

**REGULAR COUNCIL MEETING  
MARCH 6, 2006  
MINUTES**

**1. Call to Order**

The Town Council of the Town of Shady Shores convened in a regular meeting on March 6, 2006 at 7:00 p.m., Shady Shores Community Center, 101 South Shady Shores Road, Shady Shores, Texas. Notice of the meeting was posted as required by Title 5 Chapter 551 of the Government Code. The following members were present: Mayor Olive Stephens, Mayor Pro tem Nita Watkins, Councilmembers Brown, Carter, Durkin and Falkenberg.

**2. Pledge Allegiance to the Flag**

The Pledge of Allegiance to the United States Flag and the Texas Flag was recited by all present.

**3. Discussion and action regarding town expenditure for a portion of the sidewalk for Shady Shores Elementary School located at 300 Dobbs Road. (Presentation by a representative of the Lake Dallas Independent School District)**

Presentation by a representative of the Lake Dallas Independent School District.

Speaking on this item were: Marilyn D. Meyer, 204 Dobbs Road

Nita Watkins made a motion to allocated funds up to \$13,033 for the Shady Shores portion of the sidewalk in front of the Shady Shores Elementary School. Seconded by Polly Carter.

For: Unanimous The motion carried 5-0

**4. Discussion and action regarding radar surveys on Shady Shores Road.**

Speaking on this item were: Phil Santigrossi

**a) Eastbound /Westbound**

Ann Falkenberg made a motion to establish a 40-mile per hour speed limit on west on Shady Shores Road from Garza to the end of our town boundaries and request to have the police department begin immediate enforcement of that speed limit. Seconded by Nita Watkins.

For: Brown, Durkin, Falkenberg, Watkins Opposed: Carter

The motion carried 4-1

**b) Southbound/ Northbound**

Ann Falkenberg made a motion to establish a to establish a 30 mile per hour speed limit on Shady Shores Road from Garza to Lakeshore at the community center. And establish a 35-mile per hour speed limit from Lakeshore at the community center to the Lake Dallas city limits. Seconded by Nita Watkins.

For: Brown, Durkin, Falkenberg, Watkins Opposed: Carter

The motion carried 4-1

**5. Reports from Council and Committee Chairpersons**

**Mayor Olive Stephens-Budget, finance**

Thank Norma Barker for picking up trash in the town.

**Mayor Pro tem Nita Watkins-Financials, Roads Funding, Fire Department**

Review of code enforcement invoice from D. J. Branham. Ann Falkenberg will review all items on the invoice and sign off on them. Then Ann will give the invoice to the mayor or mayor pro tem for payment

Review of drainage issues during the recent rains.

**Councilmember Betty Brown-Library, Police**

Many new activities at the library.

Gay Bridges will be mentioned in the history.

Library representative to make a presentation at the April meeting.

In February the Corinth police department responded to 41 calls. Response time is 5.24 seconds.

**Councilmember Polly Carter-Strategic Plan, Roads, Corps Committee, Building Committee**

Road committee meeting held on February 16, 2006

Met with Mike Saunders, town engineer on February 23, 2006.

Hopefully work will begin on Lakeshore by June.

Jean Bowers is representing the Corps Committee.

Dan Martin is representing the Building Committee.

**Councilmember Patty Durkin-Strategic Plan, Fire Department, Website, Newsletter, Shoreline Communication, Corps Committee**

The Shoreline will be published on April 27, 2006. Articles need to be to Patty by April 13, 2006.

**Councilmember Ann Falkenberg-Ordinance Enforcement, Animal control**

Fourteen properties had code violations—2 closed, 3 citations and 30 letters have been sent.

Ann is to work with Kerry Payne to complete work on the contract.

**Fire Department Board Member- Kathe Strantz**

The new ISO rating will take effect on June 1, 2006

2005 EMS and Fire Report

**Shady Shores Subdivision Committee- Jean Bowers**

There are two trees not four in need of attention.

Polly Carter made a motion to move item # 17 up on the agenda. Seconded by Betty Brown.

For: Unanimous The motion carried 5-0

**6. CITIZENS COMMENTS**

Judith Halazyn- 301 E. 5<sup>th</sup> Street asked two questions---How long will the green posts be in the middle of June Street.

When is the Candidates forum?

Misty Closs- 303 E. 5<sup>th</sup> Street. Thanked Polly Carter for work on the road committee and the information she presented.

Commented on the building committee. Old Shady Shores committee never meets. Dan Martin should be on the list of reports at council meetings. Corps committee should also be on the agenda reports list. Not enough input in an open way.

Gary Brown said he got no city services and town did not need the code enforcement officer.

**7. Approval of Minutes:**

**a) FEBRUARY 6, 2006 REGULAR COUNCIL MEETING**

Patty Durkin made a motion to table this item. Seconded by Betty Brown.

For: Unanimous The motion carried 5-0

**8. Discussion and action regarding building permit and inspection process for Town of Shady Shores.**

Misty Closs asked who placed this item on the agenda.

Patty Durkin said this item was a carry over from the workshop.

Betty Brown made a motion that as far as a decision tonight we table item # 8 regarding building permit and inspection process. However have Ann Falkenberg go ahead and start the rewriting of the building process and ordinance #157.

Seconded by Patty Durkin

For: Unanimous The motion carried 5-0

**9. Discussion and action regarding approval of monthly accounts payable and accounts receivable reports.**

Patty Durkin placed this item on the agenda.

Patty Durkin made a motion that we have the monthly accounts payable and accounts receivable reports on our agenda each month. And that we have the reports in the council packets each month. Understanding there will be a four- (4) week lag.

(For example January will be in March)

Seconded by Ann Falkenberg.

For: Unanimous The motion carried 5-0

**10. Discussion and action regarding the addition of invocation to future council meeting agendas.**

Patty Durkin placed this item on the agenda.

Patty Durkin made a motion to include an invocation immediately before the pledges as part of our regular meeting agenda.

Seconded by Ann Falkenberg.

For: Durkin, Falkenberg Opposed: Brown, Carter, Watkins.

Motion failed 3-2

**11. Discussion and Action regarding selection of court records software system based on 2004-2005 audit.** Patty Durkin and Ann Falkenberg placed this item on the agenda.

No action taken.

**12. Discussion and action regarding reserve funds for capital projects resolution.**

No action taken.

**13. Discussion and action regarding mayor’s letter for 201 Shahan.**

Ann placed this item on the agenda. After discussion with the homeowner at 201 Shahan, Ann Falkenberg made a motion that the letter is changed the from six months to three months beginning today and that in the future all negotiations with residents are just handled with our code enforcement officer no body on council and not the mayor. Seconded by Patty Durkin.

For: Unanimous The motion carried 5-0

**14. Discussion and action regarding resolution from attorney indicating Berry Street is a prescriptive easement.**

**RESOLUTION NO. 670**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS, REGARDING BERRY LANE (FORMERLY KNOWN AS MULBERRY LANE), A PUBLIC ROADWAY BY PRESECIPTIVE EASEMENT LYING WITH THE TOWN OF SHADY SHORES.**

**WHEREAS**, on the fourth day of April, 1966, the commissioner’s Court of Denton County, Texas, did approve a plat for the “Mulberry Lane Addition,” a proposed subdivision in Denton County, Texas, J.G. Bullard survey, Abstract 1566; and

**WHEREAS**, by reservation deed dated the 30<sup>th</sup> day of March, 1966, William E. Arie, owner and developer of the Mulberry Lane Addition, did reserve ownership of a twenty foot wide strip of land, abutting and contiguous to the western boundary of each of the seventeen lots in the Mulberry Lane addition; and did dedicate the same strip of land as a private way, street, and road for the owners of such lots, to be known as “Mulberry Lane”; and

**WHEREAS**, lot 35 of the Lake Shore Park Addition to the Town of Shady Shores, a lot more commonly known as 340 Oakwood Circle, lies between and its contiguous to the north end of Mulberry Lane on its southern property line, and Oakwood Circle on its northern property line; and

**WHEREAS**, the Town Council of the Town of Shady Shores finds, either of their own personal knowledge , or through the testimony of citizens, including those living within the Mulberry Lane Addition, and the Lake Shore Park Addition, that both the twenty-foot wide strip of land reserved by William E. Arie in 1966, and lot 35 of the Lake Shore Park Addition, have been used by the general public for purposes of public vehicular ingress and egress openly, adversely, and continuously for a period in excess of twenty years;

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS AS FOLLOWS;**

1. The Town Council finds that the matters stated above in the introduction to this resolution are true.
2. The twenty foot wide strip of land reserved by William E. Arie in 1966 as “Mulberry Lane”, has been openly, adversely, and continuously used by the traveling public as a public prescriptive easement for more than twenty years. (Exhibit A):
3. Lot 35 of the Lake Shore Park Addition (J.B. Bullard, Tract 5, Acres 0.680, formerly owned by the same William E. Arie) has also been used, in conjunction with “Mulberry Lane,” openly, adversely, and continuously used by the traveling public at large for ingress and egress between the Lake Shore Park Addition, and Shady Shores Road for more than twenty years. (Exhibit B)
4. The Town Council of the Town of Shady Shores finds that the twenty foot strip known as Mulberry Lane, and that portion of lot 35 over which the public travels, constitute under the law of Texas a public prescriptive easement for a public right-of-way, with all the uses attributable thereto.
5. The Town Council of the Town of Shady Shores finds that no material objection from William E. Arie to public use of lot 25 (while owned by him), or the Mulberry Lane tract, is on record with the Town.
6. The Town Council of the Town of Shady Shores does hereby declare that Berry Lane, formerly known and platted as Mulberry Lane, is a public prescriptive street and right-of-way within the Town of Shady Shores, including all of the twenty foot lane reserved by William E. Arie in the plat of the Mulberry Lane Addition, and that portion of lot 35 of the Lake Shore Park Addition over which and through Berry Lane passes.

**RESOLVED THIS 6<sup>TH</sup> day of March, 2006**

Patty Durkin made a motion to adopt resolution No. 670. Seconded by Betty Brown.

For: Unanimous The motion carried 5-0

**15. Discussion and action on iron gate located behind 303 E. 7<sup>th</sup> and in the town right of way on 8<sup>th</sup> Street.**

The posts and the gates in question are behind Marie Edward’s property located at 303 E. 7<sup>th</sup> Street.

Ann Falkenberg placed this on the agenda.

Ann Falkenberg made a motion to let the posts and the two gates remain in place behind 303 E. 7<sup>th</sup> Street until such time that the town decided to relocate the gate and use it somewhere else. Seconded by Patty Durkin.

For: Unanimous The motion carried 5-0

**16.Consideration and action hiring a town bookkeeper.**

Misty Closs asked to speak on this item. Patty Durkin placed this item on the agenda.

Patty Durkin made a motion to select a steering committee to start the process to select and hire a bookkeeper to keep the financial records of the town. Seconding the motion with discussion was Polly Carter. This person was to set up and maintain the financial records and act as an assistant for Diane Williams.

For: Unanimous The motion carried 5-0

**17.Consideration and action or recommendation by the Shady Shores Community Center Building Committee.**

Presentation by Dan Martin. Ann Falkenberg made a motion to allocated \$500.00 out of the building fund for the purpose of hiring an inspector to inspector the present building. Seconded by Patty Durkin.

For: Unanimous The motion carried 5-0

**18. Adjourn**

Ann Falkenberg made a motion to adjourn. Seconded by Polly Carter.

For: Unanimous The motion carried 5-0

\_\_\_\_\_ Olive Stephens, Mayor

**Attest:**

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**Town Secretary**