TOWN COUNCIL MEETING
MINUTES
April 1, 2008

The Town Council met in regular session on Tuesday, April 1, 2008 at 6:30 P.M. at Heritage Ranch, 465 Scenic Ranch Circle, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Carolyn Sommers, Council Members Jim Cunningham, Ron Kasian, Michael Pezzulli, and Mary Price; Town Manager John Godwin, Special Projects Coordinator Matt Donnell, Planning Director Alan Efrussy, and Town Secretary Michelle Lewis Sirianni. Councilman Anton Mattli was out of town for business.

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

EXECUTIVE SESSION: At 6:36 pm the council recessed into executive session to discuss: McKinney versus Fairview, Economic Development, and Real Estate.

At 7:50 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 March 4, 2008 regular council meeting. B) Adopt an ordinance canceling the May 2008 general election. C) Appoint Mary Beth Willett as assistant prosecuting attorney.

Councilman Kasian asked to pull items A and B.

A motion was made by Councilman Kasian to approve item C. Seconded by Councilman Pezzulli, with all in favor.

Councilman Kasian requested an addition to a sentence in item A.

A motion was made by Councilman Kasian to approve item A as amended. Seconded by Councilwoman Price, with all in favor.

Councilman Kasian requested wording corrections to item B.

A motion was made by Councilman Kasian to approve item B as amended. Seconded by Mayor Pro Tem Sommers, with all in favor.

PRELIMINARY PLAN PROPOSED PC DISTRICT: Conduct a public hearing and take action regarding a Preliminary Plan for a proposed Planned Center District (PC), comprising a total of 73.08 acres, generally located east of Country Club Road (FM 1378), south of Sloan Creek, west of Kentucky Lane, and north of Stacy Road. This subject site includes property that is currently annexed but unzoned comprising 44.125 acres, and property that is currently zoned Agricultural Zoning District (AG) comprising 28.96 acres.

Mr. Godwin introduced this item stating that this item will be tabled with no action taken due to allowing the developer time to address several items requested by the planning and zoning commission. Mr. Godwin stated that the developer is addressing the number of lots, drainage improvements, a possible park area with open space, and the flood plain. The commission has also asked the developer to address the access road.

Mr. Godwin commented that the developer has added additional drainage work and open space area, which does not have to be done and is doing more than required by the town's requirements. Mayor Pro Tem Sommers added that she understands that the access road is a concern and protecting existing neighborhoods. Mayor Pro Tem Sommers would like to see alternatives other than going through existing access road.

ZONING KING PROPERTY: Conduct a public hearing and take action regarding the zoning of property that is annexed but unzoned, known as the King property comprising 8.7± acres, generally located west of Country Club Road (FM 1378), south of Stone Creek Drive, east of Elm Creek Drive and north of Cottonwood Place, 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 and is annexed but unzoned. Mr. Donnell stated that the property has contiguous ownership and has recommended zoning to the One-Acre Ranch Estate Zone (RE-1).

Mayor Israeloff opened discussion to the public. William Lynd, 925 Shoal Creek, asked if a water study was ever done in regards to run off issues and if the number of septic tanks ever affected the water supply. Mr. Efrussy responded that the town reviews all plans prior to any development to ensure it meets all subdivision regulations and applies zoning to properties to establish land use as well as to protect the town. Mr. Efrussy stated that the town has strict regulations on septic tanks that must be followed by the residents.

Mayor Israeloff opened discussion to council. Councilman Pezzulli commented that if the town does not zone properties then people can place non-conforming uses on their property. Mayor Israeloff added that the Future Land Use Map follows the town's long-range plan for zoning consistency.

Mayor Pro Tem Sommers made a motion to approve the zoning of property that is annexed but unzoned, known as the King property comprising of 8.7± acres, generally located west of Country Club Road (FM 1378), south of Stone Creek Drive, east of Elm Creek Drive and north of Cottonwood Place, to the One-Acre Ranch Estate Zone (RE-1). Seconded by Councilman Pezzullil, with all in favor.

ZONING LUCAS PROPERTY: Conduct a public hearing and take action regarding the zoning of property that is annexed but unzoned, known as the Lucas property, comprising 3.3± acres, generally located west of and adjacent to Country Club Road (FM 1378), south of Stone Creek Drive, east of Maple Creek Drive and north of Cottonwood Place, 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 stated that a portion of this property is zoned RE-1 and has contiguous ownership, which would aid in zoning consistency. Mr. Donnell stated that recommended zoning is RE-1 on this subject property.

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

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

A motion was made by Councilman Kasian to approve the zoning of property that is annexed but unzoned, known as the Lucas property, comprising of 3.3± acres, generally located west of and adjacent to Country Club Road (FM 1378), south of Stone Creek Drive, east of Maple Creek Drive and north of Cottonwood Place, to the One-Acre Ranch Estate Zone (Re-1). Seconded by Councilwoman Price, with all in favor.

ZONING FRY PROPERTY: Conduct a public hearing and take action regarding the zoning of the Fry property that is annexed and unzoned, comprising of 3.8± acres, generally located north of Stacy Road, south of Forest Oaks Drive, east of Hawkswood Drive, and west of Meandering Way, to the One-Acre Ranch Estate Zone (RE-1).

Mr. Donnell introduced this item stating that it was brought to staff's attention that all of the Fry property was not zoned. Mr. Donnell stated that the owner of this property lives directly north of and adjacent to the subject property, which is also zoned RE-1. Mr. Donnell stated that the recommended zoning of this subject property is RE-1, which would aid in zoning consistency.

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

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

A motion was made by Councilman Cunningham to approve the zoning of the Fry property that is annexed and unzoned, comprising of 3.8± acres, generally located north of Stacy Road, south of Forest Oaks Drive, east of Hawkswood Drive, and west of Meandering Way, to the One-Acre Ranch Estate Zone (RE-1). Seconded by Mayor Pro Tem Sommers, with all in favor.

AMENDMENTS TO ACCESSORY BUILDINGS: Conduct a public hearing and take action regarding amendments to accessory building requirements in residential zoning districts and in the Agricultural Zone (AG).

Mr. Efrussy introduced this item stating that town staff is recommending amendments to the current regulations pertaining to accessory buildings to provide further clarity and enforcement. Mr. Efrussy stated that the size of the accessory building is based on the zoning district with a set maximum square footage. Mr. Efrussy stated that a conditional use permit may be used to request a larger accessory building and that the town is making sure the structures have character consistent with the primary building.

Mayor Israeloff opened discussion to the public. William Lynd, 925 Shoal Creek, stated that there is a large metal building on Stacy Road. Mr. Lynd asked if this building was permitted. Mr. Efrussy stated that the height restriction is 30 feet, but the residents may ask for a larger building through a conditional use permit. Mayor Pro Tem Sommers asked if the material was acceptable and if this building meets the town's requirements. Mayor Israeloff stated that any existing accessory building will be permitted and that the new amendments would apply to any new requests.

Sylvia Hastedt, 10 Man O War Lane, expressed her concern for a building that is not built yet, but surpasses the size requirement. Mrs. Hastedt stated that the building is around 4,000 square feet.

Leland Payne, 398 Parkvillage Ave, asked if this applies to subdivisions. Mr. Payne stated that residents are approaching their homeowners association to build sheds for storage. Mr. Payne asked if the town was considering dealing with higher density subdivisions if these were approved. Mr. Efrussy responded that the amendments under discussion primarily deal with the area east of Hwy 5, but the staff would be pleased to address his concern.

Mayor Israeloff opened discussion to council. Councilman Cunningham stated that the 4,000 square foot building was not approved by the homeowner's association and asked if it was approved by the town. Mr. Efrussy responded that at the time of application, the building met town requirements. Mr. Efrussy commented that no commercial uses are allowed and that would be the same as home occupations. Councilman Cunningham asked if a homeowner's association regulation supersedes the town. Mr. Efrussy responded that if a residents request meets town requirements then it is up to the homeowners association to approve or disapprove the request.

Mr. Efrussy stated that there is a two building maximum for the accessory buildings and for any additional building that a resident may want; they may use the conditional use permit to request that building. Mr. Efrussy noted that the conditional use permit provides flexibility for the town to make conditions upon a request and to have additional control over the size of the accessory building(s).

Councilman Cunningham made a motion to approve amendments to accessory building requirements in residential zoning districts and in the Agricultural Zone (AG). Seconded by Councilman Pezzulli, with all in favor.

MASTER THOROUGHFARE PLAN: Consider changes to the master thoroughfare plan.

Mr. Godwin introduced this item stating that the master thoroughfare plan included a road connection from the intersection of Hart and Stoddard Road west to Sloan Creek Parkway. Mr. Godwin stated that since the adoption of the plan, the property owner, Chuck Williams, has expressed a preference for a roadway alignment that bisects the property, which will make the road shorter, so the town has no problems with the request. Mr. Godwin stated that typically the town would wait until a development plan is brought forth to make a final location decision, but the LISD needs to run a wastewater line from the future right-of-way as soon as possible for the new Puster Elementary School.

A motion was made by Councilman Cunningham to approve the changes to the master thoroughfare plan. Seconded by Councilman Kasian, with all favor.

MG HERRING WORKING HOURS: Consider a request from the MG Herring Group to permit alternative working hours.

Mr. Godwin introduced this item stating the there are no representatives from MG Herring in attendance, but would like to discuss possible interest in making changes to the working hours. Mr. Godwin stated that council may want to consider approving certain exemptions, especially during the summer months when a significant amount of concrete will be poured. Mr. Godwin noted that if council agrees to make exemptions, then he has advised MG Herring to appear at the next meeting.

Mayor Israeloff commented that exemptions could be placed based on certain types of construction that would be done with consideration of what is in the surrounding area(s) due to the noise that could be involved with an early start time or even considering an exemption for warm weather months.

Mayor Pro Tem Sommers asked if this consideration was only being applied to the MG Herring development area or will it also apply to other developers/builders. Mayor Pro Tem Sommers stated the noise ordinance should be followed to ensure surrounding

residents will not be affected. Mr. Godwin responded that any approved exemptions would have to be applied universally.

Councilman Cunningham asked if they will be allowed to work on Sundays. Mr. Godwin responded that no work will occur on Sundays at this time. Councilman Cunningham commented that the City of Allen does work on Sunday, but has restrictions and that it should possibly be considered due to the construction work that will occur on Stacy Road. Councilman Cunningham commented that in his opinion, this would be a better option due to traffic that builds up during the week.

Mayor Israeloff stated that council seems to agree that some exemptions could be made and asked staff to bring the item back to the next meeting.

MICROCONSTITUENTS IN PUBLIC WATER: Discuss status of microconstituents in public drinking water.

Mr. Godwin introduced this item stating that within recent weeks, the town has been in contact with the North Texas Municipal Water District. Mr. Godwin stated at this time, all water is fully compliant with safe drinking water standards. Mr. Godwin commented that science is now able to detect contaminants that previously went undetected, but have been in the water for quite some time. Mr. Godwin stated that NTMWD has not identified microconstituents in our local potable water.

Councilman Pezzulli stated that recent studies have revealed contaminants such as cosmetics and pharmaceuticals in drinking water causing people to ingest other people's contaminants. Councilman Pezzulli stated that long-term effects have not been determined. Councilman Pezzulli stated that possible ways or alternatives to deal with this are to use distilled water and use a reverse osmosis process inside the house for safer drinking water.

STACY ROAD IMPROVEMENTS: Discuss eastern Stacy Road improvements.

Mr. Godwin introduced this item by stating that the town plans to sell bonds that will come from the town and county in 2008 and 2009 that will allow the town to complete some reconstruction of Stacy Road. Mr. Godwin stated that the current plan calls for the town to complete some in-house leveling where the road has sunken, cooperating with Collin County to seal-coat the road and initiate design engineering for a reconstruction/widening of the road between FM 1378 and Thompson Springs in 2008. Mr. Godwin stated that staff would like to get direction/feedback from council on removing the rumble strips that were meant to slow traffic, but they are very loud for some neighbors; and the spending of the money to level and seal coat Stacy when the town will completely rebuild much of it in mid-2009.

Councilwoman Price asked what the cost would be for the town to level up and overlay part of Stacy Road as opposed to waiting for the county to help complete the improvements and if the money was guaranteed by the county for the funding of the project. Mr. Godwin responded that it could cost the town $10,000 dollars and the town would temporarily level out the road until the county could place the overlay on the road. Mr. Godwin stated that the funding for the project was voted on by the voters and that the town will receive half of the funds upfront and the other half at completion of the project.

Mayor Pro Tem Sommers stated that she wishes they would have finished last summer, but would like to see the town go through with the repair plan in 2008.

Councilman Cunningham expressed his concern with the traffic that could build as part of this project, especially with the increasing traffic on Stacy Road. Councilman Cunningham asked how long it would take to complete the project. Councilman Kasian asked in conjunction with how long it would take to complete, if the town would know ahead of time from the county when they would start construction. Mr. Godwin responded that the overlay would only take a few days and possibly a week to be completed, but did not know the county's repair schedule.

Consensus of the council was to remove the rumble strips off the road and to follow the current town plan for road improvements for 2008.

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

Mr. Godwin highlighted the following developments in the town:

- Rickman/Harper: Request presented to P&Z in February, tabled to March 27.
- Village at Fairview: Construction underway, including some above-ground work and some road paving.
- LISD: Middle school and elementary school construction both on-going; some problems with utilities relocation on Stoddard Road; set to open August 2008.
- Pleasantville: Retirement housing plan to P&Z for discussion in December, resubmission in March; to P&Z April 10, possibly to council on May 6.

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.

Leon West, 922 Grand Cypress, asked if there was a drainage ordinance. Mr. West expressed his concerns of the drainage on his property and how his neighbors' drainage is impacting his property with the water flowing onto his. Mayor Israeloff responded that the staff reviews all drainage concerns of a development before construction begins and that any concerns should be addressed to staff. Mayor Pro Tem Sommers added that the

town tries to prevent cross drainage as much as possible, but it is the biggest complaint by residents in the Heritage Ranch area.

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

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 9:45 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW