

NOTICE OF SPECIAL COUNCIL MEETING

AUGUST 27TH, 2012 7:00 PM

SHADY SHORES COMMUNITY CENTER

101 S. SHADY SHORES ROAD

SHADY SHORES, TX 76208

AGENDA

MINUTES

- 1. 1. CALL TO ORDER - The meeting was called to order at 7:00 p.m.**

MEMBERS PRESENT

**Jerry Williams, Mayor
Cindy Spencer, Mayor Pro-Tem
Cindy Aughinbaugh
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. WEST NILE VIRUS AERIAL SPRAYING – Discuss and take action to opt in or opt out of the aerial spraying of the Town of Shady Shores to combat West Nile Virus.**

Mayor Williams thanked the residents for attending the meeting and stated that he understands the issue is sensitive. Mayor Williams then read a letter from the Denton County Judge for all Denton County Municipalities that states the following:

Denton County Health Department has been involved in the mitigation of West Nile Virus within the county for the past several months. During this time, education has been the primary approach, with the Health Department emphasizing the Four Ds of staying indoors Dusk & Dawn, Dressing in long sleeves, using DEET, and Draining standing

water for personal protection. In addition, the Health Department has training a private, non-profit organization (RSVP) to provide community education.

Within the last few years, several municipalities including Denton, Lewisville, Flour Mound, and Carrollton have used ground based spraying to combat disease within their city limits. At the same time, larvacide is being applied to pools and standing water by some cities and some Denton County departments. Despite these preventative efforts, the number of cases has continued to increase. As of August 22, 2012, a total of 112 cases have been reported.

As a result, the Health Department has recommended that more aggressive strategies, in the form of aerial spraying, be considered. As this time, I have issued a Disaster Declaration and Executive Order to request state assistance for response and mitigation support to combat West Nile Virus and to continue our public outreach and education regarding preventative measures.

As Denton County has requested state and federal resources to employ aerial spraying of the unincorporated areas of the County, we are asking for municipalities to provide us notice of whether they want to be included in these mitigation efforts. The resources will be available as early as next week so we would prefer to have notice from your desire to be included or to opt out of aerial spraying.

Your assistance in this emergency matter is much appreciated.

Mayor Williams also received an emergency declaration for Denton County. She wants us to decide tonight if we want to be part of the spraying. If they do spray, it will be on Thursday between 9 p.m. and 2 a.m. The Mayor then asked for the residents that have signed up to speak, but for residents to have no emotional outburst. An officer is attending the meeting and will escort out anyone who continues to be disruptive.

Nita Watkins - 17 Hidden Valley Airpark

Watkins asked if we have the ability to ground spray, in which Mayor responded that we do not. She said that because we do not, and because of the problem with West Nile, then we need to have the town sprayed. She realizes that Denton voted against it, but they do ground spraying.

Norma Barker - 105 Cielo

Barker said that aerial spraying gives those with breathing problems another hurdle. Also because we are in close proximity to the lake, the watershed region will be affected. She asks that we consider this in our decision.

Steve Aughinbaugh - 122 Hidden Valley

Aughinbaugh believes we need to value the human life more than protecting the insects. He is not demanding that we do something, but if the county is willing to do it, we should go along with it. It is not an easy decision. From what he has read, the harm to humans is almost non-existent, while the harm of West Nile is well known. It is prudent to go ahead and vote for the spraying.

Tom Spencer - 203 West 6th St.

Spencer agrees that it is a complex issue. There are more efficient ways of handling the situation than aerial spraying the entire town. He then read an article in the paper from a University of North Texas Biology Professor James Kennedy, who supervised the study that detected West Nile in 2002 in the county. He could not say whether the aerial spraying would have an effect on the virus this year because “the horse is already out of the barn”. While the evidence of effectiveness of spraying could be argued either way, the recent decline of mosquitos is more likely explained by hot weather during this time. They do not do well in extreme heat. Spraying in areas where the mosquitos are known to winter could be more efficient. The cumulative effect is also unknown. The chemical is more toxic to small animals and children.

Mark Osborne – 322 West Shady Shores Rd.

Osborne voiced his concerns on aerial spraying the town. There is a chance of people being overly exposed that are inundated because they sit close to the border of two towns. They tell us it’s safe, but they are probably not giving us the full picture because we are reacting. If we do have long-term standing water, then these should be treated on a case by case basis, but we don’t need to flood the whole area.

Mayor Williams also spoke to the residents about the town council being inundated with phone calls and emails about the West Nile issue. He said that everyone needs to take precautions if the town is sprayed as there is no way of him to take care of every property. He is not necessarily concerned that aerial spraying is bad but that he is concerned about all of the residents knowing each precaution to take if the town is sprayed. The Mayor finally asked for each council member to speak of their opinions and give any information on the issue that they may have.

Lance Sandmann

Sandmann also has mixed emotions but after having most of the citizens who reached about to him express their opinion opting in to the spraying, he feels that he got an accurate picture of what the citizens want. So his opinion is that we opt in for the spraying.

John Reedy

Reedy also received numerous calls and emails concerning the issue. He is not sure that the preventative measures are needed. He has also been reading about DUET (the pesticide that will be sprayed) and has four points after doing the research for opting into the spraying:

- 1) DUET is accepted by the Environmental Protection Agency (EPA).
- 2) The State of Texas recommends doing so.
- 3) The effects of spraying are minimal to people.
- 4) Most citizens are for opting into the spraying.

Cindy Aughinbaugh

Aughinbaugh also did a survey of the residents in her neighborhood and most people were overwhelmingly for spraying. This is probably because we have no other measures to fight West Nile. For example, Denton is doing ground spraying, but we do not have a plan to do anything else. It is concerning that one of the townspeople could be the next to get West Nile, even though she understands the concerns. She is looking at which one is the greatest risk. So she is for spraying.

Charles Grimes

Grimes explained that he was at first for opting into the aerial spraying of the town but the most compelling thing was actually the label to DUET. The label says that pregnant women, elderly and anyone with breathing problems should all avoid this. It also warns against spraying of the pasture land. There is a problem with not only the spraying itself but also with the consumption of this chemical once it is in the ground and animal supply. The full label tells the story. We do all need to be proactive about this. Also, this spraying is only a one time kill for the mosquitos. Within seven days, the new eggs will be hatching and we will have a whole new cycle. Though we spray, we will have to continually spray, and then there is going to be a residual buildup. Then it does clearly state in the MSDS that there is a residual in the chemical compounds. It is then in the ground, grassland, fruit trees and then the chickens will be eating the bugs. Obviously our first concern has to be human life and value, but he does not know that we can spray pesticides that can indirectly hurt people that the West Nile didn't get. He has also received emails and phone calls from the residents with about 60/40 against the spraying of the chemical. On this basis, he is against opting out of aerial spraying the entire town.

Cindy Spencer

Cindy Spencer contacted Bill Cameron which is Professor in the Department of Medicine, Department of Biochemistry, Microbiology and Immunology and also a physician in the division of Infectious Diseases, Department of Medicine. Dr. Cameron sent Spencer lots of information and she came up with three concerns that she has:

- 1) The pesticides and spray does drift. There is not 100% control of this spray of where it is going to drift and land.
- 2) The chemical will not reach many areas of stagnant water (e.g. under porches, boats, etc.) where these insects are collecting under these places.

- 3) Dr. Cameron feels this insecticide has no place in communities where children are being raised.

The EPA also says that children are at greater risk for pesticides for a number of reasons.

There are other options to consider, such as laying bricks of larvacide into standing water. Spencer's advice would be to provide them here. This would be proactive and less damaging to Shady Shores.

Cindy Aughinbaugh said that if we do not do the spraying, we have to do something. Charles Grimes said that we need to do early educating because this is going to be a problem every year.

Cindy Spencer asked if we spray how many times we would have to do so. Mayor Williams said he could not answer that but he does know that Dallas has had to spray twice. Spencer also knows that they are doing test right now on how good the spraying was actually doing, so they do not even know the results yet.

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.

At 7:40, Cindy Aughinbaugh made a motion to move into Executive Session. Charles Grimes seconded. Motion carried.

Cindy Aughinbaugh made a motion to move back into our council meeting at 8:00 p.m. Lance Sandmann made the second. Motion carried.

Lance Sandmann made a motion to opt into spraying. John Reedy made the second. Cindy Aughinbaugh was also in favor. Charles Grimes and Cindy Spencer moved against. Motion carried, three to two.

Charles Grimes made a motion to adjourn. John Reedy seconded. Motion carried.

4. ADJOURN

PASSED AND APPROVED THIS _____ DAY OF _____, 2012

_____ Jerry Williams, Mayor

