

**REGULAR COUNCIL MEETING
FEBRUARY 5, 2007
MINUTES**

1. Call to Order

The Town Council of the Town of Shady Shores convened in a regular meeting on February 5, 2007 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. Discussion and action on audit report for FY 2005-2006 (Presentation by Town Auditors, Hankins, Eastup, Denton, Tonn & Seay-----Jerry Eastup)

Mr. Jerry Eastup was present to present the audit report to the council and answer questions.

“As of the end of the current period, the Town’s governmental fund, the general fund reported an ending fund balance of \$1,190,598, an increase of \$226,465 in comparison with the beginning of the period.

Approximately 47 percent of this total amount (\$556,598) constitutes unreserved fund balance, which is available for spending at the Town’s discretion. The remainder of fund balance is reserved to indicate that it is not available for new spending because it has already been committed 1) to fund fire service (\$234,000) 2) to be used for Roads & Bridges (\$300,000) 3) to be used for Capital Projects (\$100,000) The fund balance of the Town’s general fund increased by \$226,465 during the current period.

Key factors in this growth are as follows:

- Property tax revenue and sales tax revenues increased from the previous year.
- Controlling the Town’s expenditures during the period”

Councilmember Jerry Williams asked “ If we approve funding for \$400,000 to \$450,000 for a new multi-purpose facility that will comply with a lot of your recommendations are we bringing the city into bankruptcy.” Response from Auditor Jerry Eastup—” No—based on what I see here because you have a fund balance of \$1,200,000” Councilmember Jerry Williams—“Say that again—if we actually approve the funding of this building tonight—we will not create bankruptcy for this town?” Response from Auditor, Jerry Eastup—“ NO” because at the present time there is no debt on the city books and there is approximately 1.2 million dollars in cash.” Councilmember Jerry Williams—“ Thank you very much.”

Signed up to speak on this item were: Marie Edwards, Tom Spencer and Ann Falkenberg.

Betty Brown made a motion to accept the audit report from Hankins, Eastup, Denton, Tonn & Seay.

Seconded by Jerry Williams.

FOR: UNANIMOUS

THE MOTION CARRIED 5-0

4. Discussion and action on report from building committee on the Shady Shores Municipal Building plans. (Presentation by Mark Martin, architect)

Kim Meier, Chairman of the building committee and Mark Martin, architect made a presentation and answered questions.

Bill Krueger, 103 Cielo Lane, property owner within 200 feet, wanted to know what the building was going to look like and would be a compliment to the town.

Marie Edwards read from the general law blue book regarding budgeting procedures.

Tom Spencer –” All kinds of reasons have been stated for this. The facts remain the same. We will have a tax increase sooner rather than later because of this decision. The Mayor stated at one point in this process, “We just need more space “ I support more space. I support honoring the Mayor for her legacy to Shady Shores. I don't support abandoning her prior efforts to insure the Town’s financial future to accomplish that need and desire. It is your vote and it’s going to be your legacy.”

Sharon Bounds spoke in support of a new building.

Ann Falkenberg asked the council to table voting to approve this building.

Diane Williams said she would like to approach the council –“ What Tom has said about the Mayor being prudent with our funds is correct. The council needs to now look at the safety issue for our citizens—this building is no longer safe to be working in. Or to even being using. The city at this point can go along like they have been-- but from my stand point this building is not up to ADA standards. It takes one person to come in and sue this city if he can't get a wheel chair in that bathroom. If you think \$400,000 is a lot for a building wait till you get a law suit—you're talking millions of dollars. If at this point you for go and stall another a two years-- three years that \$400,000 is going to be going up about \$100,000 every year. At this point, I think council needs to pay attention to the safety of the citizens when they come here. Allow them to come some place safe. Allow them to be able to conduct business in a business like environment.”

Polly Carter point out the town was on schedule with roads repairs—just waiting for the weather. Mayor Olive Stephens point out that the town is on schedule with placement of fire hydrants in the town.

Jerry Williams point out that the town went to a priority system. This has been a long process. “This building is good for this town –it is good now. Please, Please don't kill this.”

Charles Grimes said “ Back in February 04 I came to a meeting down here the place was packed of course-- It was a where are we going meeting. Really the most important thing to folks at that time was code enforcement, maintenance of bar ditches and clean up basically to make the town look good. That was the number one priority that got 38 dots. ----- But then second was 33 dots for a new city hall.

I think it is shame that it has taken so long. I spend the weekend looking through the minutes –several years of it –I've seen people bring bids in, I've seen metal buildings, I've seen all kinds of things, I've seen a council that did not do nothing. Workshops, Workshops—that's fine. I think there's been enough. I think you can run something in the ground. My point is you probably could have build that building right there for \$250,000 if you would have made a decision and stood behind it-- four years ago—three years ago.”

Nita Watkins “ I concur.”

Betty Brown “ Well I still have concerns about the money. But lets start with – For the record--What will the hours of operation be for this new building. Well that certainly makes quite a difference to several people's points about coming in and the use of this building. If I'm only going to able to be here 9 hours a week.”

Mayor Stephens pointed out that the building was used every day. She is here the majority of the time even sometimes on Saturday. Mayor Stephens explained the funding for the new building.

The Mayor point out the town began collecting taxes in 2000. The town has spend over a million dollars on roads. First was Oakwood Circle, 6th Street, Garza, Chaparral, Mustang, Shahan, Lakeshore Road and \$100,000 for repairs on Shady Shores Road.

Mayor Stephens allowed David Perez to speak. He spoke in support of a new building.

Jerry Williams made a motion that we hire or establish or accept the 4,069—PLAN A-- square foot plan as designed by Mark Martin architectural firm as presented to them by the building committee and that we go forward with funding on a new multi-purpose community center—which is not named—by the way.

Seconded by Polly Carter.

FOR: CARTER, GRIMES, WATKINS, WILLIAMS

OPPOSED: BROWN

THE MOTION CARRIED 4-1

5. Discussion and action to appoint a member to the library board.

Betty Brown made a motion we accept Julie Davidson's application for appointment to the library board.

Seconded by Jerry Williams.

FOR: UNANIMOUS

THE MOTION CARRIED 5-0

6. Discussion to adopt an ordinance establishing a curfew for minors, to prohibit minors under seventeen (17) years of age from being in a public place between the hours of 11:00 P.M. and 6:00 A.M.

Mayor said this was for discussion only.
David Perez spoke in opposition to this item.
Ann Falkenberg asked questions of the officer in attendance.
No Action taken.

7. Discussion and action to adopt an ordinance providing for the general election to be held on May 12, 2007.

ORDINANCE NO. 189-2-2007

AN ORDINANCE ORDERING AND PROVIDING NOTICE OF A GENERAL ELECTION FOR THE TOWN OF SHADY SHORES, TEXAS, TO BE HELD ON THE 12TH DAY OF MAY, 2007; PROVIDING FOR EARLY VOTING BY PERSONAL APPEARANCE; PROVIDING FOR THE ESTABLISHMENT OF POLLING PLACES; PROVIDING AN EFFECTIVE DATE.

Jerry Williams made a motion to approve Ordinance No. 189-2-2007 establishing the voting on May 12th 2007 for mayor and place 2 and place 3 Councilmembers. Seconded by Nita Watkins

FOR: UNANIMOUS THE MOTION CARRIED 5-0

8. Discussion of police car accident

Town Attorney, Jim Shepherd updated the council on the police car accident.

Nita Watkins made a motion for the Council to go into executive session after dealing with items #9, #10, and #11. Seconded by Betty Brown.

FOR: UNANIMOUS THE MOTION CARRIED 5-0

AS AUTHORIZED BY SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE, COUNCIL CONVENE INTO CLOSED EXECUTIVE SESSION AT 9:10 P.M. FOR THE PURPOSE OF SEEKING CONFIDENTIAL LEGAL ADVICE FROM THE TOWN ATTORNEY ON ITEM # 8 DISCUSSION OF POLICE CAR ACCIDENT.

COUNCIL RECONVENED INTO OPEN SESSION AT 10:10 P.M.

Jerry Williams made a motion to table any action regarding the police car accident until we can get more information. Seconded by Nita Watkins.

FOR: UNANIMOUS THE MOTION CARRIED 5-0

9. Reports from Council and Committee Chairpersons

Mayor Olive Stephens-Budget, finance

Mayor spoke about the very good annual financial audit.
Kathy Strantz will not be here. Fire Department will try to work with the towns to establish a better funding formula. Nita Watkins to remain on the committee. Dr. William McKee from North Texas has agreed to be a part of the committee to assist in finding an equitable funding formula. Charles Grimes will also be on the committee. The next meeting will be on February 12, 2007 at the fire station in Lake Dallas. Jerry Williams to work with the City of Denton and City of Hickory Creek on a project pertaining to the environmental quality of the lake.

Mayor Pro tem Nita Watkins-Financials, Roads Funding

Auditors report
Allen Arkus asked about water ponding on Lakeshore.

Councilmember Betty Brown-Library, Police

Addition of new library board members
December police report—40 calls—4.32 response time
January police report---51 calls---4.62 response time
Animal at large complaints.

**Councilmember Polly Carter- Roads, Corps Committee, Building Committee
Update Berry Lane**

Posts for the culverts have been ordered. Weather permitting they will be placed.

**Councilmember Charles Grimes
Corps Committee**

Information is being compiled.

**Councilmember Jerry Williams
Shoreline report**

Library budget requirements need to get to Corinth by April.

Fire Department Board Member- Kathe Strantz

Kathy Strantz is still recuperating from a broken leg.

Building Committee---Kim Meier

Kim Meier was present and presented information earlier at the meeting.

9. CITIZENS COMMENTS

Marie Edwards—303 East 7th---budget procedure

Ann Falkenberg—311 Lakeshore Road—Curfew ordinance—Procedure for signing up to speak on Council agenda. At present residents need to be present shortly before the meeting starts (7:00 p.m.) to sign the sign up sheet if they wish to speak on a particular item.

Tom Spencer—203 West 6th Street—Lakeshore paving—paving in old Shady Shores. Drainage is a problem—does not want asphalt or paving—wants gravel only.

11. Approval of Minutes:

(a) January 8, 2007 regular meeting

Jerry Williams made a motion to approve the council meeting minutes of the January 8, 2007 regular meeting.

Seconded by Polly Carter.

FOR: UNANIMOUS THE MOTION CARRIED 5-0

12. Adjourn

Nita Watkins made a motion to adjourn. Seconded by Jerry Williams.

FOR: UNANIMOUS THE MOTION CARRIED 5-0

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 city attorney on any agenda item listed herein.

_____ **Olive Stephens, Mayor**

ATTEST:

Town Secretary