

**LAKWOOD VILLAGE TOWN COUNCIL**

**COUNCIL MEETING**

**NOVEMBER 13, 2014**

**Council Members:**

*At Call to Order:*

Mayor - Vacant  
Dr. Mark Vargus, Acting Mayor  
Clint Bushong  
Carl Menckhoff, M.D.  
Dave Getka  
Council Place 4 - Vacant

*Following Agenda Item D:*

Dr. Mark E. Vargus, Mayor  
Carl Menckhoff, M.D., Mayor Pro-Tem  
Dave Getka  
Ed Reed  
Gary Newsome  
Clint Bushong

**Town Staff:**

Linda Asbell, TRMC, Town Secretary

**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 7:01 p.m. on Thursday, November 13, 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.

**VISITOR/CITIZENS FORUM:**

**(Agenda Item B)**

No one requested to speak.

**EXECUTIVE SESSION:**

**(Agenda Item C)**

At 7:04 p.m., Acting Mayor Vargus recessed into executive session in compliance with § 551.074 to wit: Personnel Matters: Deliberate the appointments to the unexpired terms on Town Council.

**RECONVENE:**

**(Agenda Item D)**

**LAKWOOD VILLAGE TOWN COUNCIL  
REGULAR SESSION  
NOVEMBER 13, 2014**

**Page 2**

Acting Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 7:17 PM.

**MOTION:** Upon a motion made by Acting Mayor Vargus and seconded by Councilman Menckhoff the Council voted four (4) “ayes” and no (0) “nays” to appoint Mr. Gary Newsome to Council Place 4. *The motion carried.*

There was some discussion about an appointment to the vacant Mayor’s position

**MOTION:** Upon a motion made by Councilman Getka and seconded by Councilman Menckhoff the Council voted four (4) “ayes” and no (0) “nays” to appoint Dr. Mark E. Vargus to Council Place 6, Mayor. *The motion carried.*

**MOTION:** Upon a motion made by Councilman Menckhoff and seconded by Councilman Getka the Council voted four (4) “ayes” and no (0) “nays” to appoint Mr. Ed Reed to Council Place 3. *The motion carried.*

Town Secretary, Linda Asbell, administered the oath of office to newly appointed Councilmen Newsome and Reed, and to newly appointed Mayor Vargus. Councilmembers took their places on the dais.

**PUBLIC HEARING:** **(Agenda Item E)**

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

Mayor Vargus opened the public hearing at 7:27 p.m.

No one spoke

Mayor Vargus closed the public hearing at 7:27 pm.

**REGULAR AGENDA:** **(Agenda Item F)**

**Consideration of Appointment of Mayor Pro-Tem and /or Deputy Mayor Pro-Tem** **(Agenda Item F.1)**

**MOTION:** Upon a motion made by Councilman Getka and seconded by Councilman Bushong the Council voted five (5) “ayes” and no (0) “nays” to appoint Councilman Menckhoff as Mayor Pro-Tem. *The motion carried.*

**Consideration of Variance Request for 437  
Peninsula – Roof Pitch, Setback, Ground  
Floor A/C Area, & Front Facing Garage.**

**(Agenda Item F.2)**

Mayor Vargus described the property and the issues related to the irregular shape. Mayor Vargus reported that Mr. Van Freeman, builder, is here representing the owner of the property. Councilman Newsome reported that several lots in the older part of town are irregularly shaped. There was some discussion on the roof pitch requirement. There was some discussion on the proposed encroachment into the front setback.

**MOTION:** Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Getka the Council voted five (5) “ayes” and no (0) “nays” to approve the four variances as requested for 437 Peninsula with the stipulation that the roof be metal. *The motion carried.*

**Consideration of Appointment to the  
Economic Development Corporation**

**(Agenda Item F.3)**

Mayor Vargus reported that the Economic Development Corporation has a requirement to maintain a minimum number of members and is in need of two additional members. Mayor Vargus reported that Linda Loudon expressed interested in serving on the Economic Development Corporation and he believes she would be a good addition to the EDC board.

**MOTION:** Upon a motion made by Councilman Getka and seconded by Mayor Pro-Tem Menckhoff the Council voted five (5) “ayes” and no (0) “nays” to appoint Linda Loudon to the Economic Development Corporation. *The motion carried.*

**Consideration of Meeting Rules and  
Procedure Ordinance**

**(Agenda Item F.4)**

Mayor Vargus reported that over the years, he has contacted Texas Municipal League Legal department for direction on various issues and they have consistently referred him to the council’s standard procedures. This ordinance is a way to make this procedure as transparent as possible. The council reviewed the ordinance and proposed procedures. Mayor Pro-Tem Menckhoff expressed some concerns with the Mayor making the determination of the time and

place of the special called session upon petition of the councilmen. There was some discussion of the councilmen submitting meeting date options and the Mayor must choose from one of the dates submitted. Mayor Pro-Tem Menckhoff volunteered to review the wording and propose new language. There was some discussion on the placement of items on the agenda. There was some discussion about the authority of the Town Secretary to place items on the agenda. There was some discussion about the requirement to consider ordinances of significant public impact after holding a public hearing and consideration at two meetings. Council expressed concern that the establishment of written procedures of this nature might have unintended consequences. Councilman Reed requested that animals, other than service animals, be prohibited from council meetings. There was some discussion about the ability of councilmembers to solicit comments from the audience. There was some discussion about abstentions and preservation of order.

**MOTION:** *No motion was made.*

**Consideration of Subdivision Ordinance**

**(Agenda Item F.5)**

Councilman Bushong reported that is ordinance was provided to Council on October 18<sup>th</sup> and incorporates all the comments received from the Town Engineer and the Town Attorney. Councilman Bushong reviewed the revision edits received from the engineer and attorney.

**MOTION:** Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Newsome the Council voted five (5) “ayes” and no (0) “nays” to approve the Subdivision Ordinance as discussed. *The motion carried.*

**Consideration of Authorization for Mayor  
and/or Building Official to make  
Administrative Changes to the Building  
Application Handbook**

**(Agenda Item F.6)**

Mayor Vargus reported that the Town Council adopted the Building Application Handbook but did not adopt a mechanism to make changes. Mayor Vargus stated that there are acknowledgement forms that are required to be signed by the owner and builder of the property. Mayor Vargus would like to have the ability to add a form without having to get an approval vote from the council. Councilman Bushong stated that many hours were invested in creating the Building Application Handbook and he would like to leave the Building Packet as an administrative document but he does not want so many changes made that it is no longer a clean and cohesive document. Councilman Bushong would like to have changes approved by Council. There was some discussion about administrative changes being made and the requirement that those changes be presented to council at the next council meeting for approval.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilman Getka the Council voted five (5) “ayes” and no (0) “nays” to authorize the Mayor and Building Official to changes to the Building Application Handbook subject to ratification by the Town Council at the next council meeting. *The motion carried.*

**Consideration of Amendment of Nuisance Ordinance**

**(Agenda Item F.7)**

Councilman Getka reported that there are many vacant lots as well as residential lots that have had dead trees on the ground for a year or longer. Councilman Getka reviewed some proposed language that would require property owners to keep their properties clear of fallen trees and brush or grass piles. There was some discussion on the requirement to have fallen trees removed within 21 days and coordinating with the bulk trash pick-up, which occurs every two months. There was some discussion on whether fallen trees was something the council wanted to address within the nuisance ordinance. Mayor Vargus and Councilman Getka will review the ordinance and bring proposed language back for council consideration at the next council meeting.

**MOTION:** *No motion was made.*

**Discussion Regarding Stagnant Ponds in Lakewood Village**

**(Agenda Item F.8)**

Councilman Getka reported on concerns about ponds in town that are stagnant. Councilman Getka reported that the property owner of the largest pond in town has expressed interest in having the pond filled in. Councilman Newsome stated that care must be given when telling a property owner to fill in a pond because it could affect the value of the property. There was some discussion about what would be required to remove the pond and re-establish the natural drainage in that area. Mayor Vargus reported that the road construction crews would likely fill in the pond at no cost. The town can facilitate contact between the property owners and the road crew. Councilman Newsome will contact Bill Graham. Councilman Getka asked the Town Secretary to contact Martin Porter. Mayor Vargus will contact the USACE to verify there are no issues with changing drainage.

**Discussion of Status of Concrete Road Project**

**(Agenda Item F.9)**

Mayor Vargus reported that Wednesday, November 19<sup>th</sup>, Shoreline Drive would be closed down until the completion of the project (mid-December). Mayor Vargus reported there was a surface crack discovered on Hillside that has been verified as superficial and nothing to cause concern.

**Consideration of Interlocal Agreement with  
TML MultiState Intergovernmental  
Employee Benefits Pool**

**(Agenda Item F.10)**

Town Secretary Asbell reported that this Interlocal agreement is for employee health insurance and is required due to a name change of the benefits pool. There are no changes in coverage or cost.

**MOTION:** Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Bushong the Council voted five (5) “ayes” and no (0) “nays” to approve the Interlocal Agreement with TML MultiState Intergovernmental Employee Benefits Pool. *The motion carried.*

**Consideration of Minutes of the October 9,  
2014**

**(Agenda Item F.11)**

**MOTION:** Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Getka the Council voted five (5) “ayes” and no (0) “nays” to approve the minutes as presented. *The motion carried.*

**EXECUTIVE SESSION:**

**(Agenda Item G)**

At 9:26 p.m. Mayor Vargus recessed into executive session in compliance with Section (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: deliberation 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 9:59 PM.

**COUNCIL AND STAFF COMMENTS:**

**(Agenda Item I)**

Mayor Vargus reported that the property owner at 423 Hillside has failed to comply with the Council order and the deadline has expired. The abatement process will begin this week.

**LAKWOOD VILLAGE TOWN COUNCIL  
REGULAR SESSION  
NOVEMBER 13, 2014**

**Page 7**

Mayor Vargus reported that the financial audit has been completed and although it was more complicated this year, it went very well.

**ADJOURNMENT**

**(Agenda Item J)**

**MOTION:** Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Newsome, council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 9:59 p.m. on Thursday, November 13, 2014. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 15th day of December 2014.

APPROVED

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Dr. Mark E. Vargus  
MAYOR

ATTEST:

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Linda Asbell, TRMC  
TOWN SECRETARY