

**TOWN COUNCIL SPECIAL
MEETING MINUTES
July 22, 2008**

The Town Council met in special session on Tuesday, July 22, 2008 at 6:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Pro Tem Mary Price, Council Members Carolyn Sommers, Ron Kasian, and Michael Pezzulli; Town Manager John Godwin, Planning Director Alan Efrussy, Special Projects Coordinator Matt Donnell and Town Secretary Michelle Lewis Sirianni. Mayor Sim Israeloff and Councilmen Anton Mattli and Jim Cunningham were absent.

Mayor Pro Tem Price called the meeting to order at 6:45 p.m. and declared a quorum was present.

EXECUTIVE SESSION: At 6:45 pm the council recessed into executive session to discuss: Lawler versus Fairview and Real Estate.

At 7:10 pm Mayor Pro Tem Price reconvened into the regular session and requested everyone to stand for the Pledge of Allegiance.

SLOAN CREEK ESTATES PHASE III, PRELIMINARY PLAT: Conduct a public meeting and take action regarding a preliminary plat for Sloan Creek Estates Subdivision, Phase III, within the CPDD, located east of Highway 5, and north of Sloan Creek.

Mr. Godwin introduced this item stating that Jim Douglas, developer of Sloan Creek, has brought back his original site plan and submitted requests for preliminary and final plats. Mr. Godwin stated that during the review a few issues were identified. Mr. Godwin stated that the new phase III includes one additional lot, to make up for one lot not built in phase II. The town also advised the developer that the land set aside for the construction of a town lift station needed to be officially dedicated to the town through the plat. Mr. Godwin stated that Mr. Douglas was in agreement and the change was made. The last issue is one on which town staff and the developer has not reached an agreement. Mr. Godwin stated that the town has requested an additional 30' easement to the southern portion of the Lingle property in case vehicular or utility access is ever needed. Mr. Godwin stated that staff recommends that if the plat is approved as submitted that this will landlock and may cause problems later. Mr. Godwin stated that the definition of landlock varies since there is access over the creek on the east, but could end up being a liability for the town not to provide an access easement. Mr. Godwin stated that Mr. Douglas is a good developer and the town staff recommends the approval of the preliminary and final plats as submitted, but with the addition of a public access and utility easement of thirty feet in width.

Councilman Pezzulli stated that in regards to the 30' easement that if the easement is placed at the end of lots six and seven that it seems in his opinion there is plenty of space left in the back of these lots.

Jim Douglas, owner/developer, stated that he has brought back the plat that has been requested by planning and zoning and town council. Mr. Douglas stated that the preliminary plat does not have the roadway access because he doesn't feel he should be penalized by granting an access easement to Mr. Lingle's property. Mr. Douglas stated that in his opinion, he feels like he has done what was asked of him and now the town is asking for another change. Mr. Douglas commented that he acknowledged deeding the lift station, but may reconsider.

Mike Vannatta, 5141 Stream Crest Way, stated in his opinion, he is opposed to the access. Mr. Vannatta stated that he wanted the developer to add the additional five lots that was presented at one time. Mr. Vannatta stated that this would have brought more revenue to their HOA dues. Mr. Vannatta stated that since Mr. Douglas has brought back his original plan and that he agrees with the planning and zoning commission's recommendation to disapprove the access easement.

Joel Morin, 5137 Stream Crest Way, stated that he was told that there would only be one access road. Mr. Morin stated that in his opinion, the town council's responsibility should be to the residents not the developers.

Stephen Davis, 5145 Pond Crest Trl, stated that he left Dallas for crime, congestion and looking at concrete. Mr. Davis stated that he moved his family to Fairview to keep things simple, the quietness, less traffic and because there is little infrastructure. Mr. Davis stated he understands the need for infrastructure, but it is the developers risk not the residents.

Brian Lingle, owner of the neighboring property, stated that he initially purchased the property to be combined with Sloan Creek. Mr. Lingle stated that he worked with a different developer prior to Mr. Douglas acquiring the property, but has also worked with town staff to acquire the access utility easement without taking away from the proposed lots by Mr. Douglas. Mr. Lingle stated that he did not purchase the land to be landlocked, but rather the property was purchased for development.

Councilman Pezzulli asked if there was a possibility for Mr. Lingle to purchase one of the lots to have the access he needs. Councilman Pezzulli asked how wide the road has to be for fire access and if there have been any efforts between Mr. Douglas and Mr. Lingle to find a solution and resolve the issue. Mr. Douglas responded that he has tried on numerous occasions to resolve the issue and has even asked how much it would be to sell a portion of his property.

Councilwoman Sommers asked why the planning and zoning commission denied the access easement. Councilwoman Sommers stated the Mr. Douglas in her opinion has responded favorably to their requests. Councilwoman Sommers asked if there was access

from Pond View Lane and if Sloan Creek Parkway was extended to the east. Mr. Godwin responded that Pond View Lane is a public street and that Sloan Creek Parkway will be extended to Hart Road. Councilwoman Sommers stated that in her opinion, this item has gone through the planning and zoning commission and the issue of the access road has not changed. Councilwoman Sommers stated that in her opinion, it is time to move forward and approve this item. Councilwoman Sommers stated that at this time, she believes there are other alternatives for the access easement.

Mayor Pro Tem Price stated that Mr. Douglas has given access and in her opinion believes they should move forward on this plat too. Mayor Pro Tem Price added that it seems that Mr. Lingle does have access and because there is no plat for Mr. Lingle's property, there is no way of knowing what the outcome will be.

Shamim Choudhury, developer, stated that he had planned to buy land from Mr. Lingle. Mr. Choudhury stated that he looked at widening the property in two different areas to establish access with Mr. Douglas and/or the town. Mr. Choudhury added that he also talked to Mr. Douglas about an option to land swap.

Councilwoman Sommers made a motion to approve a preliminary plat as submitted without the Access Utility Easement for Sloan Creek Estates Subdivision, Phase III, within the CPDD, located east of Highway 5, and north of Sloan Creek. Seconded by Councilman Kasian, with all in favor.

SLOAN CREEK ESTATES PHASE III, FINAL PLAT: Consider and take action regarding the final plat for the Sloan Creek Estates Subdivision, Phase III, within the CPDD, located east of State Highway 5, and north of Sloan Creek.

Councilwoman Sommers made a motion to approve the final plat as submitted without the Access Utility Easement for the Sloan Creek Estates Subdivision, Phase III, within the CPDD, located east of State Highway 5, and north of Sloan Creek. Seconded by Councilman Kasian, with all in favor.

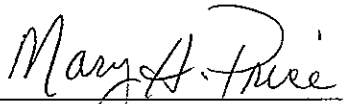
2008-09 BUDGET AND TAX RATE: Discuss the 2008-09 budget and tax rate.

Mr. Godwin introduced this item stating that he is willing to discuss the budget, but since not all members are present that council can choose if they'd like to discuss or not.

Councilman Pezzulli recommended that they wait to have all seven members present. The remaining members were in agreement.

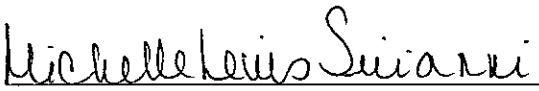
ACTION NECESSARY FROM EXECUTIVE SESSION: No action required or taken.

There being no other items for discussion, Mayor Pro Tem adjourned the meeting at 8:10 p.m.



Mary Price, Mayor Pro Tem

ATTEST:



Michelle Lewis Sirianni, Town Secretary

