

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

JANUARY 19, 2012

Council Members:

Mike Schnittker, Mayor
Dr. Mark Vargus, Mayor Pro-Tem
Ken Guthrie
Harold Wood
Carl Menckhoff, M.D.
Dave Getka - ABSENT

Town Staff:

Linda Asbell, Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Schnittker called the Town Council to order at 7:02 p.m. on Thursday, January 19, 2012, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG

(Agenda Item A)

Mayor Schnittker led the pledge of allegiance

VISITOR/CITIZENS FORUM:

(Agenda Item B)

No one requested to speak.

REGULAR AGENDA:

(Agenda Item C)

**Consideration of Variance request from
Dave Sykes on Electrical Wiring for 430
Peninsula**

(Agenda Item C.1)

Mr. Dave Sykes, 430 Peninsula, stated that he is requesting the Town Council allow the Building Inspector to allow him to continue to construction on his property with the wiring as it is, with the 14AWG wiring currently installed. Mr. Sykes stated that his construction is a remodel rather than a "new construction". Mayor Schnittker reported that he is aware of only one "waiver" of this type which has been granted and that was related to new owners putting personal items in the garage prior to receiving a C/O. Mr. Sykes reported that the ordinances requiring 12AWG

were available to him, however, he did not make reading those ordinances a part of his research. Mr. Sykes stated that although the building permit stated clearly that 12AWG wiring was required on new construction he interpreted that not to be applicable to him because he was doing a remodel. There was some discussion on new construction versus remodel. There was some discussion on the rules established by the Local Government Code regarding variances. Mayor Pro-Tem Vargus stated that this request does not comply with the allowable criteria to qualify for a variance. Mr. Sykes stated that he is requesting a variance based on the Building Inspector's use of the term "new construction" being incorrect. Mayor Schnittker expressed concern about the precedent approving this request would set. There was some discussion on the reference to 15amp circuits in the ordinance.

Dale and Kerem Tepecik with D&K Lighting provided some background on the wiring on the project and other projects they are working on.

MOTION: Upon a motion made by Councilman Wood and seconded by Councilman Guthrie the Council voted five (5) "ayes" and no (0) "nays" to deny the variance and require the wiring to be replaced. The motion carried. (Mayor Schnittker voted as the Town Council was acting as the Board of Adjustment.)

**Consideration of Ratification of MDD
Resolution Waiving the Telecommunications
Sales Tax Exemption for the Municipal
Development District**

(Agenda Item C.2)

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Wood the Council voted four (4) "ayes" and no (0) "nays" to ratify the MDD Resolution waiving the telecommunications sales tax exemption. The motion carried.

**Consideration of Ordinance Calling Election
for May 2012**

(Agenda Item C.3)

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Guthrie the Council voted four (4) "ayes" and no (0) "nays" to approve the ordinance calling the May 2012 election. The motion carried.

**Consideration of Water Meter Replacement
Program and Water Storage Maintenance**

(Agenda Item C.4)

Mayor Pro-Tem Vargus reviewed the known history of the age of meters in town and the number of broken meters. There was some discussion about converting to electronic read meters, however, there is not enough of a cost savings to warrant the expense of changing from the

manual meters currently being used. There was some discussion on the decreasing accuracy of meters over the life of the meter. Councilman Menckhoff asked how much more revenue would be generated by spending the funds to change the meters. Councilman Guthrie stated that billing residents for the correct consumption might also encourage them to reduce their usage.

MOTION: Upon a motion made by Councilman Guthrie and seconded by Mayor Pro-Tem Vargus the Council voted four (4) “ayes” and no (0) “nays” to approve the capital expenditure funds of approximately \$20,000 for meter replacements and to approve the meter replacement policy as amended. The motion carried.

Mayor Pro-Tem Vargus reviewed the bid for repainting the water tanks and the TCEQ requirements for maintenance of the water storage tanks. There was some discussion about the color of the tanks and the possible placement of a town logo on the tanks. Mayor Pro-Tem Vargus reported that the Town of Prosper has a 250,000 gallon water storage tank that is surplus. Lakewood Village has the opportunity to obtain the tank for the cost of disassembly, transport, and reassembly – approximately \$100,000. There was some discussion about pressure tank replacement and availability. There was some discussion about delaying the painting until a decision is made about obtaining the surplus tank from Prosper.

**Discussion of Financial Reports and Long
Term Capital Budgeting**

(Agenda Item C.5)

Mayor Pro-Tem Vargus explained the new reporting method that will show the allocation of the collective “reserve funds”. Mayor Pro-Tem Vargus stated that while currently there is \$151,000 in utility fund reserve the Town needs to be able to articulate the planned use for those funds. Mayor Pro-Tem Vargus reviewed the reports provided on General and Utility Funds. There was some discussion on planning for the future of projects like the parks, property acquisition, or water storage. Mayor Pro-Tem Vargus reported on a meeting with Freese & Nichols on the current condition of the roads and the possibility of changing to concrete roads. The Engineer reported during the meeting that the road bases have failed which causes the asphalt overlay to fail. There was some discussion on the life span of a concrete road being three to five times longer than an asphalt road. Mayor Schnittker reported that the Town Engineer will compile a cost and design estimate for concrete roads. Councilman Wood stated that LandPlan would use concrete roads when they begin the new subdivision. Mayor Schnittker stated that the plan would be to use concrete roads with no curb and gutter and the driveways would be connected to the new 24’ road. Gary Newsome, former councilmember, stated that concrete roads would make the neighborhoods look better and add value to the real estate. Councilman Guthrie stated that he had driven in a community that had concrete roads with no curbs and it looked nice. Councilman Menckhoff stated that one of the least attractive aspects of the town is the roads. Mayor Schnittker reported that the approximate cost of replacing all the roads in town with concrete is two million dollars. There was some discussion on the creation of a Parks Board to assist with planning for the park development. Councilman Menckhoff recommended a meeting

time be established and a request for volunteers interested in being on a Parks Board be included in the next Mayor's letter.

**Consideration of 403B Plan Regulation
Policy**

(Agenda Item C.6)

Mayor Pro-Tem Vargus reported that the Town Secretary now has a deferred compensation plan and the federal government requires plan regulations be adopted. There was some discussion about making participation in the plan optional. There was some discussion about the length of service before an employee becomes vested in the plan. Council discussed vesting at three years of continuous service.

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Wood the Council voted four (4) "ayes" and no (0) "nays" to approve the policy regulating the 403B Plan as modified. The motion carried.

**Consideration of Ordinance Suspending Rate
Increase Requested by Aqua Texas**

(Agenda Item C.7)

Mayor Schnittker reviewed the service area and history of Aqua Texas in the Lakewood Village area. Mayor Schnittker reported that he has sent a letter to Aqua Texas inquiring about their interest in selling the system.

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Guthrie the Council voted four (4) "ayes" and no (0) "nays" to approve the ordinance suspending the rate increase requested by Aqua Texas. The motion carried.

**Consideration of Minutes of December 8,
2011 Council Meeting**

(Agenda Item C.8)

MOTION: Upon a motion made by Councilman Guthrie and seconded by Mayor Pro-Tem Vargus the Council voted four (4) "ayes" and no (0) "nays" to approve the minutes of the December 8, 2011 council meeting. The motion carried.

EXECUTIVE SESSION:

(Agenda Item D)

In accordance with Texas Government Code § 551.072 – To deliberate the purchase, exchange, lease or value of real property when deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person. Mayor Schnittker adjourned the regular session at 9:05 p.m.

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RECONVENE:

(Agenda Item E)

Mayor Schnittker reconvened the regular session of the council meeting at 9:22 p.m.

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Wood the Council voted five (5) “ayes” and no (0) “nays” to authorize Mayor Schnittker to perform all necessary steps contract for the sale of the property located at 401 Peninsula. The motion carried.

COUNCIL AND STAFF COMMENTS:

(Agenda Item F)

Councilman Guthrie stated that he would like to consider planting a screening wall around lift station 2 at the time that the trees around the water plant are replanted.

ADJOURNMENT

(Agenda Item G)

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Guthrie the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 9:26 on Thursday, January 19, 2012. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 12th day of April 2012

APPROVED

Mike Schnittker
MAYOR

ATTEST:

Linda Asbell
TOWN SECRETARY