

NOTICE OF SPECIAL COUNCIL MEETING
OCTOBER 22, 2012 7:00 PM
(Immediately following the BOA meeting)
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208

AGENDA

MINUTES

1. CALL TO ORDER

MEETING WAS CALLED TO ORDER AT 7:20 PM.

ATTENDING WERE: JOHN REEDY, LANCE SANDMANN, CINDY AUGHINBAUGH, CHARLES GRIMES, CINDY SPENCER, AND TOWN ATTORNEY, JIM SHEPHERD, AND THE MAYOR. ABSENT: TOWN SECRETARY SARAH SWANSON

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. 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.

JOE JAYNES, THE NEW REP FOR WASTE MANAGEMENT, INTRODUCED HIMSELF. HE STATED THAT HE LOOKED FORWARD TO WORKING WITH THE TOWN. HE IS RETIRING AS A COLLING COUNT COMMISSIONER AFTER 17 YEARS TO TAKE THE WASTE MANAGEMENT POSITION. HE IS ALSO AN ATTORNEY.

4. PUBLIC HEARING HIDDEN VALLEY ANNEXATION REQUEST-Conduct a public hearing relative to a request by Hidden Valley Airpark Association to annex 63 acres of land situated in the W. Durham Survey Abstract Number 330 and the M.E.P. and P.R.R. Survey Abstract Number 911, Denton, Texas.

A. Open Public Hearing

CINDY AUGHINBAUGH MADE A MOTION TO OPEN THE PUBLIC HEARING. JOHN REEDY MADE A SECOND. THE MOTION CARRIED AND THE HEARING WAS OPENED. THERE WAS NO STATEMENT BY THE HVA REPRESENTATIVE AS ALL COMMENTS HAD BEEN MADE IN THE TWO PREVIOUS HEARINGS REGARDING THEIR INTENT.

B. Public Comments

KEITH PERRY 22 HIDDEN VALLEY MADE A COMMENT THAT THE TOWN HAD NOT FOLLOWED SECTION 43.028 SUBCHAPTER B GENERAL AUTHORITY TO ANNEX FROM THE LOCAL GOVERNMENT CODE TITLE 2. HE STATED THAT THE TOWN MISSED THE VOTING DATE. THE TOWN ATTORNEY SAID THAT ALL HAD BEEN DONE IN COMPLIANCE WITH THE REQUIRED TIMES AND DATES.

C. Rebuttal

STEVE AUGHINBAUGH SAID THAT HE WAS NOT AN ATTORNEY AND DID NOT KNOW THE SPECIFIC PROTOCOL. HE SAID THAT MR. PERRY IS NOT AN ATTORNEY EITHER. THE COUNCIL ASKED THE TOWN ATTORNEY FOR CLARIFICATION. HE SAID THE TOWN HAS DONE ALL REQUIRED TO PROVIDE IN A TIME HONORED MANNER THE ANNEXATION PROCESS. CHARLES GRIMES ASKED IF THEN ALL WAS LEGAL AND THE ATTORNEY CONFIRMED THAT WITH THE EXCEPTION OF THE NEWSPAPER DROPPING THE BALL THAT ALL WAS DONE CORRECTLY. THE HVA CAN SEND ANOTHER REQUEST TO ANNEX TOMORROW AND THAT WOULD TAKE CARE OF ANY ISSUE.

D. Close Public Hearing

JOHN REEDY MADE A MOTION TO CLOSE THE HEARING. LANCE SANDMANN MADE THE SECOND. DURING DISCUSSION CHARLES GRIMES ASKED IF ANY OTHER COMMENTS REGARDING A NEGATIVE REPOSE HAD BEEN MADE AND THE MAYOR SAID THAT IN THE AUGUST 6TH MEETING THAT THERE WERE THREE WHO OPPOSED THE ANNEXATION. CHARLES SAID THAT WAS IT AND THE MAYOR CONFIRMED IT. THE MOTION TO CLOSE THE HEARING WAS APPROVED BY UNANIMOUS VOTE.

5. AMENDING THE 2011-2012 FISCAL YEAR BUDGET-Consider and take action relative to Ordinance 250-8-2012 amending the 2011-2012 FY budget.

THE MAYOR WENT OVER EACH LINE ITEM THAT THERE WAS AN OVER EXPENSE AND THOSE THAT HAD A SURPLUS. THE MAYOR THEN PRESENTED EXHIBIT A SHOWING THE CHANGES THAT WERE MADE AND THEN PRESENTED EXHIBIT B WHICH IS THE AMENDED BUDGET THAT WILL BE FILED WITH THE COUNTY CLERK AND THE TOWN SECRETARY.

JOHN REEDY MADE A MOTION TO APPROVE THE ORDINANCE AND CINDY SPENCER MADE THE SECOND. DURING DISCUSSION, STEVE AUGHINBAUGH ASKED HOW MUCH THE BUDGET HAD CHANGED AND THE MAYOR COMMENTED THAT IT WAS STILL A BALANCED BUDGET AND THERE WERE ONLY ADJUSTMENTS TO THE LINE ITEMS. THE MOTION TO APPROVE PASSED WITH A UNANIMOUS VOTE. THE MAYOR SAID IT WILL BE FILED WITH THE COUNTY.

6. CODE ENFORCEMENT SERVICES AGREEMENT-Consider and take action relative to a Code Enforcement Services Agreement with Bob Matthews.

THE MAYOR EXPLAINED THAT BOB MATTHEWS HAD SEEN THE AGREEMENT AND HAD NO ISSUES.

CINDY AUGHINBAUGH MADE A MOTION TO APPROVE THE AGREEMENT AND CHARLES GRIMES MADE A SECOND. THE MOTION TO APPROVE PASSED WITH A UNANIMOUS VOTE.

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.

CHARLES GRIMES MADE A MOTION TO MOVE INTO EXECUTIVE SESSION. CINDY AUGHINBAUGH MADE THE SECOND AND THE MOTION TO MOVE INTO THE SESSION WAS APPROVED. THE TIME WAS 7:45PM.

CINDY AUGHINBAUGH MADE A MOTION TO RECONVENE INTO OPEN MEETING. JOHN REEDY MADE THE SECOND. IT WAS APPROVED AND THE MEETING RECONVENED AT 8:05 PM.

ACTION AS A RESULT OF THE EXECUTIVE SESSION WAS MADE AS A MOTION BY JOHN REEDY THAT WE VOTE ON THE ANNEXATION REQUEST BY THE HVA AT THE REGULAR MEETING ON NOVEMBER 5TH. CINDY AUGHINBAUGH MADE THE SECOND AND THE COUNCIL VOTED UNANIMOUSLY TO HOLD THE VOTE FOR ANNEXATION THEN.

7. ADJOURN

JOHN REEDY MADE A MOTION TO ADJOURN AND CHARLES GRIMES MADE THE SECOND. THE MEETING WAS ADJOURNED AT 8:15PM.

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 Williams

IN ADDITION, A QUORUM OF PLANNING AND ZONING MEMBERS MAY CHOOSE TO ATTEND THE COUNCIL MEETING POSTED ABOVE. THEREFORE THIS IS 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 THE MEETING, NO ACTION OF THE MEMBERS WILL BE TAKEN. THIS NOTICE IS POSTED AT THE TIME STATED ABOVE

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2012

JERRY WILLIAMS, MAYOR _____

ATTEST: _____ SARAH SWANSON, TOWN SECRETARY