

**REGULAR COUNCIL MEETING
FEBRUARY 2, 2009
MINUTES**

1. Call to Order

The Town Council of the Town of Shady Shores, Texas convened in a regular meeting on February 2, 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 Nita Watkins, Council members Polly Carter, Charles Grimes and Jerry Williams. Absent was Sherry Starr. 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 Fiscal Year 2007-2008 Annual Audit (Presentation by Jerry Eastup)

ACTION TAKEN: POLLY CARTER MADE A MOTION TO ACCEPT THE AUDIT FOR THE FISCAL YEAR 2007-2008 AS PRESENTED BY TOWN AUDITOR JERRY EASTUP. SECONDED BY NITA WATKINS.

FOR: UNANIMOUS 4-0

4. Discuss on-going projects with Town Engineer, Mike Saunders.

(a) Take appropriate action regarding Mustang Estates drainage.

Mike Saunders was present. Town Attorney Jim Shepherd was present.

Kartis Orantis spoke on this item

ACTION TAKEN: CHARLES GRIMES MADE A MOTION THAT WE ALLOW MIKE TO GO OUT AND RE-ENGINEER THE DRAINAGE ON MUSTANG ESTATES ADDITION. SECONDED BY POLLY CARTER.

FOR: UNANIMOUS MOTION CARRIED 4-0

Mike Saunders told the council that a homeowner install a pipe without notifying the city. “ We really can’t have people filling in out bar ditches without us knowing about it.” “ That is city right-of-way city property.” “Mr. Ross needs to work on his end.”

Mr. Ross was present and commented.

5. Discussion and take appropriate action to approve an Interlocal Cooperation Contract between Denton County and Town of Shady Shores for rental of voting machines & equipment and the purchase of voting supplies.

ACTION TAKEN: POLLY CARTER MADE A MOTION TO APPROVE AN INTERLOCAL COOPERATION CONTRACT BETWEEN DENTON COUNTY AND THE TOWN OF SHADY SHORE FOR RENTAL OF VOTING MACHINES AND EQUIPMENT AND THE PURCHASE OF VOTING SUPPLIES. SECONDED BY JERRY WILLIAMS.

FOR: UNANIMOUS THE MOTION CARRIER 4-0

6. Discussion and take appropriate action to appoint a member to the Planning and Zoning Commission.

Sharon Bounds was signed up to speak on this item.

ACTION TAKE: POLLY CARTER MADE A MOTION TO APPOINT TOM SPENCER AS AN ALTERNATE MEMBER TO THE PLANNING AND ZONING COMMISSION. SECONDED BY JERRY WILLIAMS.

FOR: UNANIMOUS THE MOTION CARRIED 4-0

7. Discussion and take appropriate action to adopt an Ordinance ordering and providing notice of a General Election to be held on May 9, 2009.

TOWN OF SHADY SHORES

ORDINANCE NO. 214-2-2009

(Ordering & Providing Notice of a General Election)

AN ORDINANCE ORDERING AND PROVIDING NOTICE OF A GENERAL ELECTION FOR THE TOWN OF SHADY SHORES, TEXAS, TO BE HELD ON THE 9TH DAY OF MAY, 2009; PROVIDING FOR EARLY VOTING BY PERSONAL APPEARANCE; PROVIDING FOR THE ESTABLISHMENT OF POLLING PLACES; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. ELECTION ORDER AND NOTICE OF ELECTION

That there is hereby called a General Election to be participated in by the qualified voters of the Town of Shady Shores, Texas, to be held on the first Saturday in May, being the 9th day of May, 2009, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of electing a Mayor for a two-year term and Town Council Members Places 2 and 3 for two-year terms.

SECTION 2. That the candidates receiving the highest number of votes in each place shall be elected for two (2) year terms.

SECTION 3. That the ballot positions of the names of the candidates for each place shall be determined by lot in an open meeting. The Town Secretary shall notify each candidate of the time of the meeting to draw lots and shall preside at the drawing.

SECTION 4. That the polling places for the election shall be at the Shady Shores Community Center, 101 South Shady Shores Road, Shady Shores, Denton County, Texas. The polls shall be open from 7:00 a.m. to 7:00 p.m.

SECTION 5. That Early Voting by personal appearance shall be conducted at the Community Center, 101 South Shady Shores Road, Shady Shores, Texas. Early Voting by personal appearance shall be available to the registered voters of the Town of Shady Shores, Texas, on the following weekday dates and times:

April 27, 2009	7:00 a.m. to 7:00 p.m.
April 28, 2009 through May 1, 2009	4:00 p.m. to 8:00 p.m.
May 4, 2009	4:00 p.m. to 8:00 p.m.
May 5, 2009	7:00 a.m. to 7:00 p.m.

SECTION 6. That the voting method to be used during Early Voting by personal appearance will be by paper ballot and the voting method to be used on Election Day will be by paper ballot. In addition to the paper ballot method, Section 61.012 of the Texas Election Code requires that the Town of Shady Shores must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

The Office of the Texas Secretary of State has certified that the eSlate voting system is an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems.

THEREFORE: The chief elections officer of the Town of Shady Shores shall provide at least one eSlate in each polling place in every polling location used to conduct any election ordered on or after January 1, 2006. The voting system may be acquired by any legal means available to the Town of Shady Shores including, but not limited to, lease or rental from the county of Denton or from any other legal source, as authorized or required by Sections 123.032 and 123.035, Texas Election Code.

SECTION 7. That notice of said election shall be published once in the official Newspaper of the Town not earlier than April 9, 2009, the 30th day before the election, and not later than April 29, 2009, the 10th day before the election. Such notice shall also be posted on the bulletin board used to publish notices of the Town Council meetings not later than April 17, 2009, the 19th day before Election Day.

SECTION 8. That a copy of the published notice that contains the name of the Newspaper and the date of publication shall be retained as a record of such notice, and the person posting the notice shall make a record at the time of posting, stating the date and place of posting and deliver a copy of each notice posted to the Mayor after the last posting is made.

SECTION 9. The presiding election judge who shall serve at the polling place shall be **PAT BOTTS** and the alternate presiding judge shall be **MARTHA STRATON**.

SECTION 10. An early voting ballot board is hereby created pursuant to Section 87.001 of the Texas Election Code. The early voting ballot board shall be made up of members appointed in the manner established by statute and the presiding judge and alternate judge of the early voting ballot board shall be election officials.

SECTION 11. The Town Secretary is appointed early voting clerk in compliance with Section 83.005 of the Texas Election Code, and **Amber Chaudoir** is hereby appointed by said early voting clerk as the deputy early voting clerk. other deputy early voting clerks may be appointed as needed to process early voting mail and to conduct early voting at the proper locations. Early voting shall be conducted at the Shady Shores Community Center, 101 South Shady Shores Road, Shady Shores, Denton County, Texas 76201. Early voting by personal appearance will be conducted on the dates and hours set forth in Section 5 above. Any qualified voter for the election may vote early by personal appearance at the main early voting location.

MAIN EARLY VOTING POLLING PLACE:

Shady Shores Community Center
101 South Shady Shores Road
Shady Shores, Texas 76201

EARLY VOTING BY MAIL:

Early Voting Clerk
Town of Shady Shores
P. O. Box 362
Lake Dallas, Texas 75065

The Town Secretary shall present the election returns to the Town Council for the canvassing of said election. The canvass of said election returns shall be conducted by the Town Council not earlier than the 3rd day nor later than the 6th day after the election.

SECTION 12. That the fact that the present Ordinances of the Town are inadequate to protect the health,

safety and welfare of the inhabitants of the Town creates an urgency and emergency and requires that this Ordinance take effect from and after its passage as the law in such cases provides.

DULY ADOPTED AND APPROVED this the 2nd day of February, 2009.

ACTION TAKE: JERRY WILLIAMS MADE A MOTION TO ACCEPT AND PASS ORDINANCE 214-2-2009 ORDERING AND PROVIDING NOTICE OF A GENERAL ELECTION FOR THE TOWN OF SHADY SHORES, TEXAS TO BE HELD ON 9TH DAY OF MAY 2009 PROVIDING FOR EARLY VOTING BY PERSONAL APPEARANCE, PROVIDING FOR THE ESTABLISHMENT OF POLING PLACES AND PROVIDING AN EFFECTIVE DATE. SECONDED BY NITA WATKINS.

FOR: UNANIMOUS THE MOTION CARRIED 4-0

8. Discussion and take appropriate action regarding Landscape Committee report.

Nita Thurman made the Landscape Committee presentation to the Council.

Sharon Bounds commented about the number of trees.

Billy Bounds commented on this item.

ACTION TAKEN: POLLY CARTER MADE A MOTION TO ACCEPT THE LANDSCAPE COMMITTEE'S RECOMMENDATION FOR IMPLEMENTING A LANDSCAPE PLAN TOTAL COST NOT TO EXCEED \$12,000.00 AND THEN THEY WILL BE ABLE TO BUY PLANTS AND GET THEM IN THE GROUND IMMEDIATELY. SECONDED BY NITA WATKINS.

FOR: POLLY CARTER, NITA WATKINS, JERRY WILLIAMS

OPPOSED: CHARLES GRIMES MOTION CARRIED 3-1

9. Discussion and take appropriate action regarding Final Plat of Lot 1, Block 1 Shady Creek Estate, Being 4.622 Acres Situated in the W.D. Durham Survey, Abstract No. 330 (Presentation by Dan Hopkins, 10004 Candlebrook Drive, Dallas, Texas 75243) Representatives not present.

NO ACTION TAKEN

10. Reports from Council and Committee Chairpersons

Mayor Olive Stephens-Budget, finance, annual audit, 2008-2009 budget quarterly report, Emergency Manager Coordinator, Emergency Sirens, Fire Department Mayor Pro tem Nita Watkins-Financials, Roads Funding (covered with the auditor's report

Councilmember Sherry Starr—Special projects (absent—no report)

Councilmember Polly Carter- Special projects, Corps Committee (no comments)

Councilmember Charles Grimes-Corps Committee, Police Department (December police report)

Councilmember Jerry Williams-Shoreline report (no comments)

11. CITIZENS COMMENTS

Karlis Otankis asked the council to consider naming the community room(council chambers) in memory of Anne Buscarino who recently passed away.

12. Approval of Minutes

(a) JANUARY 5, 2009 REGULAR MEETING

ACTION TAKEN: NITA WATKINS MADE A MOTION TO APPROVE THE MINUTES OF

THE JANUARY 5, 2009 REGULAR MEETING AS PRESENTED. SECONDED BY POLLY CARTER.

FOR: UNANIMOUS

THE MOTION CARRIED 4-0

12. Adjourn

ACTION TAKEN: NITA WATKINS MADE A MOTION TO ADJOURN THE MEETING. SECONDED BY JERRY WILLIAMS.

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