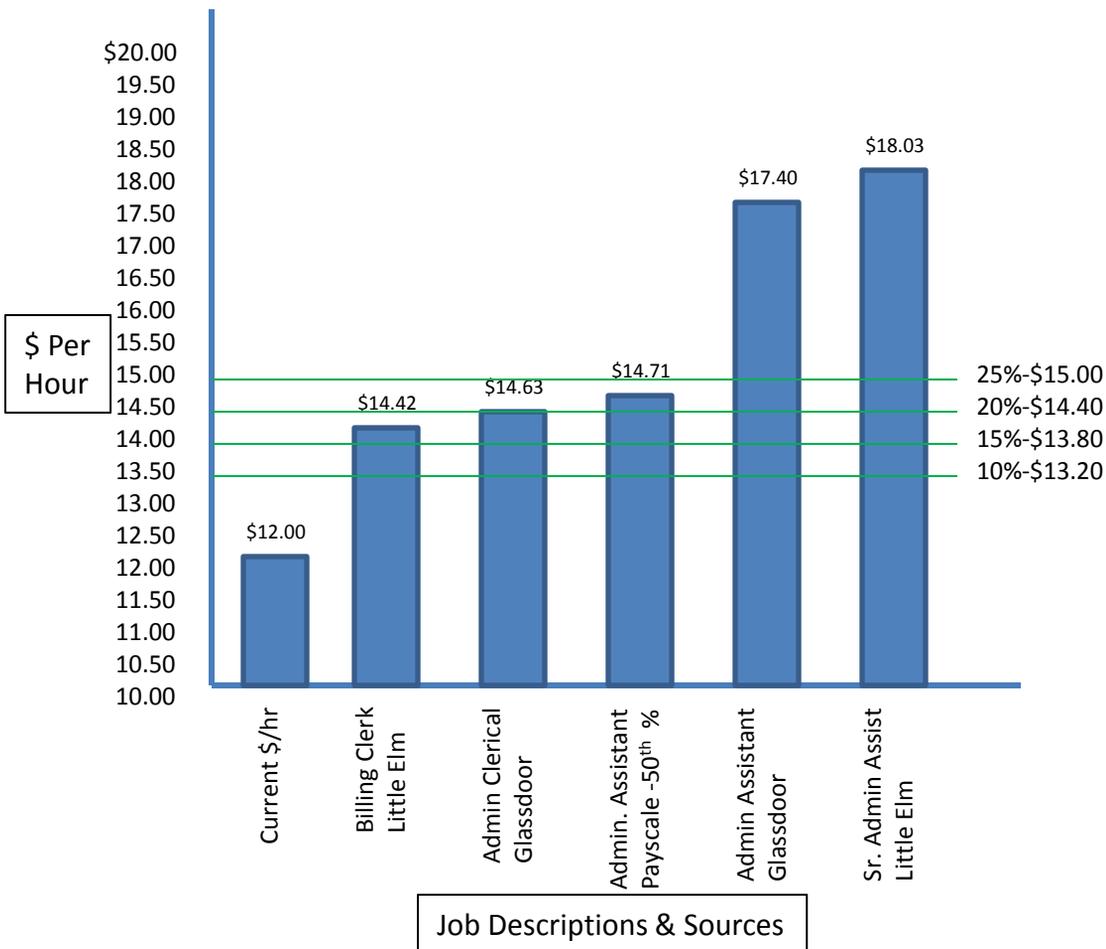
| Task Groups | Percent of Total Tasks | Percent of Estimated Monthly Volumes | Percent of Estimated Monthly Time Required | Average Group Final Ranking |
|------------------------|------------------------|--------------------------------------|--|-----------------------------|
| Data Entry/Maintenance | 37 | 51 | 45 | 20.7 |
| Customer Service | 30 | 28 | 35 | 15.5 |
| Administration | 33 | 21 | 20 | 8.6 |

Key Conclusions

- The position handles a varied and significant number tasks (27)
- Based on five (5) criteria 60% of tasks received highest ratings
- Three primary task groups were identified
 - Data Entry/Maintenance
 - Customer Service
 - Administration
- 79% of estimated monthly task volumes involve Date Entry/ Maintenance and Customer Service
- 80% of estimated monthly time required involve Data Entry/Maintenance and Customer Service
- Estimated monthly volumes and time required equated to 66.2 hrs per month
 - Previous work schedule 96 hrs monthly (1,152 hrs annually)
 - Current work schedule 128 hrs monthly (1,536 hrs annually)

Salary Findings

- Online Market Rates
 - PayScale.Com
 - Hourly Rate for Administrative Assistant-Little Elm
 - 10th: \$11.43 - 25th: \$12.84
 - **50th: \$14.63 (Target)**
 - 75th: \$16.69 - 90th: \$18.81
 - Avg: \$14.70
 - Glassdoor.Com
 - Administrative Assistant-Dallas/Ft Worth
 - Average annual salary-\$36,197
 - **\$17.40/hour** (2080 hrs.)
 - Administrative Clerical-Dallas/Ft Worth
 - Average annual salary-\$30,587
 - **\$14.71/hour** (2080 hrs.)
 - Director HR-Little Elm
 - Billing clerks (avg low \$30s-**\$14.42/hour**)
 - Senior Administrative Assistants (avg. high \$30s-**\$18.03/hour**)



Salary Recommendation

- Based on a comparison of comparable salaries from reliable sources, and the degree of knowledge, breadth of tasks and quality of work consideration should be given for a salary increase of 10-25%:

| Percent Increase | \$ Per Hour | Annual Salary | Add'l Annual Salary Expense |
|------------------|----------------|------------------|-----------------------------|
| Current | \$12.00 | \$18,432. | |
| 10 | \$13.20 | \$20,275. | \$1,843. |
| 15 | \$13.80 | \$21,197. | \$2,765. |
| 20 | \$14.40 | \$22,118. | \$3,686. |
| 25 | \$15.00 | \$23,040. | \$4,608. |

- If approved, implementation approaches could include either:
 - Hard state date
 - Phased in

- If approved, implementation dates could include:
 - Back date
 - Current date
 - Future date

DRAFT - Job Description

Utility Billing & Building Services Coordinator

Town of Lakewood Village, Tx Local Government

Description

Overall Purpose: Performs confidential data management utility billing, building services, customer services and administrative duties that support town operations.

Key Roles and Responsibilities: Performs utility account maintenance, inputs water meter readings, generates bank deposits and utility bills, processes/posts utility payments and searches open records requests. Maintains expertise with multiple software applications and interacts with multiple software manufacturers. Manages code enforcement process, processes building permits, sets up inspection appointments, processes contractor registrations and schedules meter reads/rereads. Organizes/files documents, manages building department calendar, manages supplies and creates project folders. May also be assigned additional duties when necessary.

Assists Town Council members and City Secretary in managing daily operations activities. May involve high level contacts with other town and county officials and exposure to sensitive information necessitating considerable use of tact and diplomacy. Interacts frequently with town leadership, residents and other citizens. Reviews and prioritizes incoming communications and takes appropriate action without advance approval. Schedules meetings and may make travel arrangements. Composes correspondence, presentations and reports utilizing a variety of databases and software programs.

Prioritizes assignments and tasks from various town leaders and vendors. May perform work on special projects involving research, compiling and analyzing data, determining approach and preparing reports. May perform a variety of additional administrative duties such as processing bills, vouchers, record retention and other requests. Provides back up support for the City Secretary during absence. Provides suggestions for town hall operations when appropriate. Reports to the City Secretary

Education

HS Diploma or equivalent is required. Associates or Bachelor degree preferred.

Experience

0 to 2 years relevant experience in areas of responsibility.

Supervisory

No

Qualifications

Principal Functional Skills / Competencies associated with this Title:

- Accuracy and Attention to Detail
- Confidentiality
- Conflict Management
- Computer Skills
- Desktop Tools
- Knowledge of Organization
- Office Administration
- Operational Functions
- Project Management
- Record Retention Policies

Primary Location

Town Hall: Lakewood Village, Texas

Job Classification

Part-time or Fulltime

Salary Range

Low: \$31,200. – High: \$37,440.

Per Hour: Low: \$15.00 -- High: \$18.00

Full Time Benefits

401K 50% Match

Medical Coverage



Memorandum

TO: Town Council
FROM: Clint Bushong
RE: Agenda D.5: Adoption of the 2015 Energy Conservation Code

On June 16, 2015, Texas Governor Greg Abbott signed HB 1736 into Texas law. This moved the state's single-family residential code from 2009 code to the 2015 International Residential Code (IRC), Chapter 11. All local jurisdictions must comply with the new code by September 1, 2016. The new Texas code includes an Energy Rating Index compliance option. The Texas state legislature modified the 2015 IRC required Energy Rating Index scores to a set of scaled scores that increases in stringency over time. The required index scores in Texas are:

Climate Zones 2 & 3

A 65 or lower score from September 1, 2016, to August 31, 2019
A 63 or lower score from September 1, 2019, to August 31, 2022
A 59 or lower score after September 1, 2022

Climate Zone 4

A 69 or lower score from September 1, 2016, to August 31, 2019
A 67 or lower score from September 1, 2019, to August 31, 2022
A 63 or lower score after September 1, 2022

Lakewood Village is located in Climate Zone 3. I'm looking forward to the discussion.

Clint Bushong

**TOWN OF LAKEWOOD VILLAGE
ENERGY CONSERVATION CODE 16-xx**

**AN ORDINANCE TO ADOPT THE [20152012](#)
INTERNATIONAL ENERGY CONSERVATION CODE,
WITHIN THE TOWN OF LAKEWOOD VILLAGE;
PROVIDING A SAVINGS/REPEALING CLAUSE, PROVIDING
A PENALTY CLAUSE, PROVIDING A SEVERABILITY
CLAUSE, PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas to adopt the [20152012](#) Edition of the International Energy Conservation Code, save and except the deletions and amendments set forth below.

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: Adoption of the [20152012](#) International Energy Conservation Code

The International Energy Conservation Code, [20152012](#) Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Energy Conservation code for Lakewood Village, regulating the design of building and selection of mechanical, electrical, service water-heating and illumination systems and equipment which will enable effective use of energy in new building construction located within Lakewood Village (the "[20152012](#) International Energy Conservation Code"). The [20152012](#) International Energy Conservation Code is made a part of this Ordinance as if fully set forth herein.

Section 3: Repeal

Energy Conservation Code [16-1645-08](#) ordinance is hereby repealed in its entirety.

Section 4: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

Section 5: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 6: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 7: 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 8: Effective Date

The amendments to this Ordinance shall become effective 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 10th~~13th~~ day of November~~October~~, 2016.

Mark Vargus
Mayor

ATTEST:

Linda Asbell
Town Secretary, TRMC

Exhibit A

Town of Lakewood Village Amendments

2015~~2012~~ International Energy Conservation Code



ENERGY CONSERVATION CODE

Adopted: ~~November~~October 10th, 2016



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CHAPTER 1. SCOPE AND ADMINISTRATION

The following additions, deletions and amendments to the 2012 International Energy Conservation Code adopted herein and hereby adopted.

RC101 General

General of the ~~2015~~2012 International Energy Conservation Code is amended as follows:

RC101.1 Title

These regulations shall be known as the *International Energy Conservation Code* of The Town of Lakewood Village hereinafter referred to as "this code."

RC106 Applicability

Applicability of the ~~2015~~2012 International Energy Conservation Code is amended as follows:

RC106.1 Referenced Codes and Standards

The codes, when specifically adopted, and standards referenced in this code shall be those listed in Chapter 5, and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections RC106.1.1 and RC106.1.2. Whenever amendments have been adopted to the reference codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

Exception

Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply.

RC107 Fees

Fees of the ~~2015~~2012 International Energy Conservation Code is amended as follows:

RC107.2 Schedule of Permit Fees

The fees for all energy conservation work shall be as indicated in the Consolidated Fee Ordinance for the Town of Lakewood Village.

RC107.3 Work Commencing Before Permit Issuance

Any person who commences any work before obtaining the necessary permits shall be subject to a penalty of 100% of the usual permit fee ~~an additional fee established by the code official, which shall be in addition to the required permit fees.~~

RC107.5 Refunds

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.

2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

RC108 Stop Work Order

Stop Work Order of the [20152012](#) International Energy Conservation Code is amended as follows:

RC108.4 Failure to Comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of separate offenses for each day during which the violation is continued after notification.

CHAPTER 2. DEFINITIONS

The following additions, deletions and amendments to the [20152012](#) International Energy Conservation Code adopted herein and hereby adopted.

RC202 General Definitions

Glazing Area. Total area of the glazed fenestration measured using the rough opening and including sash, curbing or other framing elements that enclose conditions space. Glazing area includes the area of glazed fenestration assemblies in walls bounding conditions basements. For doors where the daylight opening area is less than 50 percent of the door area. The glazing area is the daylight opening area for the door including the door and the frame.

CHAPTER 4. RESIDENTIAL ENERGY EFFICIENCY

The following additions, deletions and amendments to the [20152012](#) International Energy Conservation Code adopted herein and hereby adopted.

Table R402.1.24 Insulation and Fenestration Requirements by Component^a

WOOD FRAME WALL R-VALUE for CLIMATE ZONE 3 = 13

Table R402.1.43 Equivalent U-Factors

WOOD FRAME WALL U-FACTOR for CLIMATE ZONE 3 = 0.082

R402.2 Specific Insulation Requirements (Prescriptive)

In addition to the requirements of Section R402.1, insulation shall meet the specific requirements of Sections R402.2.1 through R402.2.12.

Insulation Installed in Walls

To ensure that insulation remains in place, insulation batts installed in walls shall be totally secured by an enclosure on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.

Table R406.4 Maximum Energy Rating Index

| Climate Zone | Energy Rating Index | Compliance Date Texas HB 1736 |
|--------------|----------------------|---|
| 1 | 52 | |
| 2 & 3 | 6552 | 9/1/2016 – 8/31/2019 |
| 2 & 3 | 6352 | 9/1/2019 – 8/31/2022 |
| 2 & 3 | 5952 | After 9/1/2022 |
| 4 | 6954 | 9/1/2016 – 8/31/2019 |
| 4 | 6754 | 9/1/2019 – 8/31/2022 |
| 4 | 6354 | After 9/1/2022 |
| 5 | 55 | |
| 6 | 54 | |
| 7 | 53 | |
| 8 | 53 | |



End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

| Ordinance Number | Date | Summary |
|-----------------------|-----------------------------------|--|
| 16-xx | November 10, 2016 | <ul style="list-style-type: none">• Adopted 2015 Standard• Added Table R406.4 |
| 16-16 | October 13, 2016 | <ul style="list-style-type: none">• Removed ETJ |
| 15-08 | May 14, 2015 | <ul style="list-style-type: none">• Removed amendments to R304• Removed amendments to Chapter 5• Removed amendments to Chapter 6 |
| 11-17 | April 14, 2011 | REPEALED |

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

OCTOBER 13, 2016

Council Members:

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

Town Staff:

Linda Asbell, TRMC, Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Regular Session of the Town Council to order at 7:00 p.m. on Thursday, October 13, 2016, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG:

(Agenda Item A)

Mayor Vargus led the Pledge of Allegiance

PUBLIC HEARING:

(Agenda Item B)

A public hearing was held to provide an opportunity for citizens to comment on the proposed water and wastewater impact fees. Mayor Vargus opened the public hearing at 7:02 p.m.

Mayor Vargus introduced Mr. Todd Strauss from Kimley Horn and reviewed how impact fees are implemented. Mr. Danny Cook stated that the CIAC committee benefited greatly by having Mr. Van Freeman and Mr. Chip Hill on the committee as they could provide valuable input from the builder's point of view.

MOTION: Upon a motion made by Councilman Newsome and seconded by Councilman Bushong, council voted four (4) "ayes", no (0) "nays" to close the public hearing at 7:08 pm. *The motion carried.*

VISITOR/CITIZENS FORUM:

(Agenda Item C)

No one requested to speak

REGULAR AGENDA:

(Agenda Item D)

**Discussion of Water and Waste Water
Impact Fee Study (Bushong)**

(Agenda Item D.1)

Mr. Todd Strauss of Kimley Horn reviewed the Impact Fee Study presentation. There was some discussion on the impact fee components and service units. The maximum recoverable water impact fee per service unit is \$9,695 for a total recoverable cost of \$1,434,820. The maximum recoverable wastewater impact fee per service unit is \$5,923 for a total recoverable cost of \$1,918,995. Town Attorney Andy Messer explained the importance of a thorough list of projects in the adopted capital improvements plan.

**Discussion of Well Feasibility Study
(Bushong)**

(Agenda Item D.2)

There was some discussion on the differences in water quality of the Paluxy and Trinity aquifers in this area. There was some discussion on the concerns about water temperature, and the number of wells utilizing the Paluxy aquifer in the area.

**Consideration of Residential Code
Ordinance – Removing Enforcement
Requirement in the Extra Territorial
Jurisdiction (Bushong)**

(Agenda Item D.3)

Mayor Vargus reviewed the Texas Supreme Court ruling

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the Residential Code Ordinance as presented. *The motion carried.*

**Consideration of Plumbing Code Ordinance
– Removing Enforcement Requirement in the
Extra Territorial Jurisdiction (Bushong)**

(Agenda Item D.4)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the Plumbing Code Ordinance as presented. *The motion carried.*

Consideration of Mechanical Code Ordinance – Removing Enforcement Requirement in the Extra Territorial Jurisdiction (Bushong)

(Agenda Item D.5)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the Mechanical Code Ordinance as presented. *The motion carried.*

Consideration of Fuel Gas Code Ordinance – Removing Enforcement Requirement in the Extra Territorial Jurisdiction (Bushong)

(Agenda Item D.6)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the Fuel Gas Code Ordinance as presented. *The motion carried.*

Consideration of Fire Code Ordinance – Removing Enforcement Requirement in the Extra Territorial Jurisdiction (Bushong)

(Agenda Item D.7)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the Fire Code Ordinance as presented. *The motion carried.*

Consideration of Energy Conservation Code Ordinance – Removing Enforcement Requirement in the Extra Territorial Jurisdiction (Bushong)

(Agenda Item D.8)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the Energy Conservation Code Ordinance as presented. *The motion carried.*

**Consideration of Electrical Code Ordinance
– Removing Enforcement Requirement in the
Extra Territorial Jurisdiction (Bushong)**

(Agenda Item D.9)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the Electrical Code Ordinance as presented. *The motion carried.*

**Consideration of Resolution for Town
Attorney Opinions (Asbell)**

(Agenda Item D.10)

Mayor Vargus reviewed the resolution and expressed the need for protection of attorney/client confidentiality while allowing for council access and providing for document retention. Town Secretary Linda Asbell reviewed the provisions of the resolution and the process for council members to obtain an official opinion from the Town Attorney. Councilman Tantalo asked for clarification on attorney/client privilege. Town Attorney Andy Messer explained that nearly all communication between the attorney and the town is covered by attorney/client privilege. Town Attorney Messer reported that the body politic must make a decision to waive privilege by voting to waive confidentiality. Councilman Tantalo asked for clarification on what items would be open to the public versus covered by confidentiality. Town Attorney Messer stated that any communication between the attorney and the client can be confidential. Town Attorney Messer stated that to allow documents to be available to the public the council should put an executive session on the agenda to confer with the Town Attorney then, following the executive session, the council could take action to vote on the release of the opinion. There was some discussion on the ability of the Town Attorney to discuss issues with the council and prevent dissemination of protected information to the public. Attorney Messer stated that municipalities deal with distribution of his opinions differently. Attorney Messer stated that all his work product deals with sensitive issues and should be protected unless the council collectively decides it may be released. Councilman Tantalo recommends review of the proposed language prior to passage of the resolution.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted three (3) “ayes”, one (1) “nays” (Councilman Tantalo) to approve the resolution establishing policy for requesting and receiving official opinions of the Town Attorney. *The motion carried.*

Discussion of Recent Road Repairs (Tantalo)

(Agenda Item D.11)

Councilman Tantalo reported that citizens have asked him about the plan to complete the repairs on Carrie Lane. Councilman Tantalo stated that he understood that Mayor Vargus would be inspecting the repair work daily and expected that all areas on the roads marked by paint would be repaired. Councilman Newsome stated that he reviewed the road repair work daily. Councilman Newsome reported that the quote for the full repair of both Carrie and Melody Lanes was \$40,000 and the council authorized the Mayor to spend up to \$25,000 therefore, not all the painted areas could be repaired. Councilman Newsome stated that council discussed the repairs at a previous meeting and approved collectively that only some of the repairs on Melody and Carrie Lanes would be completed. There was some discussion about the prioritization of the repairs to be made.

Discussion of Fire Hydrant Project (Tantalo)

(Agenda Item D.12)

Councilman Tantalo indicated he was not prepared to discuss this item and would bring it up to council at a future meeting.

Discussion of Current Financials (Tantalo)

(Agenda Item D.13)

Councilman Tantalo asked council if they had a chance to review the financial disclosures that are posted on the website. There was some discussion about council not being able to respond to questions because there was no backup information provided in the agenda packet. Councilman Tantalo stated that he would like to look at the financial disclosure information and evaluate the level of citizen satisfaction with that information provided.

**Consideration of Minutes of the September 8,
2016 Council Meeting (Asbell)**

(Agenda Item D.14)

MOTION: Upon a motion made by Councilman Newsome and seconded by Councilman Bushong, council voted four (4) “ayes”, no (0) “nays” to approve the September 8, 2016 Council Meeting minutes as presented. *The motion carried.*

**LAKWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
OCTOBER 13, 2016**

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**Consideration of Minutes of the September
22, 2016 Council Meeting (Asbell)**

(Agenda Item D.14)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the September 22, 2016 Council Meeting minutes as presented. *The motion carried.*

EXECUTIVE SESSION:

(Agenda Item E)

At 8:20 p.m. Mayor Vargus recessed into executive session in compliance with (1) § 551.071(1) Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.071(2) Texas Government Code to wit: Consultation with the Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter to receive legal advice; (3) § 551.072 Texas Government Code to wit: deliberations about real property; and (4) § 551.087 Texas Government Code to wit: Economic Development Negotiations

RECONVENE:

(Agenda Item F)

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

COUNCIL AND STAFF COMMENTS

(Agenda Item G)

Mayor Vargus reported that two large sewer repairs have been completed. A drainage problem on Peninsula will be corrected with a project that will begin tomorrow. The assembly of the new water storage tank will begin shortly. The GIS system has been updated to show the new equipment in the water plant.

Mayor Vargus clarified that the Town did not purchase service trucks belonging to Little Elm Services/Sam Morgan. Magnetic signs were purchased to use on the trucks to allow citizens to identify the Town’s agents and contractors.

Councilman Newsome reported that the Halloween hayride will take place at 6:00 p.m. on October 31. The town will host the hayride and will have a total of five trailers this year.

Councilman Bushong reported that the subdivision ordinance will be updated and submitted for council consideration at a future meeting

**LAKWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
OCTOBER 13, 2016**

Page 7

Councilman Tantalo thanked Joni Lehan for recording and posting videos of the council meetings.

ADJOURNMENT

(Agenda Item H)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 9:40 p.m. on Thursday, October 13, 2016. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 10th day of November 2016.

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY