

NOTICE OF REGULAR COUNCIL MEETING

FEBRUARY 6TH, 2012 7:00 PM

SHADY SHORES COMMUNITY CENTER

101 S. SHADY SHORES ROAD

SHADY SHORES, TX 76208

MINUTES

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

MEMBERS PRESENT

**Jerry Williams, Mayor
Cindy Aughinbaugh, Mayor Pro-Tem
Charles Grimes
Cindy Spencer
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 1/09/2012
 - b. Special Council Meeting 1/23/2012
 - c. Joint work session with P&Z 1/26/2012
 - d. Consider and take action relative to the November and December 2011 Financial Reports.

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

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

1. Road Report (Williams)

The contract has been signed with Quality Excavating and they have 30 days to complete the contract. They are working on three entities which are: the entrance to Cielo, the road by the pump station on S. Shady Shores, and the road by Fox Hollow on W. Shady Shores. If the weather cooperates, they should be finished within their 30 day allotment. In another 60 days, Mayor Williams will be driving all of the roads to establish a criteria for our budget discussion this summer. There are also some water mains broken in town, and LCMA will be taking care of these.

2. Police Report (Grimes)

There are a total of 274 calls this month. The new report is grouping the patrols so we are not sure what is happening. We will try to talk to them to get the report more broken down. We also have the new report which has been scaled down which is harder to read. There is not such a rash of burglaries as there were in December.

3. Strategic Planning Report (Reedy)

Even though there has been no other meeting, John wants to remind us that we are approaching the February 21 meeting and there will be something to report on in March.

4. Community Events Committee (Spencer)

The Community Events Committee is planning to assist the Keep Shady Shores Beautiful Committee in the spring with things such as Trash Bash, making signs, etc.

5. New website (Williams)

Carolyn Belknap, the webmaster for the Shady Shores website will no longer be available to assist with the website at the end of the year. We have a budget for someone to take over and improve the website, and we will begin working on this soon. We are going to have a

webinar with a potential website designer in the near future. Any decisions will be presented to council for approval.

6. Election (Williams)

Today is the first official day to pick up packets for alderman places one, four and five. The actual deadline is 5:00 on March 5. The election is officially on May 12. We will be approving the documents tonight to order the election. All are encouraged to run for the alderman.

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.

There are no names for this agenda item so we will move to number six.

6. ANNUAL TOWN AUDIT REPORT 2010-2011: Presentation by Jerry Eastup relative to the 2010/2011 Fiscal Year Audit. Consider and take action relative to the Town of Shady Shores 2010/2011 Annual Audit

Jerry Eastup reviewed in detail the 2010/2011 Fiscal Year Audit. The overall finding is positive for Shady Shores. The total assets for the town are a little over three million dollars with the liabilities being small, mainly being accounts payable and payroll. The net assets (property taxes being the main source) were increased this fiscal year by \$133,920. For the year, the fund balance was increased by \$171,658 which is a very healthy increase in fund balance. This report states that there are no problems and everything is in order. Overall it is a very good report with no debt, other than accounts payable.

Cindy Aughinbaugh made a motion to accept the town audit. John Reedy seconded. Motion carried.

7. NEW LAKE CITIES FIRE DEPARTMENT SERVICE RATES: Presentation by Chief Birt relative to the new five year proposal for Fire/Ems Services. No action will be taken.

Chief Birt presented an overview of the Lake Cities Fire Department and also spoke about the new five year proposal for Fire/EMS Services.

The proposal has all three cities of Lake Dallas, Hickory Creek and Shady Shores in an interlocal agreement with the City of Corinth. The previous five year contract had a CPI with an increase of 1%. However, the CPI was actually going negative so the increase was not

enough to cover the expenses. The proposed base rate increase for 2012-2017 is calculated using CPI plus 1% with a floor of 2%. So basically the annual increases would be a minimum of 2%. There will also be a ceiling of around 5-6%. The operational expenditures will be left flat for the municipalities. What did change was reinstating the Emergency Management position and taking into account the increase in benefits (these are the only expenditures included in the proposal). There are no increases for the fireman. They are asking the cities to help pay for the next phase of the equipment that is needed. The fully fund LCFD Vehicle & Equipment Replacement Fund, an annual contribution of \$350,000 is required. The proposed five year funding model staggers the contribution, beginning at \$200,000 in year one and increases to \$350,000 by year five. This will only be used for fire department funds.

For 2012-2013, for the first phase, they are asking for a \$34,000 increase for Shady Shores, for a total contribution of \$285,000. They do not anticipate that the increase from year 2-5 will be more than 5-7%. The second phase of the proposal is the vehicle and replacement fund, so the first year contribution from Shady Shores will be \$13,000. All in all for 2012-2013 the increase will be \$47,000. The total contribution for the year will be \$298,000. Annually after this, they anticipate the contributions to be from about five to ten thousand dollars in total.

The council had some serious concerns for such a steep increase in the first year. They asked if there was a way to smooth this percent increase out over the next five years. The Chief agreed to talk with the city manager to try and work this out.

- 8. ORDINANCE 243-1-12 SPEED ZONE EVERETT COURT:** Consider and take action relative to approving an ordinance establishing a 25mph speed zone on Everett Court and placing a No Outlet sign on the existing street sign.

Ken Colby spoke to the council concerning Ordinance 243-1-12 on Everett Court. He presented that Everett Court is less than two tenths of a mile and a dead-end cul-de-sac. There are 15 houses on the street, with 18 children under the age of 12 and some of the residents are speeding. When the other residents ask him to slow down, he dismisses them, saying he does not care. While the kids are not playing in the street, people do need to walk their dogs, get the kids out of the car, etc., which can be dangerous with speeders on the street. They called the police about the issue, who advised them to start with this route (asking the council to reduce the speed and placing a 'No Outlet' sign). They also had the street residents sign a petition, in which 11 out of the 15 houses signed (some of the other residents were out of town). They are hoping the 'No Outlet' sign will prevent people from turning down the street thinking it's a thoroughfare, and then quickly speeding back to get back on the main road. They are hoping a posted speed limit sign of 25 mph will be a deterrent to the speeding homeowners.

The council and town attorney agree to the 'No Outlet' sign. The council and town attorney expressed some concerns with lowering the speed limit. The main concern was that even if they did lower the speed limit, the people already speeding would probably not stop doing so. Also, the town attorney explained that if the speed limit is lowered to 25 mph, the city is responsible for reporting to the state some of the street's activity (e.g. accidents on the street).

Jack McCool also approached the council. He is also a resident of the street and said that while the 'No Outlet' sign is long overdue, reducing the speed limit and placing sign will make no difference. He also stated that the street is "not a playground" so the children on the street should not be the issue. He also requested that the town place the sign at the north end of the street (where the main speeding occurs), if it is going to be placed.

Lance Sandmann made a motion to change the speed limit to 25 mph and also place the 'No Outlet' sign on the street. Cindy Spencer seconded. Motion carried.

Mayor Williams stated that the new ordinance will be published in the newspaper, presented to the Corinth Police Department for enforcement and in the meantime get the signs ordered and place on the North end of the street.

9. GENERAL ELECTION FOR TOWN OFFICIALS (MAY 12, 2012): Consider and take action relative to the following items:

1. Contract with Denton County to participate in the Joint Election
2. Ordinance 244-2-12—Ordering the 2012 Election for Town officials

Mayor Williams stated that there are no changes in the election procedures. The only language not in the contract is the specific fee, which is usually around \$3,150. Cindy Aughinbaugh made a motion to approve the contract to participate in the joint election agreement with the City of Denton. Lance Sandmann seconded. Motion carried.

The only item missing from the ordinance is the early voting poll locations, but this should be known by the next Council Meeting. Cindy Aughinbaugh made a motion to pass the ordinance ordering the election. John Reedy seconded. Motion carried.

10. ORDINANCE 245-3-12 BUILDING PERMIT FEE FOR NON-RESIDENTIAL CONSTRUCTION: Consider and take action relative to approving an ordinance establishing a permit fee for non-residential construction.

Mayor Williams explained that ordinance 245-3-12 has a fee schedule for non-residential construction which is \$1.00 per square foot, which is a relatively consistent rate. The

ordinance does not pertain to public schools for the non-residential permit fee. John Reedy made a motion to pass Ordinance 245-2-12. Lance Sandmann seconded. Motion carried.

11. ORDINANCE 124: Consider and take action to establish a date for a work session to complete the review relative to the Zoning Ordinance 124, the Comprehensive Zoning Ordinance of the town.

Lance Sandmann made a motion for a February 13 workshop at 7:00 p.m. for Zoning Ordinance 124. Cindy Spencer 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.

Convened into executive session at 8:45; returned at 9:45. No action was taken.

12. ADJOURN

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 ___5th__ DAY OF March AT 7 P.M.

_____ Jerry Williams

UPCOMING DATES AND EVENTS

FILING DEADLINE FOR THE MAY 12TH ELECTION IS MARCH 5TH AT 5PM. PACKETS ARE AVAILABLE AT THE COMMUNITY CENTER.

