

NOTICE OF REGULAR COUNCIL MEETING

JUNE 4TH, 2012 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 p.m.***

MEMBERS PRESENT

**Jerry Williams, Mayor
Cindy Aughinbaugh, Mayor Pro-Tem
Cindy Spencer
John Reedy
Lance Sandmann
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 5/07/2012
 - b. Special Council Meeting (Canvass Election) 5/15/2012
 - c. Consider and take action relative to the April Financial Reports.

Cindy Spencer asked for 'a' and 'c' to be moved to the end of the agenda. Cindy Aughinbaugh made a motion to approve 'b' on the consent agenda. John Reedy seconded. Motion carried.

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

1. Road Report (Williams)

Mayor Williams discussed the roads as an ongoing situation. For now, some areas are being patched where there are concerns of sinkage, which is being done from a safety standpoint of the vehicle. We have gone through an extensive evaluation of all of our roads using our road engineer and a contractor consultant and have come up with a preliminary financial estimate of what it will take to make all of our roads functioning the way they should be with the correct maintenance and refurbishing. The council and strategy committee will meet to discuss the most relevant funding needs for the roads in the next budget. Not all the roads can be fixed in one budget year without a substantial tax increase. As of now, the town engineer has compiled a wish list for roads and drainage issues. Finally, almost all of the stop signs and speed limit signs that are required under the federal mandate are now up, other than about 11, which will be funded in the next fiscal year.

2. Police Report (Grimes)

Charles Grimes had not yet received a police report. As for animal control, there were ten calls last month ranging from animal safety to raccoons. The citizens are pleased with the animal service.

3. Strategic Planning Report (Reedy)

For the past few days, Reedy has been working with the engineer to get a preliminary prioritization of the roads and drainage issues. As the Mayor said, we cannot do all of this in one year. After they have done prioritization, it will be taken to master planning on the 19th then to P&Z then council with recommendation of where we go forward. At this time, the committee will need to meet with council yearly to reprioritize.

4. Community Events Committee (Spencer)

The committee will be meeting on June 13th for general planning, specifically the Labor Day BBQ as well as for the annual Christmas celebration.

5. New Website (Aughinbaugh)

The website should be live for review at the end of the week.

6. Budget (Williams)

It is budget time again. We are working on a spreadsheet on where we are and want to be and will then present this at the budget work sessions. The next meetings will be on: June 18 (7:00), July 18 (7:00) and a third if needed on August 13 (7:00). At the meetings we will analyze the line items, revenues, and expenditures and try to formulate a budget for a public hearing. Sometime in early August we will have established a working tax rate from our taxing entity and we will see if this is going to work for us or if we need to make some adjustments.

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.

Michael Thompson – 409 West Shady Shores Rd.

The hours of construction at the middle school construction site are starting at 6 a.m. and not ending until 6:30 p.m. Most cities do not allow construction before 7 a.m. He has also seen 18-wheelers coming out of the job site as late as 1:30 a.m.

Mindy Grimes – 309 Garza

Mrs. Grimes asked who authorized taking down the fence and bulldozing the trees. Her understanding is that they agreed not to do this before July 31st.

Steve Aughinbaugh – 122 Hidden Valley

Mr. Aughinbaugh said that at the last meeting Mayor Williams made a comment about not being able to go into Hidden Valley Airpark. Aughinbaugh invited anyone to come into Hidden Valley. The gate is there not to sequester Hidden Valley Airpark off from the rest of the world but to separate where there are propellers running and where there are not. The gate was also put in several years ago because kids were using the landing strip for drag racing. Anyone that wants to look around can contact him or just wait someone else comes in.

- 6. OATH OF OFFICE:** Deliver Oath of Office to Place #1 council member Cindy Spencer, Place #4 council member Cindy Aughinbaugh and Place #5 council member Charles Grimes.

Mayor Williams swore in councilmember Spencer, Aughinbaugh and Grimes.

- 7. MAYOR PRO-TEM:** Consider and take action relative to appointing a new mayor pro-tem. Mayor pro-tem will be chosen by nominations and vote by the council, and accepted by council action.

Cindy Aughinbaugh term for Mayor Pro-Tem expires tonight. John Reedy nominated Cindy Aughinbaugh for another term, as she did well in the current term. Aughinbaugh accepted. Charles Grimes nominated Cindy Spencer. Spencer accepted. Mayor Williams asked for a vote from the councilmembers, where Spencer had the majority, at three to two.

- 8. RESOLUTION 730:** Consider and take action relative to approving Resolution 730 appointing one member to the Board of Managers in an Emergency Communications District (Denco Area 911).

John Reedy made a motion to nominate Jefferson. Cindy Aughinbaugh seconded. Motion carried.

- 9. RESOLUTION 731:** Consider and take action relative to approving Resolution 731 approving the "Draft" Denco Area 911 District Fiscal Year 2013 Financial Plan.

Cindy Spencer made a motion to approve Resolution 731. Lance Sandmann seconded. Motion carried.

- 10. RESOLUTION 732 – ATMOS RATE DENIAL:** Consider and discuss a request by Atmos Energy to pass a resolution denying the Mid-Tex Division of Atmos Energy Corporation's Statement of Intent to change the gas utility rates in the Town of Shady Shores.

Ron Hace with Atmos asked the council to deny Atmos' intent to change the rates. John Reedy made a motion to deny the rate increase. Charles Grimes seconded. Motion carried.

11. PRESENTATION BY RESIDENT MICHAEL THOMPSON REGARDING

DRAINAGE: Michael Thompson will make a presentation regarding flooding and drainage problems beside his property at 409 W. Shady Shores.

Paul Brown – 420 Fritz

Brown asked the council for a show of hands on how many have lived in Shady Shores for 20 plus years and said he had moved out 21 years ago. He has a serious concern about the council and any of the planning committees doing a proper job of checking the drainage

infrastructures that we currently have, which is zero. Yet, the development continues on without holding the developers accountable for that drainage. He is asking that the council get serious with checking into the developments, primarily the middle school, which is very critical for the water flow. Whoever is responsible for planning and approval needs to take a serious look. Brown is not against the building of schools, he just wants the infrastructure done the right way so it protects the citizens.

Michael Thompson – 409 West Shady Shores Rd.

Thompson presented photos from Fritz and Shady Shores Rd. and the creek between. It is something the city engineer and council members need to have a meeting about. The biggest issue started with Corinth's water pond not working correctly and never fixing the issue. It is not affecting Corinth anymore because the water is pouring out into Shady Shores, so until the town pushes the issue, they are not going to correct the pond. Thompson then showed pictures from a PowerPoint showing that there is more water flowing out than it is actually being held. He also showed three culverts on Fritz which is basically working as a dam, which is backing up the creek, straight south of where the school will be pouring their water. Also, several culverts will be replaced by much larger culverts, even though Denton ISD claimed they would flow no more water than is naturally flowing, which contradicts replacing the smaller culverts with several larger ones. Eventually, the erosion is going to cause him to lose fences and land. Lastly, Thompson proposed some solutions for the issue that other cities are using.

Thompson then read the Texas Water Code, Section 11.086.

Mayor Williams

Mayor pointed out that we have had the engineer look at the issues with Fritz which would be \$15,000 for analysis and \$330,000 for the cost to fix it. Mayor recommended Thompson to get on Corinth's agenda to address the issue with them first, and perhaps they need to have an engineer look at their detention pond to see if they need to make modifications. Mayor also recommended for him to hire an engineer and have them do a study of his property and then present this study before the Denton school board. These are not new issues for the town and we are trying to be proactive with the issues. Mayor depended on the engineers, architects and attorney to review all elements of the middle school, who saw no issues. The issues and legal channels will take many steps in order to be fixed.

12. PRESENTATION BY RESIDENT PAUL BROWN REGARDING ENGINEERING FOR NEW MIDDLE SCHOOL: Paul Brown will make a presentation regarding the engineering plan for the new middle school.

Paul Brown – 420 Fritz

Brown also presented a PowerPoint to the council. Brown explained that 100% of the runoff water from the school development is going to be emptied onto Shady Shores Rd. (which is where his property is) and nothing on Garza Rd., which is poor planning from an engineering standpoint. On their plans right now, you have four, five by five foot drainage plans that feed the retention pond being put in, which is a huge volume of water. Then you have one six by five drainage plan that they are going to reroute from the elementary school into that. They are going to put in four 30 foot culverts that directly pour into his property. They are also replacing Thompson's small culvert with three 18 inch culverts, as he said, and there has been no plans for any augmentation on the south side of Shady Shores Rd. The current plan does not allow for drainage ditches that run parallel to the road or under the ground. Within the last few years, because of the work that was done in Corinth, the areas in the photos (shown by Brown) were flooded just from the detention pond from Corinth. We are now going to pour 28 acres of watershed directly under where the water tower is, where the four 30 inch culverts are. Brown thinks the engineers have said the plans are okay, when the runoff is high, especially in a developed area. If this plan goes, his house will be under water because of the velocity of the water, not just the volume. Brown asked if DISD provided a feasibility plan to the council. Mayor Williams commented that he cannot answer that particular question but does know the engineers did a flow analysis and our engineers inspected this analysis. Brown asked for a copy of the feasibility plan. He feels it is very obvious there is a huge amount of water flowing into his property and that the engineer did not review the plans properly.

Alderman Reedy asked if he has perused anything with the City of Corinth, since they were the ones who originally started the problem. Brown answered that he had not, but that he could, even though that is only part of the problem. He is asking for the town to approach DISD to revise and improve their drainage infrastructure, and they should pay for it.

Mayor Williams said that we will certainly pursue this in any way we can. With the funding that we have available and increasing taxes if we have to, we will try to resolve all of these issues.

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 town attorney on any agenda item listed herein.

Cindy Spencer asked for some changes in the May 7th meeting minutes and also asked why there was a missed payment for the fire department. Mayor Williams explained that the town secretary will make the changes and that there was a missed payment to the fire department in November 2011, and that it's being resolved.

At 8:20, Charles Grimes made a motion to move into executive session. Lance Sandmann seconded. Motion carried.

At 9:30, Cindy Aughinbaugh made a motion to reconvene. John Reedy seconded. Motion carried.

13. ADJOURN

Cindy Aughinbaugh made a motion to adjourn. Charles Grimes seconded. Motion carried.

I, Jerry Williams, Mayor of the Town of Shady Shores do hereby certify that the above notice of the Regular Council Meeting was posted on the bulletin board at the Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on _____ DAY OF _____, AT _____ P.M.

_____ Jerry Williams

Upcoming Dates and Events:

- Community Events Meeting June 13, 2012
- P & Z Meeting June 14, 2012
- Budget Workshop June 18, 2012
- Strategy Meeting June 19, 2012
- Keep Shady Shores Beautiful Meeting June 20, 2012
- Budget Workshop July 18, 2012
- Budget Workshop August 13, 2012

