TOWN COUNCIL REGULAR MEETING MINUTES
October 14, 2008

The Town Council met in regular session on Tuesday, October 14, 2008 at 7:00 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Mary Price, Council Members Jim Cunningham, Ron Kasian, Anton Mattli, Michael Pezzulli and Carolyn Sommers; Town Manager John Godwin; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; Assistant to the Town Manager, Matt Donnell; and Town Secretary, Michelle Lewis Sirianni.

Mayor Israeloff called the meeting to order at 7:02 p.m. and declared a quorum was present.

EXECUTIVE SESSION: At 7:03 pm the council recessed into executive session to discuss: Real estate, McKinney Airport and Town Personnel.

At 7:30 pm Mayor Israeloff reconvened into 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 September 2 regular council meeting and the September 8 and September 16 special council meetings. B) Approve a resolution supporting landscape improvements to the future water storage site on FM 1378. C) Approve a resolution denying a rate request by Oncor. D) Approve a resolution accepting the tax roll for Fiscal Year 2008-09. E) Approve change order for south meandering way paving and drainage improvements.

Councilman Pezzulli made a motion to approve the minutes from the September 2, 2008 meeting. Seconded by Councilman Cunningham, with all in favor, with Mayor Pro Tem Price and Councilwoman Sommers abstaining from the vote.

Councilman Kasian made a motion to approve the minutes from the September 8, 2008 meeting. Seconded by Councilman Mattli, with all in favor, with Mayor Pro Tem Price and Councilwoman Sommers abstaining from the vote.

Mayor Pro Tem Price made a motion to approve the minutes from the September 16, 2008 meeting. Seconded by Councilman Kasian, with all in favor.

Councilman Sommers made a motion to approve items B, C, D and E. Seconded by Councilman Kasian, with all in favor.

BOARDS AND COMMISSION MEMBERS: Consider appointments to various boards and commissions.

Board of Adjustments:

Mayor Pro Tem Price made a motion to re-appoint Mike Mints, Jim Helbig and Michael Laufer for a two year term expiring in 2010 and Brian Kasper as alternate for a one year term expiring in 2009. Seconded by Councilman Pezzulli, with all in favor.

Planning and Zoning:

Councilman Pezzulli made a motion to nominate Tom Supan for a two year term to expire in 2010. Seconded by Councilman Mattli.

Councilwoman Sommers stated that there have been numerous residents that have applied to serve and that there are two positions up for renewal and these individuals have stated they would like to remain on the commission. Councilwoman Sommers stated that the chairman of this board has requested that he would like both members to stay and finish out the commercial projects. Councilwoman Sommers stated that she would like to renew the existing members terms. Councilman Cunningham agreed.

Councilman Kasian supports the nomination of Mr. Supan with no comments.

The motion for the nomination of Tom Supan passes, with council members Sommers and Cunningham opposed.

Councilwoman Sommers made a motion to re-appoint Pat Cunningham to a two year term to expire in 2010. Seconded by Councilman Cunningham. The motion does not pass.

Councilman Pezzulli made a motion to re-appoint Paul Hendricks to a two year term to expire in 2010. Seconded by Mayor Pro Tem Price, with all in favor.

Mayor Pro Tem Price stated that there are five other members that have the same expiring term. Mayor Pro Tem Price stated that she would like to have one of those members expiration date changed so that there is no risk of numerous open spots that could occur at the same time. Mr. Godwin responded that when their terms expire next year they could change one to one year versus two or change at the next council meeting.

EDC/CDC:

Councilman Pezzulli made a motion to re-appoint Sim Israeloff and Carolyn Sommers to the CDC Board to a two year term to expire in 2010. Seconded by Mayor Pro Tem Price, with all in favor. Mayor Israeloff and Councilwoman Sommers abstained from the vote.

Parks and Recreation:

Mayor Pro Tem Price made a motion to re-appoint Dick Anthony, Brian Kasper, Sharon Feldt and John Brown to a two year term to expire in 2010. Seconded by Councilman Kasian, with all in favor.

Telecommunications:

Mayor Pro Tem Price stated that she spoke with the chairman and there are two individuals who have not expressed if they would like to continue to serve on the board and should leave these positions open since no new persons have applied for this particular board.

Mayor Pro Tem Price made a motion to re-appoint John Adler, Henry Lessner, Neal Pappion and Gil Stevens to a two year term to expire in 2010. Seconded by Councilman Mattli, with all in favor.

YEAR TWO ANNEXATIONS: Consider and take action regarding an ordinance providing for the extension of certain boundary limits of the Town of Fairview, and the annexation of certain territory consistency of 315.81± acres of land, which said territory lies adjacent to and adjoins the present boundary limits of the Town of Fairview, and said territory is annexed within Year Two of the adopted Fairview Three-Year Annexation Plan.

CLARKE PROPERTY: ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 143, ACRES 4.5429

HOOD PROPERTY: ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 144, ACRES 6.1780

BOOTH PROPERTY: ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 142, ACRES 4.0660

MATLOCK PROPERTY: ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 140, ACRES 5.5990; ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 232, ACRES 2.9500

ROWDER PROPERTY: ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 139, ACRES 20.0056

US ARMY CORP OF ENGINEERS PROPERTY: ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 122, ACRES 7.6700; ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 141, ACRES 36.2000; ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 121, ACRES 7.3300; ABSTRACT A0028 BOLES, CALVIN, BLOCK 5, TRACT 148, ACRES 82.6000; ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 160, ACRES 15.6000; ABSTRACT A0028 BOLES, CALVIN, BLOCK 5, TRACT 157, ACRES 75.6000; ABSTRACT A0028 BOLES, CALVIN, BLOCK 5, TRACT 184, ACRES 3.1900; ABSTRACT A0028 BOLES, CALVIN, BLOCK 5, TRACT 212, ACRES 20.6600; ABSTRACT A0028 BOLES, CALVIN, BLOCK 5, TRACT 156, ACRES 21.2500; ABSTRACT A0028 BOLES, CALVIN, BLOCK 5, TRACT 213, ACRES 23.6600; ABSTRACT A0028 BOLES, CALVIN, BLOCK 5, TRACT 157, ACRES 75.6000.

Mr. Efrussy introduced this item stating that the properties listed are part of year two of the town's annexation plan. Mr. Efrussy stated that after two public hearings are held, the town and the property owners of the area are to negotiate for the provision of services to their areas and after two public hearings are held on the service plan, annexation can be instituted and no more public hearings are required. Mr. Efrussy stated that year two of the Three Year Annexation Plan consists of 315.81± acres.

Mayor Israeloff opened discussion to the public. Daryl Booth, 3490 Orr Road, stated that he understands the annexation. Mr. Booth stated that in the past when they've had issues or needed things fixed they've contacted the county or the appropriate entity and it was resolved. Mr. Booth stated that he expects a water line to be installed in order to place a fire plug near his property. Mr. Efrussy responded that the town will follow the service plan and that since Mr. Booth acquires water from Milligan than they cannot force them to place a fire plug near his residence, but the town can request to them to upsize the water line.

Mayor Israeloff opened discussion to the council members. Councilman Kasian asked if the town is required to provide fire plugs. Mr. Efrussy stated that it is feasible, but would have to follow the service plan. Mayor Pro Tem Price asked that if their water services come from Milligan, will they receive solid waste services from the town. Mr. Godwin responded that they will receive solid waste services from the town.

Councilwoman Sommers made a motion to approve an ordinance providing for the extension of certain boundary limits of the Town of Fairview, and the annexation of certain territory consistency of 315.81± acres of land, which said territory lies adjacent to and adjoins the present boundary limits of the Town of Fairview, and said territory is annexed within Year Two of the adopted Fairview Three-Year Annexation Plan.

CLARKE PROPERTY: ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 143, ACRES 4.5429

HOOD PROPERTY: ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 144, ACRES 6.1780

BOOTH PROPERTY: ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 142, ACRES 4.0660

MATLOCK PROPERTY: ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 140, ACRES 5.5990; ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 232, ACRES 2.9500

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Seconded by Mayor Pro Tem Price, with all in favor.

GOVERNMENT ZONE (G): Conduct a public hearing and take action regarding a proposed Government Zoning District (G).

Mr. Efrussy introduced this item stating that the town intends to continue zoning properties compatible with the Future Land Use Plan within the Comprehensive Plan. Mr. Efrussy stated that as part of Year Two annexations, the town intends to annex properties that are under the auspices of the U.S. Army Corps of Engineers. Mr. Efrussy stated that public utilities are often exempt from municipal zoning regulations. Mr. Efrussy stated that land that is presently used by an immune governmental function should be zoned, although said zoning won't be applicable as long as the immune government land use is operational. However, governmental land that remains unzoned and governmental activity stops, the local municipality may not be in a position to

prevent private land uses from occurring that are inconsistent with the municipality's land-use policies. Mr. Efrussy stated that the concern is not unrealistic because government activities oftentimes involve privatization functions. Mr. Efrussy stated that the Planning and Zoning Commission unanimously approved and recommended Zone G.

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

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

Councilman Pezzulli made a motion to approve the Government Zoning District (G). Seconded by Councilman Mattli, with all in favor.

CUP 840 QUAIL RISE: Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for an accessory building located at 840 Quail Rise and zoned to the One-Acre Ranch Estate Zone (RE-1).

Mr. Donnell introduced this item stating that the size of this subject property is 2.5± acres and is zoned RE-1. Mr. Donnell stated that for the One-Acre Ranch Zoning District, 900 square feet is the maximum allowed for an accessory building. Mr. Donnell stated that the applicant/owner of this property is proposing an accessory building comprising 1,750 square feet of which 1,282 sq ft is air conditioned area and 468 sq ft is covered patio/porch. Mr. Donnell stated that 1,800 sq ft is the maximum for an accessory building in the RE-2 zoning district. Mr. Donnell stated that given the lot size, size of the accessory building and setbacks, staff is supportive of this request.

Mayor Israeloff opened discussion to the public. Mr. James, 840 Quail Rise, stated that his parents currently live in Oklahoma and he had originally thought that he could move them in above his garage, but after doing further evaluations, the area above the garage would not be suitable. Dr. James stated that he had found a set of plans, but at that time was unaware of the town's requirements. Dr. James stated that certain accommodations were added based on his parent's age and accessibility. Dr. James noted that he and his spouse have spoken to their neighbors and have received no objections.

Mayor Israeloff opened discussion to the council members. Mayor Pro Tem Price asked if there was access to the back land driveway or do they access their residence from the front and was the property zoned RE-1 initially. Mr. Donnell responded that the lot is divided and accessed from the back. Mayor Pro Tem Price asked if the access gate would require a Knox box. Councilman Mattli asked if the fire department has adequate access and his concern would be for the residents. Mr. Donnell responded that the only requirement with the Conditional Use Permit is that if the additional square footage takes total square footage of the residence over 5,000 sq ft, then a fire suppression system must be installed. Mr. Godwin responded that in regards to the Knox box, staff will check the ordinance on the requirements for back yards.

Councilman Cunningham asked if the HOA was involved since the owner would have to comply with both the HOA regulations and the town's requirements. The applicant replied that they have submitted and talked with the HOA Committee.

Councilman Mattli made a motion to approve a Conditional Use Permit (CUP) for an accessory building located at 840 Quail Rise and zoned to the One-Acre Ranch Estate Zone (RE-1). Seconded by Mayor Pro Tem Price, with all in favor.

RE-ZONING TOWN OWNED LAND: Conduct a public hearing and take action regarding re-zoning property consisting of 4.3± acres, currently zoned RE-1 to the Government Zoning District (G), generally located south of and adjacent to Stacy Road, east of Country Club Road (FM 1378), west of Secretariat Lane, and north of Cambridge Drive (planned fire station #2 site).

Mr. Donnell introduced this item stating that this subject property is currently zoned RE-1 and is the future site of the Fire Station #2. The re-zoning of this property to the Government Zoning District (G) will allow this property to be in compliance with the guidelines of the Comprehensive Plan since the Fire Station #2 property is a governmental use. Mr. Donnell stated that the Planning and Zoning commission unanimously recommended approval and supports staff's recommendation.

Mayor Israeloff opened discussion to the public. Mark Beatty, 1140 Stacy Rd, commented that he did not receive the notification to address the Planning and Zoning Commission. Mr. Beatty stated that he doesn't oppose the Government Zoning, but asked what the differences are between the RE-1 and Government Zoning Districts. Mr. Beatty requested council to pass over the item until he had time to review. Mr. Donnell responded that there are no differences in the zonings. Mr. Donnell stated that in an RE-1 Zoning District, setbacks are not acknowledged in a government zoning and the zoning will not affect how the structure is built.

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

Councilman Pezzulli made a motion to approve the re-zoning of property consisting of 4.3± acres, currently zoned RE-1 to the Government Zoning District (G), generally located south of and adjacent to Stacy Road, east of Country Club Road (FM 1378), west of Secretariat Lane, and north of Cambridge Drive (planned fire station #2 site). Seconded by Councilman Mattli, with all in favor.

KOOP PROPERTY: Conduct a public hearing and take action regarding property that is annexed but unzoned, known as the Koop property, consisting of 21.25± acres, generally located east of and adjacent to Country Club Road (FM 1378), west of and adjacent to the Montecito Estates Phase I Subdivision, south of Red Oak Trail, and north

of Arroyo Blanco Street, to the Two-Acre Ranch Estate Zone (RE-2). ABSTRACT A0691 PILANT, G. B., BLOCK 2, TRACT 21, ACRES 15.1000; ABSTRACT A0791 SLOAN, SAMUEL, BLOCK 1, TRACT 96, ACRES 6.1500

Mr. Donnell introduced this item stating that Mr. Koop has met with town staff on several occasions to address his desire for the Agricultural Zone (AG). Mr. Donnell stated that the Future Land Use Plan within the Comprehensive Plan indicates this property as Residential Estate Country and that the RE-2 zoning district would aid in zoning consistency. Mr. Donnell stated that Mr. Koop did submit a letter of opposition along with letters from his neighbors supporting Mr. Koop's request. Mr. Donnell stated that the Planning and Zoning Commission unanimously recommended approval of the RE-2 zoning district for this property.

Mayor Israeloff opened discussion to the public. Dennis Koop, 720 Country Club, stated that the RE-2 zoning district is too small for animals and not large enough for urban lifestyle. Mr. Koop stated that he filed deed restrictions with the county and that the restrictions are stricter than neighborhood restrictions and lays out a long-term plan. Mr. Koop stated that he would like his property to be zoned to the Agricultural Zone (AG).

Mayor Israeloff opened discussion to council members. Mayor Israeloff stated that they are trying to do what's best for the town. Mayor Israeloff stated that he will be able to leave property as is. Mr. Koop asked if his house burns down, can he re-build and if the placement of his fence would meet the zoning district requirements. Mr. Koop stated that he believes that his current uses on his property meet the Agricultural requirements, but not the residential zoning requirements. Councilman Mattli stated that zoning Mr. Koop's property to the Two-Acre Ranch Estate Zone would protect the town and neighbors and is in agreement with the Mayor.

Councilman Cunningham stated that the deed restrictions were filed yesterday afternoon prior to the meeting. Councilman Cunningham asked if town staff had been made aware of these restrictions. Town staff was unaware of this filing.

Councilman Cunningham made a motion to approve the zoning of property that is annexed but unzoned, known as the Koop property, consisting of 21.25± acres, generally located east of and adjacent to Country Club Road (FM 1378), west of and adjacent to the Montecito Estates Phase I Subdivision, south of Red Oak Trail, and north of Arroyo Blanco Street, to the Two-Acre Ranch Estate Zone (RE-2). Seconded by Councilman Pezzulli, with all in favor.

COWAN PROPERTY: Conduct a public hearing and take action regarding property known as the Cowan property, currently annexed but unzoned, consisting of 27.614± acres, generally located east of and adjacent to Meandro Ria Lane, north of and adjacent to Heritage Ranch, and west of County Road 317, to the Two-Acre Ranch Estate Zone

(RE-2) for 5.58± acres, and the Flood Hazard Zone (FH) for 22.034± acres. ABSTRACT A0691 PILANT, G. B., BLOCK 2, TRACT 32, ACRES 27.6140

Mr. Donnell introduced this item stating that most of this subject property is in the flood plain and has 5.58± acres that is being recommended to the RE-3 zoning district. Mr. Donnell stated that the original recommendation was to the RE-2 zoning district; however, the Planning and Zoning Commission recommended the RE-3 zoning district based upon that if the 5.58 acres are zoned to the RE-2 zoning district, the land could be subdivided and another residence could be placed on this property.

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

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

Councilman Kasian made a motion to approve the zoning of property known as the Cowan property, currently annexed but unzoned, consisting of 27.614± acres, generally located east of and adjacent to Meandro Ria Lane, north of and adjacent to Heritage Ranch, and west of County Road 317, to the Three-Acre Ranch Estate Zone (RE-3) for 5.58± acres, and the Flood Hazard Zone (FH) for 22.034± acres. Seconded by Councilman Pezzulli, with all in favor.

CUP 311 HAMPTON COURT: Conduct a public hearing and take action regarding a Conditional Use Permit for an accessory building for the Goodman property located at 311 Hampton Court and that is zoned to the One-Acre Ranch Estate Zone (RE-1).

Mr. Donnell introduced this item stating that the proposed accessory building is approximately 1,242 square feet. The subject property is one acre in size and the applicant is requesting an additional 342 square feet to construct the building along with an encroachment into the 30 foot setback, of 5 feet. Mr. Donnell stated that the proposed building will contain a garage for vehicles and weight room.

Mayor Israeloff opened discussion to the public. Mr. Goodman, 311 Hampton Ct, stated that he began design on the garage about a year ago and at that time the setback requirements were 25 feet and the building was designed to fit within their space along with meeting the setback requirements. Mr. Goodman added that the design will match the exterior of his current residence. Mr. Goodman stated he was unaware of the ordinances changes and was not made aware until he submitted the request for a building permit. Mr. Goodman stated that copies of the plans were submitted to his neighbors and feedback was received in forms of letters that were presented to the commission members.

Jim Caton, 300 Dover Ct, stated that he lives behind Mr. Goodman and has no problem with his building and believes it will improve the look, as well as, add value to their home.

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

Mayor Pro Tem Price made a motion to approve a Conditional Use Permit for an accessory building for the Goodman property located at 311 Hampton Court and that is zoned to the One-Acre Ranch Estate Zone (RE-1). Seconded by Councilman Pezzulli, with all in favor.

WESTBROOK PROPERTY: Conduct a public hearing and take action regarding the zoning of property that is annexed but unzoned, known as the Westbrook property, consisting of 2.21 acres, generally located north of Old Stacy Road, east of and adjacent to Lakewood Drive, south of Timber Lane, and west of Country Club Road (FM 1378), to the Two-Acre Ranch Estate Zone (RE-2). ABSTRACT A0791 SLOAN, SAMUEL, BLK 2, TRACT 149, 2.221 ACRES

Mr. Donnell introduced this item stating that a survey was done in the immediate area of this subject property to find the average lot size since the properties surrounding ranged in size. Mr. Donnell stated that the average lot size is 1.8 acres. Mr. Donnell stated that he did speak with the property owner and he is in favor of the zoning to the Two-Acre Ranch Estate Zone (RE-2).

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

Mayor Israeloff opened discussion to council members. Councilman Cunningham asked if there was a house on this subject property. Mr. Donnell responded that there is a house on this property.

Mayor Pro Tem Price stated that she also spoke with Mr. Westbrook and his support for the RE-2 zoning district.

Mayor Pro Tem Price made a motion to approve the zoning of property that is annexed but unzoned, known as the Westbrook property, consisting of 2.21 acres, generally located north of Old Stacy Road, east of and adjacent to Lakewood Drive, south of Timber Lane, and west of Country Club Road (FM 1378), to the Two-Acre Ranch Estate Zone (RE-2). Seconded by Councilwoman Sommers, with all in favor.

WROTEN PROPERTY: Conduct a public hearing and take action regarding the zoning of property that is annexed but unzoned, known as the Wroten property, consisting of 20.68± acres, generally located north of Old Stacy Road, east of and adjacent to Lakewood Drive, south of Timber Lane, and west of Country Club Road (FM 1378), to the Two-Acre Ranch Estate Zone (RE-2). ABSTRACT A0791 SLOAN, SAMUEL, BLOCK 2, TRACT 145-9, ACRES 3.9960; ABSTRACT A0791 SLOAN, SAMUEL, BLOCK 2, TRACT 144, ACRES 7.3930; ABSTRACT A0791 SLOAN, SAMUEL, BLOCK 2, TRACT 143, ACRES 8.2986

Mr. Donnell introduced this item stating that a survey was done in the immediate area of this subject property to find the average lot size since the properties surrounding ranged in size. Mr. Donnell stated that the average lot size is 1.8 acres. Mr. Donnell stated that the property owner is present and town staff has the same recommendation to the RE-2 zoning district.

Mayor Israeloff opened discussion to the public. John Wroten, 430 Lakewood, stated that he is opposed to the RE-2 zoning district. Mr. Wroten stated that he is asking for the zoning to be consistent with the Comprehensive Plan and is just asking for fair and equal treatment and is requesting to be zoned to the RE-1 zoning district.

Mayor Israeloff opened discussion to council members. Mayor Israeloff asked town staff if the recommending zoning is consistent to the Future Land Use Plan. Mr. Donnell responded that the zoning recommendation is consistent to the Future Land Use Plan.

Councilwoman Sommers made a motion to approve the zoning of property that is annexed but unzoned, known as the Wroten property, consisting of 20.68± acres, generally located north of Old Stacy Road, east of and adjacent to Lakewood Drive, south of Timber Lane, and west of Country Club Road (FM 1378), to the Two-Acre Ranch Estate Zone (RE-2). Seconded by Councilman Cunningham, with all in favor.

MORGAN PROPERTY: Conduct a public hearing and take action regarding the zoning of property that is annexed but unzoned, known as the Morgan property, consisting of 10.21± acres, generally located north of Old Stacy Road, west of and adjacent to Lakewood Drive, south of Timber Lane, and east of Oakmont Court, to the Two-Acre Ranch Estate Zone (RE-2). ABSTRACT A0791 SLOAN, SAMUEL, BLK 2, TRACT 142, 10.21 ACRES

Mr. Donnell introduced this item stating that a survey was done in the immediate area of this subject property to find the average lot size since the properties surrounding ranged in size. Mr. Donnell stated that the average lot size is 1.8 acres. Mr. Donnell stated that town staff, as well as the Planning and Zoning Commission unanimously recommended the RE-2 zoning district.

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

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

Council Pezzulli made a motion to approve the zoning of property that is annexed but unzoned, known as the Morgan property, consisting of 10.21± acres, generally located north of Old Stacy Road, west of and adjacent to Lakewood Drive, south of Timber Lane,

and east of Oakmont Court, to the Two-Acre Ranch Estate Zone (RE-2). Seconded by councilman Kasian, with all in favor.

CLARKE PROPERTY: Conduct a public hearing and take action regarding property that is annexed and unzoned, known as the Clarke property, consisting of 4.54± acres, generally located east of and adjacent to County Road 317, south of Stacy Road, north of Forest Grove Road, and east of Heritage Ranch, to the Two-Acre Ranch Estate Zone (RE-2). ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 143, ACRES 4.5429

Mr. Donnell introduced this item stating that this property was annexed this evening. Mr. Donnell stated that the RE-2 zoning district is being recommended for this property and would aid in zoning consistency for this subject area.

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

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

Councilman Mattli made a motion to approve the zoning of property that is annexed and unzoned, known as the Clarke property, consisting of 4.54± acres, generally located east of and adjacent to County Road 317, south of Stacy Road, north of Forest Grove Road, and east of Heritage Ranch, to the Two-Acre Ranch Estate Zone (RE-2). Seconded by Councilman Pezzulli, with all in favor.

HOOD PROPERTY: Conduct a public hearing and take action regarding property that is annexed and unzoned, known as the Hood property, consisting of 6.178± acres, generally located east of and adjacent to County Road 317, south of Stacy Road, north of Forest Grove Road, and east of Heritage Ranch, to the Two-Acre Ranch Estate Zone (RE-2) for 5.828± acres, and the Flood Hazard Zone (FH) for 0.35± acres. ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 144, ACRES 6.1780

Mr. Donnell introduced this property was annexed this evening. Mr. Donnell stated 5.828± acres are being recommended to the RE-2 zoning district and the remaining 0.35± acres are being recommended to the Flood Hazard zone (FH). Mr. Donnell stated these zoning recommendations are consistent with the town's Comprehensive Plan.

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

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

Mayor Pro Tem Price made a motion to approve the zoning of property that is annexed and unzoned, known as the Hood property, consisting of 6.178± acres, generally located east of and adjacent to County Road 317, south of Stacy Road, north of Forest Grove

Road, and east of Heritage Ranch, to the Two-Acre Ranch Estate Zone (RE-2) for 5.828± acres, and the Flood Hazard Zone (FH) for 0.35± acres. Seconded by Councilman Pezzulli, with all in favor.

BOOTH PROPERTY: Conduct a public hearing and take action regarding property that is annexed and unzoned, known as the Booth property, consisting of 4.066± acres, generally located east of and adjacent to County Road 317, south of Stacy Road, north of Forest Grove Road, and east of Heritage Ranch, to the Two-Acre-Ranch Estate Zone (RE-2) for 2.66± acres, and the Flood Hazard Zone (FH) for 1.4± acres. ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 142, ACRES 4.0660

Mr. Donnell introduced this property was annexed this evening. Mr. Donnell stated 2.66± acres are being recommended to the RE-2 zoning district and the remaining 1.4± acres are being recommended to the Flood Hazard zone (FH). Mr. Donnell stated these zoning recommendations are consistent with the town's Comprehensive Plan.

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

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

Councilman Cunningham made a motion to approve the zoning of the Booth property, consisting of 4.066± acres, generally located east of and adjacent to County Road 317, south of Stacy Road, north of Forest Grove Road, and east of Heritage Ranch, to the Two-Acre-Ranch Estate Zone (RE-2) for 2.66± acres, and the Flood Hazard Zone (FH) for 1.4± acres. Seconded by Councilman Kasian, with all in favor.

MATLOCK PROPERTY: Conduct a public hearing and take action regarding property that is annexed and unzoned, known as the Matlock property, consisting of 8.55± acres, generally located east of and adjacent to County Road 317, south of Stacy Road, north of Forest Grove Road, and east of Heritage Ranch, to the Two-Acre-Ranch Estate Zone (RE-2) for 6.77± acres, and the Flood Hazard Zone (FH) for 1.78± acres. ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 140, ACRES 5.5990; ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 232, ACRES 2.9500

Mr. Donnell introduced this property was annexed this evening. Mr. Donnell stated 6.77± acres are being recommended to the RE-2 zoning district and the remaining 1.78± acres are being recommended to the Flood Hazard zone (FH). Mr. Donnell stated these zoning recommendations are consistent with the town's Comprehensive Plan.

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

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

Councilman Pezzulli made a motion to approve the zoning of the Matlock property, consisting of 8.55± acres, generally located east of and adjacent to County Road 317, south of Stacy Road, north of Forest Grove Road, and east of Heritage Ranch, to the Two-Acre-Ranch Estate Zone (RE-2) for 6.77± acres, and the Flood Hazard Zone (FH) for 1.78± acres. Seconded by Councilman Mattli, with all in favor.

ROWDER PROPERTY: Conduct a public hearing and take action regarding property that is annexed and unzoned, known as the Rowder property, consisting of 20.0056± acres, generally located west of and adjacent to County Road 317, south of and adjacent to Stacy Road, north of Forest Grove Road, and east of Heritage Ranch, to the Two-Acre Ranch Estate Zone (RE-2) for 14.7056± acres, and to the Flood Hazard Zone (FH) for 5.3± acres. ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 139, ACRES 20.0056

Mr. Donnell introduced this property was annexed this evening. Mr. Donnell stated 14.7056± acres are being recommended to the RE-2 zoning district and the remaining 5.3± acres are being recommended to the Flood Hazard zone (FH). Mr. Donnell stated these zoning recommendations are consistent with the town's Comprehensive Plan.

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

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

Councilman Kasian made a motion to approve the zoning of the Rowder property, consisting of 20.0056± acres, generally located west of and adjacent to County Road 317, south of and adjacent to Stacy Road, north of Forest Grove Road, and east of Heritage Ranch, to the Two-Acre Ranch Estate Zone (RE-2) for 14.7056± acres, and to the Flood Hazard Zone (FH) for 5.3± acres. Seconded by Councilman Pezzulli, with all in favor.

US ARMY CORP OF ENGINEERS PROPERTY: Conduct a public hearing and take action regarding property that is annexed and unzoned, known as the United States Army Corp of Engineers property, consisting of 272.47± acres, generally located east of County Road 317, south of Stacy Road, and north of Forest Grove Road, to the Government Zoning District (G), and the Flood Hazard (FH) Zone. Approximately 257± acres to the FH zone and 18.47± acres to the G zone. ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 122, ACRES 7.6700; ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 141, ACRES 36.2000; ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 121, ACRES 7.3300; ABSTRACT A0028 BOLES, CALVIN, BLOCK 5, TRACT 148, ACRES 82.6000; ABSTRACT A0028 BOLES, CALVIN, BLOCK 2, TRACT 160, ACRES 15.6000; ABSTRACT A0028 BOLES, CALVIN, BLOCK 5, TRACT 157, ACRES 75.6000; ABSTRACT A0028 BOLES, CALVIN, BLOCK 5, TRACT 184, ACRES 3.1900; ABSTRACT A0028 BOLES, CALVIN, BLOCK 5, TRACT 212, ACRES 20.6600; ABSTRACT A0028 BOLES, CALVIN, BLOCK 5, TRACT 156, ACRES 21.2500; ABSTRACT A0028 BOLES, CALVIN,

BLOCK 5, TRACT 213, ACRES 23.6600; ABSTRACT A0028 BOLES, CALVIN, BLOCK 5, TRACT 157, ACRES 75.6000.

Mr. Donnell introduced this property was annexed this evening. Mr. Donnell stated 18.47± acres are being recommended to the Government zoning district and the remaining 257± acres are being recommended to the Flood Hazard zone (FH). Mr. Donnell stated these zoning recommendations are consistent with the town's Comprehensive Plan and would aid in providing consistency with the Future Land Use Plan.

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

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

Councilman Pezzulli made a motion to approve the zoning of the United States Army Corp of Engineers property, consisting of 272.47± acres, generally located east of County Road 317, south of Stacy Road, and north of Forest Grove Road, to the Government Zoning District (G), and the Flood Hazard (FH) Zone. Seconded by Councilwoman Sommers.

Mayor Pro Tem asked if this would officially take the boundary to the lake. Mr. Donnell responded that it does take the town boundary to the lake.

Motion passes with all in favor.

AMEND CH. 153: SUBDIVISIONS/ELIMINATE PRELIMINARY OR MINOR PLAT: Conduct a public hearing and take action regarding amending Chapter 153: Subdivisions in the Fairview Code of Ordinances, to eliminate a preliminary plat or minor plat requirement if a project site plan (or preliminary plan) is required.

Mr. Efrussy introduced this item stating that a site plan contains a substantial number of the elements of a preliminary plat and staff believes that the site plan can be duplicated for the preliminary plat. Mr. Efrussy stated that there are instances where a developer may want to prepare a preliminary/minor plat to provide more information, which would also be an option for the developer too. Mr. Efrussy stated that the Planning and Zoning Commission unanimously recommended the approval to eliminate the preliminary plat or minor plat requirements when a site plan is required and town staff supports that recommendation.

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

Mayor Israeloff opened discussion to council members. Councilwoman Sommers asked if the site plan and the preliminary plat provide more feedback and/or conversations

regarding a proposed project. Mr. Efrussy responded that town staff believes that the site plan meets if not exceeds the requirements on a preliminary plat and that they are not eliminating any part of the review process. Councilwoman Sommers asked if they are eliminating time in front of the Planning and Zoning Commission. Mr. Efrussy responded that a project would still be equally seen by the Planning and Zoning Commission.

Dennis Koop, 720 Country Club, stated that he has never seen a preliminary plat submitted and is leaving the town open for questions and asked shouldn't the site plan be eliminated versus the preliminary plat. Mr. Efrussy responded that the site plan includes preliminary plat information and some final plat information and items that the town cannot request on a preliminary plat, which is why the town is requesting to save the applicant time and reduce development costs by eliminating the preliminary plat and/or minor plat when feasible.

Councilman Cunningham asked if there would be instances where a plat wouldn't be presented to the Planning and Zoning Commission and/or Town Council. Mr. Efrussy responded that every concept and/or site plan requires a public hearing and the only exception would be a Temporary Use Permit.

Councilman Kasian made a motion to approve the elimination of a preliminary plat or minor plat requirement if a project site plan (or preliminary plan) is required. Seconded by Councilwoman Sommers, with all in favor.

AMEND CH. 154: ZONING/ SWIMMING POOL SETBACKS: Conduct a public hearing and take action regarding removal of Ch.154: Zoning, Section 154.009(A) regarding swimming pool setbacks by removing the last sentence which states that the setback for swimming pools shall be 25 feet.

Mr. Donnell introduced this item stating swimming pools are currently defined as an accessory building and needs to follow the same requirements as the recently adopted accessory building amendments. Mr. Donnell stated that the current setback for swimming pools is listed as 25 feet, but the newly ratified ordinance states that an accessory building must be 30 feet from any property line. Mr. Donnell stated that by removing the last sentence from Section 154.009 (A) will provide consistency and lessen the confusion.

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

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

Councilman Pezzulli made a motion to approve the removal of Ch.154: Zoning, Section 154.009(A) regarding swimming pool setbacks by removing the last sentence which states that the setback for swimming pools shall be 25 feet. Seconded by Mayor Pro Tem Sommers, with all in favor.

CPDD MULTI-FAMILY STANDARDS: Conduct a public hearing and take action regarding additions to the Commercial Planned Development Zoning District (CPDD) regarding multi-family standards.

Mr. Donnell introduced this item stating that the town would like to create an ordinance with requirements for all multi-family uses within the Commercial Planned Development District (CPDD). Mr. Donnell stated that the town would like to see the standards updated and established so that the character of multi-family uses will continue to support and enhance the aesthetic quality of other land use developments. Mr. Donnell stated that the proposed ordinance lists the minimum square footage unit to be 750 square feet, but staff had initially discussed 850 square feet with the Planning and Zoning Commission, as well as standards for materials, roofing, lighting, persons per dwelling unit etc. Mr. Donnell stated that the ordinance will have a note stating "Any multi-family development within the Commercial Planned Development District (CPDD) with Site Plan approval, as of October 14, 2008, shall be considered legally conforming by virtue of this ordinance. Said developments shall be able to develop in accordance with the development standards in effect at the time the respective Site Plan for each multi-family use was approved."

Mayor Israeloff opened discussion to the public. David Tarrant, developer, stated that he works for the Petefish family and finds the average unit size of 850 square feet to be shocking. Mr. Tarrant stated that in comparison with other neighboring cities 650 to 750 square feet was the average and that for his project in the Village at Fairview, they are requesting 700 square feet. Mr. Tarrant commented that in the proposed 90% masonry with 20% dedicated to the use of natural stone, why couldn't cultured stone be considered and also noting that in his opinion, he does not find the wrapping of stone around parking columns to be appealing and would take away from the overall appearance.

Jon Vincent, representing CW Kendall, stated that most cities have an average of 500-650 square feet for efficiency to a one bedroom unit and stated that he believes that if Fairview sets a standard of 750-850 square feet that the town will not be in a competitive market. Mr. Vincent stated that there is a publication called 'Density Done Right', which is a good reference guide, but believes there are other safe guards to place in the ordinance to protect the town.

Mayor Israeloff opened discussion to council. Mayor Israeloff asked if neighboring cities had anything similar. Mr. Donnell responded that the City of Prosper has something similar and also looked at other surrounding cities including the City of Allen and McKinney. Councilman Pezzulli asked why they initially reduced from 850 to 750 square feet per unit size. Councilwoman Sommers commented that she thought there was

already a minimum size. Mr. Donnell responded that the reduction in size was based on surrounding cities.

Mayor Pro Tem Price stated that under the Stairs, Balconies & Parking Canopies section where it states all columns shall be wrapped seems like it would be an obstacle for vehicles and also would take away from the focal point of the building. Mayor Pro Tem Price stated that under standards in reference to the 90% masonry or more asked if the town should consider hearty plank to give another design option. Councilman Mattli stated that in his opinion the design details are going beyond the standards and the intent is good, but shouldn't get too far into detailing. Councilman Pezzulli stated that the town does need some minimum standards set. Mayor Pro Tem Price commented that she believes that there is not enough flexibility. Councilwoman Sommers stated that the town has set architectural standards and would like to see the standards lean towards stricter now and then adds flexibility later and she likes the 850 square foot minimum per unit size. Councilman Cunningham asked with the 90/20 split on masonry and stone if that included the interior stair wells or exterior wall, if two persons per bedroom was legal and is okay with 750 square foot as the minimum unit size. Mr. Donnell responded that the 90/20 split on masonry and stone includes the exterior walls and it is legal to say two persons per bedroom. Mr. Donnell stated that this refers to adults. Councilman Cunningham asked if they could add the word 'adult' persons to number of persons per dwelling unit.

Mayor Israeloff asked council how many were leaning towards 750 square feet for the minimum per unit size. Two council members raised their hands. Mayor Israeloff asked council how many were leaning towards 850 square feet for the minimum per unit size. Four members raised their hands.

Councilman Pezzulli made a motion to adopt additions to the Commercial Planned Development Zoning District (CPDD) regarding multi-family standards changing the proposed 750 square feet minimum per dwelling unit to 850 square feet and adding note stating "Any multi-family development within the Commercial Planned Development District (CPDD) with Site Plan approval, as of October 14, 2008, shall be considered legally conforming by virtue of this ordinance. Said developments shall be able to develop in accordance with the development standards in effect at the time the respective Site Plan for each multi-family use was approved." Seconded by Councilwoman Sommers.

The motion passes with a 4-3 vote.

SEPTIC SYSTEMS: Discuss permitting septic in certain lots of less than one acre.

Mr. Godwin introduced this item stating that a number of lots in town that are greater than one-half acre, but less than one acre. Mr. Godwin stated that these lots cannot be developed unless town wastewater service is extended or additional square footage is

acquired to bring a lot to a full acre. Mr. Godwin stated that another option is allowing the town engineer to administratively approve the development of lots that are less than an acre provided they are least one-half acre and are in a platted subdivision.
Councilman Pezzulli asked if there were several lots that this would affect or just a few. Mr. Godwin responded that it is a small problem. Mayor Israeloff commented that there are always a few odd lots that don't meet code and feels that this is okay. Councilman Cunningham stated that they should have to pass a state approved test. Councilman Pezzulli stated that the town needs to make sure the house and septic work together.

Council directed to start investigating and seeking approval from TCEQ.

METEOROLOGICAL TOWER: Discuss purchase of a meteorological tower.

Councilman Pezzulli introduced this item stating that there is a need for commercial wind generation. Councilman Pezzulli stated that he's in the process of trying to borrow a tower versus paying for one through the state's energy conservation office. Councilman Pezzulli stated that the preliminary placement of the tower will be off of US 75, which will help determine if it's feasible to generate enough wind to determine alternate energy savers. Councilman Pezzulli stated that he is continuing to pursue the possibility of borrowing a tower and is waiting to receive feedback.

HAZARDOUS WASTE PROGRAM: Discuss sponsoring a household hazardous waste program in Fairview.

Mr. Godwin introduced this item stating that the town is looking for direction on the frequency and payment of providing this service. Mr. Godwin stated that in order to pay for the collection and disposal service, the town can charge residents through their utility bills, charge only those who bring actual wastes on the collection day(s) or absorb the costs through the town's budget. Mr. Godwin stated that the frequency of collections also needs to be considered and whether a single annual collection is enough or the possibility of combining the event with the annual spring cleanup.

Councilman Pezzulli commented that he thinks there should be two opportunities within the first year. Councilwoman Sommers commented that the town should have a high participation and should be considered adding as a service. Councilman Mattli asked if it could be done on a per usage basis. Mayor Pro Tem Price asked if the town should start the program immediately or does the town need to wait until the fall when some tax revenue is generated. Mr. Godwin responded that the first collection is usually the largest in comparison to the following collections. Mayor Israeloff stated that he thinks the town should incorporate this with the April trash off.

NOVEMBER COUNCIL MEETING: Consider changing November regular council meeting date due to conflict with November 4th election.

Council members agreed to change the date to November 11, 2008.

EXECUTIVE SESSION: Take action on matters discussed in executive session, if necessary.

Councilman Pezzulli made a motion to authorize the town manager to close on 2.0773 acres of land in the amount of $192,400.00. Seconded by Mayor Pro Tem Price, 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.

Dennis Koop, 720 Country Club Rd, asked in regards to the consent agenda item addressing the landscape improvements to the future water storage site on FM 1378. Mr. Koop stated that half is covered and half is open filled with rock from when the town excavated the water line. Mr. Koop stated that Stacy Rd doesn't look as nice as it did prior to the water line work and requested that the town finish the job.

Mark Beatty, 1140 Stacy Rd, asked if the town could consider relocating the water tower where the new fire station will be located. Mr. Beatty stated according to the minutes of the January Town Council meeting that Mr. Godwin stated that the Hart Rd location was not usable for operational reasons. Mr. Beatty asked if the town could consider adjusting the configuration of the fire station with possibly shifting the building over some so that the water tower would not be in his backyard.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 11:00 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW