

NOTICE OF REGULAR COUNCIL MEETING
TOWN OF SHADY SHORES
7:00 P.M., MONDAY, APRIL 4TH, 2011
SHADY SHORES COMMUNITY CENTER
101 SOUTH SHADY SHORES ROAD

MINUTES

1. **CALL TO ORDER**-The meeting was called to order at 7:00 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

2. **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 relative to the following minutes:
 - a. Town Council Meeting 3/7/2011
 - b. Town Council Meeting 3/14/2011
 - c. Town Council Meeting 3/21/2011
2. Consider and take action relative to the February 2011 Financial Reports, review of budget through March 31, 2011
3. Arbor Shores Drainage Project (Stephens), (Hoover)-The Mayor reported that the project seemed to be moving along very smoothly. There were a few initial problems but those seemed to have been straightened out.
4. Candidate Forum (Stephens) - The Mayor reported that the candidate's forum had been scheduled for May 3rd at 7:00 p.m. There will be a question and answer session for the candidates. Councilmember Carter suggested that the town should hold two candidate forums to allow citizens more opportunities to attend and make a decision. It was decided that there would be two candidate forums held, one on Monday April 25th, 2011 and the second on Tuesday, May 3rd, 2011 both forums will be held at 7:00 p.m.

Councilmember Carter asked how the town was going to notify the residents and the candidates. It was agreed that the forums would be posted on the town hall bulletin board and the website. A sign will be posted in front of town hall. Town Secretary Wendy Withers will be responsible for contacting all the candidates and confirming their attendance and availability.

5. Police Reports – (Grimes)- Councilmember Grimes reported that he felt the police reports showed good response times and that he was happy to see that there were more patrols happening in town.
Councilmember Aughinbaugh asked if the town ever received a report from the Fire Department. Currently the town does not receive any type of report from the Lake Cities Fire Department.
6. Road Committee - (Grimes)-Councilmember Charles Grimes reported that the Road Committee had a meeting on April 2, 2011. The purpose of the meeting was to review projects and past requests and determine the priority status for some of the requests. The next meeting of the road committee will be held on April 20th, 2011.
7. Special Events- (Spencer) - Councilmember Spencer reported that the Special Events committee was still working on the May 7th celebration event. Persons interested in helping should contact Cindy Spencer or Betty Brown.
8. Corps Committee (Carter)-Councilmember Carter stated that she had provided an update to the website for the progress at Big Sandy Park.
9. Update of office Projects- (Withers) - Town Secretary Wendy Withers reported on the various office projects and their stages of completion.

Polly Carter made a motion to approve the minutes and proposed Financial Reports. Cindy Aughinbaugh seconded the motion. Motion carried 5-0

13. **AGENDA FORMAT-** Consider and take action relative to approving a format for the agenda.* This agenda item was added as an addendum therefore the numbering is out of sequence with the rest of the agenda.

Councilmember Spencer stated that she was happy with the reports at the beginning of the meeting. Councilmember Aughinbaugh stated that she did not have a preference for where the reports were on the agenda; however she was curious about what the residents were really interested in when they attended a council meeting. Councilmember Carter stated that she felt that the format of the agenda needed to be voted on to ensure that the format continued. She questioned the Town Attorney as to whether or not this needed to be put into an ordinance. The Town Attorney stated that the Mayor has the authority to set the agenda and determine the order of items.

Polly Carter made a motion to add the reports under the consent agenda. Cindy Spencer seconded the motion. Motion carried. 5-0

3. **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.

Charla Marchuk 120 Mustang Trail- stated that she would like to introduce herself to the council. Charla is a candidate for Town Council Place #2. She further stated she was currently serves on the Planning and Zoning Commission and works for FEMA, and feels that she has experience and expertise to bring to the town.

4. LAKES OF SHADY SHORES- Consideration and take action relative to a request being made by the Lakes of Shady Shores Homeowners Association for assistance with a drainage and erosion problem.

Brian Ramirez was present from the Lakes of Shady Shores Homeowners Association. Mr. Ramirez gave a power point presentation relative to the erosion concerns and drainage problems the subdivision is experiencing. (A copy of the powerpoint presentation is available at town hall for review) . Mr. Ramirez stated that they were seeking help from the city on the necessary steps to be taken to stop the erosion. The HOA felt like the problem had gotten worse since the Orchards subdivision had been built next to them.

Councilmember Aughinbaugh asked is the HOA had previously requested something from the city that had not been done.

Councilmember Carter – asked what liabilities there might be in this situation and who would be responsible for those liabilities. (the Town or the HOA)

The Town Attorney Jim Shepherd stated that on first inspection of the plat it appeared that the Lakes in the Lakes of Shady Shores were amenities of the subdivision. He felt their original intent was to promote the attractiveness of the neighborhood and were placed there for the enjoyment of residents. According to the plat, the Town had several dedicated drainage easements but not ownership of the lakes. Mr. Shepherd will be studying the matter further, to determine who has responsibility for the lakes, but cautioned the council at this point, that while they may want to assist the HOA, pending the outcome of his findings and that of the engineer, there might be a limit to the amount of help that could be given to the HOA for improvements to the erosion and drainage areas.

Councilmembers Grimes and Aughinbaugh questioned whether or not there had ever been an actual study completed. The Mayor stated that Mike Saunders had been out to view the conditions however his report was only verbal and there had never been an official opinion or report that was put into writing. The council agreed that staff should get in touch with Mike Saunders and determine what type of study may be been done and in the meantime the Mr. Shepherd will also do research to determine the ownership of the lakes.

Polly Carter made a motion to table this agenda item until May 2011 meeting. Cindy Spencer seconded the motion. Motion carried 5-0.

5. TRAFFIC SIGN REPLACEMENT PLAN- Consider and take action relative to approving a sign replacement plan.

A federal mandate requires that all town's update their signage on streets and roads to specific standards. There is a timeline which requires that this be done in several stages however; the entire project must be completed by 2018. The Mayor stated that she wanted to make the council aware of the mandate so that they could begin planning and dividing the cost over the next few budget years. The council discussed assigning this task to the road committee for review and recommendation.

Cindy Aughinbaugh made a motion to table this agenda item until the May 2011 council meeting. Cindy Spencer seconded the motion. Motion carried 5-0

- 6. STREET LIGHT REQUEST**-Consideration and take action relative to a request made by The Orchards Homeowner's Association for a streetlight at Shady Shores Road and Meadow Lark, and Shady Shores Road and Sunrise Grove Road. Discuss and take action relative to developing a procedure for requesting street lights.

Councilmember Carter stated that she had concerns with this request, because she felt there was already a list of street lights that had been requested and that it wasn't fair for requests to be considered before those on the current list. The Council discussed how priority of streetlights would be determined. The Mayor cautioned the council to consider the cost of the street lights, not only the initial installation of the streetlights, but the ongoing cost in the future. The Mayor stated she did not feel that the town was recognizing as big of a savings as projected with the new Electric provider and therefore wasn't sure what the future cost would be of all the additional streetlights.

Polly Carter made a motion to forward the request to the road committee for their review and recommendation. Charles Grimes seconded the motion. – Further discussion:

Councilmember Aughinbaugh asked that the road committee bring their recommendations for determining the priority of street lights and their decision back to the council at the May meeting. Motion carried 5-0.

- 7. WASTE MANAGEMENT CONTRACT**- Consideration and take action relative Approving the updated contract from Waste Management for Waste Removal and Recycling Services

Cindy Aughinbaugh made a motion to table this agenda item. Polly Carter seconded the motion. Further Discussion: It was clarified that this would be brought back on the May 2011 council agenda. Motion carried 5-0

- 8. ATMOS ENERGY**-consideration and take action relative to voting on an interpretation of Franchise agreement terms with Atmos Energy.

Atmos Energy notified the town that some cities had questioned the way the franchise fees were calculated. In simplest terms, the council could authorize the charging of a "fee" on top of the franchise fees. Although the town would recognize additional revenue from this action, the cost of the additional revenue would be passed back to the citizens. There are currently 577 customers using Atmos Gas services and the estimated additional cost per citizen would be under \$1.00.

Betty Brown made a motion to decline the offer of including the franchise fees in the gross revenues for calculation of the Town's franchise payment from Atmos Energy. Charles Grimes seconded the motion. Motion carried 5-0.

- 9. TMRS ORDINANCE** - consider and take action relative to approving Ordinance authorizing the town to participate in the Texas Municipal Retirement System.

Texas Municipal Retirement System provides a retirement package for town employees, allowing the employee to contribute to the system and the Town provides a certain matching percentage.

Cindy Aughinbaugh made a motion to adopt the TMRS Ordinance with a 5% /100% match. subject to legal review. Cindy Spencer seconded the motion.

Further Discussion: Polly Carter asked if the plan would be able to be changed or upgraded once it was approved. The Town attorney confirmed that it could be changed subject to changing the ordinance and notifying the retirement system. Motion Carried: 5-0

10. BUILDING INSPECTOR/INSPECTIONS- Consider and take action relative to approving a new building inspector.

The Mayor stated she had spoken with two individuals who are qualified to perform the inspections, and had asked them to submit their resumes. However; the mayor stated that she felt like the new building inspector should not be appointed until after the election, as there would be a new Mayor and new council members.

Councilmember Carter wondered asked if there was job description for the building inspector.

- Prior to the meeting end Polly Carter stated she had some revisions for the minutes. The changes were duly noted and the Town Secretary will review prior to printing a final draft.

11. ADJOURN- Cindy Aughinbaugh made a motion to adjourn. Polly Carter seconded the motion. Motion carried 5-0

Passed and Approved this ____2nd _ day of _May, 2011

Approved:

_____/s/_____
Olive Stephens, Mayor

Attest:

_____/s/_____
Wendy Withers, Town Secretary