

**TOWN COUNCIL
SPECIAL
MEETING MINUTES
July 13, 2009**

The Town Council met in special session on Monday, July 13, 2009 at 6:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Pro Tem Jim Cunningham, Council Members Carolyn Sommers, Ron Kasian, Michael Pezzulli and Mary Price; Town Manager John Godwin and Community Development Management, Ray Dunlap. Mayor Israeloff and Council Member Anton Mattli were absent.

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

MEANDERING WAY TRAIL CONNECTOR: Discuss and consider possible action on the Meandering Way Trail Connector.

Councilman Kasian stated that Councilwoman Price has taken this on as a data gathering project and enlisted his help. Councilman Kasian stated that they are introducing strictly facts and not opinions. Councilman Kasian stated that there is no alternative safety access to 54 homes. Councilwoman Price introduced some facts and handed out copies of the connector trail plan. Councilwoman Price stated that in the late 1990's the plan was abandoned and the 2004 plan shows generalized locations. Councilwoman Price stated that it was amended from a 50' road to 25' emergency access and private drive. Councilwoman Price stated that Councilman Kasian and she met with the two chiefs and the town engineer and the trail could not be used for public safety access. Councilwoman Price handed out an area map which showed the number of homes beyond where no access would be available; they would need to expand the trail to 12' and trim some trees. Councilwoman Price presented some photos of public safety easements from Timberwood to Bridlegate, Meandering Way into The Vineyards, and Bluebird Lane into Hawkswood.

Jeff Bell, Fire Marshal, stated that he understands the concerns regarding the aesthetics of the trail, but access is very important. Fire Marshal Bell stated that the firemen would not be able to get a truck on a 6' trail and would need a reliable source that would give them second access to the neighborhood for public safety.

Granver Tolliver, Police Chief, stated that he would like to see an emergency access. Chief Tolliver stated that he had to drive through people's yards to survey the area during a storm and if there was a fire, the area would burn and in his opinion, his department would want to help when needed.

Councilwoman Price questioned that if there was a 12' wide lane, then they also do not need a trail and perhaps could look at grass-crete since the town has used that in the past. Mayor Pro Tem Cunningham asked if it could be lowered to ground level and recommended staining the concrete.

Councilwoman Sommers stated that she learned that the trail is an emergency access easement and in her opinion they should not put a trail in the EAE. Councilwoman Sommers stated that there has been no input from the Planning and Zoning Commission or the Parks and Recreation Board. Councilwoman Sommers stated that council is being told that there is a public safety concern, having some residents in favor of the trail and others are opposed. Councilwoman Sommers stated that she is excited about the grass-crete idea, and would like to save the trees, but would need something that would grow in the shade and allow the town to easily maintain.

Ms. Foster, resident, stated she would like fescue. Another citizen commented that they walk the trail daily and there is no sun and would make it difficult for anything to grow in that area. Councilwoman Price responded that the town engineer mentioned the town could use crushed granite in the holes. Councilman Pezzulli stated his concern would be tripping and causing people to fall. Councilwoman Sommers responded that Councilman Pezzulli makes a good point, but people can get hurt on anything.

Mayor Pro Tem Cunningham stated that since much of this information was just brought forward tonight, he suggests that the remaining council members have time to go view the area before further discussing.

Steve Howard, resident, stated that he feels for the Fosters. Mr. Howard suggested that someone should make sure they know where the property lines are and in his opinion, he does not favor concrete or asphalt, but likes the more natural look with the grass-crete. Another citizen asked if Mr. Chancellor would be able to stake the area. Mr. Godwin responded that he would have Mr. Chancellor stake the area.

One resident expressed their thoughts of having trouble with the idea of tearing out what's already been built. Another resident stated that they ride and really enjoy utilizing the Roadrunner Trail. Councilwoman Sommers responded that they also have the expense of the quality of life and the beauty of the town's neighborhoods has a cost. Councilwoman Price commented that tonight was just to provide information and can discuss both at the next meeting.

Mr. Supan asked if the trail will not have ADA compliance. Councilwoman Price responded that only if the town adopts the ADA guidelines. Councilman Pezzulli commented that he doesn't think the town can opt out of ADA since it's a federal guideline. Councilwoman Sommers stated that this is not a trail and never meant to be a trail and was never on any plan. A resident commented that it was on a plat as a road and they looked forward to there being a road, especially with the increased traffic. Another citizen added that they would also like a road to be there.

Mayor Pro Tem Cunningham stated that the council is making an effort to settle this amicably and would re-visit this item on July 30, 2009 at 6:30 pm so that all council members will be in attendance.

EXTERIOR LIGHTING FIRE STATION #2: Discuss and consider possible action on exterior lighting at the new Fire Station #2 and other public buildings.

Mayor Pro Tem Cunningham stated that he has had a lot of emails regarding this item and understands there are some concerns about the lights, berms, and sirens, but it has not been determined if the lights will be on all the time. Mr. Godwin responded that the lights can be turned off at any time. Fire Marshal Bell added that they can look at turning the lights off at certain times. Mayor Pro Tem Cunningham commented that there are two lights on the outside of the building similar to what is currently at town hall that is used for the hoses to wash the vehicles etc. that would be used sparingly.

Heather Hager, resident, asked what standards are being used because it is not standard practice in Parker, McKinney or Allen. Mr. Godwin responded that the town is complying with its dark skies ordinance. Councilwoman Sommers commented that in her opinion, the lights could be turned off at 10 pm and should be in compliance with the dark skies ordinance to be able to enjoy the stars. Mr. Godwin stated they need lights at town hall and during public use at the fire station, but not when civilians are not present. Councilwoman Sommers asked what they can do to officially make that definite. Councilman Pezzulli suggested using photo sensitive sensors, like motion sensors and since they don't know what they look like then they are discussing only in abstract. Chief Bell responded that people need to feel safe pulling in at night for emergency and will take a closer look at when they become closer to powering up.

Other citizens' comments included: to light just the front of the building more, the construction lights are reflecting into their houses due to them working after hours, suggested on working on circuiting now, and asked if the residents were even considered. Councilman Pezzulli responded that he understands their concerns and they have lights across the highway from his house. Mr. Godwin stated the town picked the LED lights since they are very focused. Mr. Pezzulli agreed with Mr. Godwin.

A resident asked how many citizens visit the fire station at night and asked about the community room. Fire Marshal Bell stated that he doesn't know how many people visit at night. Mayor Pro Tem Cunningham responded that the community room will be used for HOA meetings, birthday parties, etc. Councilwoman Sommers added that council could have meetings there and Councilwoman Price added that boy scouts etc. could use the room.

Mayor Pro Tem Cunningham stated that according to the Fire Chief, the department would do the utmost to minimize the sirens, but would have to use them in traffic, but

they don't have the street lights on Stacy Road. Fire Marshal Bell commented that at a busy station in Plano, they don't use sirens at night much because they don't need them to let people know they are coming and even sometimes have not used them during the day. Councilwoman Sommers asked if that was standard in fire departments and if they could put it into policy. Fire Marshal Bell responded that he does not know if it is standard practice, but would have to be very careful if it was placed into written policy. Mayor Pro Tem Cunningham commented that the ambulances seem to run the most and should also be taken into account.

Mayor Pro Tem Cunningham stated that the berm is the last item and is unaware of how much room is there. Mr. Godwin asked why a berm needed to be discussed. Ms. Hager, resident, commented that she'd like to see a berm constructed to help block lighting, sound and look better visually. A citizen commented that the code says that an 8' berm with landscaping will be added for commercial zoning. Mr. Godwin explained the property is zoned G, not commercial. Mayor Pro Tem Cunningham stated that they need to determine the width and the height. Mr. Godwin responded that the town still has commitment to the neighborhood and plans on building the berm and/or adding landscaping after the station is completed.

No action was taken.

CREATING PUBLIC IMPROVEMENT DISTRICT: Conduct a public hearing regarding creation of the Village at Fairview Public Improvement District and proposed improvements within said public improvement district.

Mayor Pro Tem Cunningham opened the public hearing and continued the item to August 4, 2009. No formal action was taken.

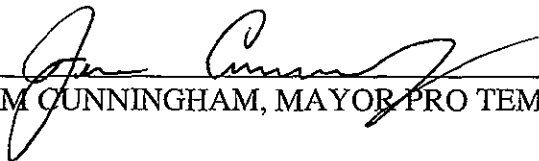
ADOPTING PUBLIC IMPROVEMENT DISTRICT: Consider adoption of a resolution authorizing the creation of The Village At Fairview Public Improvement District and ordering public improvements be made for the benefit of such district; providing for a severability clause; providing an effective date.

No action was taken.

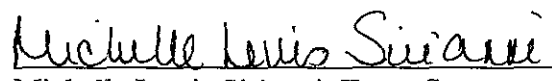
THIRD AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT WITH VILLAGE AT FAIRVIEW: Consider approval of the Third Economic Development Agreement with the Village at Fairview, LP.

No action was taken.

There being no other items for discussion, Mayor Pro Tem Cunningham adjourned the meeting at 8:06 p.m.


JIM CUNNINGHAM, MAYOR PRO TEM

ATTEST:


Michelle Lewis Sirianni, Town Secretary

