

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

AUGUST 13, 2015

Council Members:

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

Town Staff:

Linda Asbell, TRMC, Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Regular Session of the Town Council to order at 7:04 p.m. on Thursday, August 13, 2015, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG:

(Agenda Item A)

Mayor Vargus led the pledge of allegiance

VISITOR/CITIZENS FORUM:

(Agenda Item B)

No one requested to speak.

REGULAR AGENDA

(Agenda Item C)

**Consideration Ordinance Appointing
Building Official and Deputy Building
Official (Vargus)**

(Agenda Item C.1)

Mayor Vargus reported that a few years ago there was a reported concern about liability coverage for our building inspectors, Steve Freeman and Bryan Ausenbaugh. This ordinance protects the building inspectors as officials of the town to be covered by the town's insurance through Texas Municipal League.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Newsome, council voted three (3) “ayes” and no (0) “nays” to approve Ordinance 15-12 appointing Building Official and Deputy Building Official. *The motion carried.*

**Consideration of Certificate of Convenience
and Necessity Agreement between the Town
of Lakewood Village and Town of Little Elm
(Vargus)**

(Agenda Item C.2)

Mayor Vargus reported that the Town of Little Elm approved the agreement.

MOTION: Upon a motion made by Councilman Reed and seconded by Councilman Newsome, council voted three (3) “ayes” and no (0) “nays” to approve the Certificate of Convenience and Necessity Agreement between the Town of Lakewood Village and the Town of Little Elm and authorizing Mayor Vargus to execute the agreement. *The motion carried.*

**Consideration of Municipal Development
District Fiscal Year 2015-2016 Budget
(Vargus)**

(Agenda Item C.3)

Mayor Vargus reviewed the proposed MDD budget.

MOTION: Upon a motion made by Councilman Reed and seconded by Councilman Bushong, council voted three (3) “ayes” and no (0) “nays” to approve the Municipal Development District 2015-2016 budget. *The motion carried.*

**Consideration of the Economic Development
Corporation Fiscal Year 2015-2016 Budget
(Vargus)**

(Agenda Item C.4)

Mayor Vargus reported that the Economic Development Budget has not been finalized yet and will be presented at a future meeting.

MOTION: *No motion made*

**Discussion of Variance Request for Front
Facing Garage and Garage Dimensions for
420 Hillside (Vargus)**

(Agenda Item C.5)

Mayor Vargus reported that there are not enough council members present to consider approval of a variance but he would like to provide the council some information. The property at 420 Hillside is the smallest lot in the town and due to the lot size there is not enough room to allow for a side entry garage. The garage must be front facing and due to the configuration of the lot the garage size must also be reduced. The garage can be constructed at 20.5 feet rather than the required 24'. This item will be considered at the next council meeting.

**Discussion of Variance Request for Front
Yard Fence for 770 Carrie (Vargus)**

(Agenda Item C.6)

Mayor Vargus reported that no action can be taken at this meeting. Mayor Vargus reported that the houses are stacked so they do not line up and there is a conflict between the goals of the neighbors with regard to fencing. Mayor Vargus stated that he would like to talk to both 770 Carrie and 760 Carrie owners and see if there is a way to work out an agreement that both parties are happy with prior to the next meeting.

**Consideration of Adoption of 2011 Electrical
Code (Bushong)**

(Agenda Item C.7)

Councilman Bushong reported that this ordinance adopts the national code rather than the international code. Councilman Bushong reported that the council will need to consider moving toward the 2014 in the near future.

MOTION: Upon a motion made by Councilman Newsome and seconded by Councilman Reed, council voted three (3) "ayes" and no (0) "nays" to approve the Ordinance adopting the 2011 Electrical Code. *The motion carried.*

**Consideration of Ordinance Dissolving the
Economic Development Corporation and
Calling a Special Election (Vargus)**

(Agenda Item C.8)

Mayor Vargus reported that the Texas Legislature made a change to the law which now allows municipalities to rearrange the sales tax collected and dissolve Economic Development Corporation. An election must be held in 2016 to change the sales tax rate. Currently the town collects 1%, EDC collects .5%, and the MDD collects .5%. The town will hold an election to

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redistribute the sales tax to 1.5% collected by the town and .5% collected by the MDD. The overall sales tax paid by the customer will not change. Mayor Vargus reported that he believes this is one of the most well thought out pieces of legislation coming out of Austin.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Newsome, council voted three (3) “ayes” and no (0) “nays” to approve Ordinance 15-14 Dissolving the EDC and calling a Special Election for the Reallocation of Sales Tax. *The motion carried.*

Discussion of Regulation of Drones (Getka)

(Agenda Item C.9)

Mayor Vargus reported that the FAA regulates air space 400 feet and above, and anything below 400’ that might interfere with air space above 400 feet. Texas has a state law regulating drones and strictly protecting the privacy of citizens whose images might be taken by the drone. There was some discussion about State and Federal regulations preempting any municipal regulation.

**Discussion of No Parking/Tow Zones
(Vargus)**

(Agenda Item C.10)

Mayor Vargus reported on a meeting with the Town Attorney and a discussion regarding no parking and tow-away zones. State law prohibits parking within thirty-feet of an intersection. The town can pass an ordinance authorizing towing of any vehicle parked in the no-parking zone. There was discussion of safety concerns with on-street parking inside the intersection area of Highridge Drive and Melody Lane. Councilman Reed reported on several “near-misses” he experienced at that intersection because of vehicles parking within that intersection. Councilman Newsome stated that on-street parking at that intersection affects visibility and safety.

EXECUTIVE SESSION:

(Agenda Item D)

At 8:10 p.m. Mayor Vargus recessed into executive session in compliance with (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: Deliberations about Real Property; (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations; and (4) § 551.076 Texas Government Code to wit: deliberations about security devices.

RECONVENE:

(Agenda Item E)

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Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 8:40 PM.

COUNCIL AND STAFF COMMENTS

(Agenda Item F)

Town Secretary, Linda Asbell, reported that she would be out of town attending a legislative session from Wednesday through Friday of next week.

ADJOURNMENT

(Agenda Item G)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Reed, council voted three (3) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 10:04 p.m. on Thursday, August 13, 2015. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 10th day of September 2015.

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY