

NOTICE OF REGULAR COUNCIL MEETING

MARCH 5TH, 2012 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 p.m.*

MEMBERS PRESENT

**Jerry Williams, Mayor
Cindy Aughinbaugh, Mayor Pro-Tem
Cindy Spencer
John Reedy
Lance Sandmann**

MEMBERS ABSENT

Charles Grimes

**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 the consent agenda items is available for public review.

1. Consider and take action relative to the following minutes:
 - a. Town Council Meeting 2/06/2012
 - b. Special Council Meeting 2/13/2012
 - c. Consider and take action relative to the January 2012 Financial Reports.

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

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

1. Road and Signs Report (Williams)

Roads - The roadwork will begin on March 19th for the three areas of Shady Shores. On March 12th, the general contractor will put up traffic control devices. During the day, there will be work crew with flags directing traffic and there will be flashing lights for night. The Orchards subdivision will have to close their entrance at Sunrise Grove and they will have to enter/exit at Shadow. Mayor Williams and the General Contractor will contact them this weekend. This is being done while Denton ISD is on Spring Break so we do not have to worry about their buses. Lake Dallas is aware that there will be an issue for the buses to the entrance of Cielo and they are trying to accommodate the width of the bus. While the area in front of the pump station is county maintenance, Shady Shores is funding this because it has become such an issue. The area from Sunset Grove to Swisher will be a right turn only coming up from Corinth.

Signs – Mayor Williams is coming into compliance with the federal mandate, directed by the previous road committee. For Phase I, 72 stop signs have been purchased and will be placed at one subdivision at a time. Phase II will be the directional signs. We will make sure that we do not exceed funding for Public Works to place these signs. There is a mandate to have them placed by 2015, so we are ahead of schedule. 2018 is the last day we have to get every residential sign changed.

2. Police Report (Grimes)

We have no Police Report from the City of Corinth for this meeting. As for the report from All American Dogs, the main issue continues to be the problem of loose dogs. Mayor Williams put a reminder in the monthly newsletter that this is an issue for the town. If it is not solved, the people are going to be fined. Mayor is also in the process of drafting a letter for all residents reminding them that there is an ordinance that specifically addresses these issues.

3. Strategic Planning Report (Reedy)

There was a Master Planning meeting on February 21st in which a number of issues were discussed, including school safety issues, which were discussed with Denton ISD. There will be another meeting on March 20th to discuss issues such as the town budget, roads and lighting and town hall needs.

4. Community Events Committee (Spencer)

The Community Events Committee will be assisting the Keep Shady Shores Beautiful Committee with their Trash Bash on April 14th.

5. Election (Williams)

The deadline to file for candidacy was today at 5:00 p.m. The following people filed with the town:

Place 1: Cindy Spencer (unopposed)

Place 4: Bill Krueger and Cindy Aughinbaugh (both in attendance)

Place 5: Charles Grimes and Judith Halaszyn (both in attendance)

Sarah Swanson, Town Secretary, will be contacting each candidate for a time to draw for a place on the ballot next week for place four and five so we know who is number one and number two on the ballot. We will post this by Thursday and call the ballot drawing by next week. This must be done by the 12th. The candidates have until 5:00 on March 8th to withdrawal candidacy. Early voting is April 30th (we still do not have the early voting locations) and the General Election will be held at the Town Hall on May 12th from 7 a.m. to 7 p.m.

6. Website Redesign (Aughinbaugh)

Cindy Aughinbaugh and Sarah Swanson are discussing different packages with the company but will most likely go with the lower end cost, which is a template-based option. Sarah will maintain the content for the site locally.

Mayor Williams reminded us that the council has already approved the funding for this.

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.

Nobody signed up for Agenda item five.

6. POISON PREVENTION WEEK: Mayor Williams will read a proclamation claiming March 18-24, 2012 as Poison Prevention Week.

Mayor Williams read the proclamation and claimed March 18-24th as Poison Prevention Week.

- 7. NEW LAKE CITIES FIRE DEPARTMENT SERVICE RATES:** Consider and take action regarding the proposed new five year plan to fund the Lake Cities Fire Department.

Mayor Williams explained that the Lake Cities Fire Department cannot make adjustments to the operational cost but they can adjust the vehicle cost. It can be averaged over the five years or not paid in the first year and averaged over the four years. Cindy Aughinbaugh made a motion to ask the fire department to proceed with drafting the interlocal agreement. Lance Sandmann seconded. Motion carried.

- 8. LAKE CITIES LIBRARY:** Cecil Carter will be present to give an update on the Lake Cities Library.

Cecil Carter updated the council on the Lake Cities Library but asked for no additional funding at this time. The library has increased in patrons and cardholders from 2011 to 2012 (about 4,900). The library is also providing more services and programs, but fewer people in them.

- 9. RESOLUTION 728-ATMOS RATE SCHEDULE:** Consider and discuss a request by Atmos Energy to pass a resolution suspending proposed rates 90 days (March 6 to June 4)

Jan Rugg, an Atmos Representative, explained that there will be a \$2.30 to \$3.00 monthly customer rate increase for the town due to Atmos replacing the gas service lines. The city has three options for the increase which are:

- 1) Passing the resolution
- 2) Suspend for ninety days (which is what Atmos is asking)
- 3) Deny (which would result in litigation)

The town attorney, Jim Shepherd, recommended suspending the rates and also joining the coalition for the area. John Reedy made a motion to accept Resolution 728, suspending the rates for 90 days. Cindy Aughinbaugh seconded. Motion carried.

- 10. TITLE 36 LAW ENFORCEMENT SERVICES ORDINANCE:** Consider and take action relative to passing Ordinance 246-4-12 regarding law enforcement services authorized under the Federal Code of Regulations, Title 36 of Federal Lands.

The Corinth Police department asked for Mayor Williams to present the Title 36 Law Enforcement Service Ordinance to the town and council for passing. There have been several recurring issues of motor vehicle disturbances on Federal property (Corps of Engineers). The Corinth Police are restricted in fining the individuals because it is Federal

property. If this ordinance passes, they will have control of patrolling the property for the Corp. Several Shady Shores residents signed up and spoke to council on this agenda item.

Roy Smith spoke first on this issue. He explained that he is retired from both the Corp as well as FEMA and explained the risk of passing this ordinance. We will have to take over the responsibilities of the rules put into place by the Corp. When we assume the responsibilities, we then have the liability and responsibility to manage all of the rules. There are other methods to handling the public area.

Bill Krueger spoke next, saying that a battle with the Corp is a never-ending process and that the land should not be taken away from the residents of Shady Shores. The Corp also has a record of not maintaining their own projects (e.g. the shoreline that is maintained by Shady Shores residents).

Roger Berry then spoke, also asking council to not accept this offer, as he is concerned about a relationship with the U.S. Army, whose decisions are constantly changing. He also explained that if this ordinance passes, the police cannot selectively choose what they want to enforce, so something as small as riding bikes and horses can be a potential issues.

Patty Durkin spoke next, stating that there is no need to pass this ordinance, as the Corinth Police can already enforce State and Federal laws for illegal activity on Corp property.

Tom Spencer spoke last, who was concerned that passing this ordinance will even further increase the cost for public safety for Shady Shores, which is already high.

Because of the conflicting information (can Corinth PD enforce illegal activity on Corp property?) the council asked to table the discussion until there is more clarification. Cindy Aughinbaugh made a motion to table agenda item ten. Lance Sandmann seconded the motion. Motion carried.

- 11. ORDINANCE 245-3-12 AMENDMENT:** Consider and discuss amending Ordinance 245-4-12 and establishing a new fee for public schools built in the Town of Shady Shores.

Mayor Williams is discussing the fee schedule for issuing a building permit, which is new to the town. The council had previously established that \$1 per square feet for the new school was an acceptable fee but Denton ISD had issue with this rate. Mayor Williams asked the town attorney to revisit the fee schedule in order to be fairer to the school. Jim Shepherd explained that we need to be certain that the permit fee is relevant to the cost to the town, as the town cannot charge a school an impact fee. We know that there is an expense of at least \$40,000 for the inspector and \$9,000 for engineering cost. Mayor Williams then suggested a cost of 50 cents per square foot, which would make the cost \$93,000.

Before the council approves the amendment, they would like a further discussion with Denton ISD and the engineers with Shady Shores about adding a turn lane for the buses, which was also rejected by Denton ISD following their own engineering report. After much discussion, Jim Shepherd recommended an executive session for these issues. John Reedy made a motion to approve Agenda Item 11. Cindy Aughinbaugh seconded. Motion carries. Cindy Aughinbaugh made a motion to move to executive session. Lance Sandmann seconded. Motion carried.

Council went into Executive Session at 9:05 p.m. and ended Executive Session at 9:25 p.m.

12. ORDINANCE 124: Conduct a work session relative to the Zoning Ordinance 124, the Comprehensive Zoning Ordinance of the town. Consider and take action relative to approving the changes to Ordinance 124 and calling a public hearing.

John Reedy made a motion to table agenda item 12. Cindy Aughinbaugh 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.

13. ADJOURN – John Reedy made a motion to adjourn. Cindy Aughinbaugh seconded. Motion carries.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2012

JERRY WILLIAMS, MAYOR

ATTEST _____

SARAH SWANSON, TOWN SECRETARY