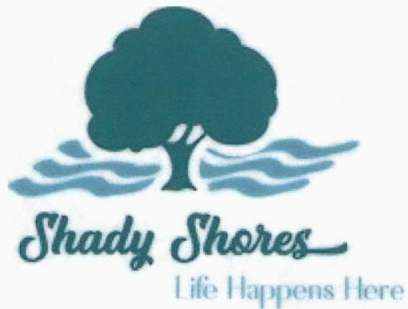




**TOWN OF SHADY SHORES
SHADY SHORES TOWN COUNCIL
REGULAR SESSION
SEPTEMBER 9, 2024; 7:00 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208**

MINUTES

CALL TO ORDER

Mayor Aughinbaugh called the meeting order at 7:00 pm

ROLL CALL

Establish a quorum.

MEMBERS PRESENT

Mayor Cindy Aughinbaugh, Councilmember, Place 5 Charles Grimes, Mayor Pro Tem (3) Tom Newell, Councilmember Place 4 Josh Juve

MEMBERS ABSENT:

Councilmember Place 1, Jeff Belton; Councilmember Place 2 Mike Nowels

STAFF PRESENT:

Wendy Withers, Town Administrator; Katie Klein, Community Relations Admin, Amber Schuler, Municipal Court Administrator, Jim Shepherd, Town Attorney; Kris Homyk, Staff 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. Proclamation in honor of Library Card Month

Mayor Aughinbaugh read a proclamation in honor of Library Card Sign-Up Month.

2. Proclamation in Support of LIVE UNITED

Tom Newell gave a proclamation in honor of Live United to Carrel Simmons from United Way of Denton County.

COUNCILMEMBER/COMMITTEE/STAFF REPORTS:

1. Roads, Drainage, Capital Improvements (Engineering)

David Francis with Binkley and Barfield was present to give the Road and Drainage Project S. Shady Shores Road, meeting with Denton County and discussed facilitating the right of way acquisition to ensure that we don't have to go back and get information from two different property owners. Dobbs Road Project- the contract was approved by the City of Corinth, there was a small glitch in the approval and Glen Baker was working on the approval (check with Scott Campbell) Shahan Addition Project, final sodding, final payment work and they should have everything wrapped up at

the end of the month, depending on the rainfall that we had this month.
Lakeshore Bluffs 60% done with the underground drainage system.

2. Community Relations Reports (Klein)

Community Relations Admin Katie Klein gave the Community Relations report.

3. Animal Control/Code Enforcement (Belton)

Community Relations Admin Katie Klein gave the Animal Control Report for August 2024 and the August 2024 Code Enforcement reports.

4. Municipal Court/Solid Waste Report (Schuler)

Municipal Court Administrator Amber Schuler gave the Municipal Court and Solid Waste reports for August 2024.

Municipal Court

August 40 new cases filed

36 disposed

September Court will be held Wed. September 11

Solid Waste

827 regular 242 senior accounts 5 new 3 disconnects

4th quarter invoices have been generated.

5. Planning and Zoning Commission Report (Lea)

Planning and Zoning Chair Allen Lea was present and reported that the Planning and Zoning Commission had unanimously recommended that the Council approve items 7 and 9.

6. Public Safety Reports (Newell)

Mayor Pro Tem, Tom Newell stated that the police report had not been received. Mayor Pro Tem Newell also noted that Police Chief Jerry Garner would be retiring at the end of September.

Mayor Pro Tem Tom Newell also gave the Lake Cities Fire Department Report.

7. Town Administrators Report (Withers)

Town Administrator Wendy Withers gave the report for August 2024.

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.

Mayor Pro Tem Tom Newell asked to remove item 2, the Denton County Interlocal Agreement for discussion.

A motion was made by Mayor Pro Tem (3) Tom Newell to approve items 1,3 and 4 on the consent agenda, Councilmember Place 5 Josh Juve seconded the motion. The motion carried.

Yes: 3 - Charles Grimes, Tom Newell, Josh Juve

No: 0 - None

Recused: 0 - None

1. Minutes- Consider and act on approval of the following minutes:

July 8, 2024 Town Council Worksession

July 8, 2024 Regular Town Council Meeting

August 12, 2024 Town Council Worksession

August 12, 2024 Regular Town Council Meeting

August 19, 2024 Special Called Town Council meeting.

2. Interlocal Agreement Denton County- Consider and act on approval of an interlocal agreement with Denton County for chip seal of Carolyn and Shahan Road and Shahan Lane.

Per the terms outlined in the Interlocal Agreement, the Town of Shady Shores would pay for the materials and Denton County would provide the labor. The interlocal agreement is currently being updated, to include Shahan Drive.

A motion was made by Mayor Pro Tem Tom Newell, seconded by Councilmember Place 5 Charles Grimes; to approve the Interlocal Agreement Denton County, authorizing the Mayor to sign the updated contract not to exceed \$100,000 pending engineering review of the process. The motion carried.

Yes: 3 - Grimes, Juve, Newell

No: 0 - None

Recused: 0 - None

3. Ordinance Adopting a Fee Schedule- Consider and act on approval of an Ordinance adopting a fee schedule for Development, Building and Misc Fees for the Town of Shady Shores.

ORDINANCE 388-09-2024

4. Denton County Election Contract-Consider and act on approval of a contract with Denton County to conduct the November 5, 2024, special election.

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.

Dale Ewald 206 Carolyn Lane stated he was not in favor of Chipseal for repair of the road, as he felt it was taking a step backward. Mr. Ewald asked why the potholes haven't been repaired. Mr. Ewald stated that no one had even driven down the street to observe the conditions and that the residents on the street were angry because the town has not even attempted to fix the holes that are in existence.

Daniel Miller, 206 Carolyn Lane stated they had lived on Carolyn Lane for a year, and were probably the newest residents on Carolyn Lane. Mr. Miller stated he counted 57 potholes and had stopped counting after that. Mr. Miller asked that the council continue to look for ways to make the repairs that would be a more permanent repair.

REGULAR AGENDA ITEMS

1. SPAN-Consider and act on approval of the interlocal agreement. Consider and take appropriate action regarding approval or denial of the proposed interlocal agreement.

A motion was made by Mayor Pro Tem (3) Tom Newell, seconded by Councilmember, Place 5 Charles Grimes, to deny the interlocal agreement with Span as presented. The motion carried.

Yes: 3 - Charles Grimes, Tom Newell, Josh Juve

No: 0 - None

Recused: 0 - None

Tom Newell stated that he felt Span was a valuable program, but the cost of the program was difficult to justify for five persons.

Funds will be left in the budget to support the Meals on Wheels program. Charles Grimes stated that he felt this program was important and that he would be willing to entertain the interlocal of the number of trips or purpose of trip could be limited to medical only.

2. Budget- Consider and act on approval of an Ordinance approving of the FY2024/2025 Town of Shady Shores Budget.

ORDINANCE 389-09-2024

A motion was made by Councilmember, Place 5 Charles Grimes, seconded by Councilmember Place 4 Josh Juve to approve the FY24/25 Budget. The motion carried.

Yes: 3 - Charles Grimes, Tom Newell, Josh Juve

No: 0 - None

Recused: 0 - None

3. PUBLIC HEARING TAX RATE-Conduct a public hearing to receive input relative to the 2024 Ad Valorem Tax Rate to include Maintenance and Operating Rate and Debt Service Rate.

1. Open Public Hearing

2. Public Comment

3. Close Public Hearing

1) Mayor Aughinbaugh opened the public hearing at 7:43 pm.

2) Public Comment - No one spoke in favor or against the proposed tax rate

3) Mayor Aughinbaugh closed the public hearing at 7:44 pm.

4. Tax Rate-Consider and act on approval of an Ordinance approving a tax rate to fund the 2024/25 Fiscal Year Budget.

ORDINANCE 390-09-2024

Tom Newell made a motion to approve the 2024 tax rate which is proposed by the Town of Shady Shores.

Charles Grimes seconded the motion. Town Administrator Wendy Withers took a record vote as reflected below. Motion carried. (.290985)

Maintenance and Operating .2523; Debt Service .038685

Yes: 3 - Newell (Yes), Grimes (Yes), Juve (Yes)

No: 0 - None

Recused: 0 - None

5. Board Member Appointments- Consider and act on the appointment or re-appointment of board members to serve on the following Town of Shady Shores Boards:

Planning and Zoning Commission

Keep Shady Shores Beautiful Board

A motion was made by Mayor Pro Tem Tom Newell, seconded by Councilmember Place 5 Charles Grimes to table the appointments to the Keep Shady Shores Beautiful Board. The motion carried.

Yes: 3 - Charles Grimes, Tom Newell, Josh Juve

No: 0 - None

Recused: 0 - None

A motion was made by Councilmember, Place 5 Charles Grimes, seconded by Councilmember Place 4, Josh Juve, to reappoint Nathan Abato to the Planning and Zoning Commission Place 4 and Don Caver to the Planning and Zoning Commission Place 2. The motion carried.

Yes: 3 - Charles Grimes, Tom Newell, Josh Juve

No: 0 - None

Recused: 0 - None

6. Public Hearing-Revision of the comprehensive planning map provisions for the Historical Zoning District

A) Staff Presentation

B) Open Public Hearing

C) Public Comment

D) Close Public Hearing

A) Staff Presentation- Town Attorney Jim Shepherd stated that the original intent of the Historical District was to help the town gain more footprint so that eventually we could widen the roads. The original goal for the historical district was to combine smaller lots or allow individuals to build smaller homes on a smaller footprint. There are currently 3 properties that have taken advantage of the zoning and those properties will remain zoned H-1.

B) Open the Public Hearing-Mayor Aughinbaugh opened the public hearing at 7:53 pm

C) There were no comments from the public

D) Mayor Aughinbaugh closed the public hearing at 7:54 pm.

7. Consider and Act upon a revision of the comprehensive planning map positions for the Historical Zoning District.
A motion was made by Mayor Pro Tem (3) Tom Newell, seconded by Councilmember Place 4 Josh Juve; to approve a revision of the comprehensive planning map positions for the Historical Zoning District. The motion carried.

Yes: 3 - Charles Grimes, Tom Newell, Josh Juve
No: 0 - None
Recused: 0 - None

8. Public Hearing-Revision of the Comprehensive Zoning Ordinance regarding the Historical Zoning District
A) Staff Presentation
B) Open Public Hearing
C) Public Comment
D) Close Public Hearing
a) Staff Presentation- Town Attorney Jim Shepherd stated this public hearing was the second part to the previous agenda item.
b) Open the Public Hearing- Mayor Aughinbaugh opened the public hearing at 7:55 pm
C) There was no public comment
D) Close Public Hearing Mayor Aughinbaugh closed the public hearing at 7:56 pm.

9. Consider and Act upon a revision of the Comprehensive Zoning ordinance regarding the Historical Zoning District.

ORDINANCE 391-09-2024

A motion was made by Councilmember Place 4 Josh Juve, seconded by Mayor Pro Tem (3) Tom Newell; to approve a revision of the Comprehensive Zoning ordinance regarding the Historical Zoning District. The motion carried.

Yes: 3 - Tom Newell, Charles Grimes, Josh Juve
No: 0 - None
Recused: 0 - None

10. Hardship Application- Consider and act on an application made by James E. Brown for a hardship in response to a request made on behalf of the Town of Shady Shores regarding trimming of trees in the public right of way.

A motion was made by Mayor Pro Tem (3) Tom Newell, seconded by Councilmember, Place 5 Charles Grimes, to table this agenda item. The motion carried.

Yes: 3 - Charles Grimes, Tom Newell, Josh Juve
No: 0 - None
Recused: 0 - None

11. Fire Department Contract- Consider and act on approval of an interlocal agreement with Lake Cities Fire Department for Fire and Emergency Management Services beginning October 2026.

A motion was made by Mayor Pro Tem (3) Tom Newell seconded by Councilmember Place 5 Charles Grimes to approve the ; to Fire Department Contract which will begin October 2026. The motion carried.

Yes: 3 - Charles Grimes, Tom Newell, Josh Juve
No: 0 - None
Recused: 0 - None

12. Use of USACOE (US Army Corps of Engineers) property-consider and act on authorizing the Mayor and town staff to pursue discussions with the USACOE regarding town use of the COE property and shoreline, including but not limited to the development of a possible lease agreement for future council approval.

A motion was made by Councilmember, Place 5 Charles Grimes, seconded by Councilmember Place 4 Josh Juve, to authorize the Mayor and town staff to pursue discussions with the USACOE regarding town use of the COE property and shoreline, including but not limited to the development of a possible lease agreement for future council approval. The motion carried.

Yes: 3 - Tom Newell, Charles Grimes, Josh Juve

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.

A motion was made by Councilmember Place 5 Charles Grimes to recess into Executive Session, Mayor Pro Tem Tom Newell seconded the motion. The motion carried and the council recessed into Executive Session at 8:05 pm.

Yes: 3 - Tom Newell, Charles Grimes, Josh Juve

No: 0 - None

Recused: 0 - None

A motion was made by Mayor Pro Tem Tom Newell, seconded by Councilmember Place 4 Charles Grimes to reconvene into Open Session. The motion carried, and the council reconvened into open session at 9:08 pm.

Yes: 3 - Tom Newell, Charles Grimes, Josh Juve

No: 0 - None

Recused: 0 - None

There was no action taken as a result of Executive Session.

1. 551.074 Personnel Matters

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

2. Consultation with Town Attorney 551.072 (real estate) and 551.071 (legal)- Deliberation regarding real property - discussion relative to future purchase of land.

FUTURE AGENDA ITEMS AND STAFF DIRECTION

ADJOURN

Councilmember Place 5 Charles Grimes made a motion to adjourn, Mayor Pro Tom Newell seconded the motion. The meeting was adjourned at 9:12 pm.

PASSED AND APPROVED THIS THE

14th

DAY OF

October

APPROVED:

Cindy Aughinbaugh
Cindy Aughinbaugh, Mayor

ATTEST:

Wendy Withers
Wendy Withers, Town Administrator

