

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

1. Call to Order

The Town Council of the Town of Shady Shores convened in a regular meeting On November 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 Betty Brown, Polly Carter, Charles Grimes and Jerry Williams. A quorum was present.

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. PUBLIC HEARING—OPEN PUBLIC HEARING

Nita Watkins made a motion to open the public hearing. Seconded by Jerry Williams

FOR: UNANIMOUS THE MOTION CARRIED 5-0

**Chapter 366 Texas Health and Safety Code, to consider regulation of on-site sewage
Facilities (including septic tanks)**

Addressing the council on this issue were: Ann Falkenberg, Phil Santigrossi,

CLOSE PUBLIC HEARING

Jerry Williams made a motion to close the public hearing Seconded by Nita Watkins.

FOR: UNANIMOUS THE MOTION CARRIED 5-0

4. Consideration and action to adopt an ordinance pertaining to regulation of on-site sewage facilities.

ORDINANCE NO. 186-11-2006

AN ORDINANCE OF THE TOWN OF SHADY SHORES, TEXAS, APPROVING AND ADOPTING ON-SITE SEWAGE FACILITIES UNDER THE AUTHORITY OF CHAPER 366, TEXAS HEALTH AND SAFETY CODE IN THE TOWN OF SHADY SHORES, TEXAS TO PREVENT POSSIBLE POLLUTION OR INJURY TO PUBLIC HEARLTH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Jerry Williams made a motion to adopt Ordinance 186-11-2006 pertaining to regulation of on-site sewage facilities. Seconded by Nita Watkins.

FOR: UNANIMOUS THE MOTION CARRIED 5-0

5. Presentation and discussion to adopt an ordinance regarding manufacture housing.

Mike Persoius, manager and one of the owners of the Lakeside Manor Mobile Home Park was present for discussion.

Speaking on this issue was Ann Falkenberg and Tom Spencer. Polly Carter made a motion to send this draft ordinance to Planning and Zoning. Motion withdrawn. This first draft will be sent to Planning and Zoning for a public hearing. No action taken.

6. Discussion and possible action to amend the contract with Corinth Police department regarding the purchase of an all-terrain vehicle (ATV)

AMENDMENT NUMBER 1

TO

**INTERLOCAL COOPERATION AGREEMENT
FOR LAW ENFORCEMENT SERVICES**

This is an amendment to that certain Interlocal Cooperation Agreement for Law Enforcement Services now pending between the City of Corinth, Texas, a municipal corporation, and the Town of Shady Shores, Texas a municipal corporation, dated October 1, 2004.

Section 1. The parties to this Agreement have determined that off-road patrol and emergency services are desirable for those portions of Shady Shores patrolled by the City of Corinth Police Department. In order to further the health, safety and welfare of the citizens of Shady Shores, the parties to this Agreement have determined that the acquisition and use of an all-terrain vehicle ("ATV"), properly equipped for police and emergency service use is necessary and desirable.

Section 2. The terms and conditions of owning, acquiring and using the ATV to be acquired shall be the same as those within the Agreement for the acquisition and use of a police patrol vehicle. In summary, the Town of Shady Shores may acquire, and may dispose of, the ATV and its equipment in the discretion of the Town of Shady Shores. The Town of Shady Shores may, at the discretion of the Town Council, determine at any time that a continuation of sue of the ATV may be expanded, narrowed, or concluded.

Subject to the foregoing, Shady Shores agrees to provide the following:

1. One Polaris ATV vehicle, of a make, model and description acceptable to the City of Corinth for the use and purpose intended.
2. Ownership of the ATV and all of its related equipment purchased by the Town of Shady Shores shall remain the property of the Town of Shady Shores.

3. Maintenance of the ATV shall be paid for by the Town of Shady Shores. Maintenance means non-collision or abuse maintenance items, such as oil and filter changes, and periodic lubrication and other engine service.
The City of Corinth agrees as follows:
 1. Only sworn officers of the Corinth Police Department, within the normal course and scope of their official duties, shall ride, use or otherwise operate the ATV.
 2. The City of Corinth agrees to insure the vehicle, its driver and passengers against personal injury and damages related to the use and operation of the vehicle. The city of Corinth agrees to provide liability insurance sufficient to insure both Corinth and the Town of Shady Shores, from liability arising as alleged by third parties as a result of the operations and use of the vehicle. This provision does not require the City of Corinth to insure the vehicle beyond the limits of the Texas Tort Claims Act, to the extent that the Texas Tort Claims Act applies to the use and operations of the vehicle.
 3. The ATV may be garaged with the Lake Cities Fire Department, under the terms acceptable to the City of Shady Shores, and with the advice of the Corinth Police Department. The Lake Cities Fire Department may utilize the ATV for EMS or other emergency services in Shady Shores in areas not otherwise accessible to Fire Department vehicles.
 4. The Lake Cities Fire Department has agreed to house the Polaris ATV and keep it in a ready state. The Corinth Police Department is to store the equipment at Fire Station #2, on West Shady Shores Road.
 5. The Corinth Police Department will provide a quarterly report to the Town of Shady Shores showing usage of the ATV, if an, and:
 - A. Hour meter readings, if so equipped;
 - B. Damage, maintenance, and/or repairs;
 - C. Incident and/or arrest reports as a result of ATV use;
 - D. An other relevant information.
 6. The Corp of Engineers will be notified of this agreement, for the Corp consent to this ATV patrol on Corp land, prior to the purchase of the ATV.
THIS AMENDMENT IS DATED to be effective _____, 2006, after its approval by resolution duly passed by the Councils of the Town of Shady Shores and the City of Corinth.
CITY OF CORINTH, TEXAS
_____MAYOR

TOWN OF SHADY SHORES, TEXAS
_____MAYOR

Betty Brown made a motion to accept the amendment as written with corrections to item number 3 to say the ATV may be garaged with the Lake Cities Fire Department or at a central location agreeable between both cities. Everything else stays the same under terms acceptable to the Town of Shady Shores. Seconded by Polly Carter.

FOR: UNANIMOUS THE MOTION CARRIED 5-0

7. Discussion and action to appoint Jim Stiggleman as building inspector.

Speaking on this item was Marie Edwards.
Polly Carter made a motion to appoint Jim Stiggleman as building inspector. Seconded by Nita Watkins.
Polly Carter amended her motion to appoint Jim Stiggleman as building inspector with an approved contract for the Town of Shady Shores. Seconded also amended.

FOR: UNANIMOUS THE MOTION CARRIED 5-0

8. Discussion and possible action to review the Conditional use permit granted to Shady Shores Baptist Church for a mobile home to be used at Lakeside Manor Mobile Home Park for defined religious and educational uses.

Mr. Mike Persoius said the mobile home was not being used at this time.
Speaking on this item were Ann Falkenberg and Marie Edwards.
Betty Brown “ One more time—you say it is your request that we would revoke the conditional use permit”
Mr. Persoius “ that is correct”. I make a motion based on paragraph Section 2. Item e. that the Town of Shady Shores revoke the conditional use permit for the Shady Shores Baptist Church. (There is no written documentation that the ownership has changed.) Motion withdrawn.
Betty Brown made a motion to revoke the conditional use permit to the Shady Shores Baptist Church upon written approval by Shady Shores Baptist Church and Lakeside Mobile Home Park that they would bring the document of agreement to the town. Motion withdrawn.
Betty Brown made a motion that due to the fact that we did not inform Shady Shores Baptist Church the owner of the mobile home that this was an agenda item—I motion that we table this item for the December meeting. Seconded by Polly Carter.

FOR: UNANIMOUS THE MOTION CARRIED 5-0

9. Reports from Council and Committee Chairpersons

Mayor Olive Stephens-Budget, finance
Budget process complete and working to get information to the auditor for the annual audit.
Mayor Pro tern Nita Watkins-Financials, Roads Funding,
Review of investment policy. Payment for the work on Lakeshore Road and engineering on Berry Lane.

Councilmember Betty Brown-Library, Police

Police department had 49 calls and the response time was 4.98 seconds.

Cecil Carter new president of the library board.

Councilmember Polly Carter- Roads, Corps Committee, Building Committee

Update on Lakeshore Road and Berry Lane

Update on work on Lakeshore Road. Work complete. Culverts and head walls not long enough needs to be fixed. Water lines in Old Shady Shores. Berry Lane process stopped until permission can be obtain from the homeowners. Town Engineer will not send surveyors on homeowner’s property without permission. The three homeowners of concern have been notified and have not gotten back to the Town of Shady Shores with permission. Work on ditches and side walls on Fritz Lane. Culvert fell off the truck. Signage needed in areas were there is no shoulder.

Jean Bowers has talked with the Corp. Shady Shores is on the list for seeds and plantings.

Councilmember Charles Grimes

Lakeshore culvert inspection report

Culverts worked during the rain last night.

Councilmember Jerry Williams

Shoreline report

Needs articles for the paper by November 30, 2006.

Fire Department Board Member- Kathe Strantz

Kathe Strantz was not present. The Towns and cities still talking about the interlocal agreement funding formula.

Building Committee---Kim Meier

9. Discussion and possible action regarding appointment of an architect for the community center.

Speaking on this item were: Ann Falkenberg, Tom Spencer and Marie Edwards.

Jerry Williams made a motion that we accept the appointment of Mark M. Martin Architect to design/ begin preliminary information regarding the building of a community center for the Town of Shady Shores working with the building committee and the council. Seconded by Nita Watkins.

FOR: UNANIMOUS THE MOTION CARRIED 5-0

10. CITIZENS COMMENTS

Tom Spencer—DCTA vote for Board member. Need to have a special meeting. November 13, 2006 at 7:00 p.m.

Marie Edwards—problems with the placement of the fire hydrants in old Shady Shores.

Ann Falkenberg—all items

Danny Hodges—new representative of TXU---3100 S. Garrison Road—Corinth, Texas 76210—
Tel-(940) 497-7510

Walt Barnes---Berry Lane

12. Approval of Minutes:

a) October 2, 2006 regular meeting

Betty Brown: “the only correction that I see is under item number 3—lets see under item number 3-- we said that we wanted to have it as matter of record that Mr. Jackson would be doing Oberman Lane in asphalt. So just as the update—it says David Jackson was present to update the council—just a one sentence word—I mean a one sentence word that says and advised council that he would be paving the road in asphalt according to our specifications.”

Jerry Williams made a motion to accept the council meeting minutes amended by Betty Brown that’s to say on item three that it be a matter of record that Mr. Jackson do asphalt on that subdivision. Seconded by Betty Brown.

FOR: UNANIMOUS THE MOTION CARRIED 5-0

13. Adjourn

Nita Watkins made a motion to adjourn. Seconded by Betty Brown.

FOR: UNANIMOUS

THE MOTION CARRIED 5-0

_____ **Olive Stephens, Mayor**

Attest:

Town Secretary