



**LAKEWOOD VILLAGE TOWN HALL
100 HIGHRIDGE DRIVE
LAKEWOOD VILLAGE, TEXAS
TOWN COUNCIL MEETING
JUNE 8, 2016 7:00 P.M.**

REGULAR SESSION – AGENDA

Call to Order and Announce a Quorum is Present

- A. PRESENTATION OF COLORS & PLEDGE TO THE FLAG:** Boy Scout Troup 45
- B. PRESENTATIONS:** Presentation of Certificates of Election and Administration of Oaths of Office to Newly Elected and Re-Elected Council Members. Recognition of the service of outgoing Mayor Pro-Tem Carl Menckhoff, MD (Asbell)
- C. PROCLAMATION:** A proclamation supporting efforts to save the iconic Monarch butterfly and pledging to participate in creating habitat for the butterflies and education opportunities for citizens. (Asbell)
- D. VISITOR/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action may be taken on these items at this meeting.
- E. CONSENT AGENDA:** All of the items on the Consent Agenda are considered to be self-explanatory and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item from the Consent Agenda a speaker card must be filled out and submitted to the Town Secretary prior to the call to order.
1. Minutes of May 12, 2016 Council Meeting (Asbell)
 2. Minutes of May 27, 2016 Council Meeting (Asbell)
 3. Resolution Naming the Little Elm Journal as the Official Newspaper (Asbell)
 4. Advertising Agreement with Star Local Media (Asbell)
- F. REGULAR AGENDA:**
5. Presentation of Wildlife & Habitat Assessment by Rachel Richter and Sam Kieschnick of the Texas Parks and Wildlife Department (Asbell)
 6. Consideration of Election of Mayor Pro-Tem (Asbell)
 7. Consideration of Appointments to the Municipal Development District Board (Vargus)
 8. Discussion of Engineering Projects (Vargus)
 9. Discussion of Water Expansion Project (Vargus)
 10. Consideration of Sanitary Buffer Zone Ordinance (Vargus)
- G. EXECUTIVE SESSION:** Recess into executive session in compliance with (1) § 551.071, Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.072 Texas Government Code to wit: deliberations about real property; and (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations
- H. RECONVENE:** Reconvene into regular session and consideration of action, if any, on items discussed in executive session
- I. COUNCIL AND STAFF COMMENTS:** Comments may be made by Council or Staff. No formal action may be taken on these items at this meeting.
- J. ADJOURNMENT**



In the name and by the authority of The State of Texas

*Pursuant to Lakewood Village Ordinance 16-03 declaring the
unopposed candidates to be winners of the election that was scheduled to be held
on May 7, 2016*

Dr. Mark E. Vargas

was duly elected

Mayor

of The Town of Lakewood Village

*In testimony whereof, I have set my hand and
caused the Seal of the Town to be affixed this
8th day of June 2016.*



Greg Bertrand, Presiding Judge





In the name and by the authority of The State of Texas

This is to certify that at a general election held on May 7, 2016

Ray Duff

was duly elected

Councilman, Place 1

of The Town of Lakewood Village



*In testimony whereof, I have set my hand
and caused the Seal of the Town to be affixed
this 8th day of June 2016.*

Mark E. Vargas

Dr. Mark E. Vargas, Mayor



In the name and by the authority of The State of Texas

*Pursuant to Lakewood Village Ordinance 16-03 declaring the
unopposed candidates to be winners of the election that was scheduled to be held
on May 7, 2016*

Dan Tantalò

was duly elected

Councilman, Place 2

of The Town of Lakewood Village



*In testimony whereof, I have set my hand and
caused the Seal of the Town to be affixed this
8th day of June 2016.*

Mark E. Vargas

Dr. Mark E. Vargas, Mayor



In the name and by the authority of The State of Texas

*Pursuant to Lakewood Village Ordinance 16-03 declaring the
unopposed candidates to be winners of the election that was scheduled to be held
on May 7, 2016*

Gary Newsome

was duly elected

Councilman, Place 4

of The Town of Lakewood Village

*In testimony whereof, I have set my hand and
caused the Seal of the Town to be affixed this
8th day of June 2016.*

Mark E. Vargis

Dr. Mark E. Vargis, Mayor



Proclamation

Of The Town of Lakewood Village

WHEREAS: *The monarch butterfly is an iconic North American species whose multigenerational migration and metamorphosis from caterpillar to butterfly has captured the imagination of millions of Americans; and*

WHEREAS: *The North American monarch population has declined by more than 90 percent in the past two decades. Monarch scientists attribute the decline in population to degradation and loss of summer breeding habitat in the U.S., and loss of winter habitat in Mexico; and*

WHEREAS: *Twenty years ago, more than one billion monarch butterflies migrated to Mexico. In the winter of 2014, only 60 million made the trip. The North American monarch population has declined by more than 90 percent in the past two decades; and*

WHEREAS: *The Town of Lakewood Village is directly in the migration flyway, and has a critical role to play to help save the monarch butterfly by providing habitat at public parks, median strips, community gardens and municipal buildings; and*

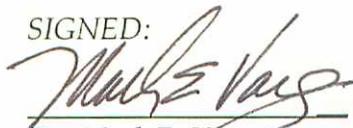
WHEREAS: *Citizens can make a difference by making simple landscaping changes which will provide essential habitat for monarchs; and*

WHEREAS: *Educating citizens about how and where to grow milkweed is a key piece of the puzzle. Creating habitat and educating citizens will benefit other pollinators that need a healthy habitat as well,*

NOW, THEREFORE I, Dr. Mark E. Vargus, Mayor of the Town of Lakewood Village in the State of Texas do hereby proclaim that the Town of Lakewood Village commits to help restore habitat for the monarch and encourage our citizens to do the same, so these magnificent butterflies will once again flourish across the continent.

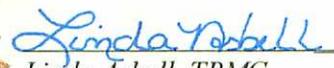
IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Town to be affixed this 8th day of June of the year 2016.

SIGNED:


Dr. Mark E. Vargus
Mayor



ATTEST:


Linda Asbell, TRMC
Town Secretary

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

MAY 12, 2016

Council Members:

Dr. Mark Vargus, Mayor
Carl Menckhoff, M.D., Mayor Pro-Tem
Clint Bushong
Ray Duff
Gary Newsome
Ed Reed

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, May 12, 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

VISITOR/CITIZENS FORUM:

(Agenda Item B)

No one requested to speak

PUBLIC HEARING:

(Agenda Item C)

A public hearing was held to provide an opportunity for citizen comment on the proposed Comprehensive Plan including thoroughfare plan and future land use assumptions. Mayor Vargus opened the public hearing at 7:00 pm.

Mayor Vargus reported that this is an ongoing public hearing to allow citizens to provide input as the council is working on the updates to the plan. No action will be taken tonight on the plan.

MOTION: Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Duff, council voted five (5) "ayes" and no (0) "nays" to close the public hearing at 7:01 pm. *The motion carried.*

PUBLIC HEARING:

(Agenda Item D)

A public hearing was held to provide an opportunity for citizen comment on the LandPlan Development proposed preliminary plat. Mayor Vargus opened the public hearing at 7:07 pm.

Mayor Vargus reported that a preliminary plat is a document that lays out how the land is going to be divided. Mayor Vargus stated the submittal made by LandPlan which complies with the current zoning of one acre lots. Mayor Vargus reviewed the proposed layout of roads. George Stuyck asked about a conflict with property ownership on the south boundary of the LandPlan property and the properties on the far west end of Carrie Lane. Mayor Vargus stated that a traffic study will likely be completed in the future to establish the need for a traffic light. Mayor Vargus introduced Todd Strouss from Kimley Horn, the Town's engineering firm. There was some discussion about the unlikelihood that Denton County would pay for a traffic light at the entrance. There was some discussion about the need to increase the water and sewer capacities and require impact fees. The cause of the water emergency last summer was the rain and flooding that abruptly stopped causing a large number of residents to begin watering their properties all at once. This resulted in a record setting water consumption in June and the drawdown of the available water. Mayor Vargus introduced Doug Mousel, Vice President of Entitlements for LandPlan Developments. Mr. Mousel stated the property on the north side of Lakecrest is going to be held in reserve for future development. Mr. Mousel reviewed some of the design features of the proposed plan. There was some discussion about LandPlan's process of selecting builders to purchase and develop the individual lots. LandPlan expects this to be developed exclusively as custom homes with a limited selection of approved builders. There was some discussion on the expected timeline for development; possibly final approval of plats by the end of the year, and an additional eight months or so for construction of the infrastructure. Mr. Mousel reviewed the trails and green space dedications to the town within the development. Mr. Mousel stated that it is LandPlan's intention to maximize tree preservation and the natural feel of the 40' wide trail. It is possible it could be fenced with an iron fence rather than a privacy fence. There was some discussion about the name of the main road being Lakewood Village Drive and the westward stub-out road could be named through a contest. There was some discussion about public lake access. Mr. Mousel stated that LandPlan is expecting homes in this development to range from \$600,000 to \$800,000 as a minimum. Councilman Bushong reported that LandPlan has not asked for any concession on standards, they meet all the requirements of the current zoning. There was some discussion about the screening wall requirements for properties along Lakecrest and Highridge Drive. There was some discussion about road improvements on Lakecrest Drive and Highridge Drive.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Newsome, council voted five (5) "ayes" and no (0) "nays" to close the public hearing at 8:15 pm. *The motion carried.*

CONSENT AGENDA:

(Agenda Item E)

1. Minutes of April 14, 2016 Council Meeting (Asbell)
2. Minutes of April 19, 2016 Council Meeting (Asbell)
3. Canvass of Election Returns for the Lakewood Village Special Election (Asbell)
4. Resolution Declaring the Results of the May 7, 2016 Lakewood Village Special Election (Asbell)

MOTION: Upon a motion made by Councilman Newsome and seconded by Councilman Reed, council voted five (5) “ayes” and no (0) “nays” to approve the consent agenda items as presented. *The motion carried.*

REGULAR AGENDA:

(Agenda Item F)

**Presentation of Mosquito and Zika Virus
Risk Report by Cynthia Steward (Asbell)**

(Agenda Item F.5)

Mayor Vargus introduced Lakewood Village resident, Cynthia Steward. Ms. Steward stated that she is a Lakewood Village resident who has extensively studied Zika Virus and West Nile Virus. Ms. Steward provided information on the transmission and prevalence of the virus and the mosquitos which carry the virus as well as information on prevention and treatment of Zika virus if it is contracted by a human.

**Consideration of Preliminary Plat submitted
by LandPlan Development for Lakewood
Village Estates (Vargus)**

(Agenda Item F.6)

Mayor Vargus reported that the engineer provided comments to the submitted plat and LandPlan has responded to and addressed each comment. The preliminary plat does not, nor is it intended to, address any water or sewer uses or concerns. Mr. Frank Jaromin expressed concern about the entrance to town and concern with the placement of the trail and possible trespass onto the properties located on Melody Lane and Carrie Lane. Mr. Doug Mousel reported that the entrance will have a median divided entry and a short median on Stowe and on Lakecrest.

MOTION: Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Bushong, council voted five (5) “ayes” and no (0) “nays” to approve the preliminary plat as submitted on by LandPlan. *The motion carried.*

**Discussion of Repair of Melody Lane
(Vargus)**

(Agenda Item F.7)

Mayor Vargus reviewed the various options for repair or replacement of Melody Lane. Mayor Vargus reviewed the report provided by Kimley Horn on repair options for Melody Lane. Option 1 is a one-course chip seal application for \$140,000. Option 2 is a two-course chip seal application to the entire road for \$200,000. Mayor Vargus reported that, in general, the cost of a concrete road is approximately \$200 per running foot which would make the cost of converting Melody Lane to concrete would be approximately \$440,000. Mayor Vargus reported on the cost benefit of timing the construction of Melody Lane during the time that LandPlan is constructing their roads. There was some discussion about drainage along Melody Lane and at the intersection with Highridge Drive. Mayor Pro-Tem Menckhoff stated that he would like to consider trying to concrete more of the roads. The council has been hesitant to increase the property tax rate to fund road replacement but he would like to offer the citizens the opportunity to consider the increase to replace the rest of the roads now rather than waiting. There was some discussion on providing a mechanism for citizens to give feedback on their preference about timing for repair of the remaining roads and their willingness to bear the tax increase that would be required.

**Consideration of Water and Sewer Impact
Fees (Vargus)**

(Agenda Item F.8)

Mayor Vargus reported that the engineers are waiting for guidance from the Town on the type of well we need. The engineers have proposed a Well Feasibility Study to perform an analysis of cost, water quality, depth, aquifer volume, etc. for a cost of approximately \$25,000. There was some discussion on the long term viability and health of the Paluxy aquifer. There was some discussion about how whether council wants to proceed with the well study before finalizing the impact fees or if council would rather determine on their own the type of well to construct. There was some discussion about sewer impact fees and the coverage area of the sewer certificate of convenience and necessity. Mayor Vargus reported that there would be a cost savings if the sewer impact fee study is completed at the same time as the water impact fee study.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted five (5) “ayes” and no (0) “nays” to authorize Mayor Vargus to execute the contract with Kimley Horn for completion of a Wastewater Impact Fee Study. *The motion carried.*

Mayor Vargus thanked Mr. Todd Strouss of Kimley Horn for being flexible and responsive as the town council asks for different information.

**Discussion of Status of New Water Ground
Storage Installations (Vargus)**

(Agenda Item F.9)

Mayor Vargus reported that the additional water storage tank and pressure tank will be delivered next Wednesday. Mayor Vargus reviewed the cost of the water expansion project and the total paid to date. The total cost of the project will be approximately \$40,000 to increase our water capacity by nearly 60%. The project is expected to be completed by July 1, 2016.

Mayor Vargus reviewed the water expansion project for the Rocky Point Water System. The additional water storage tank and associated expenses are expected to be approximately \$22,500 and expected to be completed by July 1, 2016.

**Consideration of Continuation of Level
Yellow Watering Restrictions (Bushong)**

(Agenda Item F.10)

Councilman Bushong reported that the Town is still on “Level Yellow” watering restrictions. Soaker hoses, drip irrigation, and hand-held watering are permitted on any day. Irrigations systems can operate on any day except Sunday and watering is prohibited on any day between 3am and 9am. There was some discussion about the early morning watering restriction to protect the water availability for people getting up and preparing to go to work in the mornings. There was some discussion about lifting the Sunday irrigation prohibition.

MOTION: Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Duff, council voted five (5) “ayes” and no (0) “nays” to modify level yellow watering restriction to lift the Sunday irrigation prohibition. *The motion carried.*

Discussion of Comprehensive Plan (Vargus)

(Agenda Item F.11)

No discussion.

**Discussion of Land Use Assumptions
(Vargus)**

(Agenda Item F.12)

Mayor Vargus recommended leaving the land use assumptions as they are. LandPlan submitted a plan with one-acre lots which is exactly as the land use assumption is now. There was some discussion about the timing of adoption of the newly revised comprehensive plan.

**Discussion of Enforcement of Stop Sign
Violations (Asbell)**

(Agenda Item F.13)

Town Secretary Linda Asbell reported on complaints received recently about vehicles running stop signs and several near accidents. Mayor Vargus reported some of the options the town has; 1) hire a deputy that would issue citations, installation of medians or “round-a-bouts”, or installation of speed bumps. Council requested the Town Secretary obtain cost of hiring a deputy sheriff or constable for a few hours for enforcement. Mayor Vargus reported that he will include information in the Mayor’s letter. There was some discussion about lowering the speed limit. There was some discussion about the danger of the violators running the stop sign at Lakecrest and Highridge and harming the children that are on the town hall playground daily.

EXECUTIVE SESSION:

(Agenda Item G)

At 10:29 p.m. Mayor Vargus recessed into executive session in compliance with (1) § 551.071 Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.072 Texas Government Code to wit: deliberations about real property; and (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations

RECONVENE:

(Agenda Item H)

Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 10:40 pm.

COUNCIL AND STAFF COMMENTS

(Agenda Item I)

Mayor Vargus reminded council members of the special council meeting on May 27th and the June 8th council meeting.

ADJOURNMENT

(Agenda Item J)

MOTION: Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Bushong, council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 10:42 p.m. on Thursday, May 12, 2016. The motion carried.

**LAKWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
MAY 12, 2016**

Page 7

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

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

MAY 27, 2016

Council Members:

Dr. Mark Vargus, Mayor
Carl Menckhoff, M.D., Mayor Pro-Tem - ABSENT
Clint Bushong
Ray Duff
Gary Newsome
Ed Reed

Town Staff:

Linda Asbell, TRMC, Town Secretary

SPECIAL SESSION - 6:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Special Session of the Town Council to order at 7:00 p.m. on Friday, May 27, 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

VISITOR/CITIZENS FORUM:

(Agenda Item B)

No one requested to speak

PUBLIC HEARING:

(Agenda Item C)

A public hearing was held to provide an opportunity for the owner, lienholder, mortgagee of 665 Woodcrest Drive to show-cause why the building or portion thereof shall not be declared to be an unsafe building and why the Town Council should not order said building to be vacated, repaired, removed, or demolished. Mayor Vargus opened the public hearing at 6:00 pm.

Mayor Vargus reviewed the deficiencies in the property and the tabling of council action for 90 days to take action. Mr. Sammy Hooda, attorney for Wells Fargo, stated that he spoke to Wells Fargo this morning. His client wants to market the property publically as a property to demolish. Wells Fargo would agree to list Town's conditions for demolition of the property to be a disclosure attached to the sale. Mayor Vargus expressed concern with Wells Fargo placing the property back on Auction.com during the 90 day stay of council action and without disclosure of the pending demolition order. Mayor Vargus stated that this is the third year the property has been sitting vacant without any legal attempt to repair or demolish the property and comply with

the Town's requirements. The town has no trust that the owner will deal honestly with the town. There was some discussion about Wells Fargo desiring to sell the property for the market value of the land minus the cost of demolition of the structures. There was some discussion about the actual value of the land and the actual cost of the demolition of the structures. Mr. Hooda requested the town submit a line-item breakdown of the cost of demolition and capping of the water and sewer lines that he can present to Wells Fargo as a way to facilitate the sale of the property. Councilman Bushong stated the town can provide a breakdown on the cost of the demolition of the property. Mayor Vargus stated that the property is beyond rehabilitation and demolition is the only option for the property. There was some discussion about why Wells Fargo is unwilling to demolish the property themselves. Councilman Newsome stated that the Town obtaining ownership is presenting Wells Fargo the best option for the property. Mr. Hooda stated that presenting Wells Fargo an intimidated list of the costs of demo along with a deadline will allow him to motivate his client to respond.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Newsome, council voted four (4) "ayes" and no (0) "nays" to close the public hearing at 6:30 pm. *The motion carried.*

REGULAR AGENDA:

(Agenda Item D)

Consideration of Ordering 665 Woodcrest Drive to be Declared an Unsafe Building and Ordering it to be Vacated, Repaired, Removed, or Demolished (Vargus)

(Agenda Item D.1)

MOTION: Upon a motion made by Councilman Duff and seconded by Councilman Bushong, council voted four (4) "ayes" and no (0) "nays" to order Wells Fargo to make all repairs necessary to bring the property at 665 Woodcrest Drive into full compliance with all Town Ordinances, or demolish the structures and remove all appurtenances within 31 days (Monday, June 27) or the town will abate the property and assess a lien for the full associated costs. *The motion carried.*

Discussion of Creation and Financing of a Public Improvement District (Vargus)

(Agenda Item F.7)

Mayor Vargus reviewed the typical operation of a public improvement district. Mayor Vargus reported that he has discussed breakdown of Public Improvement District fees with LandPlan; 50% to fund improvements that will benefit the entire town, 25% to LandPlan for development, and 25% to the town for general use. If the town underwrites the debt the PID would have a

lower interest rate than if LandPlan finances the debt. The town would also receive a fee for administering the debt. There was some discussion about the potential uses of the funds. There was some discussion about the impact of the PID on the marketability of the properties inside the PID. There was some discussion about the timing of the implementation of the PID.

**Consideration of Well Study to be Completed
by Town Engineers, Kimley Horn (Vargus)**

(Agenda Item D.3)

Councilman Bushong reviewed the benefits of having a well study done prior to spending the funds to drill a new water well. The cost of the study would be \$25,000. There was some discussion of the information that would be included in a well study. Councilman Bushong reviewed the results of a report Summer Paulsen prepared comparing water usage. There was some discussion regarding the necessity of the study.

MOTION: Upon a motion made by Councilman Reed and seconded by Councilman Duff, council voted four (4) “ayes” and no (0) “nays” to authorize Mayor Vargus to execute the agreement with Kimley Horn for completion of a Well Study. *The motion carried.*

**Discussion of Melody Lane Repair or
Replacement (Vargus)**

(Agenda Item D.4)

Mayor Vargus reported that he did a study to determine the cost of constructing concrete roads in the rest of the town. Based on the study, the tax rate would increase by \$0.50/\$100 valuation. Council discussed that a tax rate of \$0.80/\$100 valuation is too high. Mayor Vargus recommended increasing the franchise fee by \$2.00 to provide additional funding for Melody Lane replacement. There was some discussion about the coordinating the timing of the Melody Lane repair with the installation of LandPlan roads for cost savings.

**Discussion of Sales Tax on New Residential
Construction (Vargus)**

(Agenda Item D.5)

Mayor Vargus reported that he researched the tax regulations on construction of new homes. If the job is built as “cost plus,” the builder is required to pay sales tax to the town on the cost of the construction supplies. There was discussion about including this information in the builder packet. Builders must be notified they are required to collect and remit sales tax. The new home buyers can be notified of the benefit of a tax deduction available on the payment of the sales tax.

**LAKWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
MAY 27, 2016**

Page 4

EXECUTIVE SESSION:

(Agenda Item E)

At 8:03 p.m. Mayor Vargus recessed into executive session in compliance with (1) § 551.071 Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.072 Texas Government Code to wit: deliberations about real property; and (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations

RECONVENE:

(Agenda Item H)

Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 8:57 pm.

COUNCIL AND STAFF COMMENTS

(Agenda Item I)

No comments

ADJOURNMENT

(Agenda Item J)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted five (5) “ayes” and no (0) “nays” to adjourn the Special Session of the Lakewood Village Town Council at 8:58 p.m. on Friday, May 27, 2016. The motion carried.

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

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY

THE TOWN OF LAKEWOOD VILLAGE, TEXAS

RESOLUTION NO. 16-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, DESIGNATING THE LITTLE ELM JOURNAL AS THE OFFICIAL TOWN NEWSPAPER.

WHEREAS, Local Government Code § 52.004 requires that a municipality shall contract with and name an official newspaper; and,

WHEREAS, The Little Elm Journal meets the statutory requirements of eligibility for designation as an official newspaper.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT THE LITTLE ELM JOURNAL IS DESIGNATED THE OFFICIAL NEWSPAPER OF THE TOWN OF LAKEWOOD VILLAGE.

PASSED, APPROVED, AND RESOLVED this 8th day of July 2016.

APPROVED:

Dr. Mark E. Vargus,
Mayor

ATTEST:

Linda Asbell, TRMC
Town Secretary



ADVERTISING AGREEMENT

YES, I would like to take advantage of the Star Local Media advertising program. I agree to publish advertising in the following zones/newspapers.

Advertising Zones:

- | | |
|---|---|
| <input type="checkbox"/> Zone 1: Plano Star Courier (Thursday) | <input type="checkbox"/> Zone 6: Plano Star Courier (Sunday - East) |
| <input type="checkbox"/> Zone 2: Allen American | <input type="checkbox"/> Zone 7: McKinney Courier-Gazette |
| <input type="checkbox"/> Zone 3: Mesquite News, Rowlett Lakeshore-Times | <input type="checkbox"/> Zone 8: The Leader, The Lake Cities Sun |
| <input type="checkbox"/> Zone 4: Frisco Enterprise, Little Elm Journal, Celina Record | <input type="checkbox"/> Zone 9: Lewisville Leader, Coppell Gazette, The Colony |
| <input type="checkbox"/> Zone 5: Plano Star Courier (Sunday - West) | Courier-Leader, Carrollton Leader |

* **Single Section:** Little Elm Journal

Advertisement Size: _____

Investment: \$ 3.95 per column inch

Contract time period begins June 2016 and

ending June 2017

Comments: for Legal Notices

PRE-PRINTED INSERTS	PRINT & DELIVER PROGRAM	WEB ADVERTISING
Minimum quantity to be inserted:	Minimum quantity to be inserted:	Total monthly impressions:
Net cost per thousand:	Net cost per thousand:	Net cost per thousand:
		Sponsorship (monthly cost):

If for any reason the advertiser does not run advertising as agreed, it is understood that the advertising will be pro-rated at the rate actually earned. Star Local Media requires that all advertising be pre-paid unless credit has been established beforehand with our credit department. Your ad schedule will be interrupted if you fail to pay for contracted space.

Cancellations of ad space must occur prior to the space reservation deadline for each respective publication date. Cancellations after deadline will be billed in full at the advertiser's current contract rate.

The advertiser agrees to pay, in addition to the judgment, reasonable attorney fees, court costs and all other costs of collection should it become necessary to institute proceedings for collection of any amounts unpaid under the terms of the contract.

Agreed to by:

Name:	Account Number: <u>31999</u>
Business Name: <u>Town of Lakewood Village</u>	Phone: <u>972-294-5555 Linda Asbell</u>
Address: <u>100 S. Highridge Dr., Lakewood Village, TX 75068</u>	Fax: <u>972-292-0812</u>
Website: <u>www.lakewoodvillage.tx.us</u>	E-mail: <u>linda@lakewoodvillage.tx.us</u>

SIGNATURE: _____ Date: _____

Accepted for Star Local Media

Account Representative: _____ Date: _____

Advertising Manager: _____ Date: _____

Form effective January 1, 2014; supersedes all previous forms.

Star Local Media | 624 Krona Drive Suite 170 Plano, TX 75074 | (972) 398-4200



MEMORANDUM

TO: Town Council
CC: Linda Asbell
FROM: Dr. Mark E. Vargus, Mayor
DATE: June 6, 2016
RE: MDD Appointments

At our April 14th Council meeting we adopted Resolution 16-01 Planning and Scheduling, which sets out dates for statutory meetings related to budget and taxation. In addition, the Resolution adopts uniform terms for MDD appointees which is concurrent with the Town Council elections.

Therefore, According to the Resolution, I am proposing the following MDD appointments effective at the June Council meeting:

Place 1 Eric Farage
Place 2 Dave Batchelder
Place 3 Linda Louden
Place 4 Berndt Mueller
Place 5 Linda Asbell

Places 2 and 4 expire in even numbered years, and Places 1, 3, 5 expire in odd years at the June Council meeting.

I look forward to your comments;

A handwritten signature in black ink that reads "Mark E. Vargus".

**TOWN OF LAKEWOOD VILLAGE, TEXAS
ORDINANCE NO. 16-07**

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE TOWN'S PUBLIC WATER SUPPLY WELLS INSIDE THE CORPORATE LIMITS OF THE TOWN OF LAKEWOOD VILLAGE AND INSIDE THE LIMITS OF THE LAKEWOOD VILLAGE EXTRA TERRITORIAL JURISDICTION; ESTABLISHING A BUFFER ZONE IN THE AREAS IN PROXIMITY OF THE MUNICIPAL WASTEWATER PLANT; PROVIDING FOR DEFINITIONS; PROHIBITED ACTIVITIES; PROVIDING RIGHT OF ENTRY; PROVIDING REPEAL CLAUSE; PROVIDING FOR AN ENFORCEMENT PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of Lakewood Village, Texas (the "Town") owns and operates water supply facilities within the Town and the Town's Extra Territorial Jurisdiction, including water wells and related facilities ("Wells") which provide potable water to the customers of the water systems; and

WHEREAS, maintenance of sanitary conditions around such Wells is vital to the protection of the Wells and to the protection of the health and safety of the customers of the water systems, the Town Council deems it necessary and proper to establish rules and regulations governing the control of sanitary conditions around the Wells; and

WHEREAS, Texas State regulations require a buffer zone surrounding a municipal wastewater plant, the Town Council deems it necessary and proper to establish rules and regulations governing the control of this buffer zone.

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

SECTION 1. PURPOSE

- A. This ordinance sets forth uniform requirements for the uses and the construction of facilities in or on land within one hundred fifty feet (150') of the Town owned or Town operated Wells to promote sanitary conditions in and around such Wells, to secure all such land from pollution hazards, and to enable the Town to comply with all applicable state and local regulations.
- B. The objective of this Ordinance is to prevent certain uses and construction of facilities in or on land surrounding the Wells, which might create a danger of pollution to the water produced from such Wells.

- C. The objective of this Ordinance is to prevent construction of residential facilities in or on land contained within one hundred fifty feet of the Town wastewater plant.

SECTION 2. DEFINITIONS

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

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

Town shall mean the Town of Lakewood Village, Texas.

Ordinance shall mean this Ordinance Establishing Rules and Regulations Regarding Sanitary and Pollution control of the Area in Proximity to the Town's Public Water Supply Wells and Wastewater Plant

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

Wastewater Plant shall mean any treatment facilities or components of the facilities operated to treat wastewater owned and/or operated by the Town.

Wells shall mean any water wells and related facilities owned and/or operated by the Town.

SECTION 3. PROHIBITED ACTIVITIES

The following activities are prohibited within the designated areas of land surrounding the Wells:

- A. Construction and/or operation of underground petroleum and/or chemical storage tanks and liquid transmission pipelines, stock pens, feedlots, dump grounds, privies, cesspools, septic tank, sewage treatment drain fields, absorption beds, evapotranspiration beds, improperly constructed water wells of any depth, and all other construction or operation that could create an insanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the Wells. For the purpose of this Ordinance, "improperly constructed water wells" are those wells which do not meet the surface and subsurface construction standards for a public water supply well.
- B. Construction of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area of land within a 150-foot radius of the Wells.

- C. Construction of homes or buildings upon any area of land within 150-foot radius of the Wells is permitted, provided the restrictions described in items A and B above are met, **and any associated residential sewer lines are sleeved within a casing in a manner approved by the Town Building Official.**
- D. Normal farming and ranching operations are not prohibited by this Ordinance provided; however, livestock shall not be allowed within a 150-foot radius of the Wells.
- E. Construction of homes or buildings upon any area of land within 150-foot radius of the Town wastewater plant is prohibited.

SECTION 4. RIGHT OF ENTRY

Town employees, or authorized representatives of the Town, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any well or wastewater plant to conduct any inspection or observation necessary to enforce this Ordinance.

SECTION 5. REPEAL CLAUSE

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

SECTION 6. ENFORCEMENT PENALTY

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 7. SUPERSEDING REGULATION OR STATUE

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

SECTION 8. SEVERABILITY CLAUSE

The provisions of this Ordinance are severable, and if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 9. EFFECTIVE DATE

This Ordinance shall become effective from and after its date of adoption and publication as required by law.

PASSED AND APPROVED by Town Council on this 10th day of March, 2016.

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
Town Secretary