

LAKWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

MARCH 11, 2021

Council Members:

Dr. Mark Vargus, Mayor
Darrell West – Mayor Pro-Tem
Clint Bushong
Serena Lepley
Matt Bissonnette
Eric Farage

Town Staff:

Linda Asbell, TRMC, CMC – Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Regular Meeting of the Town Council to order at 7:02 p.m. on Thursday, March 11, 2021 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.

EXECUTIVE SESSION:

(Agenda Item B)

At 7:04 p.m. Mayor Vargus recessed into executive session in accordance with § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on 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 re: Development agreements, development and zoning standards.

RECONVENE:

(Agenda Item C)

Mayor Vargus reconvened the regular session at 7:30 p.m. No action was taken.

VISITOR/CITIZENS FORUM:

(Agenda Item D)

Eric Hancock, 8249 Treemont Place, Frisco, Texas, stated he is a one-third owner of a property at Eldorado and Lakecrest near the entrance to town. Mr. Hancock stated he uses the Frisco address as his address in Texas and he can legally use more than one address as his residence. Mr. Hancock stated that fraud exists at the highest level in Lakewood Village. Mr. Hancock stated that he sells the most land in the area. Mr. Hancock listed many examples of areas in which he has concern and expressed concern about a lack of developers in Lakewood Village. Mr. Hancock listed areas he will be covering in visitor/citizen forum statements in future meetings.

PUBLIC HEARING:

(Agenda Item E)

A public hearing was held to provide an opportunity for citizen comment on a proposed zoning change to property described as Denton CAD Property ID 183763, being an approximate 14.9108 acre tract of land in Denton County, Texas, legally described as Abstract No. 0339A in the C.C. Dickson Survey, Tract 2A; Denton CAD Property ID 636539, being an approximate 0.164 acre tract of land in Denton County, Texas, legally described as Abstract No. 0339A in the C.C. Dickson Survey, Tract 2A(1); Denton CAD Property ID 44330, being an approximate 0.81 acre tract of land in Denton County, Texas, legally described as Abstract No. 0339A in the C.C. Dickson Survey, Tract 3; Denton CAD Property ID 123076, being an approximate 0.28 acre tract of land in Denton County, Texas, legally described as Abstract No. A1044A in the William H. Pea Survey, Tract 5; Denton CAD Property ID 45584, being an approximate 6.473 acre tract of land in Denton County, Texas, legally described as Abstract No. A0750A in the William Loftin Survey, Tract 3; Denton CAD Property ID 133261, being an approximate 65.039 acre tract of land in Denton County, Texas, legally described as Abstract No. A0750A in the William Loftin Survey, Tract 4A; Denton CAD Property ID 133254, being an approximate 0.588 acre tract of land in Denton County, Texas, legally described as Abstract No. A1169A in the B.C. Shahan Survey, Tract 45D; and Denton CAD Property ID 45675, being an approximate 4.7 acre tract of land in Denton County, Texas, legally described as Abstract No. A1169A in the B.C. Shahan Survey, Tract 46 to change the zoning from a Single-Family Residential – District 5 zoning to Planned Development – PD.

Town Secretary Asbell read responses received to the public hearing notice:

Alice Swenson, 300 Parkwood – Supports the zoning change.

Michael Smith, 301 Parkwood – Supports the zoning change.

Lain Hancock, R0133256, R0133253, & R0133262 – Opposes the zoning change “unless you can guarantee that no part of the ordinance passing would remove the road or its easement that we currently use to access our property. (the current town entrance). In doing so, would [sic] considerable devalue our property.”

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Eric Hancock, 8249 Treemont Place, Frisco, Texas, stated he is a partial owner of a property at Eldorado and Lakecrest near the entrance to town. Mayor Vargus reported that Mr. Hancock has engaged an attorney regarding this matter, the Town Attorney has responded to Mr. Hancock's attorney. Mayor Vargus stated that because Mr. Hancock engaged an attorney, he may speak during the public hearing, but the council will not be able to respond. Mr. Hancock stated he wanted to ask if any part of the zoning change would support the removal of the current town entrance. Mr. Hancock stated passage of this ordinance would be an unconstitutional regulatory taking of his property. Mr. Hancock reported that he as off-market comps to prove value. Mr. Hancock stated he has been a local real estate expert in the area for 26 years. Mr. Hancock requested the current entrance be left as a driveway to his property. Mr. Hancock stated that the off-market comps will become public if he uses them in court, the appraisal district will then use those comps, the citizen's property taxes will go up and citizens will have no one to blame but the mayor and council.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bushong, council voted five (5) "ayes", no (0) "nays" to close the public hearing at 7:45 p.m. *The motion carried.*

CONSENT AGENDA:

(Agenda Item F)

Councilman Bissonnette abstained from participating in the consent agenda and left the dais.

1. Minutes of February 11, 2021, 2020 Council Meeting (Asbell)
2. Ordinance Cancelling May 1, 2021 General Election and Declaring Winners (Asbell)
3. Variance at 77 Stowe Court for Roof Pitch of 2/12 for a Standing Seam Metal Roof (Asbell)
4. Variance at 645 Woodcrest for Front Facing Garage (Asbell)

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman Farage, council voted four (4) "ayes", no (0) "nays" to approve the consent agenda items as presented. *The motion carried.*

Councilman Bissonnette returned to the dais.

REGULAR AGENDA:

(Agenda Item G)

**Consideration of Resolution Extending the
Mayoral Disaster Declaration (Asbell)**

(Agenda Item G.1)

Town Secretary Asbell reported that federal funding is available to areas that have issued disaster declarations. This resolution is a necessary step to access those funds. Secretary Asbell reviews some of the expenses that might qualify for reimbursement. Mayor Vargus declared a disaster but

the mayoral declaration only lasts seven days. Council would need to approve the resolution to extend the disaster declaration.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette, council voted five (5) “ayes”, no (0) “nays” to approve the resolution extending the mayoral disaster declaration. *The motion carried.*

Consideration of Lease Agreement with Little Elm Independent School District for Recreational Use of Property (Vargus)

(Agenda Item G.2)

Mayor Vargus reported reviewed the lease agreement of the school district property. Mayor Vargus reported this type of lease agreement is very common for properties prior to school building construction to allow the community to use the property. There was some discussion about using the property for ball fields.

MOTION: Upon a motion made by Councilman Farage and seconded by Mayor Pro-Tem West, council voted five (5) “ayes”, no (0) “nays” to approve the lease agreement with Little Elm Independent School District for recreational use of property. *The motion carried.*

Consideration of Variance Request for Front Yard Fence at 77 Stowe Court (Asbell)

(Agenda Item G.3)

Mayor Vargus reviewed the property owner’s request for a fence around the front of the property. The owner has requested a five-foot-tall gate across the driveway and a five-foot-tall pedestrian gate, along with three-foot-tall fencing. The fencing and gates will be wrought iron. There was some discussion about front yard fences on Stowe Lane.

MOTION: Upon a motion made by Councilman Bissonnette and seconded by Councilman Farage, council voted five (5) “ayes”, no (0) “nays” to approve the variance request to allow a five-foot tall vehicle gate and five-foot tall pedestrian gate in the front yard at 77 Stowe Court. *The motion carried.*

Consideration of Zoning Change Application by Sam Hill Venture (Vargus)

(Agenda Item G.4)

Mayor Vargus reported on an error on page six. The table indicates a restriction on the maximum lot coverage and impervious surface, this will be changed to a restriction to the maximum front

yard coverage and impervious surface. There was some discussion about garage sizes of 20' X 20'. There was some discussion about the many public hearings, information in multiple mayor's letters, and the amount of work that has gone into this project.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley, council voted five (5) "ayes", no (0) "nays" to approve the ordinance changing the zoning as presented. *The motion carried.*

Consideration of Sale of Abandoned Right of Way and Replat of 419 Lakecrest (Vargus)

(Agenda Item G.5)

Mayor Vargus reported the new owner of 419 Lakecrest and would like to purchase the abandoned thirty feet right of way behind his property and replat to include the thirty feet in his property. Mayor Vargus asked council to authorize him to sell the right-of-way for \$1.00 and approve the replat.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette, council voted five (5) "ayes", no (0) "nays" to authorize the mayor to sale the abandoned right of way behind 419 Lakecrest. *The motion carried.*

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley, council voted five (5) "ayes", no (0) "nays" to authorize the mayor to approve the replat incorporating the abandoned right of way into 419 Lakecrest Drive. *The motion carried.*

Discussion of Concrete Roads (Vargus)

(Agenda Item G.6)

Mayor Vargus reported on traffic congestion problems with road blockages. A meeting was held with the contractor to address the issue, signs have been erected. One side of Melody Lane should be poured March 12, 2021. Mayor Vargus reported the fast-curing concrete used by the contractor has not been curing as rapidly as expected. Mayor Vargus stated Green Meadow will be poured next and will then serve as the detour while Highridge is under construction. There was some discussion about sodding along the construction areas. There was some discussion about the construction schedule.

Town Finance Update (Vargus)

(Agenda Item G.7)

Mayor Vargus reviewed the current budget to actual financial reports. Approximately 90% of property taxes have been collected. Mayor Vargus reported that five months into the fiscal year

\$27,033 has been collected against the \$40,000 budgeted. Year to date expenditures are tracking exactly as expected. Mayor Vargus reported \$30,000 was budgeted for new building permits for the year and to date \$24,900 has been collected. Revenues will easily exceed budgeted numbers. Mayor Vargus reviewed the general fund expenses. Mayor Vargus reported that the town's payroll line covers multiple employees and is exactly on track for midway through the year. Mayor Vargus reviewed the current cash balances. General Fund reserve is currently \$666,886 with a \$478,000 gap in road funds not including the change orders.

Mayor Vargus reported on the status of the MDD funds and expenses incurred due to the winter storm. Those expenses will likely be recovered in the FEMA funds available through the disaster declaration. The power was out for three days and the operator had to manually operate the well and pumps with a generator in Rocky Point. Mayor Vargus reviewed the funds available in debt servicing and the funds available to make the bond payments. Three bond payments remain on the first concrete road project. There was some discussion on making extra payments to retire debt early.

Discussion of Town Utility Systems (Vargus)

(Agenda Item G.8)

Mayor Vargus reported on the repairs to the fiberglass ground storage tanks. All repairs have been completed and all ground storage tanks are back online. Mayor Vargus reported on a problem at Rocky Point caused by OnCor losing power for nearly a day. The system was operated with a backup generator. Conduits will be laid under the asphalt for a sewer line and recycled water to go under Highridge ahead of the concrete construction. There was some discussion about streetlights that were removed during the road construction. Those lights will likely not be reinstalled until a time when LandPlan is installing lights in the new development. There was some discussion about the process for paving Highridge and if both lanes will be paved at the same time.

**Discussion of Animal Control Ordinance
(Lepley)**

(Agenda Item G.9)

Councilwoman Lepley reported approximately a year ago she brought up the possibility of allowing backyard chickens. Councilwoman Lepley asked council to provide input on if they would support allowing chickens and if so, what regulations they would like to see in place. There was some discussion about possible restrictions. There was some discussion about regulations that protect neighbors who do not have chickens from sound and odor.

EXECUTIVE SESSION:

(Agenda Item H)

At 8:46 p.m. Mayor Vargus recessed into executive session in accordance with

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- (1) § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on 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 re: Development agreements, development and zoning standards;
- (2) § 551.072 Texas Government Code to wit: deliberations about real property regarding Sam Hill Ventures, Sanctuary at Sunset Cove, Project Left Field; Project Slade Rock, and Project Boy Scout, and
- (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding Sam Hill Ventures, and Sanctuary at Sunset Cove, Project Left Field; Project Slade Rock, and Project Boy Scout.

RECONVENE:

(Agenda Item I)

Mayor Vargus reconvened the regular session at 9:05 p.m. No action was taken.

ADJOURNMENT

(Agenda Item J)

MOTION: Upon a motion made by Councilman Bissonnette and seconded by Councilman Bissonnette council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Meeting of the Lakewood Village Town Council at 9:06 p.m. on Thursday March 11, 2021. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 13th day of May 2021.

APPROVED:



Darrell West
MAYOR PRO-TEM

ATTEST:



Linda Asbell, TRMC, CMC
TOWN SECRETARY

