TOWN COUNCIL MEETING
MINUTES
August 7, 2007

The Town Council met in regular session on Tuesday, August 7, 2007 at 6:30 P.M. at Town Hall, 500 S. Highway 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Carolyn Sommers, Council Members Jim Cunningham, Michael Pezzulli, Anton Mattli and Mary Price and Town Manager John Godwin and Interim Town Secretary Michelle Lewis Sirianni. Councilman Ron Kasian was absent due to assisting CCSO with National Night Out.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present.

EXECUTIVE SESSION: At 6:33 pm the council recessed into executive session to discuss: McKinney versus Fairview, Economic development, Real Estate and Personnel – Town Manager.

At 7:37 pm Mayor Israeloff reconvened into the regular session and requested everyone to stand for the Pledge of Allegiance.

Mayor Israeloff stated that he apologized for the slight delay that council was only half way through their executive session items and will reconvene after they finish with the remaining agenda items.

CONSENT AGENDA: All items listed under Consent Agenda are considered to be routine by the Council and will be acted on by one motion. The following items were on the consent agenda: A) Approve minutes of the July 5 and July 24, 2007 council meetings. B) Approve an agreement for street lighting services with Oncor. C) Approve an ordinance regulating vested rights. D) Approve a preliminary plat extension for Hawks Wood Phase 2. E) Approve a joint resolution with the City of Lucas to fix common boundaries. F) Approve a resolution authorizing the town staff and attorney to make final offers of compensation to property owners for acquisition of easements needed for re-construction of Stoddard Road, and to enter into condemnation proceedings as necessary to ensure said easements are acquired in a timely manner. G) Approve an agreement with Gregg & Company to provide annual independent financial auditing services.

Councilman Pezzulli requested to pull item D for further discussion and Mayor Pro Tem Sommers requested to pull item C for further discussion.

A motion was made by Councilman Cunningham to approve items A, B, E, F and G. The motion was seconded by Councilman Pezzulli, with all in favor.

Mayor Pro Tem Sommers asked in regards to item C what the vested rights ordinance is. Mr. Godwin responded that when the state laws change and a developer applies it protects the zoning. Even though the laws may change, the vested rights ordinance keeps it under the same guidelines.

A motion was made by Mayor Pro Tem Sommers to approve item C. The motion was seconded by Councilman Mattli, with all in favor.

Councilman Pezzulli asked what the reasoning was for the request on the extension. Mr. Godwin responded that the preliminary plat was approved. Within the six months, the allotted time to submit the final plat, the developer requested an extension for the final plat submittal. Mr. Pezzulli responded that he strongly opposes the extension. Mr. John Bull from Dowdy Anderson commented that the delay was caused from adjusting the fire lanes as well as some issues with some of the adjacent property owners. However, at this time, they are ready to prepare the final plat without any changes and there are no other outstanding issues. Mayor Pro Tem Sommers stated that normally they see the final plat shortly after the preliminary plat is approved. Mayor Pro Tem Sommers expressed her concern is that the construction may be wrong and would like to re-visit the preliminary plat before approving the final plat. Councilman Pezzulli agreed.

A vote was taken to approve a preliminary plat extension for Hawks Wood Phase 2. There were two in favor and three opposed, thus the extension was denied.

<u>REVISED CONCEPT PLAN: VILLAGE AT FAIRVIEW:</u> Conduct a public hearing and consider approval of a Revised Concept Plan for the Village at Fairview.

Mr. Clary, Director of Economic Development, introduced this item stating that minor changes are in the revised concept plan. These changes include: minor revisions in the layout for multi-family units and associated parking areas, redesign of multi-family unit shown north of the hotel/convention center to eliminate the previously shown parking structure at that location, and provisions for direct pedestrian access from hotel/convention center to the town park.

Mayor Israeloff opened discussion to the public. No comments were made.

Mayor Israeloff opened discussion to council members. Mayor Pro Tem Sommers asked where the parking is located due to the elimination of the previously shown parking structure. Mr. Clary responded that it is ground level so there is no longer a 'parking' structure.

Councilwoman Price made a motion to approve the Revised Concept Plan for the Village at Fairview. The motion was seconded by Councilman Pezzulli, with all in favor.

FINAL SITE PLAN: VILLAGE AT FAIRVIEW: Conduct a public hearing and consider approval of a Proposed Final Site Plan for Village at Fairview Phase II.

Mr. Clary introduced this item by stating that at the previous Planning and Zoning meeting, the Commissioners reviewed the revisions made to the site plan and after discussing changes and several additional points, the Commission unanimously voted to recommend approval subject to the following conditions:

- Submission of an alternative recommended paint color palette for Phase 2b building elevations to town staff consistent with the overall Village at Fairview color themes.
- Providing some additional trim details on the outside walls of Phase 2a buildings and providing some variation in the stone work on the buildings.
- Elimination of the proposed 6' wood fence along the Phase 2a site perimeter adjoining the future hotel/convention site and replacement with landscaping, tubular steel fence, a 'combination fence' per CPDD residential guidelines or a combination of the above elements.
- Submission of a lighting plan in accordance with the Fairview town lighting ordinance.

Mayor Israeloff requested any public discussion. Mr. David Stautz, MG Herring Group, stated that they have worked with Fairfield Residential since the project started and due to the size of the project, they have made a number of changes and feel that the changes have all been adjusted to accommodate and meet the requests to keep everything working together. Mr. Stautz commented that the architect, JPRA has reviewed the design and it is very harmonious to the overall design.

Mr. Gar Herring, MG Herring group, stated that he is very pleased with the overall project.

Mr. Larry Lee with Fairfield Residential stated that he has followed the process and they have met with the various town departments to meet all the requirements. They have taken all the comments they have received and made those changes. Mr. Lee stated that they have increased the detail adding additional trim work, arches to some windows along with woodwork and changing the color palette from building to building to give more of a 'custom' look. Mr. Lee stated that he submitted a building footprint to the Planning and Zoning commission that reflects that the buildings are not flat and does reflect some visual movement.

Mr. Bill Wells, 571 Bluebonnet Lane, stated that there were many changes from the fences to trim detail and various other details. Mr. Wells, Chairman of the Planning and Zoning Commission stated that the commissioners of Planning and Zoning feel that these units are the first of many and would like them to be done correctly. Mr. Wells commented that he has reviewed the third set of changes and the revisions meet all the conditions set by the Planning and Zoning Commission.

Mayor Israeloff opened discussion to council members. Mayor Pro Tem Sommers asked if the last set of changes went before the Planning and Zoning Commission. Mr. Clary responded that they did not, but they had asked for Mr. Wells to review. Councilwoman Price asked if a new color palette had been submitted and a style picked. Mr. Lee commented that the two different phases have two different styles and color palettes to distinguish them from one another. Mayor Israeloff asked if one or two of the conditions had been met, if there were any other pending conditions other than the lighting and the color palette for phase 2b. Mr. Clary responded that the conditions had been met.

Councilman Mattli asked if the roofing was comprised of composite shingles. Mr. Lee responded that the phase 2a clubhouse will have a tile roof to set it apart from the others, but the remaining buildings would have composite roofing. Mr. Lee added that the phase 2a clubhouse will serve a larger population and will be a two-story clubhouse and phase 2b will serve a smaller population and will be only a one-story clubhouse. Both clubhouses will have pools and outdoor recreation and connected with the trails, park, and retail area. Councilwoman Price asked what will be included in the park amenities. Mr. Herring responded that there will be a water feature whether it is a fountain or something similar.

Mayor Pro Tem Sommers asked if the lighting plan has been submitted to town staff and what happens when or if a waiver or exception is requested. Mr. Clary responded that it would be submitted back to Council for review.

Mayor Pro Tem Sommers made a motion to approve the Final Site Plan for the Village at Fairview Phase II. The motion was seconded by Councilwoman Price, with all in favor.

WILLOW POINT ESTATES: Consider approval of a final plat for the Willow Point Estates subdivision.

Mr. Efrussy introduced this item by stating that Mr. Choudhury submitted his landscape plan to Planning and Zoning on June 5, 2007. The landscape plan was revised and eliminated the red-tip photenia and increased the variety of plant material from two to five species. The Planning and Zoning Commission unanimously approved this item. The final plat meets all requirements and is being recommended by town staff for approval.

Mayor Israeloff opened discussion to council members. Mayor Pro Tem Sommers stated that she is disappointed that the property has not been annexed. She commented that it was her understanding that it would be annexed by the time the final plat was submitted. Mr. Choudhury responded that he knows and understands that it will be annexed in October, 2007 and due to the time constraints he won't feasibly be able to do any start of construction until September or October of 2007, but at the same time he is not ignoring the issue. Councilman Pezzulli asked if the applicant had decided or came up with any price points for the houses. Mr. Choudhury responded that he has and that an average house will cost around $800,000. Mr. Efrussy noted that when the property is annexed that Mr. Choudhury will be building under town codes and will have to comply with the town 100%.

A motion was made by Councilman Pezzulli to approve the final plat of the Willow Point Estates subdivision. The motion was seconded by Councilwoman Price, with all in favor.

WARD PROPERTY: Conduct a public hearing and consider zoning of property known as the Ward Property consisting of 2.62 acres, generally located south of and adjacent to Country Club Road (FM 1378) and west of and adjacent to Stoddard Road, to the One-Acre Ranch Estate Zone (RE-1).

Mr. Efrussy introduced this item stating that the next five agenda items are annexed but unzoned properties. The subject property is contiguous to properties that are currently zoned RE-1. The Future Land use Plan within the Comprehensive Plan indicates that this subject property is classified as Residential Estate. The Planning and Zoning commission unanimously approved this item on July 26, 2007.

Mayor Israeloff opened discussion to the public. Glenn Wieghat, 911 Stoddard Road, asked why the zoning on this property is recommended at RE-1. Mr. Efrussy responded that single family detached houses on large country lots between one to 1.99 acres are classified as Residential Estate and therefore are zoned RE-1.

Mayor Israeloff opened discussion to council members. No comments were made.

A motion was made by Mayor Pro Tem Sommers to approve the zoning of property known as the Ward property consisting of 2.62 acres, generally located south of and adjacent to Country Club Road (FM 1378) and west of and adjacent to Stoddard Road, to the One-Acre Ranch Estate Zone (RE-1). The motion was seconded by Councilwoman Price, with all in favor.

TAYLOR CUSTOM BUILDERS: Conduct a public hearing and consider zoning property known as the Taylor Custom Builders property consisting of 4.79± acres, generally located east of and adjacent to Meandering Way, north of Rushing Water Court, and northwest of Creekwood Drive North, to the Two-Acre Ranch Estate Zone (RE-2).

Mr. Efrussy introduced this item stating that the Future Land Use Plan within the Comprehensive Plan indicates that these subject properties are classified as Residential Estate Country, for single family detached houses on large country lots minimum of two acres in size. The Planning and Zoning commission unanimously approved this item.

Mayor Israeloff opened discussion to the public. There were no comments made.

Mayor Israeloff opened discussion to council members. Councilwoman Price asked if the total property owned by the owner was 40± acres, but they were only looking at the zoning of three parcels. Mr. Efrussy responded that that was correct. The three parcels are annexed, but unzoned, but are owned by the same owner. They are all connected and the remaining parcels will be annexed in October, 2007.

A motion was made by Councilman Pezzulli to approve the zoning of property known as the Taylor Custom Builders property consisting of 4.79± acres, generally located east of and adjacent to Meandering Way, north of Rushing Water Court, and northwest of Creekwood Drive North, to the Two-Acre Ranch Estate Zone (RE-2). The motion was seconded by Councilman Mattli, with all in favor.

POLLARD PROPERTY: Conduct a public hearing and consider zoning property known as the Pollard property consisting of 4.8± acres, generally located east of and adjacent to Meandering Way, north of Rushing Water Court, and northwest of Creekwood Drive North, to the Two-Acre Ranch Estate Zone (RE-2).

Mr. Efrussy introduced this item stating that this property contains one house and two accessory buildings. The Future Land Use Plan within the Comprehensive Plan indicates that this subject property is classified as Residential Estate Country and the recommended zoning for this subject property is RE-2.

Mayor Israeloff opened discussion to the public. No comments were made.

Mayor Israeloff opened discussion to the council members. No comments were made.

A motion was made by Councilman Cunningham to approve the zoning of property known as the Pollard property consisting of 4.8± acres, generally located east of and adjacent to Meandering Way, north of Rushing Water Court, and northwest of Creekwood Drive North, to the Two-Acre Ranch Estate Zone (RE-2). The motion was seconded by Mayor Pro Tem Sommers, with all in favor.

PASCALE PROPERTY: Conduct a public hearing and consider zoning property known as the Pascale property consisting of 3.1± acres, generally located east of and adjacent to Meandering Way, north of Rushing Water Court, and northwest of Creekwood Drive North, to the Two-Acre Ranch Estate Zone (RE-2).

Mr. Efrussy introduced this item stating that this property is classified as Residential Estate for single family detached housed on large country lots between one to 1.99 acres in size. The zoning of this property will provide for further zoning consistency in the subject area, and the Comprehensive Plan can be amended at a later date to reflect changes in land use. The Planning and Zoning Commission unanimously approved this item with a recommended RE-2 zoning.

Mayor Israeloff opened discussion to the public. Mr. Bill Wells, 571 Bluebonnet Lane, asked council to revisit this subject area and that the zoning of these properties be zoned according to the surrounding properties. Mr. Wells noted that in order to keep the consistency in the zoning that the town will need to amend the Comprehensive Plan.

Mayor Israeloff opened discussion to the council members. Mayor Pro Tem Sommers asked if this subject property was more than three acres. Mr. Efrussy responded that overall it is more than three acres, but is currently unannexed.

A motion was made by Councilwoman Price to approve the zoning of property known as the Pascale property consisting of 3.1± acres, generally located east of and adjacent to Meandering Way, north of Rushing Water Court, and northwest of Creekwood Drive North, to the Two-Acre Ranch Estate Zone (RE-2). The motion was seconded by Councilman Mattli, with all in favor.

Mr. Godwin asked if item 13, the Town of Fairview property be delayed until further discussion.

ENVIRONMENTAL COMMITTEE: Discuss creation and duties of an ad hoc environmental advisory committee.

Mr. Godwin introduced this item stating that at the council meeting held in July, council briefly discussed environmental issues and ways to move the town forward in this area. One possibility was the creation of an ad hoc environmental committee that could meet for a specified period of time and then report back to the council for specific recommendations.

Councilman Pezzulli stated that this is an important issue and that moving towards being "green" in technology such as using solar panels to aid in conserving energy is a great way for the town to be thinking.

Councilwoman Price asked if this would be an on-going committee and if setting more targeted guidelines would be needed and if council members would be able to serve on the committee. Councilwoman Price asked that as new buildings were built within the town and if they incorporate "green" technology, that possible rebates be offered to residents whom incorporate this into their home(s).

Mr. Godwin stated that some cities do have long term Environmental Committees and the town could certainly consider this committee to be long term and would strongly encourage anyone with expertise or ideas to serve on the board and council members can be included.

APPOINTMENTS TO BOARDS & COMMISSIONS: Consider appointment of individuals to serve on various citizen boards and commissions.

Councilman Pezzulli stated that he called Mr. Sims, a last minute applicant with an interest in the Planning and Zoning Commission. Councilman Pezzulli commented that Mr. Sims has a military background and seems to be a forceful individual.

Councilman Cunningham stated that he communicated with Mr. Westburg, an applicant with an interest in the Planning and Zoning Commission, but is willing to serve on any board the council deemed appropriate.

Mayor Pro Tem Sommers asked if the applicants were registered voters and how long they have lived in the area. Mr. Godwin stated that the application did not ask for that information, but would place on further applications due to that the resident must be a registered voter in order to serve on a board and/or commission.

Mayor Israeloff asked council to go through each board and/or commission and make motions to appoint new members.

- Economic Development Corporation and Community Development Corporation

Councilman Cunningham made a motion to reappoint Eugene Byrne, Chuck Williams and Diana Morris and not to reappoint Jim Smith and Michael Mints. The motion was seconded by Mayor Pro Tem Sommers, with all in favor.

Councilman Cunningham made a motion to appoint Warren Westburg to EDC. The motion was seconded by Councilman Pezzulli, with all in favor.

Councilman Cunningham made a motion to appoint Virginia Fisher to EDC. The motion was seconded by Mayor Pro Tem Sommers, with all in favor.

Mr. Godwin stated that the Economic Development Corporation will elect their own president.

- Parks and Recreation

Councilwoman Price made a motion to reappoint Keith Steiner, Donna Pekarek, and Paul Westbrook. The motion was seconded by Councilman Pezzulli, with all in favor.

No further positions to appoint.

- Board of Adjustments

Councilman Pezzulli made a motion to reappoint Gene Harrington. The motion was seconded by Councilwoman Price, with all in favor.

There is currently one open position on BOA. The council will appoint another member at the next council meeting.

- Planning and Zoning

Councilman Pezzulli made a motion to reappoint Bill Wells, Brayton Campbell, and Renee Powell. The motion was seconded by Councilwoman Price, with all in favor.

There is currently one open position on Planning and Zoning. The council will appoint another member at the next council meeting.

- Historical Committee

Councilwoman Price made a motion to reappoint Gay Kiser, Jan Samuels, and Sim Israeloff. The motion was seconded by Councilman Cunningham, with all in favor. Mayor Israeloff abstained from the vote.

Councilwoman Price made a motion to appoint Chester Shippy as Ex Officio. The motion was seconded by Councilman Cunningham, with all in favor.

ENGINEERING ANNUAL REPORT: Receive annual engineering department report.

Mr. Chancellor, Town Engineer, discussed current and ongoing projects. Mr. Chancellor touched on the following:

- Flood Plain Administration- The town submits a biennial report to FEMA on number of structures currently in the flood plain and continue to encourage the use of FH zoning as described in Chapter 154 of the town's zoning ordinances.

- Geographical Information Systems – Matt Donnell, Special Projects Coordinator, currently taking a GIS course that will allow him to update and implement maps and addressing. A new GIS field data collector was purchased to locate fire hydrants, water valves, sewer manholes, etc. to accurately project them on town maps and aid in coordinating with the fire department on data collection.

- Construction Inspection – Chad Green, inspector, continues to do a good job inspecting town CIP and developer projects.

- Private development plan reviews – The town is currently reviewing the MG Herring project, Hawkswood, phase 2, Willow Point Subdivision, LoveJoy ISD elementary and middle schools, Creekwood UMC, Fairfield apartments, and Grenadier town homes.

- Drainage Projects – The Affirmed Lane project is near completion, large culvert end walls to prevent erosion under Meandro Rio was done in-house by Aron Holmgren, Public Works Manager and staff, as well as Beaver Run park and the Fairview Meadows drainage project which enable the town to cut costs. Seattle

Slew is set to be worked on in the new budget year with this street area being a high priority.

- Engineering Design Work- The town currently uses three consultant firms that consist of KSA Engineers, Kimley-Horn Associates, and Granthem and Associates.
- TxDot – Stacy Rd from SH5 to US75 has come off-system, Coordinating with City of Allen on Stacy Rd design from SH5 to Meandering Way, DART RR bridge removal (TxDot ready, waiting on DART), SH5 re-alignment (TxDot ready, waiting on DART to remove tracks from freight rail system, currently leased), signalization approved at Stacy East/FM 1378, and left-turning issues on SH5.
- Building Inspections – The Engineering Department now oversees the building inspections, coordinates with town's fire department and town's 3rd party fire inspector, and hired and coordinating with Bureau Veritas to perform plan reviews and inspections for the M.G. Herring project.

DEVELOPMENT PROJECTS & ORDINANCES: Town Manager's monthly report on development and ordinances. Mr. Godwin highlighted a few of the developments within the town:

- Paul Billingsley: Site on Meandering Way to P&Z and park board for discussion only; apparently re-sold; no activity anticipated.
- LISD: Middle school and elementary school construction both on-going; working on lighting compliance. Stoddard Road engineering almost complete. Need to fund turn lane off FM 1378 at Stoddard.
- Red barn site: Skorburg apartment site has been re-sold; developer considering seniors housing.
- Miscellaneous zonings: Planning and Zoning to consider numerous miscellaneous never-before-zoned areas each month, taking those most in danger of development first. They are set to be annexed in October, 2007.

CITIZENS INPUT: Mayor stated that anyone wishing to speak at this time to state their name and address for the record and to remember that no formal discussion or action may be taken on these items at this meeting. No comments were made.

EXECUTIVE SESSION: At 9:43 pm the council reconvened back into executive session to finish discussing item C, Real Estate and item D, Personnel- Town Manager.

At 10:46 pm Mayor Israeloff reconvened back into the regular session.

TOWN OF FAIRVIEW PROPERTY: Conduct a public hearing and consider zoning property owned by the Town of Fairview consisting of 27.593 acres, generally located west of and adjacent to Meandering Way, north of Countryside Drive, east of Cypress Crossing subdivision, and south of Cabernet Court, to the Two-Acre Ranch Estate Zone (RE-2).

Mr. Godwin introduced this item explaining the possible sale of three 3-acre residential parcels that are within this subject property.

Mayor Israeloff opened discussion to the public. No comments were made.

Mayor Israeloff opened discussion to council members. No comments were made.

A motion was made by Mayor Pro Tem Sommers to approve zoning of property owned by the Town of Fairview consisting of 27.593 acres, generally located west of and adjacent to Meandering Way, north of Countryside Drive, east of Cypress Crossing subdivision, and south of Cabernet Court, to the Two-Acre Ranch Estate Zone (RE-2). The motion was seconded by Councilman Mattli, with all in favor.

ACTION NECESSARY FROM EXECUTIVE SESSION: No action required or taken.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 10:49 p.m.

Sim Israeloff

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni

Michelle Lewis Sirianni, Interim Town Secretary

TOWN OF FAIRVIEW