

**TOWN OF SHADY SHORES
REGULAR COUNCIL MEETING**

JUNE 2, 2014 7:00 PM

SHADY SHORES COMMUNITY CENTER

101 S. SHADY SHORES ROAD

SHADY SHORES, TX 76208

MINUTES

1. CALL TO ORDER AND DETERMINING IF A QUORUM IS IN ATTENDANCE.

The meeting was called to order at 7:35PM

MEMBERS PRESENT

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

MEMBERS ABSENT

Also present: Jim Shepherd, Town Attorney; Josh Skinner, Attorney; Chantal Kirkland, Town Consultant; Amber Chaudoir, Acting Town Secretary.

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. OATH OF OFFICE:** Deliver Oath of Office to Charles Grimes, Place 5; Cindy Aughinbaugh, Place 4; Matthew Haines, Place 1. Following the oath of office, the new members will assume their official duties.

Charles Grimes, Cindy Aughinbaugh and Matthew Haines were all sworn in to office by Mayor Cindy Spencer.

- 4. MAYOR PRO TEM:** Consider and take action related to appointment of a new Mayor Pro Tem. Mayor Pro Tem is selected by nomination and vote by the Town Council, and accepted by Town Council action.

Paula Woolworth nominated Cindy Aughinbaugh for Mayor Pro-Tem. Charles Grimes seconded the motion and the motion passed 5-0.

- 5. 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.
- A. Government code 551.071-Confidential legal advice regarding pending or contemplated litigation.

A motion was made by Cindy Aughinbaugh to move to executive session. Matthew Haines seconded and the motion passed 5-0. Council went in to executive session at 7:45 PM.

6. CLOSE EXECUTIVE SESSION AND RESUME COUNCIL MEETING.

A motion was made by Cindy Aughinbaugh to reconvene regular session. Patty Durkin seconded and the council closed the executive session and resumed the regular session at 8:25 PM.

7. TAKE ANY ACTION NECESSARY AS A RESULT OF EXECUTIVE SESSION.

No action was taken as a result of executive session.

- 8. 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.

- A. Consider and take action relative to the following:
 1. Town Council Meeting Minutes March 3, 2014.
 2. Town Council Meeting Minutes May 5, 2014.
 3. March 2014 Financial Reports.
 4. April 2014 Financial Reports.
 5. **WASTE MANAGEMENT RATE ADJUSTMENT:** Increases proposed in rates for garbage and trash collection by Waste Management.
 6. **EMPLOYEE HANDBOOK:** Ordinance 265-06-2014 – Employee Handbook.
 7. **CONDITIONAL USE PERMITS FOR CELL TOWERS:** Ordinance 267-06-2014 – Requiring a Conditional Use Permit Broadcast Towers and Installations of Telephone Companies.
 8. **DCAD INTERLOCAL AGREEMENT:** Consideration and take appropriate action regarding Interlocal Cooperation Agreement for Tax Collection between

Denton County and the Town, generally in order to allow Denton County to act as Tax Assessor and Collector for the Town.

Items removed from the consent agenda were: March 3, 2014 meeting minutes (item #1), March 2014 financial reports (item #3), and April 2014 financial reports (item # 4).

A motion was made by Cindy Aughinbaugh accept the remaining items on the consent agenda with a typo correction on Ordinance 267-06-2014 and with an address correction in the DCAD agreement. Charles Grimes seconded and the motion passed 5-0.

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

1. Community Events and Keep Shady Shores Beautiful (Spencer)

Mayor Spencer did not have anything to report for Community Events or Keep Shady Shores Beautiful.

2. Telephone and Internet (Aughinbaugh)

Cindy Aughinbaugh did not have any updates on telephone or internet.

3. Animal Control (Grimes)

Charles Grimes reported that May was a quiet month. He also reminded everyone to be cautious of snakes.

4. Code Enforcement (Grimes)

Charles Grimes reported that May was also a quiet month for Code Enforcement. The majority of code issues are tall grass and a few junk vehicles.

5. Police Report (Durkin)

Patty Durkin reported that traffic enforcement was unusually high and the police department responded to 9 false alarms.

6. Fire Report (Woolworth)

Paula Woolworth did not have a fire report for May yet but she did explain that she has met with Billy Bounds (Public Works) to see which canopies around town need to be raised for the new fire truck.

7. P & Z Report (Elizabeth Nugent)

Elizabeth Nugent reported that Jackie Riggs has resigned his position on the Planning and Zoning Committee. The town will be accepting applications to fill his position. She also requests that council place an item on a future agenda to allow Planning and Zoning have an alternate position. The regular scheduled P&Z meeting for June will have to be rescheduled and during that meeting the animal ordinance will be reviewed holistically. The committee will also be working to rezone some districts and the burn ordinance will be placed on the July meeting agenda. She also reported that the preliminary plat for Adkisson ranch has met the expectations of the P&Z.

8. Investment Committee – Upcoming June Meeting (Aughinbaugh)

Cindy Aughinbaugh reported that the Investment Committee meeting has been set for June 19th.

9. Citizen Advisory Committee – Revenue Sources (Durkin)

Nick Augustine chairman for the Citizen Advisory Committee gave the report. He said the committee has been looking at options for revenue and creating reports. There has been discussion of options such as commercial, sales tax, increasing or changing building permit fees, grant funding though there are not a lot of “no need” options, increasing fines and the frequency of issuing citations for code violations, franchise revenues and online options to save on man hours.

Ann Falkenberg signed up to speak and had nothing to add.

10. 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.

Ann Falkenberg signed up to speak and addressed the council.

11. 1st STREET ABANDONMENT: Discussion and action related to Ordinance 268-06-2014 as requested by Donna Bragg to abandon the right-of-way for 1st Street where it bisects her property.

Keith Perry signed up to speak and he addressed the council.

Ann Falkenberg signed up to speak and addressed the council.

Steve Aughinbaugh signed up to speak and addressed the council.

Patty Durkin made a motion to abandon the right of way with the condition that all three sections will be platted together. Matthew Haines seconded the motion and the motion passed 5-0.

12.PRELIMINARY PLAT: Consideration and take appropriate action on a preliminary plat of 84 residential lots proposed for approximately 58.6019 acres, generally located at the northwest corner of 6th Street and Garza Road, in the W. Durham Survey Abstract 330, as requested by Don Plunk of HSM Adkisson, Ltd. on behalf of Wayne Lewellen.

Patty Durkin made a motion to move this agenda item up. The motion was seconded by Paula Woolworth. The motion passed 5-0.

Don Plunk discussed the preliminary plat that was submitted recently for the project. He also discussed a previous preliminary plat that was submitted several years ago and has expired. If they are required to provide a full access point on the northern side of the subdivision then they will eliminate the gates and have the city maintain the roads. They would prefer to have the primary gate and the northern gate for emergency access only. He also stated that the school district is contractually obligated to provide the proposed subdivision detention on the north end of the property and also a 50 foot access in to their property. The access point to the Linett property is shown as a street stubbed in with the understanding that it will not be paved as a street but it is a right of way if he ever chooses to develop he has the right of way to build a street in to his property.

Chantal Kirkland-Town Consultant stated that the subdivision ordinance stipulates that there must be 2 accesses in to a gated subdivision; however it is common practice with other cities to have one access with a secondary emergency only access. She stated that it may be in the best interest of the town to allow the request to have only one access with a secondary emergency only access. Chantal explained to the council the 3 variances to the subdivision ordinance with the current proposal.

Richard Arvizu-Town Engineer said that his biggest concern was with the access. The changes were made to the preliminary plat to satisfy the P&Z pertaining to the subdivision requirements. The council could allow them to only have the one access with the secondary emergency gate. Richard is satisfied with the preliminary drainage plans.

Jim Shepherd-Town Attorney stated that if you approve preliminary plat then that is the way that you expect it to be built. He also explained to the council the variance issues with the preliminary plat and explained options with moving forward.

Ricardo Doi-Dowdy Anderson said that any agreements made between DISD and the proposed subdivision will be detailed in the final plat. This would include drainage detention ponds and the access between the subdivision and the DISD property.

Mike Linett signed up to speak and stated that without public road access to his parcel he did not have an agreement with the developers for the proposed subdivision.

After hearing that Mr. Linett did not have an agreement with the proposed subdivision, Mr. Shepherd stated that he could not recommend that the council plat property that the applicant does not own. He realizes that an agreement could come to pass fairly quickly but until then we are at a stopping point.

Keith Perry signed up to speak and he addressed the council.

Ann Falkenberg signed up to speak and addressed the council.

Steve Aughinbaugh signed up to speak and addressed the council.

Charles Grimes made a motion to table item #12 until further items have been worked out between the two property owners. Matthew Haines seconded the motion and the motion passed 5-0.

13. AGENDA ITEM SCHEDULING: Discussion and action regarding the scheduling of items for Council Consideration on a Regular Agenda.

Keith Perry signed up to speak and had nothing to add.

Ann Falkenberg signed up to speak and addressed the council.

Anita Reoh signed up to speak and addressed the council.

No action was taken.

14. OFFICE STAFFING: Discussion and action regarding the staffing of the town offices.

Keith Perry signed up to speak and had nothing to add.

Ann Falkenberg signed up to speak and had nothing to add.

Tom Spencer signed up to speak and addressed the council.

No action was taken.

15. 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.

- A. Government code 551.074-Personnel-to deliberate the appointment, employment, evaluation, reassignment or duties of office staff, and contract personnel, including the Building Official/Inspector, Code Enforcement, Animal Control Officer, City Attorney, Town Administrator, and/or Town Engineer.

Cindy Aughinbaugh made a motion to go in to executive session. Charles Grimes seconded and the motion passed 5-0. The Council moved to executive session at 11:03 PM.

16. CLOSE EXECUTIVE SESSION AND RESUME COUNCIL MEETING.

Matthew Haines made a motion to end executive session and resume regular session. Cindy Aughinbaugh seconded and the motion passed 5-0. The Council reconvened regular session at 11:32 PM.

17. TAKE ANY ACTION NECESSARY AS A RESULT OF EXECUTIVE SESSION.

No action was taken.

18. TOWN ADMINISTRATION CONSULTING PROPOSAL: Consideration and take appropriate action regarding consulting proposal for Town Administration services from Chantal Kirkland, coinciding with the end of the Fiscal Year.

Keith Perry signed up to speak and addressed the council.

Ann Falkenberg signed up to speak and addressed the council.

Tom Spencer signed up to speak and addressed the council.

Matthew Haines made a motion to table this item until the special meeting on June 9th. Charles Grimes seconded the motion and the motion passed 5-0.

19. ADJOURN

Matthew Haines made a motion to adjourn and Charles Grimes seconded it. The motion passed 5-0 and the meeting was adjourned at 11:34 PM.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

APPROVED

Cindy Spencer, Mayor

ATTEST:

Amber Chaudoir, Acting Town Secretary