

**REGULAR COUNCIL MEETING  
SEPTEMBER 14, 2009  
MINUTES**

**1. Call to Order**

The Town Council of the Town of Shady Shores, Texas convened in a regular meeting on September 14, 2009 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 Betty Brown, Councilmembers Polly Carter, Charles Grimes, Jerry Williams and Nita Watkins. 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. **No Action taken.**

**4. Discussion and take appropriate action regarding awarding a contract for tree trimming.**

**TREE TRIMMING REPORT**

Saturday, September 12, 2009

RE: Ordinance 115A-94 Section XIV FIRE APPARATUS ACCESS ROADS Mayor Stephens and Council,

Bob Baker and I toured all the streets in Shady Shores today. Every thoroughfare street and many other neighborhood streets need trimming to comply with Ordinance 11 5A-94 to have a height clearance of 14 feet and width clearance of 20 feet.

Also, there are a number of small voluntary trees growing in the Town Road Easements that need to be removed, especially those growing in the curves near the water tower and at intersections or entrances to neighborhoods. These trees create or will create a visibility issue and need to be removed.

**Thoroughfare Streets:** (In alphabetical order)

Berry Lane  
Cielo  
Fritz  
Garza Lane  
Lakeshore Road \*  
Oakwood Circle  
Shahan Road \*  
Shady Shores Road-South \*  
Shady Shores Road-West \*  
Sixth Street  
Smokey Lane

**Intersections:**

Berry Lane-Dobbs Road  
Brown Terrace-Lakeshore Road  
Carolyn-West Shady Shores Road

Chaparral-Meadowlark  
Chaparral-Shilo Road  
Dobbs Road-South Shady Shores Road  
Jay Street-Lakeshore  
Jones-Lakeshore  
Lakeshore Road-Smokey-Franck's Circle  
Laura Street-Lakeshore  
Mustang-Fritz  
Oakwood Circle-South Shady Shores Road  
Olive's Garden tiangle  
Shahan Lane-Shahan Road

Shahan-Lakeshore Road  
Shahan-West Shady Shores Road  
5<sup>th</sup> (?) Street-Lakeshore Road (on west side of Lakeshore Road)  
7<sup>th</sup> Street-Lakeshore Road  
6<sup>th</sup> Street-N Garza Road  
Spring- 6th Street  
West-South Shady Shores Road (by Town Hall)

Neighborhood Streets:

Chaparral Estates  
Cielo  
Hidden Valley Airpark  
Shahan Subdivision  
Shady Shores Subdivision

All of these areas need to be trimmed to be in compliance with the FIRE APPARATUS ACCESS ROADS ordinance.

Respectfully submitted.  
Nita Watkins, Councilmember  
Town of Shady Shores, Texas

**ACTION TAKEN: NITA WATKINS MADE A MOTION TO ACCEPT MR. BOB BAKER TREE AND LANDSCAPE SERVICE TO DO THE TREE TRIMMING AND BRUSH TRIMMING –AND WE DID AGREE ON THE \$9,000.00 FIGURE— BUT--- THAT WOULD BE POINT A—POINT B IS IF HE GETS TO THAT DOLLAR AMOUNT AND HE HASN'T DONE SOME OF THE SIGNIFICATE AREAS THAT WE CONSIDER HIRING HIM BY THE DAY—HE HAS A CREW OF LIKE FIVE PEOPLE ---AND THAT DAY FIGURE IS \$1,500.00 PER DAY UP TO FIVE DAYS. SECONDED BY JERRY WILLIAMS**

**FOR: UNAMIOUS**

**THE MOTION CARRIED 5-0**

**5. Discussion and take appropriate action to appoint a member to the Planning & Zoning Commission.**

**ACTION TAKEN: BETTY BROWN MADE A MOTION TO ACCEPT THE APPLICATION OF MR. JONATHAN TATE FOR PLANNING AND ZONING.**

**SECONDED BY POLLY CARTER.**

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

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

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

**Discussion, consideration and possible action regarding a conditional use permit sought by the Denton Independent School District to erect a middle school complex on the Adkisson Ranch School Site, Forty (40) acres, W. Durham Survey, A-330, 133 Garza Road ( Presentation by a representation of the Denton Independent School District)**

Denton Independent School District representative was present to answer questions.  
Rebecca Morgan ---114 Garza—spoke about traffic concerns on Garza, traffic patterns etc.

**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**

- 7. Discussion and take appropriate action regarding adopting a conditional use permit Ordinance sought by the Denton Independent School District to erect a middle school complex on the Adkinsson Ranch School Site, forty (40) acres, W. Durham Survey, A-300, 133 Graza Road ( Presentation by the Denton Independent School District)  
(Approved by Planning and Zoning on July 23, 2009)**

**ORDINANCE NO. 216-9-2009**

*(Denton ISD – Middle School)*

**AN ORDINANCE OF THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO DENTON INDEPENDENT SCHOOL DISTRICT FOR THE PURPOSE OF LOCATING AND OPERATING A MIDDLE SCHOOL; PROVIDING THE TERMS AND CONDITIONS UPON WHICH PERMIT IS GRANTED; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, by Ordinance No. 196-9-2007, the Town of Shady Shores granted Denton ISD a conditional use permit for the construction and operation of an elementary school, adjacent to the proposed middle school; and

**WHEREAS**, the Town of Shady Shores has received in good form an application for a Conditional Use Permit on behalf of Denton Independent School District (“Denton ISD”) for the location and operation of a middle school to be constructed commencing on or about school year 2010-2011, on an area of approximately 40 acres in the W. Durham Survey, commonly known as 131 Garza Road, Shady Shores, Texas; and

**WHEREAS**, a review of the design, use and operation of the middle school by Denton ISD has been conducted, through public hearings before the Planning and Zoning Commission and the Town Council of the Town of Shady Shores, respectively; and

**WHEREAS**, the Planning and Zoning Commission of the Town of Shady Shores has recommended approval of the Conditional Use Permit after the Planning and Zoning Commission public hearing held on July

23, 2009; and

**WHEREAS**, pursuant to the recommendation of the Planning and Zoning Commission and public input, the Town Council has approved of the Conditional Use Permit after the public hearing held on September 14, 2009; and

**WHEREAS**, local review of the proposed middle school has determined that it is in the best interest of the citizens of the Town of Shady Shores to establish certain regulations related to the design, use and operation of a middle school; and

**WHEREAS**, the regulations adopted by this Ordinance will promote the public convenience and welfare of the citizens of the Town of Shady Shores.

**NOW THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Shady Shores, Denton County, Texas, as follows:

**SECTION 1. Permit.** Denton ISD is hereby granted, subject to the following conditions, a Conditional Use Permit for the purpose of locating and operating a middle school located at 131 Garza Road, Shady Shores, Texas:

A. This Conditional Use Permit for a middle school is valid only with respect to approximately forty (40) acres of land situated in the W. Durham Survey, Abstract No. 330, located at 131 Garza Road, and being more particularly described on Exhibit "A", attached hereto and incorporated herein for all purposes (the "Permitted Area"). A photocopy of a site plan or survey, dated \_\_\_\_\_, is attached hereto and incorporated herein for all purposes as Exhibit "B".

B. No building or structure shall be erected, raised, moved, placed, extended, enlarged, converted, constructed, re-constructed, or structurally altered, and no building or structure shall be used or designed to be used or occupied on any portion of the Permitted Area for any purpose other than for the operations of a middle school; and no portion of the Permitted Area shall be used or occupied for any purposes other than for the location and operations of a middle school. Any use, design or occupancy for any secondary or other purpose other than for the location and operations of a middle school will require prior written approval by the Town Council.

C. All applicable provisions of the Zoning Ordinances of the Town of Shady Shores, Texas including, but not limited to Ordinance No. 124 [Amended Comprehensive Zoning Ordinance], shall apply to the Permitted Area on the Effective Date (hereinafter defined) of this Ordinance, unless stated otherwise below.

1. Pursuant to Ord. No. 124, Art. 3.3(c) public or parochial school parking shall be a minimum of 450 square feet vehicle parking space for each 3 students and/or staff, or as specified in the conditional use permit, whichever is greater. The Town Council has reviewed the plans of the Denton ISD, and finds the parking plans to be sufficient for the site and school.

2. The site and any improvements located thereon in the future shall be developed in substantial compliance with the requirements of any safety code and building code regulations of the State of Texas, the County of Denton, and the Town of Shady Shores, or any other authority or jurisdiction over the construction of a public school.

D. This Conditional Use Permit terminates automatically upon (i) the cessation of use of the Permitted Area as a middle school or (ii) on the transfer of property ownership of any more than forty-nine percent (49%) to any non-governmental third party or entity. All such use of the Permitted Area for other non-approved public or private educational uses and/or other purposes, as well as all non-approved transfers of the property ownership, will require prior written approval by the Town Council, without which this Conditional Use Permit will immediately terminate.

**SECTION 2. Penalty.** Any person, firm or corporation violating any of the provisions of the Ordinance shall be subject to the same penalty as provided herein, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 3. Severability.** Should any word, phrase, paragraph, section or portion of this Ordinance be held to be illegal, invalid or unenforceable, the legality, validity and enforceability of the remaining portions of this Ordinance shall not be affected thereby, and each such illegal, invalid or unenforceable word, phrase, paragraph, section or portion shall not affect this Ordinance as a whole.

**SECTION 4. Repealer.** All provisions of the ordinances of the Town of Shady Shores in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the Town of Shady Shores not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 5. Publication.** In accordance with Section 52.011 of the Local Government Code, the caption of this Ordinance shall be published either (a) in every issue of the official newspaper of the Town of Shady Shores for two days, or (b) one issue of the newspaper if the official newspaper is a weekly paper. An affidavit by the printer or the publisher of the official newspaper verifying the publication shall be filed in the office of the City Secretary.

**SECTION 6. Effective Date.** This Ordinance shall take effect upon publication of the caption, as the law in such case provides. ("Effective Date")

**DULY PASSED** by the Town Council of the Town of Shady Shores, Texas on the **14<sup>th</sup>** day of **September** 2009.

**ACTION TAKEN: BETTY BROWN MADE A MOTION TO ADOPT ORDINANCE NO. 216-9-2009. SECONDED BY NITA WATKINS.**

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

**8. Discussion and take appropriate action regarding adopting an ordinance amending Ordinance 130 ( Town of Shady Shores Subdivision Ordinance)**

**ORDINANCE NO. 217-9-2009**  
*(Amending Ordinance 130, the Subdivision Ordinance)*

**AN ORDINANCE OF THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS, AMENDING ORDINANCE 130, THE SUBDIVISION ORDINANCE OF SHADY SHORES, TEXAS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, by Ordinance No. 130, the Town of Shady Shores has defined its Subdivision Regulations;  
and

**WHEREAS**, the Town Council has determined amendments to the Subdivision Ordinance is required;  
and

**WHEREAS**, the regulations and amendments adopted by this Ordinance will promote the public convenience and welfare of the citizens of the Town of Shady Shores.

**NOW THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Shady Shores, Denton County, Texas, Ordinance 130 be amended as follows:

**SECTION 1.        Recommendations.** Section 3.1, E., Items 2, 3, and 4 are amended such that after the word “recommend” the words “in writing” are deleted, to read as follows:

- “2.    Review and recommend approval, conditional approval, or disapproval of engineering requirements for the Topography and Preliminary Drainage Plan as required on a Preliminary Plat of a Major Subdivision.
3.    Review and recommend approval, conditional approval, or disapproval of Engineering and other requirements (SECTION 4.4) for the Construction Plans and Calculations.
4.    Review and recommend approval, conditional approval, or disapproval of any other related materials as required by the Planning and Zoning Commission and/or Town Council.”

**SECTION 2.        Plat Procedure.** Section 4.3, D is revised to read as follows:

“Upon approval of the preliminary plat by the Town Council, the subdivider may then prepare a Final Plat and final engineering plans for review by the Town Engineer. Upon approval of the engineering plans by the Town Engineer, the subdivider may then submit the Final Plat to the Planning and Zoning Commission for action. The Final Plat shall be accompanied by the approved engineering plans.”

**SECTION 3        Major Plat Review Process Chart.** Section 4.3 is amended as follows:

See attached Exhibit A, for Section 4.3 PROCEDURE SUMMARY, Major Plat Review Process chart.

**SECTION 4        Types of Plats; Form and Content.** Section 4.4, C, 2, gg is amended such that the word “franchised” is deleted from the first and second sentences, to read as follows:

- “gg)   A notation of the Plat indicating that “Any public utility, including the Town of Shady Shores, shall have the right to move and keep moved all or part of any buildings, fences, trees, shrubs, other growths, or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of the easements shown on the Plat. Any public utility, including the Town of Shady Shores, shall have the right at all times of ingress and egress to and from and upon said easements for the purposes of constructing, reconstructing, inspection, patrol maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone”.”

**SECTION 5        Construction Plans for Public Improvements.** Section 5.4 intro and 5.4., A. General

Requirements is deleted and replaced with the following:

#### **“SECTION 5.4 CONSTRUCTION PLANS FOR PUBLIC IMPROVEMENTS**

These plans shall be submitted along with a copy of the Final Plat to the Town Engineer for review and approval for Major Subdivisions, and for Minor Subdivisions with Infrastructure when required.

#### **GENERAL REQUIREMENTS**

1. Prior to the commencement of any construction of public works improvements, the developer or person who intends to construct such project shall present plans, specifications, and projections of probable cost setting forth in detail all elements of construction to the Town for approval. In the case of public improvements associated with subdivision development, the engineering plans (including descriptions of all necessary off-site easements) must be approved in accordance with all requirements of this Subdivision Ordinance prior to approval of the final plat.
2. The developer shall retain a registered Civil Engineer, licensed to practice in the State of Texas, for all design in new subdivisions or developments, including streets, storm drains, water and sanitary sewers. Each plan shall show the seal and signature of the registered professional Engineer who prepared the plan.
3. These plans shall be submitted on standard 24x36 inch sheets, and shall include the information required herein. Plan and profile sheets shall be oriented with the plan view at the top portion of the sheet.
4. Two (2) copies of the engineering plans and a copy of the Final Plat shall be submitted to the Town Engineer for review and approval.
5. Five (5) copies of complete and approved plans, specifications, engineering calculations, and detailed cost estimates for streets, drainage, sanitary sewers, water distribution, and any other improvements to be performed are required for submission with the Final Plat for approval by the Planning and Zoning Commission and shall be based on studies approved by the Planning and Zoning Commission at the time of preliminary plat approval.
6. Five (5) copies of complete and approved plans, specifications, engineering calculations, and detailed cost estimates for streets, drainage, sanitary sewers, water distribution, and any other improvements to be performed are required for submission with the Final Plat for approval by the Town Council.
7. Upon approval of the plans, the Developer shall furnish two (2) sets of signed final approved plans to the Town.”

**SECTION 6. Drainage Requirements and Design Standards.** Section 5.8, C. 8.4, c. is deleted and replaced with the following:

“The minimum grade allowed on a channel or ditch shall be 0.5% (five-tenths foot per one hundred feet) for a concrete lined channel or ditch and 1.0% (one foot per one hundred feet) for a grass lined channel or ditch unless otherwise approved by the Town Engineer.”

**SECTION 7. Penalty.** Any person, firm or corporation violating any of the provisions of the Ordinance shall be subject to the same penalty as provided herein, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 8. Severability.** Should any word, phrase, paragraph, section or portion of this Ordinance

be held to be illegal, invalid or unenforceable, the legality, validity and enforceability of the remaining portions of this Ordinance shall not be affected thereby, and each such illegal, invalid or unenforceable word, phrase, paragraph, section or portion shall not affect this Ordinance as a whole.

**SECTION 9. Repealer.** All provisions of the ordinances of the Town of Shady Shores in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the Town of Shady Shores not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 10. Publication.** In accordance with Section 52.011 of the Local Government Code, the caption of this Ordinance shall be published either (a) in every issue of the official newspaper of the Town of Shady Shores for two days, or (b) one issue of the newspaper if the official newspaper is a weekly paper. An affidavit by the printer or the publisher of the official newspaper verifying the publication shall be filed in the office of the City Secretary.

**SECTION 11. Effective Date.** This Ordinance shall take effect upon publication of the caption, as the law in such case provides. (“Effective Date”)

**DULY PASSED** by the Town Council of the Town of Shady Shores, Texas on the 14<sup>TH</sup> day of SEPTEMBER, 2009.

**ACTION TAKEN: NITA WATKINS MADE A MOTION TO ADOPT ORDINANCE NO. 217-9-2009 AMENDING ORDINANCE NO. 130. SECONDED BY JERRY WILLIAMS.**

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

**9. Discussion and take appropriate action regarding adopting an Ordinance amending the 2008-2009 Budget.**

**TOWN OF SHADY SHORES  
ORDINANCE NO. 218-9-2009**

**AN ORDINANCE OF THE TOWN OF SHADY SHORES, TEXAS AMENDING  
ORDINANCE NO. 209-9-2008, THE BUDGET ORDINANCE FOR FISCAL YEAR 2008-  
2009,**

**TO TRANSFER \$ 8,120.00 FROM CONTINGENCY PROVISIONS**

<b>TO PUBLIC WORKS</b>	<b>\$4,350.00</b>
<b>ENGINEERING FEES</b>	<b>\$ 600.00</b>
<b>SIGNS</b>	<b>\$ 500.00</b>
<b>NEWSPAPER</b>	<b>\$ 220.00</b>
<b>MAILING SERVICES</b>	<b>\$ 250.00</b>
<b>UTILITY LCMUA</b>	<b>\$ 200.00</b>
<b>UTILITY TXU ENERGY</b>	<b>\$1,000.00</b>
<b>AD VALOREN TAX SERVICE</b>	<b>\$1,000.00</b>

**AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the Town Council adopted Ordinance NO. 209-9-2008 approving the budget for the fiscal year beginning October 1, 2008, and ending September 30, 2009; and;

**WHEREAS,** 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:**

**SECTION 1.** That Ordinance NO. 209-9-2008, adopting and approving the budget for the fiscal year beginning October 1, 2008, and ending September 30, 2009, be, and the same is hereby amended by transferring the sum of **\$ 8,120.00** from **COUNCIL PROVISIONS** to .

<b>PUBLIC WORKS</b>	<b>\$4,350.00</b>
<b>ENGINEERING FEES</b>	<b>\$ 600.00</b>
<b>SIGNS</b>	<b>\$ 500.00</b>
<b>NEWSPAPER</b>	<b>\$ 220.00</b>
<b>MAILING SERVICES</b>	<b>\$ 250.00</b>
<b>UTILITY LCMUA</b>	<b>\$ 200.00</b>
<b>UTILITY TXU ENERGY</b>	<b>\$1,000.00</b>
<b>AD VALOREM TAX SERVICE</b>	<b>\$1,000.00</b>

**SECTION 2.** That the Mayor is authorized and directed to make the transfer set out in Section 1. 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 provide.

**PASSED, APPROVED AND ADOPTED this the 14<sup>th</sup> day of SEPTEMBER 2009.**  
**ACTION TAKE: BETTY BROWN MADE A MOTION TO ADOPT ORDINANCE NO. 218-9-2009 AS WRITTEN. SECONDED BY NITA WATKINS.**  
**FOR: UNANIMOUS THE MOTION CARRIED 5-0**

**PUBLIC HEARING—OPEN PUBLIC HEARING**  
**ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO OPEN THE PUBLIC HEARING SECONDED BY NITA WATKINS.**  
**FOR: UNANIMOUS THE MOTION CARRIED 5-0**

**Discussion of 2009-2010 Budget**

To: Shady Shores TownCouncil  
From: Cecil Carter  
Date: Sept. 16, 2009  
Subj: Public Hearing -Budget, Library

First, we want to thank the Council for their continuing support of the Lake Cities Library.

We need to clear up one issue: Moving the library. The only town supporting moving the library is Hickory Creek. This project cannot be done at this time. The library is exploring options to alleviate space issue.

Additional budget request.

A request was made for \$3,000 to a special project which is beyond our normal operating budget. This is a one time request. Apparently, my explanation of the project was inadequate.

Proposal -Living History Project

Living History -collection of senior’s recollection of life in the lake cities. The plan was to have a history major from UNT or TWU, take this on as a project. Video’s would be captured of senior citizens memories, editing would be done and the segments would be posted on the LCL web site.

Living History —Job applicant mock interviews. All libraries are becoming more involved in helping job applicants find employment. Job applicants are being sent to libraries for help by the Texas Workforce Commission. This is devolution; libraries get no added funding for this. The idea is to allow job interviewees to get a “film” of themselves in a mock interview, The film is then played back to the applicant and they hopefully will be able to sharpen their interviewing skills and gain employment.

Living History -Summer Reading, drama activity. One activity of the summer reading program is to have children write and produce “skits. The plan is to have the children write, produce “skits” then capture them on “film” and have the children edit their own work. These “films” would be placed on the [CL Web site allowing the whole community to see.

Living History -Demonstration Program. The LCL would develop a program to teach adults to use a digital movie camera and edit the “film” for their own use. Many people who are adept at using a still camera are intimidated by the complexity of using a digital camera. Those that do, do not know how to edit out poor photographic scenes.

The proposed funds would be used to purchase { 1 } a digital movie camera, [2] a professional tripod, [3] an Apple laptop computer and [4] software to allow easy editing of film. The North Texas Regional Library System has a system like this, but doesn’t “lend” it out. We are asking the Town of Shady Shores to invest the cost \$3000 into this system.

LCL has made similar requests to other cities, Lake Dallas awarded the LCL \$18,000 for new computers about 4 years ago. Corinth awarded the [CL \$5,000 for a special project two years ago. Thank you for considering this worthy project.

**CLOSE PUBLIC HEARING**

**ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO CLOSE THE PUBLIC HEARING REGARDING THE DISCUSSION OF THE 2009-2010 BUDGET. SECONDED BY NITA WATKINS.**

**FOR: UNANIMOUS RECESS**

**THE MOTION CARRIED 5-0**

**10. Discussion and take appropriate action regarding adopting an Ordinance adopting the Budget for the Fiscal year beginning on October 1, 2009 and ending on September 30, 2010.**

**ORDINANCE NO. 219-9-2009  
(Adopting a Budget)**

AN ORDINANCE OF THE TOWN OF SHADY SHORES, TEXAS APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; 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.

**WHEREAS**, as required by law, the Mayor has prepared and submitted to the Town Council a proposed budget reflecting financial policies for the year and forecasting revenues and expenditures for conducting the affairs of the Town and providing a complete financial plan for the fiscal year beginning October 1, 2009, and ending September 30, 2010; and

**WHEREAS**, the Town Council has received the Mayor's proposed budget, a copy of which and all supporting schedules have been filed with the Town Secretary of the Town of Shady Shores, Texas; and

**WHEREAS**, the Town Council has conducted the necessary public hearings as required by law;

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

**SECTION 1.** That the proposed budget of the revenue and expenditures necessary for conducting the affairs of the Town of Shady Shores, Texas, said budget being in the amount of **\$868,141.00**, providing a complete financial plan for the fiscal year beginning October 1, 2009, and ending September 30, 2010, as submitted to the Town Council by the Mayor, attached hereto as Exhibit "A", be and the same is hereby adopted and approved as the budget of the Town of Shady Shores, Texas for the fiscal year beginning October 1, 2009, and ending September 30, 2010.

**SECTION 2.** That the sum of **\$868,141.00** is hereby appropriated for the payment of the expenditures established in the approved budget for the fiscal year beginning October 1, 2009 and ending September 30, 2010.

**SECTION 3.** That the expenditures during the fiscal year beginning October 1, 2009, and ending September 30, 2010 shall be made in accordance with the budget approved by this ordinance unless otherwise authorized by a duly enacted ordinance of the Town of Shady Shores, Texas.

**SECTION 4.** That all budget amendments and transfers of appropriations budgeted from one account or activity to another within any individual activity for the fiscal year 2008-2009 are hereby ratified, and the budget Ordinance for fiscal year 2008-2009, heretofore enacted by the Town Council, be and the same is hereby, amended to the extent of such transfers and amendments for all purposes.

**SECTION 5.** That specific authority is given to the Mayor, with consent of Council, to make the following adjustments for municipal purposes:

1. Transfer of appropriations budgeted from one account classification to another account

classification within the same department.

2. Transfer of appropriations from designated appropriation from one department or activity to another department or activity within the same fund.

**SECTION 6.** That all notices and public hearings required by law have been duly completed.

**SECTION 7.** That all provisions of the Ordinances of the Town of Shady Shores, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the Town of Shady Shores, Texas not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 8.** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

**SECTION 9.** This Ordinance shall take effect from and after its passage as the law and charter in such cases provide.

**DULY PASSED** by the Town Council of the Town of Shady Shores, Texas, on the **14<sup>TH</sup>** day of

**September, 2009**

**ACTION TAKEN: JERRY WILLIAMS MADE A MOTION TO ADOPT ORDINANCE NO. 219-9-2009 ADOPTING A BUDGET BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010 PROVIDING THAT EXPENDITURES SET FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SET 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 FOR VARIOUS ACTIVITIES AND IMPROVEMENTS OF THE TOWN; PROVIDING A**

**REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. SECONDED BY NITA WATKINS.**

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

**11. Discussion and take appropriate action regarding adopting on Ordinance fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2009 and ending on September 30, 2010.**

**ORDINANCE NO. 220-9-2009  
(Adopting a Tax Rate)**

**AN ORDINANCE OF THE TOWN OF SHADY SHORES LEVYING THE AD VALOREM TAXES FOR THE YEAR 2008 (Fiscal Year 2009-2010) AT A RATE OF \$ 0.310700 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.**

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

**SECTION 1.** That there be and is hereby levied for the year 2009 on all taxable property, real, personal and mixed, situated within the corporate limits of the Town of Shady Shores, and not exempt by the Constitution of the State and valid State laws, a tax of \$ 0.310700 on each one hundred dollars (\$100) assessed valuation of taxable property, and shall be apportioned and distributed as follows:

- (a) For the purpose of defraying the current expenditures of the municipal government of the Town of Shady Shores, a tax of \$ 0.310700 on each one hundred dollars (\$100) assessed value on all taxable property.
- (b) For the purpose of creating a sinking fund to pay the interest and principal maturates of all outstanding debt of the Town of Shady Shores, not otherwise provided for, a tax of \$ .00 on each one hundred dollars (\$100) assessed value of taxable property within the Town of Shady Shores, and shall be applied to the payment of interest and maturates of all such outstanding debt.

**SECTION 2. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL **DECREASE** TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$ 3.27. (\$313.97 LESS 310.70) LAST YEAR'S TAX TATE WAS \$0.313970. THIS YEAR'S EFFECTIVE TAX RATE WILL BE \$0.310700.**

**SECTION 3.** That all ad valorem taxes shall become due and payable on October 1, 2009, and all ad valorem taxes for the year shall become delinquent if not paid prior to February 1, 2010. There shall be no discount for payment of taxes prior to February 1, 2010. A delinquent tax shall incur all penalty and interest authorized by law, to wit:

(a) A penalty of six per cent on the amount of the tax for the first calendar month it is delinquent, plus one percent for each additional month or portion of a month the tax remains unpaid prior to July 1 of the year in which it becomes delinquent.

(b) Provided, however, a tax delinquent on July 1, 2010 incurs a total penalty of twelve per cent of the amount of delinquent tax without regard to the number of months the tax has been delinquent. A delinquent tax shall also accrue interest at the rate of one percent for each month or portion of a month the tax remains unpaid. Taxes for the year 2008 and taxes for all future years that become delinquent on or after February 1 but not later than May 1, that remain delinquent on July 1 of the year in which they become delinquent, incur an additional penalty in the amount of twenty percent (20%) of taxes, penalty and interest due, pursuant to Texas Property Tax Code Section 6.30 and 33.07, as amended. Taxes assessed against tangible personal property for the year 2009 and for all future years that become delinquent on or after February 1 of a year incur an additional penalty on the later of the date the personal property taxes become subject to the delinquent tax attorney's contract, or 60 days after the date the taxes become delinquent, such penalty to be in the amount of twenty percent (20%) of taxes, penalty and interest due, pursuant to Texas Property Tax Code Section 33.11. Taxes for the year 2009 and taxes for all future years that remain delinquent on or after June 1 under Texas Property Tax Code Sections

26.07(f), 26.15(e), 31.03, 31.031, 31.032 or 31.04 incur an additional penalty in the amount of twenty percent (20%) of taxes, penalty and interest due, pursuant to Texas Property Tax Code Section 6.30 and Section 33.08, as amended.

**SECTION 4.** Taxes are payable in Shady Shores, Texas, at the Town of Shady Shores, Town Hall Offices. The Town shall have available all the rights and remedies provided by law for the enforcement of the collection of taxes levied under this ordinance.

**SECTION 5.** That the tax roll as presented to the Town Council, together with any supplements thereto, be and the same are hereby approved.

**SECTION 6.** That all ordinances of the Town of Shady Shores in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other provisions of the ordinances of the Town of Shady Shores not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 7.** That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal or invalid.

**SECTION 8.** This ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide.

**DULY PASSED** by the Town Council of the Town of Shady Shores, Texas, on the 14TH day of **September, 2009.**

**ACTION TAKEN: BETTY BROWN MADE A MOTION TO ADOPT ORDINANCE NO. 220-9-2009 WITH THAT ONE MINOR CORRECTION (PAGE TWO SHOULD BE ---THIS YEAR'S EFFECTIVE TAX RATE WILL BE \$0.310700.) SECONDED BY CHARLES GRIMES.**

**FOR: UNANIMOUS**

**THE MOTION CARRIED 5-0**

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

**Mayor Olive Stephens-Budget, Finance, Emergency Manager Coordinator,  
Emergency Sirens, Ordinance Report,  
Planning & Zoning Report  
Mayor Pro tem Betty Brown—Water Well report**

**Councilmember Nita Watkins, Financials, Roads Funding**  
**Councilmember Polly Carter- Special projects, Corps Committee**  
**Councilmember Charles Grimes-Corps Committee, Police Department (Most recent police report)**  
**Councilmember Jerry Williams-Shoreline report**

**13. CITIZENS COMMENTS**

**There were no citizens signed in to speak.**

**14. Approval of Minutes**

**(a) August 3, 2009 REGULAR MEETING**

**(b) August 10, SPECIAL MEETING**

**ACTION TAKEN: BETTY BROWN MADE A MOTION TO TABLE ITEM # 14 THE APPROVAL OF THE MINUTES UNTIL OUR NEXT MEETING IN OCTOBER. SECONDED BY NITA WATKINS.**

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

**15 Discussion and take appropriate action to consider future agenda items.**

**CORPS OF ENGINEERS LEASE**  
**HELLO NEIGHBOR PROGRAM**

**16. Adjourn**

**ACTION TAKEN: BETTY BROWN MADE A MOTION TO ADJOURN THE MEETING. SECONDED BY POLLY CARTER AND 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**