

NOTICE OF REGULAR COUNCIL MEETING

MAY 7TH, 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

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**

- 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 3/19/2012
 - b. Town Council Meeting 4/02/2012
 - c. Consider and take action relative to the March Financial Reports.

Mayor Williams commented that our revenues for the March Financial Reports are at about 92% and our expenditures are at about 46%. Cindy Aughinbaugh made a motion to approve our consent agenda. Cindy Spencer made the second. Motion carried.

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

1. Road Report (Williams)

Mayor Williams commented that we did complete the road projects and had our engineer inspect and approve the roads. The contractor has been paid. We have completed about 90% of all the federally mandated stop signs in the town. We have also put up about 90% of all of our federally mandated speed limit signs so we have established funding for all of these items out of this year's budget. What is left is a few directional and identity signs for the town, which must be completed by 2018. On April 20th, the road engineer and strategy committee chairman spent about seven hours driving the town to look at road conditions and drainage issues. The engineer will bring before the workshop this summer a figure for what we need for budget going into budget session.

2. Police Report (Grimes)

It was a lighter month overall compared to March, however there is some incline in burglary. There were a total of 328 calls in the month of April.

3. Strategic Planning Report (Reedy)

There was no meeting this month. Reedy commented that he is still waiting for the Master Planning Report from the engineer to come up with a future budget. There is not another meeting planned yet.

4. Community Events Committee (Spencer)

Spencer commented that there will be a Community Events meeting at the first part of June.

5. New Website (Aughinbaugh)

Aughinbaugh commented that Sarah Swanson is still working with Civic Plus to move forward with the website.

6. Election (Williams)

Tomorrow (May 8th) is the last day for early voting. The election will then be held here at the Community Center on Saturday, May 12th from 7 am to 7 pm. The results should be posted

by Saturday night on the Denton County website. The votes will be canvassed on Tuesday, May 15th at 7:00 pm.

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.

Paul Brown – 420 Fritz Lane

Brown requested to be placed on the next agenda to discuss the infrastructure drainage for the new middle school.

6. TITLE 36 LAW ENFORCEMENT SERVICES ORDINANCE: Consider and take action relative to passing Ordinance 248-6-12 regarding law enforcement services authorized under the Federal Code of Regulations, Title 36, of Federal Lands.

Mayor Williams

1. This is not a signed agreement with the CORP or federal government.
2. The lake manager was contacted before we pursued this and has no issue with Title 36.
3. Regardless of whether we pass the ordinance, those things prohibited by the assessment plan of 2006 are still prohibited on federal lands.
4. This ordinance was written identically to the ordinance the City of Corinth passed. However, it can be modified for Shady Shores' purposes.

Captain Wilkerson – City of Corinth Police Department

The City of Corinth entered into a lease agreement with the CORP which requires this ordinance to be enacted, but it *does not require* the Corinth Police Department to enact the ordinance, only that it can be. Passing the ordinance simply gives the police department another tool for enforcing nuisances. Without this tool, they cannot enforce the nuisances because it is on CORP property.

Keith Perry – 22 Hidden Valley

Perry expressed concerns for passing this ordinance. First, there are specific references in the federal code that states that all other federal, state and local regulations remain in full force and effect where applicable. There is another (section 3726) in the state and local laws that

state and local laws should apply on project lands and waters. There is also concern for selective enforcement.

Bill Kruger – 103 Cielo Ln.

Kruger expressed concern for trying to enforce regulations for issues that are not even happening. It seems to be a duplication of effort and allows possible harassment of our residents. He also feels that if there are issues on CORP property, it is the federal government's responsibility to enforce the laws on their own land. We need to make some common sense decisions on the freedom of our citizens.

Steve Aughinbaugh

It sounds like we are not getting enough value for passing this ordinance. We should not be paying more for policing when there is no real issue.

Tom Spencer – 203 W 6th Street

Spencer said that he agrees with the other speakers and does not find passing this ordinance necessary. He is concerned with increased cost next year because of additional patrolling of the shore.

Roy Smith – 100 Lakeshore

Smith explained that he spent most of his career with the CORP and FEMA and Title 36 was one of the things that was utilized to control the federal lands and to have the authority to enforce on federal land. The only ability for the agreement is being able to write a ticket for nuisances on CORP property, but since crime is increasing, this is not that big of a concern.

Captain Wilkerson

Wilkerson explained that there would be no cost increase and reiterated that the police department's focus is still on crime, but that this ordinance just gives them another tool, if needed. Also, selective concern is just simply part of the police officers discretion in all areas.

Jim Shepherd – Town Attorney

Shepherd wants to clarify that this is a separate issue from enforcing federal laws. These issues covered under the ordinance will only be Class C jurisdiction, which are at this time unenforceable by the Corinth Police Department. This will put into a municipal ordinance laws enforceable in Shady Shores' court.

Cindy Spencer – Town Council

Cindy Spencer asked about the possibility of annexing CORPS land within our city limits so our ordinances could be enforced by the police department.

John Reedy made a motion to table agenda item six. Cindy Spencer seconded. Motion carried.

- 7. PRESENTATION BY RICHARD ARVIZU WITH C&P ENGINEERING:** The town engineer will make a presentation regarding a drainage issue on Cielo Lane in the Cielo Ranch subdivision. There will be no action on this item.

Richard Arvizu – C&P Engineer

Arvizu presented a recommended strategy to correct a storm water drainage issue along Cielo Lane. Residents in Cielo Lane have voiced concerns about water ponding after significant storm events in the roadway along the north side of Cielo Lane at two locations; 1) between Cheyenne Court and Mesa Court and 2) between Mesa Cort and Rio Bravo Way. Arvizue presented three possible options for the drainage issue as well as cost estimates:

1. Re-grade an approximate 20' x 60' area, which is done with a shovel.
 - a. \$16,000
2. Install area drains between the roadway and the right-of-way line along with re-grading the approximate area 20' x 60' areas at both sag locations to direct storm water to the drains.
 - a. \$33,000
3. Add a French drain system such as the NDS EZ-Drain product along the backyard fence lines and contained within the drainage easements in conjunction with drains within the Cileo Lane right-of-way.
 - a. This is not a feasible option cost-wise.

Arvizu recommends option one because it is less cost and less intrusive and still satisfies the original intent.

Tom Spencer – 203 W. 6th

There are multiple drainage issues in the town, so if we are taking care of this issue, we need to take care of all the others as well.

- 8. INTERLOCAL AGREEMENT BETWEEN THE CITY OF CORINTH AND THE TOWN OF SHADY SHORES FOR FIRE SERVICES:** Consider and take action regarding an interlocal agreement for fire services between Corinth and Shady Shores for the next five years.

John Reedy made a motion to pass the interlocal agreement. Cindy Aughinbaugh seconded. Motion carried.

- 9. PRESENTATION BY CECIL CARTER REGARDING LCMUA:** LCMUA Board Member, Cecil Carter, will make a presentation regarding five year Matrix accepted by LCMUA and its relation to the Town of Shady Shores.

Cecil Carter made a presentation regarding current and future operations and projections of LCMUA.

10. TREE TRIMMING PROPOSAL FROM BAKER LANDSCAPE AND TREE

SERVICE: Consider and take action regarding a proposal to trim the trees and various vegetation to make the Town of Shady Shores compliant with fire department codes.

Mayor Williams

Baker's proposal states that it will require ten and a half days to complete the job at \$15,750. Cindy Aughinbaugh made a motion to accept the proposal. Charles Grimes seconded. Motion carried.

- 11. RESOLUTION 729:** Consider and take action regarding Resolution 729 establishing the Keep Shady Shores Beautiful Committee.

This committee is an affiliation of Keep Texas Beautiful, who holds themselves to high standards. In order to become an affiliate, you must follow through with several steps. John Reedy made a motion to approve Resolution 729. Cindy Spencer seconded. Motion carried.

- 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.

Jeff Poleman – 36 Hidden Valley

Poleman wants to reiterate that he appreciates the council's efforts on this ordinance but that he also has several concerns with it, particularly with Article 5.4 because this borders on being unconstitutional.

This council conducted a work session for Ordinance 124 from Article 4.1 Enforcement to the end of the ordinance, Article 6.2 Repealing Clause. The council wants to review all changes to the ordinance before making the motion to pass it.

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2012

_____ JERRY WILLIAMS, MAYOR

ATTEST:

_____ SARAH SWANSON, TOWN SECRETARY

