

NOTICE OF REGULAR COUNCIL MEETING
TOWN OF SHADY SHORES
7:00 P.M., MONDAY, FEBRUARY 7, 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

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

MEMBERS ABSENT

Cindy Aughinbaugh (excused)

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 minutes of the 01/03/2011 Council Meeting
 2. Consider and take action relative to the minutes of the 01/10/11 Council Work Session
 3. Consider and take action relative to the December 2010 Financial Reports

Mayor Pro-Tem Betty Brown questioned why the January 10, 2011 minutes stated that the council would review the Nuisance Ordinance however; it was not the agenda for tonight. Mayor Stephens stated that she did not feel that there had been enough time to review the proposed ordinance. Mayor Pro-Tem Brown also noted that the spelling of Durken should be changed to Durkin. Betty Brown made a motion to accept the consent agenda items as presented with the corrections as noted. Polly Carter seconded the motion. Motion carried 4-0.

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.

Frank Graham 314 S. Shady Shores Road- Mr. Graham stated that he was a 32 year resident of Shady Shores and he would like to thank the council for the work that they put in. Mr. Graham had served previously on the Planning and Zoning Commission and understood that the job can sometimes be a thankless job. Mr. Graham stated he took a 12 week course with the Corinth Police academy and as a result he was very impressed by the Corinth Police Department. Mr. Graham went on to state that he felt that the Corinth Police Department was a very professional organization and he wanted to thank the council for entering into a contract for police services with them.

4. **ANNUAL CITY AUDIT 2009/2010-** Presentation by Jerry Eastup relative to the 2009/2010 Fiscal Year Audit. Consider and take action relative the Town of Shady Shores 2009/2010 Annual Audit.

Jerry Eastup was present to give information on the 2009/2010 Annual Audit. Mr. Eastup went

over the highlights of the fiscal year audit. Mr. Eastup stated that the town was in good shape financially and that the internal controls required by law were in place. Based on the increase in revenues and decrease in expenditures, the town was able to increase the fund balance by \$162,387 resulting in an ending fund balance of 1,518,000 which he felt was a financially healthy fund balance for a town of our size. Mr. Eastup also reported that while the town had previously been behind in preparing the reports as required by the Investment policy, as of now, those reports were up to date and that he understood that the members would be soon attending training. Polly Carter made a motion to accept the annual city audit of 2009/2010 as presented. Cindy Spencer seconded the motion. Motion carried 4-0.

5. **BUILDING INSPECTOR/INSPECTIONS-** The building inspector Jim Stiggleman will make and presentation to the Council and answer questions regarding the building inspection process.

Mr. Stiggleman was unable to attend the meeting tonight due to a previous engagement. Mr. Stiggleman will be in attendance at the March 2011 meeting. There was no action taken on this agenda item. Patty Durkin had signed up to speak on the citizen's agenda for this item, however she chose to wait until March when Mr. Stiggleman was present.

6. **WASTE REMOVAL SERVICES**

EXECUTIVE SESSION- Pursuant to the provisions of Chapter 551, Texas Government code, Vernon's Texas Codes Annotated the Town council may hold a closed meeting: 551.071 Consultation with attorney on the following matter

- a. **Contract with Waste Management for Waste Removal Services**

Polly Carter made a motion to adjourn into executive session. Charles Grimes seconded the motion. Motion carried 4-0. The council adjourned to executive session at approximately 7:30 p.m. The council reconvened from executive session at 8:00 p.m.

7. **RECONVENE FROM EXECUTIVE SESSION-** Consideration and take action relative to the following items:

1. RFP's received for Waste Removal Services and Recycling Services
2. Approving the updated contract from Waste Management for Waste Removal and Recycling Services

Charles Grimes made a motion to table this agenda item and instruct Town Attorney Jim Shepherd to enter into contract negotiations with Waste Management. Polly Carter seconded the motion. Motion carried 4-0.

8. **GENERAL ELECTION FOR CITY OFFICIALS (May 14, 2011) -** Consider and take action relative to the following items:

1. Contract with Denton County to participate in the Joint Election
2. Ordinance 231-2-11 – Ordering the 2011 Election for City Officials

Betty Brown made a motion to approve the contract with Denton County to participate in the Joint Election. Charles Grimes seconded the motion. Motion carried 4-0. Charles Grimes made a motion to approve Ordinance 231-2-11 Ordering the 2011 Election for City Officials. Polly Carter seconded the motion. Motion carried 4-0.

9. **CREDIT AND DEBIT CARD PAYMENTS-** Consideration and take appropriate action on approving a contract with Govolution for the acceptance of online payments as well as accepting credit and debit cards in the office.

The Mayor stated that this had been on the agenda last month and it had been tabled for more information. Charles Grimes questioned whether or not this company will allow the city to accept credit and debit card payments for other areas of the town. Wendy Withers explained that she and the mayor had come upon another situation where this technology was going to be helpful to the town. Cindy Spencer asked questions relative to the length of the contract and the technical representative. Mayor Pro-Tem Betty Brown, asked if using this system would make us liable for people's confidential information. Wendy Withers stated that the town would not be storing this information. Cindy Spencer asked about the percentage rate, Wendy is to check with the company but the rate can fluctuate depending on the volume of collections. The pricing should not exceed 3%. Charles Grimes asked the town attorney if he was comfortable with the contract and the attorney stated he was. Betty Brown made a motion that we accept the contract with Govolution effective immediately. Cindy Spencer seconded the motion. Motion carried 4-0.

10. **ORDINANCES-** Consideration and take action relative to approving the following ordinances:

- a. 232-2-11 Flood Damage Prevention Ordinance (Amends Ordinance 82-2-3-86)
- b. 233-2-11 Traffic Control – (Amending Ordinance 207-7-2008)
- a. **FLOOD DAMAGE PREVENTION-** The Mayor stated that there was very little difference between Ordinance 232-2-11 and Ordinance 82-2-3-86. Wendy Withers stated that the main differences were the adoption of the updated maps, a list of definitions and the references to some agencies who are no longer under those names. Cindy Spencer asked if there were major changes to the Flood Plain Maps. The Mayor stated that she didn't feel the changes were major but that the 527 level held true. Polly Carter moved to accept Ordinance 232-2-11. Charles Grimes seconded the motion. Motion carried 4-0.
- b. **TRAFFIC CONTROL 233-2-11-** The Mayor stated this ordinance added two stop signs, one on Colt and one on Chaparral. Cindy Spencer asked if the stop signs were requested by citizens. The Mayor responded that one was requested by a resident and one had been accidentally left off the ordinance. Mrs. Spencer stated that she had other safety concerns on the intersection of Colt and Mustang, relative to children out on their four-wheelers. Betty Brown made a motion to approve the ordinance. Polly Carter seconded the motion. Further discussion: Cindy Spencer asked if we will be replacing the stop signs with signs that meet the new safety regulations. The mayor stated that we would be looking into that.

Town Attorney Jim Shepherd addressed Council member Spencer's concerns about the children in the street, by adding that the law stated that it was illegal to operate four wheelers and scooters in the public street.

11. REPORTS AND COMMENTS FROM COUNCILMEMBERS

- a. Mayor Olive Stephens-
update on Corps Committee work session- **The Mayor reported that the worksession was held and that it was decided that we would follow the verbal agreement that was already in place, and investigate the rules for mowing on the corps property. Mr. Shepherd had done**

that and the rules were still in place from 2006.

2011 Election- The Mayor announced that she will not be a candidate for mayor in the 2011 election. She stated she has served 38 years as mayor and had hoped that she could serve the town for 50 years. However; she was not going to seek re-election.

Inclement weather conditions- The Mayor stated that with the recent weather conditions we had received several calls about sanding some of the roads that were dangerous during these conditions. She asked the council to consider whether or not they would like to add money to the budget for sanding the roads.

- b. Mayor Pro-Tem Betty Brown- Investment Committee Report
Mayor Pro-Tem Brown stated that she felt that the product of the investment committee report, was due to the Mayor's hard work. That the town had gone from zero to 1, 518,000 million and we are debt free and it was mostly due to the Mayor.
- c. Councilmember Cindy Spencer – Special Events, Website-
Councilmember Spencer stated that they were planning a party at the boat dock in the spring.
- d. Councilmember Polly Carter- Corps Committee, Road Committee –
Councilmember Carter reported that the Road Committee met in January and she had compiled a report of completed and pending projects. Mrs. Carter also reported that this was going to be her last meeting, that Charles Grimes would be taking over her position as Chairman of the road committee. She was going to be working with the Corps property. Mrs. Carter stated that she didn't have much to add to what the mayor had said about the corps work session other than there were some really good drawings in the unsigned agreement that she would get out to the council next month.
- e. Councilmember Charles Grimes
Councilman Grimes stated that he would first like to thank Polly Carter for her hard work on the Road Committee.

Town Hall foundation- Councilman Grimes stated that we had a meeting with the builder, and that Mr. Martin had not shown up for the meeting. The builder brought a copy of the plans and it seems that the according to the engineering report the town can expect that the foundation might move 4-6 inches per year. The builder made some recommendations relative to re-caulking the cracks and moving dirt from around the foundation. Councilman Grimes recommended that we get a second opinion on the foundation. If the second opinion reflects that we might have future problems, Mr. Grimes suggests that the council consider putting money aside for future repairs.

Police Department –Councilman Grimes noted that the average response time is 2-4 minutes. The reports provided indicate to him that the number of call received seemed to be decreasing. Councilman Grimes felt this was a good sign that perhaps citizens were getting the information that the town was being patrolled. Mr. Grimes reported that he was not getting a lot of Saturday and Sunday morning complaint calls as he had in the past. He commented that it was nice to hear that citizens like Frank Graham were happy with the police department, and that perhaps we could get something out about the citizen's academy on the website.

- f. Discuss and take action relative to future agenda items- **The Mayor asked that if the council members would like something placed on the agenda that they get the information or the request to the office at least a week prior to the meeting so that staff would have time to research and prepare the information.**
1. Building Inspector/Inspections
 2. Nuisance Ordinances
 3. Waste Management

12. ADJOURN

Betty Brown made a motion to adjourn. Charles Grimes seconded the motion. 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.

Passed and approved this the 7th day of March 2011

_____/s/_____
Olive Stephens, Mayor

Attest:

_____/s/_____
Wendy Withers, Town Secretary