

NOTICE OF REGULAR COUNCIL MEETING
TOWN OF SHADY SHORES
7:00 P.M., MONDAY, JANUARY 3, 2011
SHADY SHORES COMMUNITY CENTER
101 SOUTH SHADY SHORES ROAD

MINUTES

MEMBERS PRESENT

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

MEMBERS ABSENT

None

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. Mayor Stephens stated that she wanted to thank all those involved with the Holiday Celebration and the decoration and “un” decoration of Town Hall.

**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 minutes of the 12-06-2010 Council Meeting
2. Consider and take action relative to the November Financial Reports

Betty Brown made a motion to approve the minutes from the 12/06/2010 Council meeting with the following changes: change the spelling of Petty Durkin, to Patty Durkin, and adding the verbiage relative to a pre-construction meeting to agenda item #11, and the November Financial Reports. Cindy Aughinbaugh seconded the motion. Motion carried, 5-0.

4. 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.

Anne Falkenberg 311 Lakeshore- *stated she had concerns about how building inspections in the town were being performed and if the Town had liability of the structures were improperly permitted. Mrs. Falkenberg stated that she had a neighbor who stated the inspector never left his car when he came to inspect the structure.*

Patty Durkin 441 Paradise Cove- stated that she recently had a tank less hot water heater installed. Mrs. Durkin stated that the inspector walked in and only glanced at the water heater. She stated he didn't check the venting on the water heater or where the old heater was removed. The Mayor stated that she believed the permit was issued for the installation of a new water heater and not the relocation of a hot water heater which would be two different issues. Town Attorney Jim Shepherd cautioned the Mayor that this was not an agenda item and would need to be added to a future agenda for further discussion.

Patty Durkin 441 Paradise Cove- stated that she also wished to address Cielo Lane, Mrs. Durkin stated the road had very large potholes and it had not been updated or repaired since it was installed. Mrs. Durkin stated that several other roads had been repaired, and that now Cielo lane was in very poor condition. She felt that this street served over 150 very active households. She continued that this road was serviced by two school districts and that the school buses and traffic were taking their toll on the road. Mrs. Durkin stated that she hoped the council would consider this on a future agenda item.

Deborah Leliaert 401 Paradise Cove – wanted to let the Council know that the Cielo Ranch homeowners spent 3, 000 (three thousand) dollars to refurbish the street lights in their subdivision. She was upset that the residents had to pay for this out of their own pockets, and she hopes that other citizens in town also have to pay for repairs to the street lights in their area. Ms. Leliaert said that Cielo Ranch pay 25% of the ad valorem taxes in the town.

Ms. Leliaert also wanted to express her concerns about Cielo Road. She feels that this road is a hazard to the citizens and that it is past time that it is addressed.

Lastly, Ms. Leliaert asked why the citizens of the town only have access to two telephone services. She doesn't understand why we do not have more services to choose from. She also wished to address the Council and inquire as to why she was paying a Shady Shores R.O.W. fee on her telephone bill.

Robert Hammons 731 Paradise Cove- stated he wished to speak on the Corps Contract, and noticed that there was not an agenda item only a report. The Mayor replied that she only intended to give an update that there had been no work done on the Corps Contract.

David Mereider 540 Lakeshore Road – Mr. Mereider stated that he was at the last meeting. Mr. Mereider stated that while he understands that the contracts surrounding cities currently have with the Corps of engineers do not have anything to do with us, he wanted to restate that he feels the time has come for the Town of Shady Shores to make a decision and enter into some sort of agreement. Mr. Mereider stated that he was awakened at 5:00 a.m. on New Year's day, by his neighbors removing brush and performing work on the Corps property. Mr. Mereider expressed concern that this issue had been ongoing for over two years and is disturbed that a resolution to this situation keeps getting put off.

5. **TERA DI LAGO REPLAT-** Consideration and take appropriate action on a replat of Block A Lot 23, of Tera Di Lago, Hidden Cove Estates, to correct drainage and CORP boundary lines on lot.

Town Attorney Jim Shepherd stated that he had talked with Mike Saunders, KAZ surveying and Chris Cassidy and that all parties involved were satisfied that the house was no longer in the drainage easement. Mr. Shepherd also stated that due to the circumstances and the time constraints that the survey had been mislabeled a replat, when in fact it was an amended plat.

Cindy Aughinbaugh made a motion to approve the amended plat for Tera Di Lago Block A, Lot 23, Hidden Cove Estates. Cindy Spencer seconded the motion. Motion carried. 5-0

- *At this time Town Attorney Jim Shepherd asked if he could address certain items that were mentioned during the citizens agenda*
- *The Shady Shores R.O.W. fee is a fee that the telephone company must pay the town to bore underneath the roads and use our right of ways.*
- *Mr. Shepherd asked to clarify that the pre-construction meetings was in fact a meeting with the contractor performing the work and not a council meeting.*
- *Mr. Shepherd asked for clarification on what the Corps Committee would be working on, because he did not have direction from the council at this point.*

6. ORDINANCE 229-01-11- Repealing prior provisions of Ordinance #15 appointing the city secretary to serve as municipal clerk.

Cindy Aughinbaugh made a motion to accept Ordinance 229-01-11 as presented. Polly Carter seconded the motion. Motion carried 5-0.

7. ONLINE PAYMENTS- Consideration and take appropriate action on pursuing an agreement with Govolution for acceptance of court and other municipal payments through the website.

Town Secretary Wendy Withers gave a report relative to a meeting that was held between the Mayor, Amber Chaudoir, Municipal Court Clerk and Ria Buckley from Govolution. Wendy stated that they were satisfied with the ease of the program and the benefits it could offer the citizens. The website could be customized to reflect our specific court information and could be easily adapted in the future to accept other types of payments. In addition, the program would allow Amber and other Town employees to take debit and credit card payments in the office. A contract or agreement should be presented at the February meeting, due to the holidays it was not available at this meeting.

Charles Grimes made a motion to table this agenda item until February. Cindy Aughinbaugh seconded the motion. Motion carried 5-0

8. REPORTS AND COMMENTS FROM COUNCILMEMBERS

- a. Mayor Olive Stephens-updates on the following projects, Corps contract review, Arbor Shores drainage project, 2009-2010 audit
Mayor Stephens again stated that there had been no progress made on the corps contract review, which we were waiting for more information on a time frame for construction for the Arbor Shores Drainage project. Lastly she reported that the auditor had begun work on the 2009-2010 Financial Audit and should have report ready for the February Council meeting.
- b. Councilmember Cindy Spencer – Special Events, Website
Councilmember Spencer reported that there was one new email added in the month of November. Mrs. Spencer also stated that she would like to thank everyone who worked on the Christmas Event, it was a great success, and the committee made approximately \$45 through the sale of pancake mix and cookbooks. The next event will probably be an Easter event.
- c. Councilmember Polly Carter- Corps Committee, Roads
Councilmember Polly Carter reported that the Road Committee had met and were continuing to work on ditches. They were planning to review the Cielo road issue. She also reported that she would be attending the meeting with Jim Shepherd working on the Corps contract.
- d. Councilmember Charles Grimes-Corps Committee, Police Department (Most recent police

- Report) *There was no police report available at this time.*
e. Discuss and take action relative to future agenda items

*The following meetings have been set for the month of January:
January 7th, 2011- 9:00 a.m. Corps Committee Meeting – Town Hall
January 10th, 2011 7:00 p.m. Council Work session relative to the Town's Ordinances
January 24th, 2011 7:00 p.m. Council Work session Relative to the Corps Contract*

*The following Agenda items were discussed for the February Agenda:
Building Inspections/Inspector
Election (ordering the 2011 Municipal Election)
Govolution
Corps Contract
Telephone Services (offered to Residents)*

Cindy Aughinbaugh stated that she would be unable to attend the February 7, 2010 council meeting.

9. ADJOURN

Betty Brown made a motion to adjourn. Cindy Aughinbaugh seconded the motion. Motion carried 5-0.

Passed and Approved this 7th day of February, 2011

/s/

Olive Stephens, Mayor

Attest:

/s/

Wendy Withers