

NOTICE OF REGULAR COUNCIL MEETING

MAY 6TH, 2013 7:00 PM

SHADY SHORES COMMUNITY CENTER

101 S. SHADY SHORES ROAD

SHADY SHORES, TX 76208

AGENDA

- 1. CALL TO ORDER - *The meeting was called to order at 7:00 PM.***

MEMBERS PRESENT

Jerry Williams, Mayor
Cindy Spencer, Mayor Pro-Tem
Charles Grimes
Cindy Aughinbaugh
John Reedy
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 Minutes April 1, 2013.
 - b. Consider and take action relative to the March 2013 Financial Reports.

John Reedy made a motion to approve the consent agenda. Charles Grimes made the second. Motion carried.

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

1. Fire Report (Sandmann)

No report this month.

2. Police Report (Reedy)

There was light activity. One residential burglary, one theft, one alcohol related offense, 41 vacation watches, five traffic citations, four warnings, one traffic accident.

3. Election (Williams)

Tomorrow is the last day for early voting at Corinth City Hall from 7 AM to 7 PM. General Election will be at the Town Hall from 7 AM to 7 PM. The vote tally will be on the internet, on the election site. We will canvass the votes on May 14th, and have a Special Election on May 20th to qualify and take oaths. We will also be presenting a token of gratitude to John Reedy and Lance Sandmann, both of who have done a wonderful job.

4. Road work (Williams)

We have completed almost all road work, but there is still some sealant work to do. The Town Engineer will oversee this.

5. Community Events Committee (Spencer)

In April, there was the Trash Bash and Earth Day. This last Saturday, there was the community garage sale. Ms. Spencer also shared that the Community Events has purchased material for West Nile prevention that the code officer will toss in standing water around the Town. They also purchased mosquito bits that are available for any resident. These are available at the Town Hall and can be used in small areas of standing water. If any resident notices places of standing water, please contact Sarah at the Town Hall, who will be compiling a list, to compare with the Code Officer.

6. Animal Control Report (Grimes)

No report for the month.

7. Code Enforcement (Grimes)

Mr. Matthews has been very busy with a dozen or so situations. He is making good progress with a couple of areas.

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.

Steve Aughinbaugh – 122 Hidden Valley Airpark

Mr. Aughinbaugh said that some of the signs and frames for the election have disappeared. He said this is juvenile, and to leave them alone.

Judith Halasyn - 301 E 5th Street

Ms. Halasyn wanted to thank Mayor Williams for his two years as Mayor and all that he has accomplished during this time - it has made a real difference. She also thanked John Reedy and Lance Sandmann.

Sharon Bounds – 201 Shahan Ln.

Ms. Bounds said that Mayor Williams took over during a really hard transition, and did a great job.

At this time, Mayor Williams asked the Council to change the agenda order, as Mr. Jaynes, with Waste Management, has an engagement he needs to make later in the evening. Mayor asked to move agenda item eight, to agenda item six.

John Reedy made a motion to move agenda item eight, to agenda item six. Lance Sandmann seconded. Motion carried.

6. PRESENTATION BY THE LAKE CITIES LIBRARY: Board Chairman Cecil Carter will make a presentation relative to the Lake Cities Library and its budget.

Mr. Carter gave a presentation for the Lake Cities Library.

He explained his sources of funding: grants, Denton Co., Corinth, Hickory Creek, Lake Dallas, Shady Shores, Misc. There is a funding gap, which is important, because they are in danger of losing accreditation, which reduces the number of grants that can get from the State. How can the library maintain “accreditation standards” and avoid losing revenue? There is a big space problem. The library is 5,000 square feet and they serve a population of 40,000 people. The issue is collections. They must have so many books, tapes, movies to be accredited.

That's about 60,000 units and they have 50,000, but they cannot cram another 10,000 in the building. There is also a circulation issue, which is turnover. If collection is 50,000 people, and they turn the collection over twice, then every book is checked out twice. They are close to number one in collection turnover. Another bid area is cardholders. Since 2009, there has been major growth.

They need Shady Shores' representation at a four town meeting to discuss the library's future, because of the potential finding gap.

7. PRESENTATION BY REGION 6 FEMA CONTRACTOR: Charla Marchuk, a Region 6 FEMA Contractor, will make a presentation relative to watershed Discovery Meetings.

Ms. Marchuk introduced herself as a resident of Shady Shores and the Chair of the Planning and Zoning committee. She has been working as a FEMA contractor since 2007 and graduated from UNT with a degree in Emergency Management and a minor in Geography. When she first moved here, she witnessed the flooding on Fritz Ln., the undersized culverts and the bar ditches. She then volunteered to be on Planning and Zoning, hoping to make a difference. Through her contacts, she has been trying to figure out ways to help our community and keep our quality of life, without going bankrupt. FEMA is working on a contract called RiskMap, which is partly the digitalization of flood maps. RiskMap is a comprehensive plan of all hazards. FEMA has a grant for Discovery, in certain watersheds, and wants to hear from the community. In the next month, they will be going through Discovery in Shady Shores - a process of data mining, collection, and analysis for the determination of flood study update, flood risk assessment, and/or mitigation planning technical assistance projects and scopes of work. This means that FEMA is coming to us, wanting to know about our problem, our drainage. This is our opportunity to tell FEMA our problems and we need solutions for the whole community.

What FEMA is assessing:

- Areas of flooding
- Historical local flooding locations, mitigation activities and grant projects (ongoing or planned)
- High water marks
- Comprehensive plans
- Local development and floodplain management plans
- Storm water management activities
- Infrastructure information
- Details of the current flood risk communications process

- Community ordinances
- Flood study needs
- Regional watershed plans

What we need to provide:

- Substantially Damage Property Data
- List of LOMCs
- High Water Marks
- Localized Flooding Issues outside of the designed SFHA
- Identified Future Projects in Shady Shores
 - Funding allocated for these studies

The Elm Fork Meeting Dates and Locations:

May 28, 9:00 AM – 12:00 PM

These are public officials only, all communities from the watershed.

Gainesville Civic Center, 311 S. Weaver St., Gainesville, TX 76260

June 25, 9:00 AM – 12:00 PM

Senior Center, 6670 Moore Street, Frisco, TX 75034

These are public officials only, all communities from the watershed.

There are 74 Communities affected by the Elm Fork Trinity Watershed (in eight counties), 1,188,917.97 acres, and over one million people. Shady Shores can stand out by attending the meetings, so FEMA remembers us. The type of information being analyzed is:

- Discrepancies in the data from the community standpoint
 - Flood maps versus actual flood limits
 - LOMRs not incorporated
 - CLOMRs that never became LOMRs
 - Mass LOMAs
 - Rivers or shorelines that have been moved
 - New bridges obviously changed
 - Major new subdivisions

Representation at Discovery Meeting #1: May 28, 9 AM – 12:00 PM (Gainesville)

- Mayor
- Town Engineer

- Town Secretary
- Council
- P&Z

Representation at Discovery Meeting #2: June 25, 9:00 AM – 12:00 PM (Frisco)

- Mayor
- Town Engineer
- Town Secretary
- Council
- P&Z

We need to decide who is going to represent us at each meeting. We can attend more than just one. We also need to start compiling data now. We should provide exhibits to NCCOG/FEMA representatives at the meeting specifically related to Shady Shores' issues.

- 8. PRESENTATION BY WASTE MANAGEMENT:** Representative Joe Jaynes will make a presentation regarding the Consumer Price Index (CPI) increase this year relative to our contract with Waste Management.

The contract calls for him to come every May to ask about price adjustment. This is based on the Consumer Price Index (CPI) which has increased to 2.6%. If the CPI ever goes down, the price will also go down. The basic rate for solid waste and recycling will be an increase of 41 cents a month, and for the senior rate, 36 cents a month.

Cindy Spencer asked if the people who receive the senior discount have a notice on their statement so that they know they are actually getting it. Mr. Jaynes said that there should be, but he would check to verify.

- 9. ORDINANCE 254-3-2013:** Consideration and appropriate action on an ordinance revising Ordinance 211-9-2008, the Parking and Storing of Motor Vehicles as recommended by the Town Planning and Zoning Commission.

This Ordinance was established due to parking issues around the Town and in the process of revising the new comprehensive Zoning Ordinance, some of the items were not qualified to be in it. Rather than just cast away those enforceable items, the P&Z members decided to amend the parking ordinance to include those items. The P&Z also added exhibit A. Basically, what they added:

- Added 'Motor Vehicles and Tractors' to the first paragraph
- Added 'Overnight Public Street Parking', Section 5. The language was left as is, from Ordinance 124.
- Added 'Inoperable Motor Vehicles', Section 6. The language was left as is, from Ordinance 124.
- Add in 'Repealing 211' in the Repealer clause.
- Add in a note referencing the State Legal Description of Junk Vehicles (adding another letter).
- Increased the fine from \$200 to \$500.

Steve Aughinbaugh – 122 Hidden Valley

Mr. Aughinbaugh believes the Council should pass the Ordinance.

Cindy Aughinbaugh made a motion to approve Ordinance 254-3-2013, which amends Ordinance 211-9-2008. Lance Sandmann seconded. Motion carried.

Cindy Aughinbaugh made a motion to move from a ten minute break and back into session. John Reedy seconded. Motion carried.

10. PUBLIC HEARING REGARDING ORDINANCE 124: Conduct a public hearing relative to modifications made to the Comprehensive Zoning Ordinance 124.

A. OPEN PUBLIC HEARING

John Reedy made a motion to move into public hearing. Cindy Aughinbaugh seconded. Motion carried.

B. PUBLIC COMMENTS

Steve Aughinbaugh – 122 Hidden Valley

Mr. Aughinbaugh knows the P&Z, Council and attorney have done a lot of work on this and it's a good Ordinance and should be approved.

C. REBUTTAL

D. CLOSE PUBLIC HEARING

Cindy Aughinbaugh made a motion to close the public hearing. John Reedy seconded. Motion carried.

11. ORDINANCE 256-5-2013: Consideration and appropriate action on an ordinance revising Ordinance 124, the Comprehensive Zoning Ordinance of the Town.

The P&Z looked at deficiencies and weaknesses that did not qualify for Zoning. They also looked for ambiguity and some items that were in the Ordinance that would allow for suspension as far as enforcement. They concluded that our Zoning Map is R2000, one half, and our plan development is also R2000 one half. The terminations and definitions are cut and dry and also allowable for a future date. They mentioned an existing ordinance 188-1-207 Manufactured Houses for enforceability. For material, they accepted cement paneling. For agricultural building, they do not have to match the architectural amenities to the building next to them; providing they follow the size and acreage requirements and that they are made of current building materials that qualify for current building codes. If a resident wants a variance, they will need to bring it before the Board of Adjustments.

John Reedy made a motion to approve 256-5-2013. Lance Sandmann seconded. Motion carried. 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.

12. ADJOURN

Lance Sandmann made motion to adjourn. Charles Grimes seconded. Motion carried.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013

_____ CINDY SPENCER, MAYOR

ATTEST:

_____ SARAH SWANSON, TOWN SECRETARY