

NOTICE OF REGULAR COUNCIL MEETING  
TOWN OF SHADY SHORES  
7:00 P.M., MONDAY, DECEMBER 6, 2010  
SHADY SHORES COMMUNITY CENTER  
101 SOUTH SHADY SHORES ROAD

MINUTES

**MEMBERS PRESENT**

Olive Stephens, Mayor  
Betty Brown, Mayor Pro Tem  
Polly Carter  
Cindy Aughinbaugh  
Cindy Spencer  
Charles Grimes

**MEMBERS ABSENT**

None

**1. CALL TO ORDER**

*The meeting was called to order at 7:00 p.m.*

**2. PLEDGE ALLEGIANCE TO THE United STATES FLAG AND THE TEXAS FLAG.  
(HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE  
UNDER GOD, ONE AND INDIVISIBLE.)**

*Councilmember Polly Carter requested that item #13 Corps Contract be moved on the agenda to be heard before item. #5. It was the consensus of the Council that item #13 the Corps Contract be moved to be heard after item #5 so that citizens might address the council with their concerns.*

**3. LIGHTING OF THE CHRISTMAS TREE- THE COUNCIL WILL TAKE A FEW MOMENTS TO  
LIGHT THE TOWN CHRISTMAS TREE- The council took a momentary recess to light the outside  
Christmas tree and the indoor Christmas tree.**

**4. CONSENT AGENDA-** each item listed on the consent agenda is considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

1. Consider and take action on the minutes of November 1, 2010 Regular Council meeting and the November 15, 2010 Council Work Session.
2. Consider and take action relative to the October 2010 Financial Reports

*Betty Brown made a motion to accept the minutes from the November 1, 2010 Town council meeting with the correction that Betty Brown was to talk with Farmers Branch relative to C&P Engineering, and approve the November 15, 2010 minutes with the addition that the Ordinance Review was to be completed by January 2011, the October 2010 financial reports were approved as written. Cindy Aughinbaugh seconded the motion. Motion carried 5-0*

**5. CITIZENS COMMENTS**

**PURSUANT TO THE STATE OF TEXAS OPEN MEETINGS STATUTE:** The governing body of Town of Shady Shores may not take action on items not posted on the agenda. Those items mentioned

by citizens may be placed on a future agenda.

David Merrider -540 Lakeshore Drive-stated that he felt that the Council should make a decision regarding the Corps Contract. Mr. Merrider stated that the lack of consistent information between the Ft. Worth and Lewisville offices was often frustrating. Residents in his area continue to mow, and currently he felt there were only two residents complying with the mowing regulations.

John McKenzie -200 Comanche Drive stated that he was not in favor of the contract with the Corps.

Roy Smith -100 Lakeshore-stated that he was in agreement with those who had spoken previously. Mr. Smith stated that he was quite familiar with the regulations and did not feel that we should enter into an agreement with them.

Deborah L -401 Paradise Cove- spoke against entering into a contract with the Corps. She felt that the plan had been developed without any input from the town. The residents of Cielo are against a trail being constructed behind their homes, due to safety concerns.

Bill Kruger 103 Cielo Lane- stated that he hoped the contract would be rejected.

Robert Hammons 731 Paradise Cove-stated that he felt like the Corps was just trying to transfer their duties to the Town of Shady Shores.

Patty Durkin 441 Paradise Cove-stated that she is against the agreement. She feels that Shady Shores does not have the staff to oversee a contract of this magnitude. She asked that the Council please consider the residents feelings on this issue.

Michael Hein 530 Jay Street- asked the council who would enforce the contract if it were accepted. Mr. Hein stated that he believes the Corps and the Town should come to some sort of agreement but that someone would need to be available to police it.

An unidentified citizen spoke out and asked if the Town had any input regarding the contract.

Bob Wheeler 106 Lakeshore wanted to thank his friends and neighbors who had spoken in opposition to the Corps contract and said that he agreed with all of them.

- 13. CORPS CONTRACT-** Consider and take action relative to a contract with the US Army Corps of Engineers relative to Management and Development of “Low Density” Recreation Within Wildlife Management Areas.

Councilmember Polly Carter stated that she was attempting to put a positive light on the situation. She acknowledged that those persons who live on the lake are not happy but thinks there are others who might like to have trails. She stated that she felt like an agreement with the Corps might give the town some leverage with the Corps.

Councilmember Spencer – stated she could see both sides of the issue; she understands how the citizens feel but also thinks that Councilmember Carter’s statements make sense.

Councilmember Grimes-stated that the Town needs rights to the Corps property. He feels that Councilmember Carter has a good idea, and that we need to gain control over the shoreline.

Mayor Pro-Tem Betty Brown- echoed the sentiments of the other Council Members, but also felt that the Town needs to consider those properties that are located inland. Mrs. Brown stated that she also felt

*we needed to develop a relationship with the Corps, and that the council needs to explore and do the research to find out what our needs are.*

***Councilmember Aughinbaugh** – acknowledged that this is a big issue for the town. In addition she stated that it would be good to see what types of agreements neighboring cities and towns have with the Corps and review them. She felt that if other cities could come to an agreement with the Corps the Town of Shady Shores should be able to work out a contract to benefit the Town.*

***Jim Shepherd, Town Attorney** - stated that we might want to consider putting together lists of the Towns concerns and determine whether or not that is something we can live with. Mr. Shepherd suggested that we start with a completely new document and put together terms that would be beneficial to the citizens and Town of Shady Shores.*

***Mayor Stephens, Wendy Withers and Jim Shepherd will meet and prepare items for a Council Work session to discuss this contract.***

- 6. EXECUTIVE SESSION-** Pursuant to provisions of Chapter 551 of the Texas Government Code, Vernon's Texas Codes Annotated the City Council will adjourn into executive session to discuss the following matters:

- 1. PERSONNEL ISSUES- 551.074-** receive confidential legal advice from the City Attorney on municipal and federal regulations for city employees, including the payment of payroll taxes.

*Cindy Aughinbaugh made a motion to adjourn into executive session. Charles Grimes seconded the motion. Motion carried 5-0.*

- 7. RECONVENE INTO REGULAR SESSION-**

*The council reconvened into regular session at 9:25 p.m. with no action taken.*

- 8. PERSONNEL ISSUES-** Discuss and take appropriate action relative to the items discussed in the executive session.

*Cindy Aughinbaugh stated that there was no action to be taken at this time, other than the Town Attorney would research certain tax issues.*

- 9. TERA di LARGO REPLAT-** Consideration and take appropriate action on a replat of Lot 23, of Tera di Largo to correct drainage and CORP boundary lines on lot.

*Cindy Aughinbaugh made a motion to table this agenda item. Charles Grimes seconded the motion. Motion carried 5-0.*

- 10. SERVICE AGREEMENT WITH TECHNOLOGY CONSULTANTS-** Discuss and take appropriate action relative to a service provider agreement with Technology Consultants Inc. for the acceptance of credit, debit card or ACH payments for those persons wishing to pay their court fines online.

*Cindy Aughinbaugh made a motion to move forward with Govolution. Cindy Spencer seconded the motion. Motion carried 5-0.*

- 11. ARBOR SHORES DRAINAGE PROJECT-** Presentation of bids by Thomas Hoover Engineering for

this drainage project. Consider and take appropriate action relative to the bids.

Mayor Pro Tem Betty Brown - stated that she still had problems with several items particularly number 6, 8, 10 and 14, because of the responsibility that it placed on the town.

Councilmember Charles Grimes - stated that he felt the Council had promised to repair the fencing and any damage done during construction in exchange for the easements and that the Town needed to stand by this.

Councilmember Cindy Aughinbaugh -asked when the project would be able to be started.

Thomas Hoover, Engineer- stated that he thought it would be best to wait until the threat of bad weather had passed somewhat, so he was looking at late February or early spring.

Councilmember Cindy Aughinbaugh made a motion to award the bid to Cole construction. Cindy Spencer seconded the motion. Motion carried 4 in favor 1 against.

There was discussion relative to holding a preconstruction bid with the contractor prior to beginning the project, and possibly holding another meeting with the citizens to prepare them for the work schedule. The engineer stated that as it got closer to construction time, he would coordinate those events.

- 12. ENGINEERING SERVICES** – Consider and take action relative to selecting an engineering firm to provide services for the Town of Shady Shores.

*Charles Grimes made a motion to approve a contract with C&P for one year beginning in January 2011. Mr. Hoover is to stay on and complete the Arbor Shores drainage project; the council will review contracts each year. Betty Brown seconded the motion. Motion carried 5-0.*

- 14. ORDINANCE 228-12-2010-** Revising the regulation of fireworks within the Town of Shady Shores and repealing prior provisions.

Mayor Stephens- stated that this Ordinance Number would need to be #230-12-10.

Mayor Pro Tem Betty Brown - asked if this Ordinance would prohibit the town from conducting an organized display.

Cindy Aughinbaugh- questioned the need for a new Ordinance and asked if there wasn't already an Ordinance that addressed these issues?

Cindy Spencer- made a motion to approve Ordinance 230-12-10 as presented. Charles Grimes seconded the motion. Motion carried 4-1 (Carter opposed)

- 15. ORDINANCE 229-12-2010-** Repealing prior ordinance provisions appointing the city secretary to serve as municipal clerk.

*Cindy Aughinbaugh made a motion to table this agenda item until January 2011 meeting. Betty Brown seconded the motion. Motion carried 5-0.*

- 16. HAZARDOUS WASTE PROJECT-**Consider and take action relative to participating in a Hazardous Waste project, specifically whether or not to participate in a program offered by Upper Trinity, or to coordinate with another city in the area for participation.

Councilmember Cindy Spencer - questioned whether or not we had checked with our current waste provider to see if they could provide this service to the residents.

Mayor Stephens stated she would like to have a meeting to educate the citizens on hazardous waste and provide them with enough information before the cleanup day begins.

Mayor Pro Tem Betty Brown made a motion to table this agenda item pending more information from the Towns of Hickory Creek and Lake Dallas, and to add the possibility of our waste provider offering this service to the RFP for waste removal. This agenda item should be placed on the March agenda. Polly Carter seconded the motion. Motion carried 5-0

**17. WASTE REMOVAL-** Deliberation and appropriate action on a Request for Proposals for solid waste and recycling services for the Town.

Councilmember Cindy Aughinbaugh- questioned why we would want to offer a senior discount. She stated that she had many in her neighborhood who were concerned that if the Town were to offer such a discount that their price would increase.

Mayor Pro Tem Betty Brown- stated that she felt strongly about this issue because there are currently no other benefits offered to any of our seniors. She felt that the overall cost would only be a \$2 increase for the year for non-senior citizens.

Cindy Aughinbaugh made a motion to send out RFP for Waste Removal. Charles Grimes seconded the motion. Motion carried 5-0

**18. CHRISTMAS OPEN HOUSE-** Consider and take action relative to approving funds for the 2010 Christmas Open House to be held on December 18<sup>th</sup>.

Council member Cindy Spencer stated that the special events committee was requesting \$500 for the Christmas Open House.

Cindy Aughinbaugh made a motion to approve the request. Betty Brown seconded the motion. Motion carried 5-0.

**19. REPORTS AND COMMENTS FROM COUNCILMEMBERS**

- a. Mayor Olive Stephens-Report of Projects and Timelines for City Employees-*report was submitted for consideration.*
- b. Mayor Pro tem Betty Brown- Investment Committee Report-*report was submitted*
- c. Councilmember Cindy Spencer – Special Events, Website- *Councilmember Spencer stated that she would like to thank all of those who participated in the 50<sup>th</sup> celebration.*
- d. Councilmember Polly Carter- Corps Committee, roads – *Councilmember submitted a Road Committee Report*
- e. Councilmember Charles Grimes-Corps Committee, Police Department (Most recent police
- f. report)- *Charles Grimes acknowledged we need to make final payment on the drainage project, however he was still waiting on the contractor to complete some of the items.*
- g. Discuss and take action relative to future agenda items

**20. ADJOURN-***Betty Brown made a motion to adjourn.*

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Olive Stephens, Mayor

Attest:

\_\_\_\_\_  
Wendy Withers, City Secretary