

**NOTICE OF REGULAR COUNCIL MEETING**

**OCTOBER 1ST, 2012 7:00 PM**

**SHADY SHORES COMMUNITY CENTER**

**101 S. SHADY SHORES ROAD**

**SHADY SHORES, TX 76208**

**AGENDA**

**1. CALL TO ORDER - 7:00 PM**

**MEMBERS PRESENT**

**Jerry Williams, Mayor  
Cindy Spencer, Mayor Pro-Tem  
Cindy Auginbaugh  
John Reedy  
Charles Grimes  
Lance Sandmann**

**MEMBERS ABSENT**

**Also Present: Sarah Swanson, Town Secretary  
Jim Shepherd, Town Attorney**

**2. PLEDGE ALLEGIANCE TO THE UNITED STATES FLAG AND THE TEXAS FLAG.**

***(HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE UNDER GOD, ONE AND INDIVISIBLE.)***

**3. CONSENT AGENDA**-each item listed on the consent agenda is considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

1. Consider and take action relative to the following minutes:
  - a. Town Council Meeting 9/10/2012
  - b. Consider and take action relative to the August 2012 Financial Reports.

Cindy Spencer made a motion to approve the consent agenda. Cindy Aughinbaugh seconded. Motion carried.

**4. COUNCILMEMBER/COMMITTEE REPORTS**-Consider and take action relative to the following Councilmember/Committee member reports:

1. Road Committee (Williams)

Williams said that tomorrow night is the third road committee meeting. They have created a document to present to the council for next November. The document is their suggestions and recommendations for what to do with the \$600,000 that is funded for road improvement for this budget year. The council understands that this is just an advisory committee.

2. Police Report (Reedy)

Williams said that Reedy is out because of illness and the town has not received a report.

3. TML Convention (Williams)

Williams reminded the council that the TML convention is in Grapevine this year at the Gaylord Hotel. Mayor Williams needs a date from the council on which they would like to attend before October 8<sup>th</sup> so he can turn in reservations.

4. Community Events Committee (Spencer)

The last Community Events meeting was on September 12<sup>th</sup> and the Trash Bash was on September 15<sup>th</sup>. There were over 20 volunteers who collected 50 bags of trash, two tires and a few other things. 75 cans were recycled. The Community Garage Sale is on October 19-20th and the committee is renting out parking spaces at the Community Center this year. If you would like to participate, let one of the committee members know and they will make a reservation. Email Cindy Spencer if you would like to be added to the master list of addresses for the garage sale at your home. On October 31<sup>st</sup>, the committee is going to set up a Trick or Treat station here in the parking lot. There is information on the website for this. They are also working on the Christmas Celebration, which will be on Saturday, December 1<sup>st</sup>. There will be vendors, games, cookies and treats, Santa and Mrs. Claus, a storyteller from the library and a chili cook off. The celebration will end with the lighting of the Christmas tree. Olive Stephens Elementary choir and orchestra will be performing. The next meeting is Wednesday, October 10<sup>th</sup>.

5. New website (Aughinbaugh)

A target date is set for completion by the end of October and to have it ready for approval by the November meeting.

6. Fire Report (Sandmann)

Sandmann said that unfortunately he does not have any information. It was requested last week, so he will have several months' worth of information next month.

7. Animal Control Report (Grimes)

The main concerns are the skunks coming out as it is starting to cool down. There have also been a lot of snakes this year so everyone should be aware. The best thing to do if you see a skunk is to call Animal Control and let the professionals handle it.

8. Code Enforcement (Grimes)

Mayor Williams explained that he assigned Mr. Grimes a new responsibility of bringing to the council the documents and a record of code enforcement as our new officer begins to scour the town and look for issues.

9. Committee Reports (Williams)

The Police Service Committee had a meeting last month in which the members introduced themselves and elected Patty Durkin for the Chairman. They established two approaches: 1) see if there is funding for an in-house police service 2) seek other sources of police service. They authorized Mayor Williams to contact towns in close proximity and they all indicated that they would like to provide a request for quotations to the Town. Each of the committee members have also asked other towns close to the size of Shady Shores what their funding is. The committee will meet again next Monday (the 8<sup>th</sup>) and they will present their findings to the Mayor. The Mayor will also present to them those city managers that do want to receive a request for quote and the committee will then put together a document that will be prepared to those five cities. The cities will then respond before June, before the next budget workshops.

**5. CITIZENS COMMENTS-PURSUANT TO THE STATE OF TEXAS OPEN MEETINGS**

**STATUTE:** The governing body of the Town of Shady Shores may not take action on items not posted on the agenda. Those items mentioned by citizens may be placed on a future agenda.

[Ann Faulkenberg – 311 Lakeshore](#)

Faulkenberg thanked the town for their cleanup and the tree trimming, and said the town looks very nice

**6. OFFICIAL NEWSPAPER:** Consider and take action relative to Resolution 738 designating an official newspaper for the Town of Shady Shores.

Mayor Williams said that each fiscal year we are required to prepare a resolution that establishes a newspaper by which we will then put our legal notices in. Mayor Williams read the resolution.

Ann Faulkenberg – 311 Lakeshore

She asked if the Town has ever asked the Lake City Sun Newspaper how many people actually subscribe to their newspaper.

Mayor Williams said that he does not have this information but can get it to her.

Cindy Aughinbaugh made a motion to accept the Resolution 738. Lance Sandmann seconded. Motion carried. Motion carried.

- 7. CODE ENFORCEMENT AGREEMENT:** Consider and discuss a code enforcement agreement with Bob Matthews, a certified code enforcer, to patrol the town and enforce code violations.

Bob Matthews said that usually he starts off with the visual things (tall grass and weeds) and he also addresses health and safety concerns. He then gets into different parts of the code (the code book is massive) when he starts receiving formal complaints. He handles everyone case by case and is careful not to do selective enforcement. Matthews has done this now for over two years, is State certified and is working on continuing education courses and plans to do more. He has done construction through a portion of his life and is getting ready to expand the animal control building. He will work with the town and work with all issues. Matthews will be in the Town for five hours a week patrolling.

Bill Krueger – 103 Cielo Lane

Krueger asked what the expense is for five hours a week. Mayor Williams told him that it is \$600 a month. He also asked about grandfather clauses and how he would handle these. Mayor Williams said all should be required to bring into compliance. Basically, if he has issues with this, he should bring it to the Mayor and help him make a decision, as Mayor truly understands the different demographics of this Town. Krueger also asked about an ordinance stating the authority of the code enforcer going on someone's property. Mayor Williams said that it is Ordinance 148, which does specifically state that if you don't take care of the nuisance, that the code enforcer or the governing body leader of the town has the right to come on the property and take care of that.

Matthews said that he normally does not even open a fence unless there is something serious. It is a very simple process for him to get an administrative search warrant to gain access but he has only had to do this once. He is always going to ask the resident to see the issue first.

Steve Aughinbaugh - 122 Hidden Valley

Mayor asked if the process today is the Mayor mediating the situation. Mayor said that is the case, and if they do not comply, he will hand it over to the court clerk. Aughinbaugh said he expects that it still goes through the Mayor to be handed off to the code enforcer. The Mayor said that anything that Matthews may do really needs to have the Mayor's signature on it.

Lance Sandman asked Matthews to explain the process. Matthews said the first thing he will do is knock on the door and communicate and assess the situation. After giving them time to remedy the situation (usually a week or less), he will return to the property. If they have not done it, he will give them a formal warning of around ten days. After this time, he will go out and look. If they show they have made progress, he will give them more time. If he sees nothing, then a citation is issued. That is the step – verbal, written, warning.

Matthews then explained how he will handle various other situations, in a similar manner, much how he professionally handles animal control.

Mayor Williams asked the Town Attorney to draw up a contract to present to council in November.

Lance Sandmann made a motion to accept Matthews as our code enforcement officer contingent on the contract. Charles Grimes seconded. Motion carried.

- 8. SPECIAL COUNCIL MEETING:** Consider and take action to establish a date for a special council meeting in October to pass a budget amendment ordinance and hold a public hearing.

Cindy Aughinbaugh made a motion to set a Special Council Meeting for Monday, October 22<sup>nd</sup> at 7 pm. Cindy Spencer made the second. Motion carried.

- 9. PUBLIC HEARING RESOLUTION 739:** Consider and take action relative to approving Resolution 739 setting another public hearing for an annexation request from Hidden Valley Airpark.

Charles Grimes made a motion to approve the Public Hearing Resolution 739. Lance Sandmann seconded. Motion carried.

As authorized by section 551.071(2) of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the town attorney on any agenda item listed herein.

- 10. ADJOURN**

**Cindy Aughinbaugh made a motion to adjourn. Cindy Spencer seconded. Motion carried.**

I, Jerry Williams, Mayor of the Town of Shady Shores do hereby certify that the above notice of the Regular Council Meeting was posted on the bulletin board at the Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on \_\_\_\_\_ DAY OF \_\_\_\_\_, AT \_\_\_\_\_ P.M.

\_\_\_\_\_ Jerry William

IN ADDITION, A QUORUM OF PLANNING AND ZONING MEMBERS MAY CHOOSE TO ATTEND THE COUNCIL MEETING POSTED ABOVE. THEREFORE, THIS IS A NOTICE OF A PLANNING AND ZONING MEETING AT THE SAME TIME AND PLACE, WITH THE SAME AGENDA AS THE COUNCIL. IN THE EVENT A QUORUM OF P&Z MEMBERS IS PRESENT AT THIS MEETING, NO ACTION OF THE MEMBERS WILL BE TAKEN. THIS NOTICE IS POSTED AT THE TIME STATED ABOVE.

**Upcoming events and meetings**

Road Meeting	10/2/2012
Police Service Meeting	10/8/2012
Community Events	10/10/2012
Planning & Zoning	10/11/2012
Community Center Garage Sale	10/19/2012 and 10/20/2012
Trunk & Treat	10/31/2012