

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

JUNE 8, 2017

Council Members:

Dr. Mark Vargus, Mayor
Ed Reed – Mayor Pro-Tem
Clint Bushong
Gary Newsome
Dan Tantalo
Elizabeth Shields

Town Staff:

Linda Asbell, TRMC, Town Secretary
Andy Messer, Town Attorney

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Regular Meeting of the Town Council to order at 7:00 p.m. on Thursday, June 8, 2017, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

**PRESENTATION OF COLORS AND
PLEDGE TO THE FLAG:**

(Agenda Item A)

Members of Boy Scout Troup 45 presented colors and led the Pledge of Allegiance

PRESENTATIONS:

(Agenda Item B)

Mayor Vargus presented a flag flown over the State Capital in honor of outgoing Councilman Ray Duff's service to the town. Mayor Vargus expressed appreciation for the dedication of Councilman Ray Duff. Mayor Vargus administered the oath of office and presented the certificates of election to re-elected Mayor Pro-Tem Ed Reed, Councilman Clint Bushong, and newly elected Councilwoman Elizabeth Shields.

Councilwoman Shields took her place on the dais.

**LAKEWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
JUNE 8, 2017**

Page 2

VISITOR/CITIZENS FORUM:

(Agenda Item C)

Fred Hunt, 404 Peninsula Drive, spoke regarding his statements at the previous council meeting. Mr. Hunt stated that he has had time between the last council meeting and this council meeting to consider the situation, review Councilman Tantalo's letter again, and has come to the conclusion that the statements in Councilman Tantalo's letter were his opinions rather than the position of the Town Council. He would prefer to speak to Councilman Tantalo individually rather than take time in a public meeting.

Brent Ashton, 829 Carrie Lane, introduced himself and stated that he is going to be more involved in the Town.

Sheryl France, 590 Melody, asked about the property at 206 Highridge drive. She expressed concerned that the construction has come to a stop and the property is not being maintained. Mayor Vargus stated that he would have staff look into it.

CONSENT AGENDA:

(Agenda Item D)

1. Minutes of May 11, 2017 Council Meeting (Asbell)
2. Resolution Naming the Little Elm Journal as the Official Newspaper (Asbell)
3. Interlocal Agreement with Denton County for Tax Collection (Asbell)

Councilman Bushong stated that the swearing in of re-elected and newly elected councilmembers will take place at the June Council meeting

MOTION: Upon a motion made by Mayor Pro-Tem Reed and seconded by Councilman Newsome, council voted five (5) "ayes", no (0) "nays" to approve consent items as presented. *The motion carried.*

REGULAR AGENDA:

(Agenda Item E)

**Consideration of Release of Lien for 423
Hillside (Asbell)**

(Agenda Item E.1)

Mayor Vargus reviewed the history of the civil penalties placed against the property. Mayor Vargus reviewed the history of the repairs on the property and the agreement to release the civil penalties on a dollar for dollar basis if the new owner improves the property.

MOTION: Upon a motion made by Councilwoman Shields and seconded by Councilman Bushong, council voted five (5) “ayes”, and no (0) “nays” to approve the release of lien for civil penalties against 423 Hillside . *The motion carried.*

**Consideration of Election of Mayor Pro-Tem
(Asbell)**

(Agenda Item D.2)

Mayor Vargus stated that current Mayor Pro-Tem Reed has been doing an excellent job meeting with developers and working with the Mayor and council. Mayor Vargus stated that he would like Mayor Pro-Tem Reed to continue as Mayor Pro-Tem. Councilman Tantalo asked about rotating the position among other council members. There was some discussion about the Mayor Pro-Tem Position.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Newsome, council voted four (4) “ayes”, and no (0) “nays”, with Mayor Pro-Tem Reed abstaining, to re-elect Councilman Ed Reed as Mayor Pro-Tem. *The motion carried.*

**Discussion with Town Attorney Messer on
Open Meetings Act & Roles of mayor,
Councilmembers, Town Administrator/Town
Secretary, and Town Attorney (Messer)**

(Agenda Item E.3)

Town Attorney Messer reviewed his history, qualifications, and background. He also reviewed the qualifications and background of the attorneys in his office. Messer Rockefeller and Fort represents approximately thirty municipalities. Attorney Messer reviewed the Texas Open Meetings Act and explained the review his office provides on each council agenda and the letter of protection he provides for each meeting. Attorney Messer stated that he recommends that his clients stay off of social media because a topic could become a “deliberation” if a quorum of council members participate. One councilmember simply reading a post by another councilmember on social media could be considered receiving of information. Attorney Messer stated there is nothing that establishes a timeline on deliberations on social media (whether the exchange is attenuated or continuous). There was some discussion about a court case that established that holding public office narrows the right to freedom of speech for holders of that public office. Attorney Messer stated that the Mayor does not count toward establishing a quorum. There was some discussion about the requirement for specificity of agenda items. There was some discussion about the question Mr. Hunt posed at the previous council meeting regarding Councilman Tantalo’s letter and the reason that discussion was not included on the agenda for this council meeting. Attorney Messer reviewed the rights of citizens during public meetings. The law requires public hearings to be held in certain circumstances. Those

circumstances are the only times citizens have a guaranteed right to speak during a council meeting. Because the Lakewood Village Council has an agenda that includes a visitor/citizens forum, the public is permitted to speak during that portion of the meeting. Attorney Messer stated that councilmembers and staff attending an executive session are prohibited from disclosing information received during the session to anyone else. Attorney Messer reported that council can post executive session items on the agenda and decide it is not necessary to consider them during that executive session. Attorney Messer reviewed the roles and responsibilities of the Town Administrator/Town Secretary and the Town Attorney. There was some discussion about the budget. There was some discussion about the process for adoption of ordinances.

**Consideration of Appointments to the
Municipal Development Board (Asbell)**

(Agenda Item E.4)

Mayor Vargus reported that Eric Farage, Linda Loudon, and Linda Asbell are up for reappointment and all have indicated that they are willing to continue to serve. Councilman Tantalo stated his concern that having the Town Secretary serving on the board of the MDD creates a conflict of interest. Town Attorney Messer stated that many cities have their town secretaries serve on their MDD or EDC boards and no conflict is created, legal or otherwise.

MOTION: Upon a motion made by Councilman Newsome and seconded by Mayor Pro-Tem Reed, council voted five (5) “ayes”, and no (0) “nays” to re appoint Eric Farage, Linda Loudon, and Linda Asbell to the Board of Directors of the Lakewood Village Municipal Development District. *The motion carried.*

Discussion of the 2017-2018 Budget (Vargus)

(Agenda Item E.5)

Mayor Vargus reviewed the proposed budget. Mayor Vargus explained the calculation for the Utility Fund and Rocky Point Fee for Services. Mayor Vargus reviewed the accountant policy that prohibits processing a “net zero” number inside a budget line. There was some discussion about the need to create a Parks Advisory Board. Mayor Vargus reviewed some of the options for replacing the mulch around the playground equipment at the Town Hall Park. There was some discussion about the need for drainage improvements. Mayor Vargus reported on the continuing problem with citizens using disposable wipes and flushing them into the sewer system damaging large pieces of equipment and costing several thousands of dollars. Mayor Vargus reviewed the process for paying off the bond debt. There was some discussion about planned repairs on the asphalt roads. Mayor Vargus reviewed some possible capital improvement projects for the next fiscal year.

Councilman Tantalo thanked Mayor Vargus for doing a great job preparing and presenting the budget. Councilman Tantalo requested council begin holding budget workshops. There was

**LAKWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
JUNE 8, 2017**

Page 5

some discussion about the preference for holding budget discussions during regular meetings when citizens are accustomed to being in attendance. Councilman Tantalo requested the council hold additional meetings and request citizen input. There was some discussion about whether budget discussions during regular council meetings are sufficient or if the Town Council desires additional meetings. Councilman Tantalo requested that no items be placed on the July agenda other than the budget to allow for sufficient time for discussion. Mayor Vargus reported that the July agenda is typically light and there will be plenty of time to discuss the budget but he cannot guarantee the agenda will have no additional items for council's consideration.

COUNCIL AND STAFF COMMENTS

(Agenda Item G)

Town Secretary Asbell reported that the Texas Municipal League has received the report on the hail damage to town buildings from the adjuster. The report is currently being reviewed by the appraiser.

Councilman Bushong reported that he and Mayor Pro-Tem Reed met with the Town Engineer to discuss potential tasks in anticipation of road construction.

EXECUTIVE SESSION:

(Agenda Item E)

At 10:15 p.m. Mayor Vargus recessed into executive session in accordance with Texas Government Code, Section 551.001, et seq., the Town Council will recess into Executive Session (closed meeting) to discuss the following: (1) §551.071(2): Consultation with 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 re: Town boundaries, roles of the Mayor, Council Members, Town Administrator/Town Secretary, and Town Attorney.

RECONVENE:

(Agenda Item F)

Reconvened at 10:53pm

ADJOURNMENT

(Agenda Item H)

MOTION: Upon a motion made by Councilwoman Shields and seconded by Councilman Bushong council voted five (5) "ayes" and no (0) "nays" to adjourn the Regular Meeting of the Lakewood Village Town Council at 10:53 p.m. on Thursday, June 8, 2017. The motion carried.

**LAKWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
JUNE 8, 2017**

Page 6

These minutes approved by the Lakewood Village Town Council on the 13th day of June 2017.

APPROVED

Ed Reed
MAYOR PRO-TEM

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY