

**LAKEWOOD VILLAGE TOWN COUNCIL**

**COUNCIL MEETING**

**DECEMBER 13, 2012**

**Council Members:**

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

**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 7:00 p.m. on Thursday, December 13, 2012, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

**PLEDGE TO THE FLAG**

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**(Agenda Item A)**

Mayor Schnittker led the pledge of allegiance

**VISITOR/CITIZENS FORUM:**

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**(Agenda Item B)**

Kirk Spencer, 1612 Cottonwood Rd, Carrollton, TX, spoke about a property he is considering purchasing on Melody at Stowe. Mr. Spencer is considering building a 2400 square foot house and an additional 2,000 to 3,000 square foot garage. Mr. Spencer stated he understands that frontages (Melody Lane & Stowe Lane) are both treated as front yards. Mr. Spencer would like to place garage doors facing Stowe. Mayor pro-Tem Vargus stated that per the zoning ordinance front facing garages are prohibited and since both sides of the property are considered front yards the garage doors would not be allowed to face Stowe. Mr. Spencer will leave copies of his plans and Town Secretary will contact the building inspector for an opinion on whether a variance will be required.

**REGULAR AGENDA:**

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**(Agenda Item C)**

**Consideration of Replat Request for 1522  
Garza Lane, Jeffrey Coseo**

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**(Agenda Item C.1)**

Mr. Jeffrey Coseo stated that he purchased three properties containing a cabin, well house, and a well. Mr. Coseo would like to plat the 3 properties into a single property. Mayor pro-Tem Vargus stated that the engineer still needs to approve this because it has never been plated before. Jerry with Landmark Surveyor stated the roads are county roads and the county hired him several years ago to identify the roads. He will locate those surveys and provide them to the town. The surveyor stated that future utilities installed could be placed in the 60' road easement located on the Shady Lane side. There was some discussion on whether the request could be approved contingent upon satisfaction of any requirements stipulated by the Town Engineer.

**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 accept the plat contingent upon satisfying the Town Engineer's requirements. *The motion carried.*

**Consideration of Capital Expenditures for  
Fiscal Year 2012-2013/Budget Amendment**

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**(Agenda Item C.2)**

Mary Begis, President of the Economic Development Corporation, reported that the playground mulch needs to be replenished in order to be compliant with code. Ms. Begis proposed the EDC and the Town Council jointly purchase and install a playground shade cover and two benches. The EDC will provide \$10,500. Mayor pro Tem Vargus stated the funds are available in the budget but he would like to see what the cover would look like. Councilman Getka would like to have a mock-up image of the playground with the shade in place. Council reviewed the estimate and a site plan for the park. There was some discussion of providing shade covering of the benches.

**MOTION:** Upon a motion made by Councilman Menckhoff and seconded by Councilman Wood the Council voted five (5) "ayes" and no (0) "nays" to authorize \$10,000 to be used by the Economic Development Corporation for the joint purchase of shades and benches for the Town Hall park. *The motion carried.*

Mayor pro Tem Vargus reviewed the need for the repainting of the water tanks and the cost of the job. Mayor pro Tem Vargus reported that council action is required because the cost is over \$10,000.

**MOTION:** Upon a motion made by Councilman Getka and seconded by Mayor Pro-Tem Vargus the Council voted five (5) "ayes" and no (0) "nays" to authorize the painting of the water tanks. *The motion carried.*

Councilman Wood requested an estimate from Long's Fencing for a fence surrounding the water plant. Mayor Schnittker reported that the Town frequently relies on people reporting leaks or problems with equipment and expressed concern that a large wooden fence would prevent people from seeing and reporting problems. Mayor Schnittker stated that he did not believe a wooden fence would be attractive. Mayor Pro Tem Vargus stated that he does not like seeing the tanks. Councilman Getka reported that there is an aluminum fencing available that looks like wrought iron. Councilman wood stated that he would get more bids for fencing.

**Discussion of Municipal Development district  
Finance Report**

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**(Agenda Item C.3)**

Mayor Pro-Tem Vargus reported that after eight months of operating the water system has provided \$11,000 of debt service to the loan provided by the Town leaving a balance of approximately \$19,858.14. The financial audit this year revealed that the legal bills associated with acquiring the water system must be paid by the MDD. The \$14,055.00 in legal expenses will be repaid to the town in addition to the loan.

**Consideration of Resolution Authorizing the  
Mayor to Execute Eminent Domain Letter to  
the Texas State Comptroller**

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**(Agenda Item C.4)**

**MOTION:** Upon a motion made by Councilman Menckhoff and seconded by Councilman Getka the Council voted five (5) "ayes" and no (0) "nays" to authorize approve the resolution authorizing the Mayor to the eminent domain letter to the Texas State Comptroller. *The motion carried.*

**Consideration of Minutes of October 11, 2012**

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**(Agenda Item C.5)**

**MOTION:** Upon a motion made by Councilman Guthrie and seconded by Councilman Wood the Council voted five (5) "ayes" and no (0) "nays" to approve the minutes of the October 11, 2012 and November 12, 2012 council meetings. *The motion carried.*

**Consideration of Minutes of November 12,  
2012**

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**(Agenda Item C.5)**

Considered along with C.4

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**EXECUTIVE SESSION:**

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**(Agenda Item D)**

In accordance with Texas Government Code § 551.071 – Consultation with the Town Attorney regarding pending or contemplated litigation – Town of Lakewood Village vs. Gary Barnes and Aquamat of Texas, Inc. Mayor Schnittker adjourned the regular session at 8:10 p.m.

**RECONVENE:**

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**(Agenda Item E)**

Mayor Schnittker reconvened the regular session of the council meeting at 8:23 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 negotiate on behalf of the Town Council in the litigation against Gary Barnes/Aquamat of Texas. *The motion carried.*

**COUNCIL AND STAFF COMMENTS:**

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**(Agenda Item F)**

Town Secretary Linda Asbell presented the recently published Texas Municipal League Centennial Book and showed the information pertaining to Lakewood Village.

Mayor pro-Tem Vargus reported on a problem Lakewood Village is experiencing with the bill pay service Wells Fargo is providing to Lakewood Village Citizens. Wells Fargo recently performed a system upgrade and an arbitrary change was made to the Town of Lakewood Village information. The change causes the water payment of Lakewood Village citizens to be payable to and sent to the Town of Little Elm. The affected citizens have been made aware of the problem and are addressing the issue with their bank.

Councilman Guthrie reported that the entrance lights are out.

**ADJOURNMENT**

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**(Agenda Item G)**

**MOTION:** Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Guthrie the Council voted five (5) “ayes” and no (0) “nays” to adjourn the regular session of the Lakewood Village Town Council at 8:42 on Thursday , December 13, 2012. *The motion carried.*

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These minutes approved by the Lakewood Village Town Council on the 25th day of April 2013

APPROVED

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Mike Schnittker  
MAYOR

ATTEST:

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Linda Asbell  
TOWN SECRETARY