

LAKWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

OCTOBER 9, 2014

Council Members:

Mayor - Vacant
Dr. Mark Vargus, Acting Mayor
Clint Bushong
Carl Menckhoff, M.D.
Dave Getka – Arrived 8:21 p.m.
Council Place 4 - Vacant

Town Staff:

Linda Asbell, TRMC, Town Secretary
Jennifer DeCurtis, Deputy Town Attorney

REGULAR SESSION -7:00 P.M.

With a quorum of the Council Members present, Acting Mayor Vargus called the Regular Session of the Town Council to order at 7:00 p.m. on Thursday, October 9, 2014, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG:

(Agenda Item A)

Acting Mayor Vargus led the pledge of allegiance.

MOMENT OF SILENCE:

(Agenda Item B)

Everyone in the council chambers observed a moment of silence to honor the memory and service of Deputy Mayor Pro-Tem Ken Guthrie.

VISITOR/CITIZENS FORUM:

(Agenda Item C)

No one requested to speak.

EXECUTIVE SESSION:

(Agenda Item D)

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At 7:10 p.m. Acting Mayor Vargus recessed into executive session in compliance with § 551.071 (2), Texas Government Code to wit: Consultation with the Town Attorney in 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 regarding municipal authority.

RECONVENE:

(Agenda Item E)

Acting Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 7:34 PM.

PUBLIC HEARING:

(Agenda Item F)

A public hearing was held to allow owner, lienholder, or mortgagee of 423 Hillside 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.

Acting Mayor Vargus opened the public hearing at 7:35 pm.

Steve Freeman, Building Official, reviewed the reasons the property failed the certificate of occupancy inspection performed in December 2013. Mr. Freeman reviewed the owner's feedback regarding the items failed during the certificate of occupancy inspection. Mr. Freeman reported that he inspected the property prior to the Council Meeting and found continued violations that are dangerous to public health and safety. Mr. Freeman reviewed the violations found.

Council reviewed a video of the property made by Mr. Freeman on 10/9/14 just prior to the council meeting.

There was some discussion about the illegal backwash line that is installed above ground. There was some discussion about the unapproved pool enclosure. There was some discussion regarding the multiple notices sent to the owner. Mr. Freeman recommended council give the owner 30 days to correct all violations and if not corrected he recommends the town do the work needed to abate the property and assess the cost as well as assess civil penalties.

Acting Mayor Vargus asked Paula Ray/Weir or any lien holders present to speak. No one was present.

Acting Mayor Vargus closed the public hearing at 7:49 pm.

REGULAR AGENDA:

(Agenda Item I)

Consideration of Ordering 423 Hillside to be declared an unsafe building and ordering it to be vacated, repaired, removed, or demolished

(Agenda Item I.1)

Council discussed that this property has been a problem since December 2013 and that the owner has been non-responsive to contacts by the Town. The property owner was ordered to municipal court in April and refused to appear in court. Acting Mayor Vargus reported that the neighbors have received many complaints. The council discussed the status of the property as being substandard and a nuisance that is a danger to public health and safety.

MOTION: Upon a motion made by Acting Mayor Vargus and seconded by Councilman Menckhoff the Council voted three (3) “ayes” and no (0) “nays” to order Paula Ray/Weir to repair or replace the pool and cure the other violations at the property at 423 Hillside within 30 days or the town will abate the property and assess a lien for the costs. *The motion carried.*

Acting Mayor Vargus discussed the lack of response from the owner of this property despite a number of attempts to contact her both informally and formally, violation notices and court citations. Acting Mayor Vargus reported that municipal court fines alone are nearly \$1,000,000. Councilman Menckhoff reviewed the expense the town has incurred since the violations were noted. Many town employee hours have been spent documenting the violations and attempting to contact Ms. Weir.

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Bushong the Council voted three (3) “ayes” and no (0) “nays” to assess civil penalties of \$50,000, due immediately. *The motion carried.*

Exhibits A – F are attached as a part of the official documentation of this council meeting

PUBLIC HEARING:

(Agenda Item G)

A public hearing was held in compliance with § 212.002 Local Government Code, to provide an opportunity for citizen comment on the proposed subdivision ordinance.

Acting Mayor Vargus opened the public hearing at 8:01 pm.

No one spoke

Acting Mayor Vargus closed the public hearing at 8:01 pm.

Consideration of Subdivision Ordinance

(Agenda Item I.2)

Acting Mayor Vargus reported that Deputy Town Attorney Brenda McDonald provided feedback on the document on Tuesday. Councilman Bushong and Acting Mayor Vargus reported they have not had an opportunity to fully review Attorney McDonald's recommendations. Council discussed tabling this item to give an opportunity for council to review the information received from the attorney.

MOTION: No action was taken

**Consideration of Adoption of Building
Application Handbook**

(Agenda Item I.3)

Acting Mayor Vargus reported that Councilman Bushong has spent a great deal of time creating this packet to provide a set of documents that would be appropriate to provide builders. Councilman Bushong reported that the packet has been extensively reviewed by both the Town Secretary and the Building Inspector. Acting Mayor Vargus reported that he and Councilman Bushong identified a few minor errors, which will be corrected and are not substantive to the use of the document.

MOTION: Upon a motion made by Acting Mayor Vargus and seconded by Councilman Menckhoff the Council voted three (3) "ayes" and no (0) "nays" to approve the use of Building Application Handbook. *The motion carried.*

**Discussion of Status of Concrete Road
Project – Phase I**

(Agenda Item I.4)

Acting Mayor Vargus reported that based on the latest pay request from Jagoe, they are reporting that they have completed 52% of the construction calendar and they have completed 49% of the construction.

Councilman Getka arrived at 8:21 p.m. and took his place on the dais.

There was some discussion on the completion of Hillside Drive prior to moving to the next street. More loads of fill have been provided to the Rocky Point area for use on the roads. It was

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discussed that the transitions between the new concrete roads and Highridge will be completed with asphalt. There was some discussion on the estimated construction completion date.

CONCENT AGENDA:

(Agenda Item H)

1. Minutes of the September 11, 2014 Council Meeting
2. Minutes of the September 26, 2014 Council Meeting

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Getka the Council voted four (4) “ayes” and no (0) “nays” to approve the consent agenda. *The motion carried.*

Town Secretary Linda Asbell left the meeting at 9:01 p.m.
Deputy Town Attorney Jennifer DeCurtis left the meeting at 9:01 p.m.

EXECUTIVE SESSION:

(Agenda Item D)

At 9:00 p.m. Acting Mayor Vargus recessed into executive session in compliance with Section (1) § 551.072 Texas Government Code to wit: deliberations about real property; and (2) § 551.087 Texas Government Code to wit: Economic Development Negotiations.

RECONVENE:

(Agenda Item E)

Acting Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 9:50 PM.

COUNCIL AND STAFF COMMENTS:

(Agenda Item I)

No comments were made.

ADJOURNMENT

(Agenda Item J)

MOTION: Upon a motion made by Councilman Getka and seconded by Acting Mayor Vargus, council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 9:50 p.m. on Thursday, October 9, 2014. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 13th day of November 2014.

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APPROVED

Dr. Mark E. Vargus
ACTING MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY