

**NOTICE OF REGULAR COUNCIL MEETING**

**MAY 5, 2014 7:00 PM**

**SHADY SHORES COMMUNITY CENTER**

**101 S. SHADY SHORES ROAD**

**SHADY SHORES, TX 76208**

**MINUTES**

**1. CALL TO ORDER AND DETERMINING IF A QUORUM IS IN ATTENDANCE.**

The meeting was called to order at 7:55 PM.

**MEMBERS PRESENT**

Cindy Spencer, Mayor  
Cindy Aughinbaugh, Mayor Pro-Tem  
Paula Woolworth  
Patty Durkin  
Charles Grimes  
Matthew Haines

**MEMBERS ABSENT**

**Also Present: Jim Shepherd- Town Attorney, Bob Matthews-Code Enforcement, Amber Chaudoir-Acting Town Secretary and Chantal Kirkland-Town Consultant.**

**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.

- A. Consider and take action relative to the following:
  - 1. Town Council Meeting Minutes March 3, 2014.
  - 2. Town Council Meeting Minutes April 7, 2014.
  - 3. Town Council Meeting Minutes April 16, 2014.

4. March 2014 Financial Reports.

Patty Durkin made a motion to approve the consent agenda with the removal of the March 3, 2014 Council Meeting Minutes and the March 2014 Financial Reports. Matthew Haines seconded. The motion passed 5-0.

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

1. Community Events and Keep Shady Shores Beautiful (Spencer)

Mayor Spencer said that on May 3<sup>rd</sup>, the trash bash was a great success followed by the 5K runs that had over 100 runners. Mindy Grimes wanted to thank everyone that helped with the trash bash and the hotdogs for the runners.

2. Telephone and Internet (Aughinbaugh)

Cindy Aughinbaugh said that the public side to the wireless internet is not currently working so we need to get that fixed and Amber got her new computer.

3. Animal Control (Grimes)

Bob Matthews (All American Dogs) gave the animal control report. He had 8 calls last month and 2 of them were dogs that were hit by cars. He wants to remind residents that the town does have a leash law.

4. Code Enforcement (Grimes)

Bob Matthews (Americas Code Enforcement) gave the code report. He discussed the issues and the progress and efforts that homeowners are making. He also said that he has been placing mosquito dunks around town.

5. Police Report (Durkin)

Patty Durkin said that the February report included 1 misdemeanor assault, 1 sexual offense, 1 vehicle burglary, 1 juvenile arrest, 11 traffic citations, 3 non traffic citations, and 9 warnings and 6 false alarms. Most of the calls were for Police to be extra vigilant in some areas. March was pretty light with 2 misdemeanor family violence assaults, 1 general theft, 1 vandalism, 2 adult arrests, 0 traffic citations, 5 non traffic citations, 5 warnings, 7 false alarms and again majority of the calls were for direct patrol.

6. Fire Report (Woolworth)

Paula Woolworth said that there were 13 fire responses for April and she is still waiting for the addresses that have the canopy of trees that need to be raised because of the new truck.

7. P & Z Report (Elizabeth Nugent)

Elizabeth Nugent said that on the May 8<sup>th</sup> meeting, the P&Z will be discussing the burn ordinance. She also asked that the Town Engineer be present for the meeting. At the June meeting she wants to update 256 to correct the square footage discrepancy.

8. Investment Committee (Aughinbaugh)

Cindy Aughinbaugh reported that the town has diversified and money has been moved to the new accounts.

9. West Nile Virus Information (Spencer)

Mayor Spencer said that information about the West Nile virus is available on the Denton County website and asked that all residents check their property for standing water. The town hall has mosquito bits available for residents and the code enforcement has been placing dunks around town as well.

**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 Falkenberg signed up to speak and asked the council to drive down Oberman Lane to the cul-de-sac to look at lot 6 that has about a 5,000 square foot house. Look at everything before making a decision.

Paul Brown signed up to speak and asked the council to take a look at the franchise taxes that are 8.8% in 2012 and 10.7% down in 2013. This could be beneficial with the talk of revenues. He also discussed the budget and challenged the council to find out why the town is not getting revenue.

Polly Carter signed up to speak and asked the council to consider lowering the speed limit on Lakeshore Road from 30mph to 25mph.

Tom Spencer signed up to speak and asked the council to consider a tree ordinance.

Nick Augustine made a statement about the good of the town and that the mayor and council are working very hard despite the challenges.

**6. WASTE MANAGEMENT RATE ADJUSTMENT:** Discussion regarding increases proposed in rates for garbage and trash collection by Waste Management.

Joe Jaynes (WasteManagement) discussed with council the terms of the contract and also the request for a rate increase.

Keith Perry signed up to speak but had nothing to say.

Anita Reoh signed up to speak and asked about bulk trash pick-up.

Ann Falkenberg signed up to speak and asked where the landfill is.

Discussion was held with no action taken.

**7. MOTORCYCLE AWARENESS PROCLAMATION:** Proclamation of the month of May as Motorcycle Safety and Awareness Month in the Town.

Mayor Spencer read the proclamation aloud.

Ann Falkenberg signed up to speak but had nothing to say.

Keith Perry signed up to speak but had nothing to say.

Patty Durkin made a motion to accept the proclamation. Charles Grimes seconded. The motion passed 5-0.

**8. 1<sup>st</sup> STREET ABANDONMENT:** Discussion regarding request by Donna Bragg to abandon the right-of-way for 1<sup>st</sup> Street where it bisects her property.

Donna Bragg addressed the council explaining her request.

Roy Bragg signed up to speak and addressed the council.

Keith Perry signed up to speak and addressed the council.

Ann Falkenberg signed up to speak but had nothing to say.

Tom Spencer signed up to speak and addressed the council.

Discussion was held with no action taken.

**9. NUMBER OF PETS AND POTBELLY PIGS:** Consider and take appropriate action on Ordinance 266-05-2014 – Limiting the Number of Pets Allowed as well as Defining and Allowing Potbelly Pigs as Pets, amending Ordinance 93.

Town Attorney Jim Shepherd addressed the council with other issues on Ordinance 93 aside from the potbellied pigs.

Tillman Strahan signed up to speak but had nothing to say.

Rebecca Morgan signed up to speak and addressed the council.

Ronda Hortsman signed up to speak and addressed the council.

Archer Ellis signed up to speak and addressed the council.

Steve Hortsman signed up to speak and addressed the council.

Tom Spencer signed up to speak and addressed the council.

Keith Perry signed up to speak but had nothing to say.

Ann Falkenberg signed up to speak and addressed the council.

Eileen Ellis signed up to speak and addressed the council.

Steve Watkins signed up to speak and addressed the council.

Charles Grimes made a motion to table this item. Matthew Haines seconded. The motion passed 5-0.

**10. MINOR AMENDING PLAT:** Consideration and take appropriate action on a minor amending plat proposed for 109 & 110 S Hidden Valley Airpark, requested by Archer Ellis.

Ann Falkenberg signed up to speak but had nothing to say.

Keith Perry signed up to speak but had nothing to say.

Patty Durkin made a motion to approve the amending plat request. Matthew Haines seconded. The motion passed 5-0.

**11. EMPLOYEE HANDBOOK:** Consider and take appropriate action on Ordinance 265-05-2014 – Employee Handbook.

Ann Falkenberg signed up to speak but had nothing to say.

Keith Perry signed up to speak but had nothing to say.

Cindy Aughinbaugh made a motion to make corrections and bring back to council at the June meeting. Patty Durkin seconded. The motion passed 5-0.

**12. CODIFICATION:** Discussion regarding pros and cons of codifying the Town's ordinances.

Town Consultant Chantal Kirkland presented the council with pros and cons of codification.

Ann Falkenberg signed up to speak but had nothing to say.

Keith Perry signed up to speak but had nothing to say.

Discussion was held with no action taken.

**13.FY2014-15 BUDGET CALENDAR:** Discussion regarding the proposed Budget Calendar for Fiscal Year 2014-2015.

Ann Falkenberg signed up to speak but had nothing to say.

Keith Perry signed up to speak but had nothing to say.

Discussion was held with no action taken.

**14. OFFICE STAFFING:** Discussion regarding the staffing of the town offices.

Keith Perry signed up to speak but had nothing to say.

Cindy Aughinbaugh made a motion to table this item until the June meeting. Matthew Haines seconded. The motion passed 5-0.

**15.VARIANCES:** Discussion regarding the variances processes established by Zoning Ordinance 256 and Subdivision Ordinance 130.

Keith Perry signed up to speak but had nothing to say.

Cindy Aughinbaugh made a motion to table this item. Paula Woolworth seconded. The motion passed 5-0.

**16.FEE SCHEDULE REVIEW:** Discuss and take action to review the Town fees schedule.

Ann Falkenberg signed up to speak but had nothing to say.

Keith Perry signed up to speak but had nothing to say.

Discussion was held with no action taken.

**17. REQUIRING SPECIFIC USE PERMITS FOR CELL TOWERS:** Consider and take appropriate action on Ordinance 267-05-2014-Requiring a Special Use Permit Broadcast Towers and Installations of Telephone Companies.

Town Attorney Jim Shepherd gave a presentation regarding cell towers.

Ann Falkenberg signed up to speak but had nothing to say.

Keith Perry signed up to speak but had nothing to say.

Cindy Aughinbaugh made a motion to table this item until the June meeting. Matthew Haines seconded. The motion passed 5-0.

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**18. EXECUTIVE SESSION:** Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated, the Town Council may hold a closed meeting.

- A. Government code 551.071-Confidential legal advice regarding pending or contemplated litigation.
- B. Government code 551.074-Personnel-to deliberate the appointment, employment, evaluation, reassignment or duties of office staff, and contract personnel, including the Building Official/Inspector, Code Enforcement, Animal Control Officer, City Attorney, Town Administrator, and/or Town Engineer.

Cindy Aughinbaugh made a motion to go to executive session. Patty Durkin seconded. The motion passed 5-0 and the council went to executive session at 12:45 AM.

**19. CLOSE EXECUTIVE SESSION AND RESUME COUNCIL MEETING.**

Patty Durkin made a motion to resume the council meeting. Cindy Aughinbaugh seconded. The motion passed 5-0 and the council resumed regular session at 1:57 AM.

**20. TAKE ANY ACTION NECESSARY AS A RESULT OF EXECUTIVE SESSION**

Ann Falkenberg signed up to speak but had nothing to say.  
Keith Perry signed up to speak but had nothing to say.

No action was taken.

## 21. ADJOURN

Cindy Aughinbaugh made a motion to adjourn. Patty Durkin seconded. The motion passed 5-0 and the meeting was adjourned at 1:58 AM.

*The Town Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberation about Real Property), 551.073 (Deliberation about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development).*

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**APPROVED \_\_\_\_\_**

**MAYOR**