

NOTICE OF REGULAR COUNCIL MEETING
TOWN OF SHADY SHORES
7:00 P.M., MONDAY, June 6th, 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 Jerry Williams
Mayor Pro-Tem Cindy Aughinbaugh
Cindy Spencer
Charles Grimes
John Reedy

MEMBERS ABSENT

Polly Carter

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.)
3. **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 5/2/2011
 - b. Town Council Meeting 5/19/2011 (canvass election)
 - c. Town Council Meeting 5/23/2011
 2. Consider and take action relative to the April 2011 Financial Reports

Cindy Aughinbaugh made a motion to approve the items on the consent agenda as presented. Cindy Spencer seconded the motion. Motion carried. 4-0

4. **COUNCILMEMBER REPORTS-**consider and take action relative to the following Councilmember reports:
1. Arbor Shores Drainage Project (Williams)- *Mayor Williams stated that he had been in contact with Thomas Hoover the engineer for the project and that the contractors were scheduled to finish the project this week. There was one issue with a survey for a fence at 114 Everett Court. The homeowner felt that the contractor had replaced the fence in an incorrect spot. The mayor will consult with the attorney on this issue. Other than the issues mentioned, Mayor Williams stated he felt the project was a success, however noted we would need to see a few heavy rains before making a final decision.*
 2. Office policies/agenda/ordinance violations/work orders/personnel issues and - appointments/contract renewals (Williams)-*Mayor Williams updated the council relative to the changes going on in the office. A request for an item to be placed on the*

council agenda was provided to the council, the policy allows both citizens and council members to request placement of agenda items. Mayor Williams also stated in his continued efforts to maintain accountability we would now be using both a work order system to report necessary repairs and nuisance conditions to our public works department and an ordinance violation form, that will allow citizen complaints to be directed in the right areas. Mayor Williams reported that he and Wendy Withers were working on establishing a employee manual for the town employees. A flow chart has already been established with the Mayor as the CEO. Shantell Ross will report to Wendy Withers. Mayor Williams also pledged to ensure that the town would solicit RFP 's and seek alternative applicants for contract renewals and other services within the town in order to ensure the best price. Relative to appointments, the Mayor stated that the July he would be reappointing individuals to serve on the various committees so if persons were interested in continuing to serve or would like to serve they should contact the Town Secretary or the Mayor to let them know. The last item the mayor wanted to report on was that the budget time was coming up and there would be contract(s) up for renewal. Council members should let the Mayor know if they would like to seek new candidates to provide services.

3. **Lakes of Shady Shores (Williams)** - Mayor Williams stated that this issue was one that the Lakes of Shady Shores Homeowner's association requested help with erosion and drainage issues. Mayor Williams stated he felt that the town's attorney Jim Shepherd had explained to the members of the Homeowner's association that the lakes were amenities provided for the enjoyment of those in the subdivision and therefore the town was not responsible and that he felt the members present were satisfied with that explanation. Mayor Williams recalled that they had asked the town to provide copies of a study that perhaps may have been done by the town's engineers on this project, however the Mayor could not locate any such documents. At this point this matter will not be placed on a future agenda due.
4. **Road Committee -(Grimes)-** Councilmember Grimes reported that the road committee was continuing it's efforts in determining the number of street signs needed and the size of the posts and hardware in an effort to become compliant with the federal mandate for signage improvements. Councilmember Grimes hoped to have the tabulations completed by the July meeting so that it could taken out for bids or planned for during the upcoming budget worksessions. Mayor Pro-Tem Cindy Aughinbaugh asked if there were still budgeted funds available. Mayor Williams stated that is \$1500 available in the current budget. Councilmember Grimes went on to explain that they would prioritize the importance of sign replacements. The committee is waiting to have approval on the street light policy that they have been working on. Councilmember Grimes thanked those involved in helping complete the survey of road signs, Betty Brown and Monty Hilliard worked to get the documentation collected.
5. **Police Reports (Grimes)-** Three months of police reports were submitted at one time, after going through the reports, Councilmember Grimes reported that he had viewed some things that were unique to our town. However he still felt that they were patrolling the town on a regular consistent basis. Now that school is out, citizens should expect to see the officers in town more. Mr. Grimes reminded the citizens that the police reports were public records. Mayor Williams added that the reason the reports were so far behind was that the City of Corinth had been updating their software. A report from animal control was submitted this month and Councilmember Spencer remarked that she enjoyed being able to review that report.
6. **Special Events- (Spencer)** - Councilmember Spencer reported that the Special Events committee was taking a break from recent events. The celebration day on May 7th was

a big success. Councilmember Spencer stated that although he council had voted to spend up to \$5,000 on the event, the Special Events committee had come in way under budget, spending a total of \$2,680. Mrs. Spencer stated that they citizens had really contributed with donations of food and refreshments and donations and this had really kept the costs down and she wanted to express her appreciation for that.

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.

Rodney Carter 335 Lakeside Drive-spoke on behalf of the Lakes of Shady Shores Homeowners' Association, he stated that they had reviewed a plat but that plat did not look anything like the drainage that existed in their subdivision. He stated that they were told that the town's engineer would be coming out to take a look at the situation and it had been two months since they had heard anything. The main problem according to Mr. Carter was that drainage from the Orchards was running into the ponds and causing erosion issues. In Mr. Carter's opinion this made the lakes no longer an amenity but a drainage issue. Mr. Carter stated that they were not expecting the town to pay for all of the repairs but they wanted some assistance in determining whether or not the drainage was causing the issues, so that they didn't spend \$150,000 and not the problem return in a few months.

Bob Pasternak 111 Lakeside Drive declined to speak at this time.

Anne Falkenberg 311 Lakeshore declined to speak on this item.

6. BUILDING INSPECTOR- Consider and take action relative to selecting a building inspector.

A discussion was held relative to the building inspectors who had submitted resumes. Mayor Pro-Tem Aughinbaugh asked if there were fee schedules submitted for the inspectors. Mr. Kohler had submitted his fees in his resume, and although Mr. Shifflett did not submit a fee schedule, Cindy Spencer had spoken with him earlier this afternoon and verified that he would be willing to work with the fees that we paid our current inspector. Councilmember Spencer stated that Mr. Shifflett also stated that he would come out and perform inspections one at a time if necessary. Councilmember Spencer stated that she felt both individuals seemed very qualified.

Mayor pro-tem Aughinbaugh stated that Mr. Kohler stated he would be able to review the permit plans and asked if Mr. Shifflett would be able to do the same.

Town Secretary Wendy Withers stated that she had experience with both individuals and felt that they were both qualified individuals. Mr. Kohler may offer more flexibility during the day however and it seemed that was what the council and citizens were looking for at this time.

Jim Shepherd stated that our contract would require them to have insurance and licensing certification. Jim Shepherd will work with the Mayor and the Town Secretary on negotiating a contract.

Councilmember Spencer asked if there was a procedure for the permitting process and requesting inspections. Mayor Williams stated that although there was a procedure in place however he and the Town Secretary would be working to enhance those procedures to make sure that both citizens and contractors understood the process. Mayor pro-tem stated that she felt it was important to set

expectations and policies for the building process so that the public would know what to expect from the building inspector and the inspection process. Councilmember Grimes stated he felt that both inspectors stated they could respond within one day.

Nita Watkins 17 Hidden Valley stated that she understood the current inspector was only available after hours and that she felt it was frustrating to the contractors not to be able to meet with the inspector during the day. Mrs. Watkins said she hoped the council would consider approving someone who was available during the day.

Councilmember Grimes asked how many current building projects were in progress. It was determined that there were half a dozen permits at this time.

John Reedy made a motion to accept the services of Steve Kohler as the building inspector. Cindy Aughinbaugh seconded the motion.

Discussion: Councilmember Spencer stated that this was a difficult choice for her but Mr. Kohler's availability during the day made him a good choice.

Motion carried 3-1 (For: Reedy, Aughinbaugh, Spencer) (Against: Grimes)

- 7. DELINQUENT COURT FINES-** Consider and take action relative to authorizing McCreary Veselka Bragg and Allen to collect delinquent court fines for the town of Shady Shores Municipal Court.

Brianna Bruce was present from McCreary, Veselka Bragg and Allen and gave a presentation relative to the services that her firm had available. The services would be offered to the town at no cost to the town. All costs would be charged to the defendants. Defendants would pay a 30% fee to the company and the town would recognize 100% of the revenue that was due to the town. The outstanding debt is more than \$50,000.

Cindy Aughinbaugh made a motion that we enter into a contract with McCreary, Veselka, Bragg and Allen to collect delinquent court fines. Cindy Spencer seconded the motion. Motion carried 4-0.

- 8. STREET LIGHT REQUEST-**Consideration and take action relative to recommendations for approval of a street light policy as proposed by the Road Committee.

Mayor Williams asked if there were questions regarding the street light policy. Mayor pro-tem Aughinbaugh asked what would the expectation if there were no adjacent property owners to sign off on the form.

Joanne Lee stated that she had some concerns relative to the policy, she and her husband have always paid for their own lighting and she wondered if the town was going to put street lights in were they going to pay for her guard light. Councilmember Grimes stated that the policy was created to ensure that lights were installed for safety purposes not just when individuals were just requesting them.

Currently there is a request on file from The Orchards Homeowner's Association; however the homeowner's association will be informed that they will need to resubmit their request under the new policy.

Cindy Aughinbaugh made a motion to approve the policy. John Reedy seconded the motion. There was no further discussion. Motion carried 4-0.

9. JULY COUNCIL MEETING-Consider and take action relative to setting a date for the July 2011 town council meeting.

John Reedy made a motion to approve July 11, 2011 for the July Town Council meeting. Cindy Aughinbaugh seconded the motion. Discussion: Town Attorney Jim Shepherd cautioned the town that since this would be a “special called meeting” there would need to be four members of the council in attendance, so the members should consider whether or not a quorum was available. Cindy Aughinbaugh rescinded her motion. John Reedy also rescinded his motion. This agenda item will be discussed at later time on the agenda.

Cindy Aughinbaugh made a motion to hold the July council meeting on July 13th, 2011. Charles Grimes seconded the motion. Motion carried. 4-0

10. CARTER RESIGNATION-

1. Consider and take action relative to accepting the resignation of Polly Cater as Alderman Place #3
2. Consider and take action relative to the following actions for filling the vacant position of Alderman Place #3. The council take one of the following actions: Appointing an individual to serve as Alderman Place #3 to serve until the next general election (May 2012) or ordering a special election to elect an individual to serve as Alderman Place #3 for the remainder of the term (May 2013).

Mayor Williams read the resignation letter submitted by Polly Carter. Mayor Williams stated that he approached Polly and tried to change her mind however; she was intent on her resignation. Mayor Williams went over the possible actions that the council could take regarding this issue.

Sharon Bounds 201 Shahan Lane- spoke in favor of holding a special election. She stated that we held an election less than a month ago where the people in town elected their choice. Mrs. Bounds felt that a special election was the only way to be fair.

Deborah Leliart 401 Paradise Cove- wanted to encourage the council to delay making a decision about filling the newly vacant seat until September to give all citizens an opportunity to demonstrate their interest in the town. One month she felt was not enough time to demonstrate transparency.

Nita Watkins 19 Hidden Valley- stated she was in favor of a special election

Anne Falkenberg 311 Lakeshore- stated she was in favor of a special election particularly given the amount of people that had come out that night to show interest in the agenda item.

Mayor Williams read a letter from Kathy Birch who stated she would like to see a special election. She was from Mustang Estates.

Patty Mahan 308 Shahan Lane, stated that she was in favor of a special election.

Steve Aughinbaugh 122 Hidden Valley- stated that he was surprised that this issue had drawn so much attention. The position had been unopposed during the election and the amount of interest in the position

now was surprising to him.

Judith Halasyn 301 E. 5th Street- stated she was in favor of a special election, that too many time appointments were made without thought because there was little interest.

John T. Williams 840 Pennisula Bend- stated he was sorry to hear of Polly's resignation. He voted for Polly and appreciated her years of service. Mr. Williams asked that the council table the agenda item, but would be in favor of a special election. However; he trusted the council's judgement and would leave it in their hands.

Ron Harmon 310 Oakwood Circle- stated that while he meant no disrespect to the council, he felt there should be a special election. He felt the people should choose their governing body.

Mindy Grimes 309 Garza- stated that she wondered if any of those individuals who had come up to speak were interested in running for the open seat. She was shocked at the number of people in attendance. She felt that there was typically a lack of interest in the elections and wondered if there were interested candidates. Mrs. Grimes also stated that if people don't trust the alderman to make decisions for the town, perhaps we have a bigger problem at hand.

Robert Hammons 731 Paradise Cove- supports a special election, particularly because Mrs. Carter left an entire term of office.

Janice Hammons 731 Paradise Cove – also supports a special election.

Mayor Pro-tem Aughinbaugh asked questions related to maintaining a quorum between July and December. The Town Attorney stated that only special called meetings required a quorum of four council members. The council could eliminate this problem by changing or adding regular meeting dates.

Charles Grimes made a motion to accept Polly Carter's resignation. Cindy Spencer seconded the motion. Discussion: Cindy Aughinbaugh wanted to note for the record that she appreciated her years of service and she would be missed on the council. The other members agreed. Motion carried 4-0.

Cindy Aughinbaugh made a motion to hold a special election. Charles Grimes seconded the motion. Motion carried 4-0.

- 11. SIGNATURE CARDS-** Consider and take action relative to appointing individuals to serve as signatory on the bank signature cards.

Charles Grimes made a motion to appoint, Mayor Jerry Williams, Mayor Pro-tem Cindy Aughinbaugh and Alderman Cindy Spencer to serve as signatories on the town bank signature cards. John Reedy seconded the motion. Motion carried 4-0

- 12. TOWN MAPS-** Consider and take action relative to authorizing the purchase of an updated map for the Town of Shady Shores, the updated map would include, drainage, streets, utility lines, corps easements and zoning detail.

There was a discussion about the update of the town maps. Town Attorney Jim Shepherd stated that at

the very least the council would need to ensure that they have a city limit map and a planning and zoning map established for the town, these were required by law. The mayor has looked into the cost and is working with Charla Marchuck to contract with UNT students who may be looking for the experience of completing a map to add to their resumes.

Cindy Aughinbaugh made a motion to direct the mayor to put the required maps together. John Reedy seconded the motion. Motion carried 4-0.

13. RESOLUTION 720- Consider and take action relative to approving Resolution 720 appointing one member to the Board of Managers of an Emergency Communications District (Denco Area 9-1-1 District)

Cindy Spencer made a motion to approve Olive Stephens to serve on the Denco 9-1-1 board. Charles Grimes seconded the motion. Motion carried 4-0.

14. ADJOURN- John Reedy made a motion to adjourn. Cindy Aughinbaugh seconded the motion.

PASSED AND APPROVED THIS _____ DAY OF _____, 2011

Approved:

Jerry Williams, Mayor

Attest:

Wendy Withers, Town Secretary