

NOTICE OF REGULAR COUNCIL MEETING

JUNE 3RD, 2013 7:00 PM

SHADY SHORES COMMUNITY CENTER

101 S. SHADY SHORES ROAD

SHADY SHORES, TX 76208

AGENDA

1. CALL TO ORDER – The meeting was called to order at 7:00 PM.

MEMBERS PRESENT

Cindy Spencer, Mayor
Cindy Aughinbaugh, Mayor Pro-Tem
Paula Woolworth
Patty Durkin
Charles Grimes

MEMBERS ABSENT

**Also Present: Sarah Swanson, Town Secretary
Jim Shepherd, Town Attorney**

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 Minutes May 6, May 14, May 20, 2013
 - b. Consider and take action relative to the April 2013 Financial Reports.

Cindy Aughinbaugh made a motion to accept the consent agenda. Charles Grimes seconded. Motion carried.

4. COUNCILMEMBER/COMMITTEE REPORTS-Consider and take action relative to the following Councilmember/Committee member reports:

1. West Nile Virus Prevention (Spencer)

There are packets for mosquito prevention at the Town Hall.

2. Discovery Meeting (Spencer)

The Discovery Meeting was held on May 28 for the Elm Fork Trinity Watershed. The Town Engineer, Paula Woolworth, Tom Spencer, Charla Marchuk and Mayor Spencer attended.

Charla Marchuk gave a summary of the meeting. There were representative from FEMA, Corp of Engineers, NCTCOG and contractors. They were able to look at the floodplain maps of the community and pinpoint areas of concerns. They talked to the Mitigation table about writing a Hazard Mitigation Plan, since we currently do not have one. They also talked with the Grants table - there may be some available for our Town. They are now preparing for the next Discovery meeting in June.

There is grant funding for 440 storm shelters reimbursements, up to half. The applications start Wednesday, first come, first serve. If you have floodplain anywhere on your property, you are disqualified. If you are accepted and meet the criteria, you will choose from the FEMA approved contractors for the purchase and installation.

3. Animal Control (Grimes)

Overall it was a quiet month and Bob is doing a great job patrolling – basically small issues.

4. Code Enforcement (Grimes)

There is still an issue on 168 Chaparral. He has treated the stagnant pool.

5. Middle School (Spencer)

There was a Preconstruction meeting on Friday, May 31, concerning the off-site improvements for the middle school. Minor utility adjustments and other items are set to begin June 5th, with all construction activities scheduled to end by August 13th. June 12-15, we will temporary close the road from the LCMUA water tower adjacent to the school intersection of W. Shady Shores and Garza Road. Detour signs will be in place to direct traffic. For all other phases of construction, the roads will remain open to thru traffic. Typical construction hours will be from 7 AM to 6 PM, Monday through Saturday. Access to business and residential driveways will be maintained through construction. A complete set of

approved construction plans will be on file at Town Hall. All residents are encouraged to check the website for further information and future construction updates.

5. CITIZENS COMMENTS-PURSUANT TO THE STATE OF TEXAS OPEN

MEETINGS STATUTE: The governing body of the 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.

Bill Kruger – 103 Cielo

He had a question about the West Nile Virus prevention and whether there is consideration about spraying the entire town again. Mayor Spencer said that because it has not been declared an emergency, we have not heard. If this happens, it is possible that we will have federal money to do this, and then would make the decision like we did last year. Mr. Kruger voiced his opinion against aerial spraying. It's an overkill, kills everything and he doesn't want it in his house or yard, or running off into the lake. They say it doesn't run off into the lake, but the government also said there is nothing wrong with Agent Orange.

6. SIGNATURE CARDS: Consider and take action to appointing Cindy Aughinbaugh, Charles Grimes and Cindy Spencer to serve as signatory on bank signature cards.

Patty Durkin made a motion to appoint Cindy Aughinbaugh, Charles Grimes and Cindy Spencer to serve as signatory on bank signature cards. Cindy Aughinbaugh seconded. Motion carried.

7. DENCO 911: Consider and discuss nominations for Denco 911 to replace Olive Stephens, whose term is over September 2013.

After 26 years on the board, founding member Olive Stephens has chosen not to run again and her term is over at the end of September. We are thankful and proud of her service on the Denco 911 board.

The Council will vote for a nomination for a Denco replacement and this will occur at the July meeting. If anyone on Council or any citizen has a nomination for replacement, please contact Sarah Swanson by the end of business day June 21. Please include background and pertinent information.

8. REPLACEMENT FOR ALDERMAN PLACE 1: Consider and take action regarding procedures for the June 19 meeting.

On June 19, there will be a meeting to hold interviews and vote for the replacement for Alderman Place 1. There are three applicants: Paul Brown, Matthew Haines and Charla Marchuk. Mayor Spencer asked that each of the aldermen submit two-three questions directly to her by June 7th. From this, she will compile a list of standard questions that will be asked of each applicant. She suggested the following procedure: we call each applicant one at a time for their interview in open session. The order of the applicants will be determined by the drawing of names. The applicants will wait in the office and be called into the council room. When the first interview is over, the applicant will leave the council room, and this procedure will be repeated a second and third time. When the interviews are over, the floor will be open for discussion of the interviews by council. At this time, it could be appropriate to convene in a closed session. Since this is a representation of all citizens, she thinks it's important that the citizens express their opinion.

Bill Krueger – 103 Cielo

He thinks the plan to interview people for the position is a slap in the face to the voters of Shady Shores. We are off a fresh election; everyone had a chance to run if they were interested in being on the council. The ones that ran took the heat, stood up, spent money and let the community know about who they are in public. It is fairer for the person with the next highest vote to fill the one year chair as alderman. Doing it the other way is unfair to the voters who took their time to come out and express their opinion.

The council discussed the procedure for the meeting. Patty Durkin and Cindy Aughinbaugh expressed concern about this being a personnel issue, typically done in closed session. Charles Grimes understands this position, but also understands some citizens wanting it done in open.

Steve Aughinbaugh – 122 Hidden Valley Airpark

One thing to consider is that the law says we can appoint. We are a frugal town and don't need to spend additional money on another election. We would also be without a member for six months. Also, with elections – there are winners, and there are losers. So the people that ran and lost, there are just as many people that voted against them, as voted for them. Assuming the third place person was voted in is not true. This is a personnel decision.

Keith Perry

He has been a citizen for twenty three years and quite frankly is bothered by all of this. He asked if they were turning the council into a little private club and if he has considered how this looks to the voters. 101 people voted for Paul Brown so being here tonight seems like you are saying you don't care about the voter's opinion. This is not a personnel issue.

Bill Krueger – 103 Cielo

Regarding the candidate's forum, he has been really disappointed in it for the past few years, as there is too much censorship. People have questions they want answered but then they are reviewed to see which ones they want asked. As long as a citizen ask a question and signs his name to the question, it should be answered. He would like to see more emphasis on issues (e.g. roads, budgets) and less of things like "what's your vision of Shady Shores" - answered three or four times at the last forum.

Keith Perry

He would like to go on record to commend what Mr. Krueger just said.

Steve Aughinbaugh – 122 Hidden Valley Airpark

Regarding a candidate's forum, an open forum makes a lot of sense when the public is voting. But in this case, the council needs to get the information they need to make the decision. But he does not believe they should have direct questions from the citizens in the interview process they are going through. They have been elected to do this and make those hard decisions.

Cindy Aughinbaugh made a motion to have the candidates speak, a candidate's forum, followed by an executive session. Patty Durkin seconded. Motion carried.

9. RESOLUTION 742: Consider and discuss Resolution 742 the appointment of municipal judge for 2013-2015.

Angie Warner is our current municipal judge and her contract is up for renewal. Mayor Williams had previously contacted several Lake Cities requesting information about their judicial procedures and cost. The Council has had a chance to look at the response from Corinth. Angie is the municipal judge for seven different cities. Mayor Spencer sat in on her court in April and was impressed with her knowledge and handling of the court. She seemed to be fair and listened to all of the participants. Mayor Spencer thinks she does an excellent job and recommends renewing her contract.

Patty Durkin also echoed that not only has she heard that she handles our court well, but she handles well the courts in other towns as well. She does a very good job and is very professional in what she does.

Patty Durkin made a motion to renew Judge Warner's contract for 2013-2015. Charles Grimes seconded. Motion carried.

10.ORDINANCE 255-4-2013: Consideration and discuss Ordinance 255-4-2013 replacing Ordinance 148-1-2003 as recommended by Planning and Zoning.

This agenda item was pulled from the agenda. This will be placed back on a future agenda as soon as possible.

Patty Durkin made a motion to table the agenda. Cindy Aughinbaugh seconded. Motion carried.

11. ADJOURN

Cindy Aughinbaugh made a motion to adjourn. Patty Durkin seconded. Motion carried.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013

_____ CINDY SPENCER, MAYOR

ATTEST:

_____ SARAH SWANSON, TOWN SECRETARY