

**TOWN COUNCIL MEETING
MINUTES
January 8, 2008**

The Town Council met in regular session on Tuesday, January 8, 2007 at 6:30 P.M. at Town Hall, 500 S. State Highway 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Carolyn Sommers, Council Members Jim Cunningham, Ron Kasian, Michael Pezzulli, Anton Mattli, and Mary Price; Town Manager John Godwin, Special Projects Coordinator Matt Donnell, Town Engineer James Chancellor, Economic Development Coordinator Ron Clary, Public Works Manager Aron Holmgren, and Town Secretary Michelle Lewis Sirianni.

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, and Real Estate.

At 7:40 pm Mayor Israeloff reconvened into the regular session and requested everyone to stand for the Pledge of Allegiance.

CONSENT AGENDA: All items listed under the 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 December 4 regular council meeting. B) Approve an ordinance providing for the refund of certain utility account deposits. C) Approve an ordinance creating a construction zone speed of 40 mph on Stacy Road between US 75 and SH 5. D) Approve a resolution authorizing the condemnation of 0.5 acres at the southeast corner of Red Oak Trail and FM 1378 for purposes of constructing an elevated water storage tank. E) Approve a resolution requesting TXDOT to reduce the speed limit on FM 1378 near the new middle school. F) Approve a resolution requesting TXDOT to construct turn lanes on Stacy Road at Old Stacy Road and at Oakwood. G) Approve a resolution authorizing the town manager to execute a LPAFA for ramp reversals on the northbound US 75 frontage road between Stacy Road and Ridgeview. H) Approve a resolution supporting the new NTTA design for the US 75/ SH 121 interchange. I) Approve naming the planned new park in The Village at Fairview.

Mayor Israeloff requested to pull item D. Councilwoman Price requested to pull item D and item B. Councilman Mattli requested to pull item H.

Councilwoman Price made a motion to approve items A, C, E, F, G and I. Seconded by Councilman Pezzulli, with all in favor.

Councilwoman Price requested to pull item B and D for further discussion. Councilwoman Price commented that in regards to the proposed refunding of water deposits, should the wording of 'no delinquency of any type' be changed to possibly 'no more than X amount of delinquencies'? Councilwoman Price stated that in her opinion if a resident goes on vacation or misses payment by one day that they should not be penalized for the refunding of their deposit. Councilman Cunningham asked from an administrative standpoint, if accounts could be looked at from an individual basis. Councilman Mattli suggested that thirty days would be better than a twenty-four month period. Mr. Godwin responded that it would be difficult administratively to process on an individual basis and could be very time consuming. Mr. Godwin commented that if a resident is on vacation or out of town and they happen to miss payment by a day or so that as long as they make their case, that they will not be penalized. Mr. Godwin suggested that the twenty-four month period could be shortened to a twelve month period. Mayor Israeloff asked the council if they would be in agreement with the twelve month cycle.

Councilman Pezzulli made a motion to approve an ordinance providing for the refund of utility account deposits after a twelve month period. Seconded by Councilwoman Price, with all in favor.

Mayor Israeloff requested to pull item D for further discussion. Mr. Godwin introduced this item stating that the town's five year plan is to build a new elevated water storage tank. The town-owned land at Stacy and FM 1378 is not a workable site for several operational reasons, so the town needs to purchase property much farther north on or near FM 1378. The property identified with this item at Red Oak Trail and FM 1378 has been unsuccessful in negotiating a sale price for the site and after receiving a certified appraisal; the town was directed by the council to pursue a parcel only large enough for the tower and its equipment. Mr. Godwin commented that condemnation authorizes staff to make offers and the town attorney to make final offers. Mr. Godwin noted that cities are exempt from public hearings in regards to real estate, which allows the town to negotiate in a more private manner. Mr. Godwin noted that at this time, the town recommends passing over this item due to it not being a favorable site due to price.

Mayor Israeloff asked if the SE parcel has been taken off as a possible location or is it reserved. Mr. Godwin responded that he hates to say never, but other sites are being considered for purchase and the cost to build is being equally considered.

Councilman Pezzulli made a motion to disapprove a resolution authorizing the condemnation of 0.5 acres at the southeast corner of Red Oak Trail and FM 1378 for purposes of constructing an elevated water storage tank. Seconded by Councilman Kasian, with all in favor.

CITIZENS INPUT: Mayor Israeloff 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.

Sarah Shahbazian, 1161 Kempton Park Lane, asked if the town has addressed building the water tower in the air space at McKinney airport. Mr. Godwin responded that due to the size of the tower, it would not interfere with the flight space/path.

Keith Hoover, 1200 Rowley Mile, stated that he appreciates the efforts of the town and understands the need for water, but asked if they have considered a different approach when notifying the tax payers or an alternate way to involve citizens.

Bill Childs, 1200 Red Oak Trail, stated that he also appreciates the town's efforts with the realization of how the appearance of the water tower seems intimidating when you start thinking about the size and where it may be located.

Mike Cullen, 1371 Camino Real, commented that he would like to see more open discussion on the topic.

Glen Sparks, 1180 Red Oak Trail, asked for explanation of the detail in regards to the resolution and if it has been completely removed. Mayor Israeloff responded that the resolution is no longer recommended for this site, but the area could be re-considered at a later date.

Lonnie Duncan, 760 Country Club Road, commented that she understands the need for water tower, but asked if there were other options and/or trade-offs.

Dave Fox, 1260 Red Oak Trail, commented that he understands the need for the water tower, but would like to know more about the procedure in determining the location. Mr. Godwin responded that authorization for condemnation is used as a negotiating tool and is usually discussed in executive sessions. Mr. Godwin noted that if the town announces a location, then it isn't conducive for land owners. Mr. Godwin noted that the process for the residents is that it has to be voted on in a public hearing. Mayor Pro Tem Sommers added that it is presented to council and then comes back to council again so that the town attorney can proceed with an offer.

John Haynes, 1221 Red Oak Trail, asked if building the water tanks underground has been considered. Mr. Godwin responded that the town has to meet certain state requirements for above ground storage.

Steve Arnold, 1240 Red Oak Trail, asked if other areas down Hart Road or near the school have been considered for the water tower. Mr. Godwin responded that other areas are being considered, but no particular area has been identified at this point in time.

Ross Fasolino, 1380 Camino Real, requested that the town try to make the water tower as appealing to the eye as possible.

Richard Ellison, 1160 Rowley Mile, commented that no one wants the water tower. Mr. Ellison asked if the water tank would be owned by the town and how does the elevation affect the placement of the water tower.

Tina Hardison, 1280 Camino Real, commented that there is a lot of development, which in turn is increasing traffic, but not seeing any road improvements. Mrs. Hardison asked if there were plans for the roads to be expanded. Mr. Godwin responded that 'yes' there are plans for the roads to be expanded and Stacy Road work was scheduled to start right after the Thanksgiving holiday, so should be anytime based on what has been communicated with the town.

Mayor Israeloff thanked everyone for their comments and appreciates their feedback.

Mayor Israeloff stated that there is one last item on the consent agenda that was pulled for discussion. Councilman Mattli asked to pull item H. Councilman Mattli asked if the planning and zoning commission have seen the design by NTTA and are they in favor of the sign. Mr. Godwin responded that they have not seen the design. Mr. Godwin commented that all the property owners were notified as well as met privately and they were all in agreement. Mr. Godwin noted that the design itself is an improvement for Fairview. Mr. Godwin requested to approve the resolution without an effective date.

Councilman Pezzulli made a motion to approve a resolution without an effective date supporting the new NTTA design for the US 75/ SH 121 interchange. Seconded by Councilman Mattli, with all in favor.

VAN WATKINS PROPERTY: Conduct a public hearing and take action regarding zoning property that is annexed and unzoned, commonly known as the Van Watkins property, consisting of 7.57 acres, generally located west of and adjacent to Country Club Road (FM 1378), south of and partly adjacent to Stone Creek Drive, and east of Maple Creek Drive, to the One-Acre Ranch Estate Zone (RE-1).

Mr. Donnell introduced this item stating that the Future Land Use Plan within the Comprehensive Plan indicates that this subject property is classified as Residential Estate. Mr. Donnell noted that although this property is 7.57 acres, the planning and zoning commission believes that zoning this property RE-1 will provide for further zoning consistency in the subject area.

Mayor Israeloff opened discussion to the public. Mike Cullen, 1371 Camino Real, commented that this piece of property contains ground storage and if the zoning should accommodate the town, then would it be a possible site for a future water tower. Mr. Godwin responded that this would not be a possible site.

Mayor Israeloff opened discussion to the commission members. There were no additional comments.

Councilman Kasian made a motion to approve the zoning of property that is annexed and unzoned, commonly know as the Van Watkins property, consisting of 7.57 acres, generally located west of and adjacent to Country Club Road (FM 1378), south of and

partly adjacent to Stone Creek Drive, and east of Maple Creek Drive, to the One-Acre Ranch Estate Zone (RE-1). Seconded by Councilman Cunningham, with all in favor.

LANDMARK DESIGNATION ON THE OLD FITZHUGH MILL SITE: Conduct a public hearing and take action on a recommendation to approve landmark designation on the old Fitzhugh mill site.

Mr. Godwin introduced this item stating that the next three items are possible landmark designations. Mr. Godwin notes that landmark designation simply means that before a landmark is demolished, significantly modified, or moved, the property owner must return to the town and receive a certificate of appropriateness. The owner simply cannot demolish, modify, or move the landmark without the town's agreement.

Mr. Godwin stated that the Old Fitzhugh Mill is located in the far eastern area of the town near CR 323. The mill site dates back to the 1850's, although materials remaining there now come from an early 1900s mill. The property owner was present with the historical commission when the site was unanimously voted for recommendation of landmark designation, but he did not address the commission.

Councilman Kasian asked what the property owners can and can not do if the site(s) are designated as landmarks. Mr. Godwin responded that once a site or structure is designated, there is no public acquisition, no requirement for public access, and no change of usage or ownership. Mr. Godwin noted that the property owners have been notified and may look to keep the mill site private, but the possibility to have the other two sites open to the public.

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

Mayor Israeloff opened discussion to the commission members. There were no additional comments.

Mayor Pro Tem Sommers made a motion to approve the landmark designation on the old Fitzhugh mill site. Seconded by Councilman Kasian, with all in favor.

LANDMARK DESIGNATION ON THE OLD "BUSH SPRINGS" DAM: Conduct a public hearing and take action on a recommendation to approve landmark designation on the old "Bush Springs" dam.

Mr. Godwin stated that dam is located east of SH 5 on the Kendall property. This structure appears to date to the early to mid-twentieth century and was unanimously voted for recommendation of landmark designation.

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

Mayor Israeloff opened discussion to the commission members. There were no additional comments.

Councilwoman Price made a motion to approve the landmark designation on the old "Bush Springs" dam. Seconded by Councilman Kasian, with all in favor.

LANDMARK DESIGNATION ON THE OLD RAILROAD ARCHED BRIDGES & CISTERN: Conduct a public hearing and take action on a recommendation to approve landmark designation on the old railroad arched bridges and cistern.

Mr. Godwin stated that two arched railroad bridges and a cistern date to the early twentieth century. The structures are located at the intersection of Sloan Creek and the DART-owned tracks. Mr. Godwin noted that the property owner, David Petefish was present with the historical commission when the site was unanimously voted for recommendation of landmark designation.

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

Mayor Israeloff opened discussion to the commission members. There were no additional comments.

Councilman Pezzulli made a motion to approve the landmark designation on the railroad arched bridges and cistern. Seconded by Councilman Cunningham, with all in favor.

VILLAGE AT FAIRVIEW FINAL PLAT: Conduct a public hearing and take action regarding a replat of Lot 1 Block A of The Village at Fairview final plat, consisting of 37.18 acres, generally located north of Stacy Road, west of SH 5, and south of the Villas in the Park subdivision.

Mr. Clary introduced this item stating that based on the now approved Fairfield Residential multi-family site plan, Lot 1, Block A, is being subdivided and proposed replatting with separate lots (Lots 1R, 2R, 3R, 4R, and 5R) for multi-family units, the hotel/convention center and the dedicated town park respectively. The replat is consistent with the project's approved Concept Plan and approved Village at Fairview Final Site Plan and the Fairfield Residential Final Site Plan.

Mayor Israeloff opened discussion to the public. A resident of Fairview asked if the traffic has been considered. Mr. Clary responded that traffic studies were done, but this action doesn't change anything, but merely is establishing property lines.

Mayor Israeloff opened discussion to the council members. There were no additional comments.

Councilman Mattli made a motion to approve the replat of Lot 1 Block A of The Village at Fairview final plat, consisting of 37.18 acres, generally located north of Stacy Road, west of SH 5, and south of the Villas in the Park subdivision. Seconded by Councilman Cunningham, with all in favor.

PUBLIC WORK MANAGER ANNUAL REPORT: Receive annual report from the public works manager.

Aron Holmgren, public works manager made a presentation regarding the public works department.

Mr. Holmgren touched on the following:

- Drainage:
 - Rebuilt Montecito Bridge
 - Briardale Cul-de-sac
 - Beaver Run Park- Graded drainage channel, placed 80 tons of rock, and installed culverts under walking trails
 - Affirmed Lane – Installed 10 culvert inlets and laid four pallets of sod.
- Streets:
 - Asphalt repairs totaled 308 tons of asphalt
 - Concrete repairs totaled 67 Cu. Yards
 - Tree Removal totaled 250 Cu. Yards
 - Street Signs replaced – 21
 - Mowing of right of way areas and debris removal
- Parks:
 - Monarch – Planted 40 trees, installed irrigation system, built sundial and planters, installed Monarch Park Sign, and seeded the park.
 - Beaver Run – Removed 30 Cu. Yards of brush and debris from the walking trails, seeded the park, installed the “Iron Beaver” statue and planters, planted 6 trees, and installed Beaver Run park sign.
- Water/Wastewater:
 - Work Orders – Approximately 2, 500 work orders completed
 - Meter Reading – Completed Radio Read Installation and programmed 1, 500 retrofits
 - Water taps installed – 6
 - Fire Hydrants – 3 Hydrants replaced and 16 Hydrants repaired/rebuilt
 - Major Water Breaks – 5

- Facility Maintenance – replaced two pump motors at 1378 pump house, replaced transponder unit on ground storage tank, removed section of 1378 ground storage replaced hatch, rebuilt altitude valve at town hall elevated storage, replaced two floats at Sloan Creek Lift Station, and replaced three phase protectors.
- Code Enforcement: Mr. Holmgren commented that Robert White, the town's code enforcement inspector has been a valuable asset to his team.
 - Warning letters issued – approximately 50
 - Notice of Violation totaled 113
 - Citations issued totaled 24
 - Inspections – Swimming pools: 29 permits issued with 47 completions and Septic Systems: 37 permits issued with 24 completions.

DEVELOPMENT PROJECTS & ORDINANCES: Receive town manager's monthly report on development and ordinances.

Mr. Godwin stated that there were no new developments to report.

CITIZENS INPUT: Mayor Israeloff 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.

Leland Payne, 398 Parkvillage, commented on the recent tornadoes in Oklahoma and asked if the town's new alarm warning system was tested and/or operational. Mr. Godwin responded that he has received no update in the last six weeks from the Police Chief, but there were slight delays from contractor issues. Mr. Godwin noted that he will check on the status and update Mr. Payne with his findings.

Kelly Towery, 1160 Sloan Crossing, commented on hazardous waste. Mr. Towery stated that he had inquired with the town to see what residents can do with any hazardous waste materials. Mr. Towery stated that he was directed by town staff to contact Allied Waste, the town's contracted entity for waste disposal and or the Texas Commission on Environmental Quality website. At this time, Allied Waste does not pick up hazardous materials and the website listed several cities, but without the town being listed, they are unable to use the sites listed. Mr. Towery expressed that his main concern was if the town has a policy or plan to implement regarding hazardous waste disposal. Councilman Pezzulli responded that he will certainly take it up with the Environmental Committee.

Mr. Godwin also commented that there are several regulations and guidelines to follow, but the town is exploring their options.

Elizabeth Dean, 410 Oakwood Trail, asked what the name of the park in The Village at Fairview was named. Mr. Godwin responded that the name of the park is "The Village Green".

Ross Fasolino, 1380 Camino Real, asked when the completion of the widening of Stacy Road and ramp reversals would be completed. Mr. Godwin responded that The Village at Fairview project is targeted for a spring 2009 completion. The project may open before ramp reversals south of Stacy Road are complete, but not before Stacy Road itself is complete.

Jeanine Duncan, 760 Country Club Road, commented that she has lived in Fairview for a long time and that it is a neat place to live and has grown in many ways. Mrs. Duncan stated that she has also been very pleased with the police service.

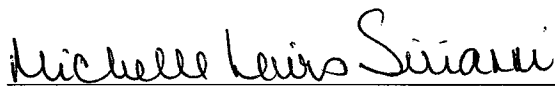
Mayor Israeloff thanked the residents for their comments and appreciates their feedback.

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

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 10:00 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

