

**REGULAR COUNCIL MEETING  
SEPTEMBER 8, 2008  
MINUTES**

**1. Call to Order**

The Town Council of the Town of Shady Shores, Texas convened in a regular meeting on September 8, 2008 at 7:00p.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 Polly Carter, Charles Grimes, Sherry Starr 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. Discuss on-going projects with Town Engineer, Mike Saunders.**

Mike Saunders was not present. Mayor reported that project on Berry still in discussion on.

**4. Discuss and take appropriate action regarding items needed for the completion of the new municipal building. (Presentation by Mark Martin)**

Mark Martin was not present.

**ACTION TAKEN: POLLY CARTER MADE A MOTION TO MOVE THIS ITEM TO THE OCTOBER MEETING AGENDA. SECONDED BY JERRY WILLIAMS.**

**FOR: UNANIMOUS THE MOTION CARRIED 5-0**

**5. Discussion and take appropriate action regarding sound system for the Municipal Building.**

Vendor was not present.

**ACTION TAKEN: NITA WATKINS MADE A MOTION TO MOVE THE SOUND SYSTEM TO OUR OCTOBER MEETING AGENDA. SECONDED BY POLLY CARTER.**

**FOR: UNANIMOUS THE MOTION CARRIED 5-0**

**6. Discussion and take appropriate action regarding adoption of an Ordinance amending the 2007-2008 budget.**

**ORDINANCE NO. 208-9-2008**

**AN ORDINANCE OF THE CITY OF SHADY SHORES, TEXAS, AMENDING ORDINANCE NO. 198-9-2007, THE BUDGET ORDINANCE FOR FISCAL YEAR 2007-2008, TO TRANSFER FUNDS FROM COUNCIL FUND BALANCE ACCOUNT TO APPROPRIATE DEPARTMENTAL ACCOUNTS; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town Council adopted Ordinance NO. 198-9-2007 approving the budget for the fiscal year beginning October 1, 2007 and ending September 30, 2008.

WJIEREAS, the Town Council hereby finds and determines that an amendment to such budget is necessary for municipal purposes;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, TEXAS, THAT:**

SECTION 1. That Ordinance No. 198-9-2007, adopting and approving the budget for the fiscal year beginning October 1, 2007 and ending September 30, 2008, be, and the same is hereby amended as follows:

- A. Transferring the sum of \$ 200,000.00 from FUND BALANCE to CAPITAL BUILDING CONSTRUCTION/IMPROVEMENTS for construction of the new Municipal Building.

SECTION 2. That the Mayor is authorized and directed to make the transfer set out in Section 1 above. The Mayor shall file or cause to be filed a true and correct copy of this budget amendment with the Town Secretary and in the office of the County Clerk of Denton County, Texas.

SECTION 3. This Ordinance shall take effect immediately from and after its passage as the Law in such cases provides.

APPROVED AND ADOPTED this the 8th day of September 2008.

**ACTION TAKEN: POLLY CARTER MADE A MOTION TO ADOPT ORDINANCE 208-9-2008. SECONDED BY NITA WATKINS.**

**FOR: UNANIMOUS THE MOTION CARRIED 5-0**

**7. OPEN PUBLIC HEARING**

**ACTION TAKEN: NITA WATKINS MADE A MOTION TO OPEN THE PUBLIC HEARING. SECONDED BY JERRY WILLIAMS.**

**FOR: UNANIMOUS THE MOTION CARRIED 5-0**

**Discussion of 2008-2009 Budget**

Citizens speaking and asking questions on the budget were: Luanne Monti and Diane Williams.

**CLOSE PUBLIC HEARING**

**ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO CLOSE THE PUBLIC HEARING SECONDED BY NITA WATKINS.**

**FOR: UNANIMOUS THE MOTION CARRIED 5-0  
RECESS**

- 8. Discussion and take appropriate action regarding adopting an Ordinance adopting the budget for the Fiscal year beginning on October 1, 2008 and ending on September 30, 2009.**

**ORDINANCE NO. 209-9-2008  
(Adopting a Budget)**

AN ORDINANCE OF THE TOWN OF SHADY SHORES, TEXAS APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS OF THE TOWN; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO ADOPT ORDINANCE NO. 209-9-2008 THEREBY ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009. SECONDED SHERRY STARR.**

**FOR: UNANIMOUS THE MOTION CARRIED 5-0**

- 9. Discussion and take appropriate action regarding adopting an Ordinance fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2008 and ending September 30, 2009.**

**ORDINANCE NO. 210-9-2008**

AN ORDINANCE OF THE TOWN OF SHADY SHORES LEVYING THE AD VALOREM TAXES FOR THE YEATR 2007(FISCAL YEAR 2008-2009) AT A RATE OF \$31397 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN OF SHADY SHORES AS OF JANUARY 1, 2008 TO PROVIDE REVENUE FOR THE PAYMENT OF CURRENT EXPENSES; PROVIDING FOR AN INTEREST AND SINKING FUND FOR ALL OUTSTANDING DEBT OF THE TOWN OF SHADY SHORES; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**ACTION TAKEN: NITA WATKINS MADE A MOTION TO ADOPT ORDINANCE 210-9-2008 ADOPTING A TAX RATE OF \$.31397 PER ONE HUNDRED DOLLARD (\$100) ASSESSED VALUATION. SECONDED BY CHARLES GRIMES.**

**FOR: UNANIMOUS THE MOTION CARRIED 5-0**

**10. Discussion and take appropriate action regarding proposal for audit services for fiscal year 2007-2008.**

**ACTION TAKEN: NITA WATKINS MADE A MOTION TO ACCEPT THE PROPOSAL FROM JERRY EASTUP FOR AUDITING SERVICES FOR FISCAL YEAR 2007-2008. SECONDED BY SHERRY STARR.**

**FOR: UNANIMOUS THE MOTION CARRIED 5-0**

**11. Discussion and take appropriate action regarding adopting an Ordinance regarding parking and storing of Recreational vehicles, boats, trailers, jet skis, motor vehicles or similar equipment.**

**ORDINANCE NO. 211-9-2008**

*(Parking and Storing of Recreational Vehicles, Boats, Boat Trailers, Trailers, Personal Water Craft, and Similar Equipment)*

AN ORDINANCE OF THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS, REGULATING THE PARKING AND STORING OF RECREATIONAL VEHICLES, BOATS, BOAT TRAILERS, TRAILERS, PERSONAL WATER CRAFT, AND SIMILAR EQUIPMENT; REGULATING THE PARKING OF SAME; PROVIDING FOR PROCEDURES FOR ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE, PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$500 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, parking and or storage of recreational vehicles, water craft, and or trailers on the town streets is determined by the town council to be hazardous to the citizens of Shady Shores, and the travelling public at large;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS:**

**SECTION 1. DEFINITIONS.**

For purposes of this ordinance, the following words, terms, and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Recreational vehicle* means:

- A. A vehicle primarily designed as temporary living quarters for recreational camping or travel use, including a travel trailer, camping trailer, truck camper, and motor home.
- B. A boat, boat trailer, personal water craft, and similar equipment.

*Motor vehicle*, whether it be a passenger vehicle, truck, tractor or other motorized vehicle, as defined in the Texas Transportation Code.

**SECTION 2. RESTRICTIONS ON RECREATIONAL VEHICLES PARKED IN THE RIGHT-OF-WAY OF ANY TOWN OR COUNTY STREET OR HIGHWAY WITHIN THE TOWN OF SHADY SHORES.**

It shall be unlawful for the owner, occupant or person in charge of property zoned for residential district uses to permit the parking, standing or storing of recreational vehicles within the right-of-way of any town or county street or highway located within the municipal limits of the Town of Shady Shores, Texas.

**SECTION 3. PARKING OF PROHIBITED VEHICLES.**

A. It shall be unlawful to park or stand the following vehicles upon property zoned for residential district uses, or any street, alley or public or private property adjacent to such property:

- (1) Box-truck, box-van, tow-truck, dump-truck, concrete-mixing truck, road tractor, truck tractor, tractor trailer, semi-tractor, truck equipped with a boom or platform or similar vehicles.
- (2) Motor vehicle, truck, van, bus or similar vehicle which is more than 23 feet in length, eight feet in width or ten feet in height.

B. This section does not prohibit the parking of any of the vehicles listed in subsections A(1) and (2) above, for the purpose of expeditiously loading or unloading passengers, freight or merchandise, a recreational vehicle, as defined in Section 1, that is parked or stored in accordance with said section, or the storage of vehicles customary and incidental to the operation of a school or childcare center.

#### **SECTION 4. PARKING OF TRAILERS.**

A. *Definitions.* For purposes of this section the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Trailer* shall mean a vehicle without means of motivation and designed to be towed, hauled or pulled by a motor vehicle.

B. It shall be unlawful for the owner, occupant or person in charge of property zoned for residential use to permit the parking, standing or storing of a trailer on public right(s)-of-way.

C. This section does not prohibit the temporary parking of a trailer for the purpose of expeditiously loading or unloading freight or merchandise, or a recreational vehicle as defined in Section 1 that is parked or stored in accordance with that section, or the storage of trailers customary and incidental to the operation of a school.

#### **SECTION 5. SAVINGS CLAUSE.**

Any ordinances in conflict with this Ordinance are repealed to the extent that they are in conflict with the terms and conditions of this Ordinance. It is the intent of the Town Council that each paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be deemed severable, and should any paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to effect the validity of those provisions of this Ordinance left standing.

#### **SECTION 6. PENALTY CLAUSE**

Any person, firm or corporation (collectively referred to as "Person") violating any of the provisions of this Ordinance shall be subject to the penalty as provided herein, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred (\$500.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

#### **SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect upon publication of the caption, as the law in such case provides.

ADOPTED by the Town Council of the Town of Shady Shores, Denton County, Texas, on the 8<sup>TH</sup> day of SEPTEMBER, 2008.

**ACTION TAKEN: NITA WATKINS MADE A MOTION TO ADOPT ORDINANCE NO. 211-9-2008. SECONDED BY SHERRY STARR.**

**FOR: UNANIMOUS THE MOTION CARRIED 5-0**

**12. Discussion and take appropriate action regarding adopting policies and procedures for the rental of the Municipal Building.**

Town of Shady Shores  
Municipal Center Rental Agreement

This Rental Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, hereinafter referred to as EVENT HOLDER, and the Town of Shady Shores, 101 South Shady Shores Rd., Shady Shores, Texas 76208.

Please provide the following information and indicate the facilities to be rented:

a. EVENT INFORMATION

The date of the event will be: \_\_\_\_\_

The hours of the event will be: \_\_\_\_\_

The type of event will be: \_\_\_\_\_

The approximate number of people attending the event will be: \_\_\_\_\_

b. FACILITIES TO BE RENTED (There is no charge for rental to governmental entities, including the Library, fire or police departments. Churches and other religious groups are private organizations.) The Municipal Center facilities include the Chamber Hall, the Community Room, and the Kitchen.

Chamber Hall: \$75.00 for up to 6 hours,  
\$15.00 per hour thereafter  
\$200.00 Deposit

Community Room: \$25.00 for up to 6 hours,  
\$15.00 per hour thereafter, up to 3 hours  
\$50.00 Deposit

Please indicate which facilities are to be used.

The Chamber Hall will \_\_\_\_\_ will not \_\_\_\_\_ be used.

The Community Room will \_\_\_\_\_ will not \_\_\_\_\_ be used.

The Kitchen will \_\_\_\_\_ will not \_\_\_\_\_ be used.

**THE EVENT HOLDER AGREES TO THE FOLLOWING TERMS AND CONDITIONS:**

1. The Municipal Center facilities may only be rented by residents of Shady Shores, Texas.
  - a. The Town reserves the right to deny the use of the Municipal Center facilities to any individual, group, or organization that misuses, abuses or damages it.
  - b. The scheduling of activities and programs of the Town of Shady Shores shall have first priority in scheduling.
  - c. The Town of Shady Shores will not be held responsible or liable for any injury or loss of personal property of Event Holder or their guests.

**Initial** \_\_\_\_\_

2. All arrangements for the use of the facility must be made through the Town of Shady Shores during regular business hours. A completed reservation request form should be submitted at least two (2) weeks and no more than three (3) months in advance of the reservation unless prior arrangements have been made with the Town. Set-up and arrangement of furniture, as well as clearing of the room following a meeting or activity is the responsibility of the resident making the reservation (the "Event Holder"). If the facility is left in an unsatisfactory condition, the Town will use the deposit fee to pay for the cost of cleaning and or repair. Any costs not paid by the Deposit are the personal responsibility of the Event Holder. A town representative will be responsible for opening and closing the facility. The facility must be returned to the same condition as before access occurred. This includes moving the furniture back to its original location and the removal of any and all personal belongings. Event Holder guarantees reimbursement to the Town for any damages to the facility, fixtures, furniture, appliances, equipment, etc. caused during the event.

**Initial** \_\_\_\_\_

3. Rentals and deposits will be paid in check or money order at least two (2) weeks prior to event. No reservation is guaranteed until paid in full. The deposit, or any remaining portion of same, will be returned within two (2) weeks after the event subject to full compliance with this agreement.

**Initial** \_\_\_\_\_

4. DECORATIONS, POSTERS, SIGNS OR ANYTHING ELSE MUST NOT BE AFFIXED TO THE WALLS, CEILINGS, PICTURES, ETC. IN ANY MANNER. Violation may result in the loss of deposit and/or denial of future reservation requests.

**Initial** \_\_\_\_\_

5. No furniture or equipment in addition to that provided by the Town can be brought in without prior written approval.

**Initial** \_\_\_\_\_

6. **All** of the following must be followed at all times during the rental:

- a. No tobacco or smoking allowed in the facility
- b. No alcoholic beverages are allowed inside facility, parking lot or grounds
- c. No gambling for money or other thing of value
- d. No loud music or other sounds after 10:00 PM
- e. No gasoline, flammable materials, open flames (except for food warmers), smoke or fog machines
- f. All emergency exits must be kept clear at all times
- g. All trash must be removed from inside and outside of building
- h. No electrical equipment may be used requiring more than 110 AC voltage
- i. If holding a wedding reception, only birdseed can be used outside of building, no rice, and no confetti.
- j. Normal and adequate lighting shall be maintained at all times during functions for the safety of participants

**Initial** \_\_\_\_\_

7. The Event Holder must be present at the function until its conclusion. A minimum of one adult at least twenty-five (25) years of age is required for every ten (10) guests under the age of twenty-one (21).

**Initial** \_\_\_\_\_

8. Any cancellations should be made seventy-two (72) hours or more prior to the event to receive full amount of deposit. **Initial**\_\_\_\_\_
9. Failure to comply with all the rules and regulations of this agreement may result in the forfeiture of all or a portion of the deposit. **Initial**\_\_\_\_\_
10. A security officer may be required by the Town to be on duty during the event. The attendance level of the event, the subject of the event, the value of property brought to the event, or other factors will determine the Town's decision to require security. All security costs are paid in advance by the Event Holder. **Initial**\_\_\_\_\_
11. The event holder agrees it is the responsibility of the Event Holder to safeguard the persons and property on site at the Municipal Center during the rental period. The Event Holder agrees the Town of Shady Shores is NOT responsible for any injury or loss to Event Holder or Event Holder's guests. **Initial**\_\_\_\_\_

Please sign and date if you agree to these terms and conditions.

Event Holder personally guarantees payment and compliance with this Agreement.

Event Holder:

If an individual -

Print Name: \_\_\_\_\_  
 Sign Name: \_\_\_\_\_  
 Date: \_\_\_\_\_

If an organization -

Name of Organization: \_\_\_\_\_  
 By: \_\_\_\_\_  
 Print Name: \_\_\_\_\_  
 Title of Person in the Organization: \_\_\_\_\_  
 (President, Secretary, etc.)  
 Date: \_\_\_\_\_

RESPONSIBLE PARTY:

Address: \_\_\_\_\_  
 Home Phone: \_\_\_\_\_  
 Mobile Phone: \_\_\_\_\_  
 Office Phone: \_\_\_\_\_  
 Other: \_\_\_\_\_  
 TX Driver's License number: \_\_\_\_\_

**ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO ADOPT THE MUNICIPAL CENTER RENTAL AGREEMENT AS WRITTEN EXCEPT FOR ADDING 7 (i) NO CONFETTI AND UNDER THE EVENT HOLDER AGREES TO THE FOLLOWING TERMS AND CONDITIONS PUTTING NUMBER 4 IN WITH NUMBER 2. UNDER 3 RENTALS AND DEPOSITS WILL BE PAID IN CHECK OR MONEY ORDER. SECONDED BY CHARLES GRIMES. FOR: UNANIMOUS THE MOTION CARRIED 5-0**

**13. Discussion and take appropriate action regarding codification of Town Ordinances.**  
Signed up to speak on this item were: Gerald Earling, Luanne Monti and David Mereider.  
**ACTION TAKEN: CHARLES GRIMES MADE A MOTION TO TABLE ITEM # 13 TO NEXT MONTH'S AGENDA UNTIL WE HAVE MORE INFORMATION FROM THE MAYOR. SECONDED BY NITA WATKINS.**

**FOR: UNANIMOUS THE MOTION CARRIED 5-0**

**14. Discussion and take appropriate action regarding dedication of the new Municipal Building**

Speaking on the item was Diane Williams.

**ACTION TAKEN: POLLY CARTER MADE A MOTION THAT WE DESIGNATE DECEMBER THE 13<sup>TH</sup> AS AN OPEN HOUSE FOR THE NEW COMMUNITY CENTER BETWEEN THE HOURS OF 2PM TO 5PM. SECONDED BY SHERRY STARR.**

**FOR: UNANIMOUS THE MOTION CARRIED 5-0**

**15. Discussion and take appropriate action regarding nomination for Denton County Transportation Authority Board of Directors.**

**ACTION TAKEN: POLLY CARTER MADE A MOTION TO NOMINATE TOM SPENCER TO THE DENTON COUNTY TRANSPORTATION AUTHORITY BOARD OF DIRECTORS. SECONDED BY NITA WATKINS.**

**FOR: UNANIMOUS THE MOTION CARRIED 5-0**

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

**Mayor Olive Stephens-Budget, finance**

Check from Oncor for \$20,242.66 for Cielo Ranch.  
Recycle in old Shady Shores, Jones, 9<sup>th</sup> Street, June, 5<sup>th</sup> Street  
Traffic at the new school/stop sign  
Speed limit at the new school

**Mayor Pro tem Nita Watkins-Financials, Roads Funding.**

Made payment for Smokey Lane and Fritz Lane

**Councilmember Sherry Starr-Furniture committee for new building**

**Councilmember Polly Carter- Roads, Corps Committee**

**Councilmember Charles Grimes-Corps Committee, Police Department**

Police report

**Councilmember Jerry Williams-Shoreline report**

Marcia Rios is no longer with the Lake Cities Sun. New reporter is Tony Scott.

**17. CITIZENS COMMENTS**

David Meierder—Drainage issues with his neighbor.  
Sharon Bounds—budget, school speed limit  
Gerald Earling—dedication by the Masonic Lodge, school speed zone

**18. Approval of Minutes**

**(a) August 4, 2008 REGULAR MEETING**

**ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO APPROVE THE COUNCIL MEETING MINUTES OF AUGUST 4, 2008. SECONDED BY NITA WATKINS.**

**FOR: UNANIMOUS THE MOTION CARRIED 5-0.**

**19. Adjourn**

**ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO ADJOURN THE MEETING OF SEPTEMBER 8, 2008. SECONDED BY CHARLES GRIMES.**

**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**