

**REGULAR COUNCIL MEETING
FEBRUARY 4, 2008
MINUTES**

1. Call to Order

The Town Council of the Town of Shady Shores convened in a regular meeting on February 4, 2008 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, Charles Grimes, Sherry Starr and Jerry Williams. Absent was Polly Carter. 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 take appropriate action regarding the 2006-2007 annual audit (Presentation by Jerry Eastup)

Presentation by Auditor, Jerry Eastup.

ACTION TAKEN: NITA WATKINS MADE A MOTION TO ACCEPT THE FINANCIAL STATEMENTS AND THE AUDITOR'S OPINION AS PRESENTED REGARDING 2006-2007 ANNUAL AUDIT. SECONDED BY JERRY WILLIAMS.

FOR: UNANIMOUS THE MOTION CARRIED 4-0

4. Discussion and take appropriate action regarding the filing of the most recent survey of the area known as Old Shady Shores.

Asking to speak on this item were: Tom Spencer, Betty Brown and Jean Bowers.

Tom Spencer and Jean Bowers agreed that the survey should be filed. Betty Brown made the following motion on December 5, 2005 ----"Betty Brown made a motion to accept the most recent survey of Shady Shores Subdivision as submitted by Landmark Surveyors not to be filed or recorded with Denton County however to have a note attached in that file that this survey is on file here at the Town Center. Seconded by Nita Watkins. For: Unanimous The motion carried 5-0"

ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO MOVE ITEM #4 UNTIL THE ATTORNEY ARRIVES. SECONDED BY NITA WATKINS.

FOR: UNANIMOUS THE MOTION CARRIED 4-0

ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO MOVE ITEMS #6 AND #7 ON ON THE AGENDA. SECONDED BY SHERRY STAR.

FOR: UNANIMOUS THE MOTION CARRIED 4-0

Town Attorney, Jim Shepherd explained that this was a thoroughfare plan. This is not a plat. Surveyor had not signed the original survey plan. At present we do not have a copy of this Survey plan. Town Attorney to call the surveyor for a copy of this survey plan.

ACTION TAKE: JERRY WILLIAMS MADE A MOTION TABLE THIS ITEM (#4) TO THE NEXT COUNCIL MEETING. SECONDED BY NITA WATKINS.

FOR: UNANIMOUS THE MOTION CARRIED 4-0

5. Discussion and take appropriate action regarding repairs to/reconstruction of Fritz Lane

Presentation by Don Pevehouse and Town Engineer, Mike Saunders

ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO ACCEPT THE PROPOSAL FROM NOVA CONSTRUCTION FOR REPAIRS TO FRITZ LANE WHICH INCLUDES THE ASPHALT REPAIRS, 310 LINEAR FOOT OF CULVERT PIPE, CONCRETE END AND HEAD WALLS, HEAD WALL ON THE WEST SIDE OF MUSTANG TRAIL, 44 LINEAR FEET OF RCP AND ASPHALT, AND ANOTHER HEAD WALL ALL TOTALLY \$38,999.75 PLUS A MAINTENANCE BOND. SECONDED BY SHERRY STAR.

FOR: UNANIMOUS THE MOTION CARRIED 4-0

6. Discussion and take appropriate action regarding rescinding the previous approved plat of Adkisson Ranch, 139 Residential Lots, being 95.309 acres in the W.D. Durham Survey—Abstract No. 330 and approving the plat presented and approved by Planning and Zoning on January 10, 2008. {Presentation by Lewellen Real Estate Company, 1850 Oak Bend Drive, Rockwall, Texas 75087—(972) 722-4407}

Presentation by Town Engineer, Mike Saunders and a representation of Lewellen Real Estate.

ACTION TAKEN: NITA WATKINS MADE A MOTION TO RESCIND THE PRELIMINARY PLAT THAT WAS APPROVED ON JULY 2, 2007. SECONDED BY CHARLES GRIMES.

FOR: UNANIMOUS THE MOTION CARRIED 4-0

ACTION TAKEN: CHARLES GRIMES MADE A MOTION TO APPROVE THE PRELIMINARY PLAT DATED DECEMBER 7, 2007, 65 ACRES, APPROVED BY PLANNING AND ZONING ON JANUARY 10, 2008. SECONDED BY SHERRY STAR.

NITA WATKINS ABSTAINED

THE MOTION CARRIED 3-0

7. Discussion and take appropriate action regarding preliminary plat—Hidden Valley Airpark, Phrase V, 23 Lots, being 28.9 acres in the W.D. Durham Survey—Abstract 330 (Presentation by Howard Walrath)

Presentation by Town Engineer, Mike Saunders and Howard Walrath representing Hidden Valley Airpark.

ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO ACCEPT THE PRELIMINARY PLAT OF –HIDDEN VALLEY AIRPARK, PHRASE V, 23 LOTS, BEING 28.9 ACRES IN THE W.D. DURHAM SURVEY—ABSTRACT 330. SECONDED BY SHERRY STARR.

NITA WATKINS ABSTAINED

THE MOTION CARRIED 3-0

8. Presentation by TimeSlice regarding a geophysical survey in Denton County (Presentation by John B. Collier)

Mr. John Collier made a power point presentation to the Council

NO ACTION TAKEN

9. Discussion and take appropriate action regarding adoption of an Ordinance approving the settlement agreement between the Town of Shady Shores and Atmos Mid-Texas to change gas rates in all cities. (Presentation by James Johnson, representing Atmos)

Mr. James Johnson was present to address the Council.

ORDINANCE NO. 202-2-2008

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, TEXAS, (“TOWN”) APPROVING A SETTLEMENT AGREEMENT BETWEEN THE TOWN AND ATMOS ENERGY CORP., (“ ATMOS MID-TEX” OR “THE COMPANY”) REGARDING THE COMPANY’S STATEMENT OF INTENT TO CHANGE GAS RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISSTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE SETTLEMENT AGREEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; ADOPTING A SAVING CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINACE TO THE COMPANY AND LEGAL COUNSEL.

ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO ADOPT ORDINANCE 202-2-2008 APPROVING THE SETTLEMENT AGREEMENT BETWEEN THE TOWN OF SHADY SHORES AND ATMOS. SECONDED BY NITA WATKINS.

FOR: UNANIMOUS THE MOTION CARRIED 4-0

10. Discussion and take appropriate action regarding adoption of an Ordinance ordering and providing notice of a General Election to be held on May 10, 2008

ORDINANCE NO. 203-2-2008

AN ORDINANCE ORDERING AND PROVIDING NOTICE OF A GENERAL ELECTION FOR THE TOWN OF SHADY SHORES, TEXAS, TO BE HELD ON THE 10TH DAY OF MAY 2008; PROVIDING FOR THE EARLY VOTING BY PERSONAL APPEARANCE; PROVIDING FOR THE ESTABLISHMENT OF POLLING PLACES; PROVIDING AN EFFECTION DATE. OF POLLING PLACES; PROVIDING AN EFFECTION DATE.

ACTION TAKEN; JERRY WILLIAMS MADE A MOTION TO ADOPT ORDINANCE 203-2-2008 ORDERING AND PROVIDING NOTICE OF A THE GENERAL ELECTION FOR THE TOWN OF SHADY SHORES TO BE HELD ON THE 10TH DAY OF MAY 2008. SECONDED BY NITA WATKINS.

FOR: UNANIMOUS THE MOTION CARRIED 4-0

11. Reports from Council and Committee Chairpersons

Mayor Olive Stephens-Budget, finance

Mayor Pro tem Nita Watkins-Financials, Roads Funding

Building payments, Roads, Fritz Lane erosion, gates on Mustang during flooding

Councilmember Sherry Starr-Furniture committee for new building

Moving out of old building on February 8, 2008 at 9:00 a.m. Crews will be putting furniture together on Tuesday, Thursday and Friday.

Councilmember Polly Carter- Roads, Corps Committee

Councilmember Charles Grimes-Corps Committee, Police Department

Reports to be available on Friday.

Nothing to report on Corps

Clo Sturm. Shady Shores Municipal Court Clerk has passed away.

Councilmember Jerry Williams-Shoreline report

Town Engineer, Mike Saunders pointed out that you repaired 2 culverts on Lakeshore. That project was still under the maintenance bond. The contractor, which means, he is no longer liable for what you all did. Mayor said she has contacted FEMA for the cost of the repairs.

Six inch water line in old Shady Shores to begin construction about February 10, 2008.

Future agenda item ---Discuss status of on-going projects with the Town Engineer, Mike Saunders.

12. CITIZENS COMMENTS

Betty Brown and Jean Bowers were present. No comments.

13. Approval of Minutes

(a) January 7, 2008 REGULAR MEETING

ACTION TAKEN: NITA WATKINS MADE A MOTION TO APPROVE THE MINUTES OF THE JANUARY 7, 2008 REGULAR MEETING AS PRESENTED. SECONDED BY JERRY WILLIAMS.

FOR: UNANIMOUS THE MOTION CARRIED 4-0

14. Adjourn

ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO ADJOURN THE REGULAR COUNCIL MEETING OF FEBRUARY 4, 2008. SECONDED BY NITA WATKINS.

FOR: UNANIMOUS THE MOTION CARRIED 4-0

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