

NOTICE OF SPECIAL COUNCIL MEETING

MARCH 19, 2012 7:00 PM

NOTICE: THE SPECIAL COUNCIL MEETING OF THE TOWN OF SHADY SHORES, 7:00 P.M., MARCH 19, 2012 WILL BE HELD BY TELECONFERENCE CALL. COUNCIL MEMBER CHARLES GRIMES WILL BE LOCATED AT STARBUCKS 2056 SKIBO ROAD, FAYETTEVILLE, NC 28314.

A COUNCIL MEMBER QUORUM WILL BE MEETING IN THE COUNCIL CHAMBERS OF THE SHADY SHORES COMMUNITY CENTER, 101 S SHADY SHORES ROAD, SHADY SHORES, TX 76208.

THE PUBLIC MAY ATTEND AT EITHER LOCATION.

AGENDA

- 1. CALL TO ORDER - The meeting was called to order at 7:01 p.m. Council member Charles Grimes is located at Starbucks 2056 Skibo Rd. in Fayetteville, NC.**

2. MEMBERS PRESENT

MEMBERS ABSENT

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

**Also Present: Sarah Swanson, Town Secretary
Jim Shepherd, Town Attorney
Danny Cummings, Town Engineer**

- 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.

- No citizen comments on this agenda item.

4. MIDDLE SCHOOL 7 SITE PLAN: Discussion and action relating to the recommendation by Planning and Zoning Commission that council accept the site plan for Middle School 7 with exceptions regarding the sidewalk and drainage into Stephens Elementary School and Middle School 7 site. Lot 1 Block A (37.979 Acres) called 40 AC. TR. Adkisson Ranch LP to Denton ISD CFN 2007-40538.

Rebecca Morgan (114 North Garza Rd.). Ms. Morgan wanted to first state that she does not object to the proposed construction of the middle school, which is across the street from her home. The reason that she is speaking is because the past week she discovered a red tailed hawk nesting in one of the trees on the South end of the property and she is speaking on behalf of the red tail hawk family. Ms. Morgan has observed members of this hawk family living in the area for the past twenty five years. Until Olive's Branch was constructed, they were nesting on the South end of her property and wishes they still were, as she (the hawk) and her expecting family are now in danger. They use the same hunting and nesting territory for years and a clutch of one to five eggs are laid in early spring. The eggs are incubated for 25-38 days, and then cared for the 42-46 days. The chicks then begin to leave the nest in the next ten weeks. After this period, they leave the nest for good. Ms. Morgan said that there are two good reasons to protect the nest. First, when the dirt work on the site commences, the property will be overrun with field rats and 85% of the hawk's diet is rodents. Second, like all birds of prey, red tailed hawks are protected by state and federal laws. They are covered by the Migratory Bird Treaty Act, which makes it illegal to remove or disturb the birds, their nest and their eggs from any property without a federal permit, even in an inconvenient location. Permits are rarely issued. Violation of this law is punishable of up to six months in prison and a \$15,000 fine. As stated before, she is not trying to stop the construction of the school. All she is asking is to have a prevision be added to their permit preventing any work from being done within 150 feet of the tree where the nest is located in, until August 1st. This gives time for the eggs to hatch and the chicks to learn to hunt on their own. Then the hawks will leave the nest and be able to adapt to the construction and adjust their hunting and breeding territory accordingly. Ms. Morgan plans to take photos as the construction progresses and is happy to make copies for education of the children at school. They may even want to make the hawk their mascot.

The nest is located south of the tennis courts on the edge of W. Shady Shores, close to the road.

Mayor Williams feels confident that Denton ISD will work with this condition, especially considering it is a federal issue.

Tonight's meeting is to address what the Planning and Zoning Committee have already addressed, which is looking at the beginning of the site work for Middle School 7. In attendance for Denton ISD were Tom Ruteledge, Glen Martin, Mike Wilson, Paul Andrus and Steve Haver. Mayor Williams listed the concerns that were voiced at the joint work session held on January 26th, 2012.

1. Adjust the opening day enrollment numbers. The District representative indicated 750-800 opening day students. *Since the workshop, the opening day enrollment has been confirmed by Rod Reeves at the District, and it is anticipated the 624 enrollment numbers is accurate.*
2. Pedestrian crosswalk locations to serve those school children and parents who may choose to walk to and from the school site. *The TIA did not evaluate whether pedestrian crosswalks will be needed or not. However, sidewalks will be included along Shady Shores (east of Garza) and along Garza (north of Shady Shores). Additionally a crosswalk will be provided across Garza (south of 6th).*
3. The extension to the north of the proposed northbound left-turn lane on Garza to also serve the existing elementary school. The traffic situation at the elementary to the north does not warrant a northbound left-turn lane.
4. The use of "Do not Block Driveway" signing for the driveways serving the homes on the east side of Garza. *TIA's evaluate traffic conditions and identify solutions improvements when they are needed. The location of the "Do not Block Driveway" will be coordinated with the Town where appropriate.*
5. The addition of an eastbound left-turn lane on Shady Shores to serve the bus entrance (drive #4) – *Analysis of this drive indicates that it will operate at a good level of service without an eastbound left-turn lane on Shady Shores. This is due in part to the low volume of bus traffic projected to use it and in part to the sufficient westbound traffic gaps provided by the all way stop operation at Garza. According to the analysis, a left turn lane is not warranted.*
 - Mr. Ruteledge explained that the elementary and middle school times will be different, and they are trying not to impact the traffic on Garza, so they are going to evaluate how the yield sign will do. If there is an issue with this, they will switch out the yield for a stop sign.
 - Cindy Spencer also asked if there is a plan for a crossing guard. Denton ISD explained that this may be an option, but they will have to address this with the board.
6. Overhead street lighting at the intersection of Garza and Shady Shores – *The TIA evaluate the impacts of school traffic on the surrounding street network and suggest improvements that are needed to meet those impacts. In this case an all-way stop was*

recommended for the intersection of Shady Shores and Garza. All-way stop operations are usually safe or safer than other traffic control operations. The critical times of operation for this intersection are the morning and afternoon school peaks and the PM commuter peak. Normally there are in the daylight hours. With retro-reflective signing and straight, flat approaches to the intersection, there should not be a need for safety lighting. However, it is understood that the Town may choose to add a light at a later time.

- 7. A school speed zone on Shady Shores as well as Garza – to determine where to place an effective school speed zone requires a school speed zone study that considers the school situation as described in Part 7 of the 2011 Texas MUTCD. Placement of speed zone signs will be coordinated with Town staff as necessary.*
- 8. The elimination of the faculty entrance (drive #2) and moving those traffic movements to the main entrance (drive #3) – This has been evaluated, and it potentially has more of a negative impact on traffic movements. Elimination of drive #2 is not warranted and could be detrimental to operations at drive #3; thus it has been left as proposed.*
- 9. The extension to the north of the proposed southbound right-turn lane on Garza to also serve the existing elementary school – The proposed southbound right-turn lane on Garza is needed to facilitate operations at the Shady Shores and Garza intersection. Extension of the right-turn lane to the Elementary School is not warranted.*

Mayor Williams explained that council needs to approve the site plan with two exceptions. The first is the sidewalk issue, which Tom Rutledge explained. They will be picking the existing sidewalk up and continuing it around where the buses come in. The second issue is the drainage issue (in from of the old Atkinson house), which is a collapsed drainage culvert and also the entry in the new plastic culvert that expands its way into the elementary school. The town engineers have investigated this claim and it is their opinion that C&P should analyze the drainage area for the Atkinson Ranch property that was not included in the C&P design for the Middle School 7 site and present an acceptable method of accommodating this runoff or further evidence that alternative drainage patterns exist. Mayor Williams is concerned whether or not the detention pond can hold additional water.

Dannie Cummings explained that there is no doubt that that water, from that site, used to flow from the east before the road was built. With the road in place, the water catches there and tries to flow south, but because of the culvert under the residential driveway that is crushed, it is not capable of carrying any water to get to the culvert that is underneath the elementary school driveway. It ponds now, and has been for a number of years, but there is an issue. This is why he requested that Tom and his staff take a look at this. Dannie also said that should a decision be made to try to carry the water that now ponds there is great enough, contour wise, to move from the north end to the south end. It would

require reconstruction, but could be accomplished. Dannie feels this is a good of a time as any to take care of it. The culvert that was rumored to exist along Garza was never found.

Tom Ruteledge also spoke on the drainage issue. We want to make sure that we are not diverting the drainage to a place it's not going to today and end up impacting someone else. Also, Atkinson Ranch was not far along enough in design to show how they would address the drainage. As for the drainage solution, if there is going to be a solution, it will need to be a town/district joint one. They did not see this drainage issue as a problem when they middle school was designed, simply because the elementary school was approved.

Tom feels that this drainage issue is perhaps not the schools problem because it has always been there. Charles Grimes spoke, explaining that while the water always had been there, it has not been there in the volume it is now. It was not to this volume until the culvert got damaged. All of the drainage water used to run off onto the property where the elementary school is now. If they built the grade up, they did not address that. That is why the school had to come back with a later plan and run that drain line from the front of that ditch property out through there to the pond. So, it was not a problem of the severity that it is now. Charles feels it would be a huge mistake to approve this without a full blown workout, because when we did approve the elementary school to be built, it was basically approved without all of the answers, just like we are going to do with the middle school, and most of the problem was with drainage.

The council agreed to approve the site plan on two conditions: 1) regarding the sidewalk into Middle School 7 and 2) there be approximately \$50,000 in escrow to identify a problem and solution for the drainage into Stephens Elementary School and Middle School 7 site.

Cindy Aughinbaugh made a motion to approve the site plan, contingent on the sidewalk change, the \$50,000 escrow to address the drainage and to protect the rights of the hawk. Lance Sandman seconded. All were in favor, except one council member (Charles Grimes) who was opposed to approving Middle School 7 Site Plan. Motion Carried.

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

Mayor Williams felt that 50 cents per lineal foot for the 187,000 square foot building at \$93,500 is an acceptable fee for the public schools built. John Reedy made a motion to approve Ordinance 245-3-12 Amendment. 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.

9. ADJOURN – Charles Grimes made a motion to adjourn. John Reedy seconded. Motion carried.

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, Mayor

PASSED AND APPROVED THIS 7TH DAY OF MAY, 2012

_____ Jerry Williams, Mayor

