



**TOWN OF SHADY SHORES
SHADY SHORES TOWN COUNCIL
REGULAR SESSION
SEPTEMBER 11, 2023; 7:00 PM
VIRTUAL MEETING
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208**

MINUTES

CALL TO ORDER

Mayor Aughinbaugh called the meeting to order at 7:05 pm

ROLL CALL

Establish a quorum.

MEMBERS PRESENT

Mayor, Cindy Aughinbaugh, Alderman Place 5 Charles Grimes, Mayor Pro Tem (3), Tom Newell, Alderman Place 2, Mike Nowels, Councilmember Place 4 Bill Emsoff

STAFF PRESENT:

Wendy Withers, Town Administrator; Amber Schuler, Municipal Court Administrator; Katie Klein, Community Relations Admin, Jim Shepherd, Town Attorney; David Francis, Town Engineer.

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.)

PROCLAMATIONS, PRESENTATIONS AND AWARDS

1. 1. Proclamation Recognizing September 2023 as Suicide Prevention Month.

Carrell Ann Simmons and Michelle Johnson from United Way were present to receive a Proclamation in honor of Live United.

Mayor Aughinbaugh presented a proclamation recognizing September as Suicide Prevention month.

COUNCILMEMBER/COMMITTEE/STAFF REPORTS:

1. Roads, Drainage, Capital Improvements (Engineering)

David Francis of Binkley & Barfield was present to give the Road and Drainage report.

2. Community Relations Reports (Klein)

Community Relations Admin Katie Klein gave the Community Relations report for August 2023.

3. Municipal Court/Solid Waste (Schuler)

Municipal Court Clerk Amber Schuler gave the solid waste and municipal court reports.

4. Animal Control/Code Enforcement (Belton)

The animal control report and code enforcement reports were available in the town council packet.

5. Public Safety Reports (Newell)

Mayor Pro Tem Tom Newell gave the Public Safety Reports.

6. Town Administrators Report (Withers)

Town Administrator Wendy Withers gave the staff report.

7. Strategic Plan Reporting (Staff)

8. Announcements

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 motion was made by Tom Newell, seconded by Bill Emsoff, approving the items on the CONSENT AGENDA. The motion carried.

Yes: 4 - Charles Grimes, Mike Nowels, Tom Newell, Bill Emsoff

No: 0 - None

Recused: 0 - None

1. Minutes- Consider and act on approval of the August 14, 2023 Town Council Worksession Minutes and the August 14, 2023 Regular Town Council meeting minutes.

2. Public Works Contract - Consider and act on approval of an interlocal agreement with the Town of Hickory Creek for public works.

CITIZENS COMMENTS

This is your opportunity to comment on an item on the agenda, or any other relevant topic. If the item on the agenda you wish to comment on is set for a public hearing, please give your remarks on that item when the public hearing is opened. Speakers will be limited to three (3) minutes.

There was no one signed up to speak.

REGULAR AGENDA ITEMS

1. Public Hearing Tax Rate- Conduct a public hearing regarding the 2023 Ad Valorem Tax Rate including the Maintenance and Operating Rate as well as the Debt Service rate.

A) Open Public Hearing

B) Public Comment

C) Close Public Hearing

a) Mayor Aughinbaugh called the public hearing to order at 7:45

b) No one spoke in favor opposition to the tax rate

c) Mayor Aughinbaugh closed the public hearing at 7:46 pm.

2. 2023/2024 FY Budget- Consider and act on an Ordinance adopting the 2023/2024 Fiscal Year Budget.

A motion was made by Mike Nowels, seconded by Charles Grimes, to approve the Ordinance adopting the 2023/2024 FY Budget . The motion carried.

Yes: 4 - Charles Grimes, Mike Nowels, Tom Newell, Bill Emsoff

No: 0 - None

Recused: 0 - None

3. Tax Rate- Consider and act on approval of an Ordinance adopting the 2023 Property Tax Rate including the M&O and Debt Service rate for the Town of Shady Shores.

A motion was made by Tom Newell, seconded by Mike Nowels to approve the Ordinance Adopting the 2023 Ad Valorem Tax Rate and Debt Service Rate. The tax rate will raise additional funds by 10%. A record vote was taken: The motion carried.

Yes: Councilmember Charles Grimes- Yes
Councilmember Bill Emsoff- Yes
Councilmember Tom Newell- Yes
Councilmember Mike Nowels- Yes

No: 0 - None

Recused: 0 - None

4. Shahan Addition Road Repairs- Consider and act on approval of a bid for the Shahan Addition Road and Drainage Repairs.

A motion was made by Tom Newell, seconded by Bill Emsoff, to approve a bid for the Shahan Addition Road Repairs to - Consider and act on approval of a bid for the Shahan Addition Road and Drainage Repairs to JR West Texas Concrete in the amount of \$875,420.25 pending verification of qualifications. The motion carried.

Yes: 4 - Charles Grimes, Mike Nowels, Tom Newell, Bill Emsoff

No: 0 - None

Recused: 0 - None

5. Boardmember Appointments- Consider and act on making the following board member appointments:

Keep Shady Shores Beautiful

Planning and Zoning Commission

A motion was made by Mayor Pro Tem (3), Shady Shores Town Council Tom Newell, seconded by Mayor, Shady Shores Town Council Cindy Aughinbaugh; to Boardmember Appointments- Consider and act on making the following board member appointments:

Keep Shady Shores Beautiful

Planning and Zoning Commission

. The motion carried.

Yes: 4 - Charles Grimes, Mike Nowels, Tom Newell, Bill Emsoff

No: 0 - None

Recused: 0 - None

A motion was made by Tom Newell, seconded by Mike Nowels to approve the reappointment of Josh Juve, Paul Brown, Frank Graham to the Board and Randal DuPape as alternate to the Planning and Zoning Commission. The motion carried.

Yes: 4 - Charles Grimes, Mike Nowels, Tom Newell, Bill Emsoff

No: 0 - None

Recused: 0 - None

6. Public Hearing- Conduct a Public Hearing relative to a request made by Gilbert & Leticia Gutierrez for a zoning change of the property legally known as Keating Kove Acres Lot 29 (All), 30 (E10') Keating Kove Acres Lot 30 (W80'), (104 E Brown Terrace 30). The total acreage is 0.273 and the proposal contains one, single family homesite. The zoning request is to change the lot from R-2000 1/2 to the H-1200-4300 Historical District.

A) Staff Report

B) Open Public Hearing

C) Applicant

D) Those in Favor

E) Those Opposed

F) Rebuttal if Desired

G) Close Public Hearing

David Francis Binkley & Barfiled gave the staff report

Mayor Aughinbaugh opened the public hearing at 7:55 pm.

- a) Applicant-Gilbert Gutierrez was present and asked the council to approve his request to rezone and replant his property as historical property. He appreciates how helpful Amber was throughout the process.
- b) Those in favor-Daria Dato lives next door to Mr. Gutierrez and stated that he has been a good neighbor and will do an appropriate rebuild, stated she is in favor of the request.
- c) Those opposed- No one spoke in opposition
- d)Close the public hearing- Mayor Aughinbaugh closed the public hearing at 7:53 pm.

7. Action Regarding Public Hearing (Gutierrez Zoning Change Request)- Consider and act on a request made by Gilbert & Leticia Gutierrez for a zoning change of the property legally known as Keating Kove Acres Lot 29 (All), 30 (E10') Keating Kove Acres Lot 30 (W80'), (104 E Brown Terrace 30). The request is to change the property from R-2000 1/2 to H-1200-4300.

A motion was made by Tom Newell, seconded by Bill Emsoff; to approve the request to made by Gilbert & Leticia Gutierrez for a zoning change of the property legally known as Keating Kove Acres Lot 29 (All), 30 (E10') Keating Kove Acres Lot 30 (W80'), (104 E Brown Terrace 30). The motion carried.

Yes: 4 - Charles Grimes, Mike Nowels, Tom Newell, Bill Emsoff

No: 0 - None

Recused: 0 - None

8. Public Hearing- Conduct a Public Hearing relative to a request made by Gilbert & Leticia Gutierrez for a replat of the property legally known as Keating Kove Acres Lot 29 (All), 30 (E10') Keating Kove Acres Lot 30 (W80'), (104 E Brown Terrace 30). The total acreage is 0.273 and the proposed replat contains one, single family homesite.

- A) Staff Report
- B) Open Public Hearing
- C) Applicant
- D) Those in Favor
- E) Those Opposed
- F) Rebuttal if Desired
- G) Close Public Hearing

A) Mayor Aughinbaugh opened the public hearing at 8:00 pm.

B) Applicant was present but did not speak

C) No one spoke in favor

D) No one spoke in opposition

E) Close the public hearing at 8:01

9. Action Regarding Public Hearing (Gutierrez Replat)- Consider and act on a request made by Gilbert & Leticia Gutierrez for a replat of the property legally known as Keating Kove Acres Lot 29 (All), 30 (E10') Keating Kove Acres Lot 30 (W80'), (104 E Brown Terrace 30).

A motion was made by Charles Grimes, seconded by Bill Emsoff, approving a request made by Gilbert & Leticia Gutierrez for a replat of the property legally known as Keating Kove Acres Lot 29 (All), 30 (E10') Keating Kove Acres Lot 30 (W80'), (104 E Brown Terrace 30). . The motion carried.

Yes: 4 - Charles Grimes, Mike Nowels, Tom Newell, Bill Emsoff

No: 0 - None

Recused: 0 - None

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.

1. 551.074 Personnel Matters

(A) deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee;

**551.071 (1) (A) a Consultation with Attorney re: Pending Litigation
Lakeside Manor Mobile Home Park**

A motion was made by Tom Newell, seconded by Charles Grimes recess into Executive Session to discuss the following issues;

551.074 Personnel Matters

(A) deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee;

**551.071 (1) (A) a Consultation with Attorney re: Pending Litigation
Lakeside Manor Mobile Home Park.**

The motion carried and the council recessed into executive session at 7:57 pm.

Yes: 4 - Charles Grimes, Mike Nowels, Tom Newell, Bill Emsoff
No: 0 - None
Recused: 0 - None

**A motion was made by Tom Newell, seconded by Bill Emsoff to reconvene into Open Session ;
The motion carried and the council reconvened into Open Session at 9:05 pm.**

Yes: 4 - Charles Grimes, Mike Nowels, Tom Newell, Bill Emsoff
No: 0 - None
Recused: 0 - None

ACTION REGARDING EXECUTIVE SESSION

There was no action to take as a result of Executive Session.

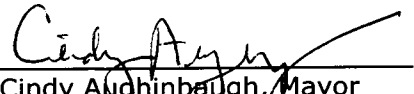
FUTURE AGENDA ITEMS AND STAFF DIRECTION

ADJOURN

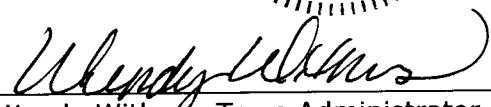
Charles Grimes made a motion to adjourn. Bill Emsoff seconded the motion. The meeting was adjourned at 9:05 pm.

PASSED AND APPROVED THIS THE 9th DAY OF October, 2023

APPROVED:


Cindy Aughinbaugh, Mayor

ATTEST:



Wendy Withers, Town Administrator