TOWN COUNCIL
MEETING MINUTES
June 2, 2009

The Town Council met in regular session on Tuesday, June 2, 2009 at 6:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Mary Price, Council Members Carolyn Sommers, Michael Pezzulli and Anton Mattli; Town Manager John Godwin; Assistant to the Town Manager, Matt Donnell; Community Development Management, Ray Dunlap; Town Engineer, James Chancellor; Planning Director, Alan Efrussy and Management Intern Emily Eckstein. Council Member Ron Kasian was absent.

Mayor Israeloff called the meeting to order at 6:33 p.m. and declared a quorum was present.

EXECUTIVE SESSION: At 6:35 p.m. the council recessed into executive session to discuss: Fairview v Lawler and economic development.

At 7:36 p.m. Mayor Israeloff reconvened back into regular session.

OATH TO NEWLY ELECT: Administer the oath of office to newly elected council members.

Mr. Donnell gave the oath to Mayor Israeloff and Mayor Israeloff gave oath to Carolyn Sommers and Anton Mattli.

SELECT MAYOR PRO TEM: Select a Mayor Pro Tem for 2009-10.

Councilwoman Sommers nominated Councilman Cunningham.

Councilwoman Sommers made a motion to nominate Councilman Cunningham as Mayor Pro Tem. Seconded by current Mayor Pro Tem Price, with all in favor. Councilman Cunningham abstained from the vote.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be acted on by one motion, with no separate discussion of these items. If discussion is desired, an item may be removed from the consent agenda and considered separately. A) Approve minutes of the May 5, 2009 regular council meeting. B) Approve minutes of the May 20, 2009 special council meeting. C) Approve a re-plat for certain portions of the Villas in the Park subdivision. D) Approve a developer's agreement with Fairfield Residential.

Mayor Pro Tem Cunningham made a motion to approve items A and B. Seconded by Councilwoman Sommers, with all in favor.

Mr. Chancellor stated in regards to item C that the developer wishes to change the two story townhouse units to one story units and requires a change on the plat to reflect new lot lines.

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

Councilman Pezzulli made a motion to approve a re-plat for certain portions of the Villas in the Park subdivision. Seconded by Councilwoman Sommers, with all in favor.

Councilman Mattli requested to pull item D stating that his concern is that there is no penalty clause in the agreement and would like to add one to the agreement. Mr. Chancellor responded that one could be added with the town attorney's approval.

Councilman Mattli made a motion to approve subject to adding a penalty clause by the town attorney. Seconded by Councilwoman Price, with all in favor.

TRAIL CONNECTOR: Discuss and consider a trail connector between Meandering Way and Creekwood Drive North.

Mr. Godwin introduced this item stating that of the 33 surveys that were sent out, twelve were in favor of the trail and only five against. Mr. Godwin stated that some feedback he received was very strongly in favor of the trail and is already in use by very many walkers and bikers.

Mayor Israeloff opened discussion to the public.

Steve Howard, 492 Meandering Way, stated that he lives contiguous to the trail and is concerned about the drainage.

Mark Harris, 731 Creekwood Drive North, asked if a drainage study had been done.

Ruth Dandalides, 720 and 791 Creekwood Drive North, stated that she abuts the trail and expressed that her main concern is the drainage.

Joe Foster, 711 Creekwood Drive North, stated that he met with Mr. Chancellor regarding the water flow in this area.

Pat Foster, 711 Creekwood Drive North, stated that when it rains the concrete will be covered with mud.

Larry Tooker, 510 Meandering Way, stated that he is concerned about the traffic and safety.

Mr. Chancellor addressed the drainage issues per the Mayor's request.

Mayor Israeloff opened discussion to council.

Councilwoman Sommers discussed the Comprehensive Plan. Councilman Pezzulli stated that he trusts Mr. Chancellor in regards to the design of the trail in order to balance needs and protecting kids. Councilman Mattli stated his concern is communication. Councilman Mattli stated that he has a trail easement by him too that used to be a road and believes a trail is a good compromise. Councilwoman Price stated that she was on the Park Board when the Comprehensive Plan was done. Councilwoman Price stated her concern would be regarding the actual process. Councilwoman Sommers agreed and stated that she believes they are creating something that could be unsafe. Councilwoman Price asked how wide the easement is. Mr. Chancellor responded that the easement is 25 to 50 feet wide and is included in the original plat. Councilwoman Sommers commented that the trail not be constructed of concrete and be more of a natural trail. Councilwoman Price asked if the right-of-way on Meandering Way could turn into a trail and what will they do for emergency access. Mr. Chancellor responded that the sidewalk is neutral and the hike/bike trail was planned for 8 feet wide, but reduced it to 6. Councilwoman Sommers stated that they need a definition of "connector" and questioned why 3 feet wouldn't work on the hike/bike trail.

Councilman Pezzulli made a motion to complete the 6 feet wide concrete trail. Seconded by Councilman Mattli, with a vote of 3-3; motion fails.

Councilwoman Sommers requested to place this item on the July agenda.

CONDITIONAL USE PERMIT/40 SECRETARIAT LANE: Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for the development of a proposed accessory building, for storage purposes (192 square feet), to be located at 40 Secretariat Lane.

Mr. Donnell introduced this item stating that this subject property is a little over three acres and currently has three existing accessory buildings. The proposed size of this accessory building is approximately 192 square feet. Mr. Donnell stated that town staff finds this proposed building will have minimal impact and town staff as well as the Planning and Zoning Commission unanimously recommended approval. Mr. Donnell added that the applicant is present and no citizens spoke in support or opposition to this request.

Mayor Israeloff opened the public hearing. No comments were made.

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

Mayor Pro Tem Cunningham made a motion to approve the CUP for the proposed accessory building. Seconded by Councilwoman Price, with all in favor.

BOARDS/COMMISSIONS: Consider the appointment of individuals to serve on various boards and commissions.

Mayor Israeloff requested to place this item on the July agenda.

No action was taken.

PUBLIC IMPROVEMENT DISTRICT: Consider calling a public hearing on the creation of a Public Improvement District.

Mr. Godwin introduced this item stating that MG Herring is requesting the creation of a Public Improvement District to finance certain eligible improvements within The Village at Fairview.

Councilman Pezzulli made a motion to approve the Public Improvement District. Seconded by Councilman Mattli, with all in favor.

STACY ROAD MEDIAN: Consider the approval of an agreement with the City of Allen for the joint maintenance of the Stacy Road median.

Mr. Godwin introduced this item stating that the proposed agreement with the City of Allen indicates that they would provide for the maintenance of landscaping, streets lights etc. and that Fairview would reimburse them 50% of the costs. Mr. Godwin stated that the City of Allen will also provide irrigation water where the costs will be equally shared.

Councilman Mattli discussed this agreement and asked to approve with inserting one word into the document under the Median Maintenance section.

Councilman Mattli made a motion to approve the maintenance agreement as amended. Seconded by Councilman Pezzulli, with all in favor.

PARK FUNDING FOR THE MEADOWS PARK: Consider a resolution authorizing submission of a park funding application to Collin County for development of a phase 2 at The Meadows Park.

Mr. Dunlap introduced this item stating that this proposed neighborhood park will include walking trails, a gazebo/pavilion, a playground, a multi-purpose court and open space. Mr. Dunlap stated that the land is valued at $269,826.00 and any in-house expenses can count towards Fairview's matching funds. Mr. Dunlap stated that the park board has approved this park.

Councilwoman Price asked if parking was included. Mr. Dunlap responded that there is no parking.

Councilman Mattli made a motion to approve the resolution authorizing submission of park funding to Collin County for development of phase 2 at The Meadows Park. Seconded by Councilwoman Price, with all in favor.

NEW TOWN HALL: Discuss the layout of the planned new town hall.

Mr. Godwin stated that earthwork and construction is ongoing and once structural engineering work is complete and the interior is finalized, the architect will be able to complete the design and construction drawings.

BUDGET 2009-10: Discuss 2009-10 budget and budget calendar.

Mr. Godwin outlined upcoming dates for meetings and work sessions for the 2009-10 budget season.

FAIRVIEW V. LAWLER: Consider and possible action on resolution to Fairview v. Lawler condemnation suit.

Councilman Mattli made a motion to approve a resolution regarding the Fairview v. Lawler condemnation suit. Seconded by Councilman Pezzulli, with all in favor.

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

No action was taken.

CITIZENS INPUT:

Brad Northcutt, 910 Beechwood, asked about the status of Ridgeview Road.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 9:48 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

TOWN OF FAIRVIEW

Michelle Lewis Sirianni, Town Secretary