TOWN COUNCIL MEETING MINUTES September 1, 2009

The Town Council met in regular session on Tuesday, September 1, 2009 at 6:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Jim Cunningham, Council Members Carolyn Sommers, Michael Pezzulli, Anton Mattli and Mary Price; Town Manager John Godwin; Assistant to the Town Manager, Matt Donnell; Community Development Management, Ray Dunlap; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; Town Secretary, Michelle Lewis Sirianni and Management Intern Emily Eckstein. Council Member Ron Kasian was absent.

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

At 7:43 p.m. Mayor Israeloff reconvened back into regular session and requested everyone to stand for the Pledge of Allegiance.

PRESENTATION: Mike Simpson from the Arts of Collin County presented an update on the performing arts center, which included the construction of the center, fundraising levels, and the events/activities that will take place at the center.

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 July 30, 2009 special council meeting. B) Approve minutes of the August 4, 2009 regular council meeting. C) Approve minutes of the August 18, 2009 special council meeting. D) Approve agreement with Dannenbaum Engineers for design engineering of a new water main. E) Approve a revised nepotism policy.

Mr. Godwin stated that they will not take any action tonight on item D.

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

Councilwoman Sommers requested to pull item E. Councilwoman Sommers asked about the nepotism policy and whether or not they should discuss at a later date. Mr. Godwin responded that there are only two changes, which include changing the words Town Administrator to Town Manager and employees cannot work together within the same work group. Councilwoman Sommers asked what the sentence 'where one of the parties is a policy level official of the Town' meant and if that would affect Councilwoman Price and Chief Price. Mr. Godwin responded that that part of the policy already existed and is not new. Mr. Godwin stated that this is a personnel policy only and Councilwoman Price and Chief Price are not paid employees, so the town is not violating the charter or the employee policy.

Councilwoman Sommers made a motion to approve item E. Seconded by Councilwoman Price, with all in favor.

CONDITIONAL USE PERMIT (CUP) 636 MERLOT: Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for a proposed accessory building on proposed Lot 18A, located at 623 Merlot Court, within the Vineyards of Fairview Subdivision.

Mr. Donnell introduced this item stating that the proposed accessory building is approximately 1,250 square feet and will be used for additional parking, storage and lawn equipment. Mr. Donnell stated that no feedback was received from surrounding property owners and the Planning and Zoning Commission unanimously recommended approval. Mr. Donnell stated that town staff supports their recommendation.

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

Mayor Israeloff closed the public hearing and opened discussion to the council members. No comments were made.

Councilwoman Price made a motion to approve the Conditional Use Permit (CUP) for an accessory building on proposed Lot 18A, located at 623 Merlot Court, within the Vineyards of Fairview Subdivision. Seconded by Councilman Mattli, with all in favor.

CPDD/ MASONRY REQUIREMENTS: Conduct a public hearing and take action regarding an amendment to the Commercial Planned Development District (CPDD), increasing the masonry requirements on all structures within this zoning district.

Ms. Eckstein introduced this item stating that the Planning and Zoning Commission expressed a consensus of raising the masonry requirements to 90% within the Commercial Planned Development District (CPDD). Ms. Eckstein stated that the percentage is consistent with the recently increased masonry required for the multi-family developments within the Commercial Planned Development District. Ms. Eckstein stated that the only changes that are occurring in the existing ordinance are to increase the 60% masonry requirement to 90%; this is extremely common in most communities across the nation and omitting EIFS as a permitted material. Ms. Eckstein stated that the town is being proactive to keep high standards and quality development within the town, but will continue to remain flexible to design requests by the MG Herring Development that allow for a consistent look within that specific development. Ms. Eckstein stated the Planning and Zoning Commission recommended approval and town staff supports their recommendation.

Mayor Israeloff opened discussion to the public. Gar Herring, MG Herring Group, stated that they had work sessions with the town and signed a memorandum of understanding regarding the Village At Fairview project.

Mayor Israeloff closed the public hearing and opened discussion to council members. No comments were made.

Councilman Pezzulli made a motion to approve an amendment to the Commercial Planned Development District (CPDD), increasing the masonry requirements on all structures within this zoning district. Seconded by Councilwoman Price, with all in favor.

MASTER THOROUGHFARE PLAN/HART ROAD: Discuss amending the Master Thoroughfare Plan in regards to Hart Road.

Mr. Godwin introduced this item stating that staff is requesting feedback before proceeding with design and possible land acquisition for the future roadway improvements. Mr. Godwin stated that the Master Thoroughfare Plan calls for Hart Road to be a two-lane asphalt road, with twelve feet wide lanes, ten feet wide shoulders, and bar ditches, all within 85 feet of right-of-way. Mr. Godwin asked if council would like town staff to pursue this original plan or a curb-and-gutter construction with a sidewalk and no ditches, matching Stoddard Road but with 60 feet of right-of-way.

Mayor Israeloff asked if there was a major difference using the bar ditches on the drainage side versus the flat side. Mr. Chancellor responded that the flat areas are difficult with roadside ditches and the curb-and-gutter adds to the cost, but is lower maintenance.

Richard Reed, 1001 Hart Road, stated that they own land next to the Tarkington's and would not like to see a sidewalk in their front yard. Mr. Reed stated that his concern would be how it aesthetically would look and the negative impact it could have on the value of their property. Mr. Reed stated that he'd like to see the sidewalk on the south side and to discuss the possibility of donating land for the trail.

Diane Hastings, 880 Beechwood, stated that she is representing Fairview Meadows HOA and that the HOA has reviewed plats that indicated that Hart Road will be widened and sidewalk is on the south side and that nothing indicated to switch it to the north side. Ms. Hastings stated that children are no longer walking or riding their bike to school and out of a survey that was done from the residents of Fairview Meadows, which many do have children, resulted with less than 22% may ride their bike to school due to the traffic situation. Ms. Hastings stated that they would like to see the town maintain the original plan with the sidewalk on the south side of the road.

Chuck Williams, 800 Stoddard Rd, stated that in his opinion he doesn't see the need for a sidewalk, but would stay with the town engineer's recommendation as well as encourage the town to fix Hart Road, especially where the pavement is crumbling.

Doug Hagedorn, 1031 Hart Road, stated that he is against the sidewalk, but would be in favor of speed bumps.

Wynn Allen, 1021 Hart Road, stated that he has two children and it is not safe for them. Mr. Allen stated that he actually likes the idea of a one lane road so that cars will keep slowing down.

Mr. Godwin stated that town council conceptually agreed on a sidewalk on the north side due to accessibility and to accommodate for public safety, aesthetics, property value, etc. Mayor Israeloff asked if they don't know what side of the street the sidewalk will be on if it's feasible to give direction to staff. Councilwoman Sommers asked what the consensus was on the sidewalk and to look at both options * for both sides of the street, how much space is needed and where the sidewalks will be placed. Mayor Pro Tem Cunningham stated that bar ditches are a hazard and likes the curb-and-gutter option as a safety factor. Councilman Pezzulli stated that he is willing to donate property with respect to the easement and would abstain from that discussion and/or vote. Councilman Mattli stated that it is a busy road and the curb-and gutter is a better choice. Councilwoman Price stated that in her opinion, the town should keep Hart Road the way it is and force traffic to use Country Club and if they change Hart Road to have curb-and-gutter they would be encouraging more traffic. Councilwoman Price asked how deep gutters would be.

Mr. Godwin stated that town staff will prepare options for both.

* Ditches v. curb & gutter (MS)

TXDOT/ STACY ROAD AND FM 1378: Discuss TXDOT plans to widen Stacy Road between SH 5 and FM 1378.

Mr. Godwin stated that the town's Master Thoroughfare Plan called for four lanes between SH 5 and FM 1378. Mr. Godwin stated that the City of Allen's plan called for 4 lanes from Meandering to FM 1378 and six lanes from SH 5 to Meandering. Mr. Godwin stated that the initial agreement was that a six lane profile would be engineered, but only four lanes built. Mr. Godwin stated that TXDOT has since designed six lanes the entire length of the road and the town has expressed their opposition to the six lanes to TXDOT. Mr. Godwin stated the town requested traffic data and their project budget, but have not received anything at this point nor has anyone seen paperwork to show the plan for six lanes.

Councilman Pezzulli suggested a resolution to formally place the town's position in writing. Mayor Israeloff suggested that the town contact TXDOT and others in writing as well as setting up meetings.

FOOD SERVICE INSPECTIONS: Consider entering into an agreement with Julie Stallcup to provide food service inspections.

Mr. Dunlap introduced this item stating that the town currently uses the state for health inspections, but would like to use someone local. Mr. Dunlap stated that an ad was placed and proposals were reviewed. Mr. Dunlap stated that the staff determined that Julie Stallcup, who has been supervisor of the City of Frisco's Food Safety Division, has been there through growth and maintains quality health safety. Mr. Dunlap stated that the fees charged by the inspector will be passed on through the permit fees charged to the establishments.

Councilwoman Price asked if she is currently fulltime with Frisco, how she will be able to maintain the town's inspections. Mr. Dunlap responded that she will do them on personal time and weekends.

Councilman Pezzulli made a motion to approve entering into an agreement with Julie Stallcup to provide food service inspections. Seconded by Councilman Mattli, with all in favor.

CREATING PUBLIC IMPROVEMENT DISTRICT: Continue the public hearing and adopt the creation of The Village Public Improvement District.

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

Mayor Israeloff closed the public hearing and opened discussion to council members. No comments were made.

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

ADOPTING PUBLIC IMPROVEMENT DISTRICT: Adopt a resolution creating The Village Public Improvement District.

Councilman Mattli made a motion to adopt the resolution creating the Public Improvement District. Seconded by Councilwoman Price, with all in favor.

GENERAL RELEASE AND SETTLEMENT REGARDING SURVEYING SERVICES: Consider and take possible action on resolution adopting and authorizing execution of General Release and Settlement regarding surveying services provided by Brockette/Davis/Drake, Inc. through Kimley-Horn and Associates, Inc.

Mr. Godwin stated that due to a surveying error related to Fairview Parkway the town is recouping costs to the town.

Councilwoman Price made a motion to adopt a resolution authorizing execution of General Release and Settlement regarding surveying services provided by Brockette/Davis/Drake, Inc. through Kimley-Horn and Associates, Inc. Seconded by Councilwoman Sommers, with all in favor.

2009-10 AD VALOREM TAX RATE: Conduct a public hearing on the 2009-10 ad valorem tax rate.

Mr. Godwin introduced this item stating that proposed tax rate is .36500 per 100 valuation.

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

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

2009-10 ANNUAL BUDGET: Conduct a public hearing on the 2009-10 budget.

Mr. Godwin introduced this item highlighting that utility rates will stay the same; there's been a decrease in building permits; property and sales tax will increase; budgeted 0-5% for salary increases; insurance costs will increase some; and only additional staff will occur in fire.

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

Mayor Israeloff opened discussion to council members. Councilwoman Price asked if the town had budgeted for Allen Community Outreach since nothing has been given to CASA or if there was preference to where the monies were distributed. Council agreed to pursue Allen Community Outreach.

TOWN HALL: Discuss town hall project.

An update of town was given regarding the interior of the building and what materials will be used.

EMERGENCY MANAGEMENT PLAN: Discuss a local emergency management plan.

Mr. Donnell introduced this item stating that the plan is to address and prepare staff to respond to an emergency that deals with types of diseases that cause social disruption. Mr. Donnell stated that the plan provides direction and control by staff, Mayor and Council in the event of an outbreak and how to continue the daily operations of the town.

Councilman Pezzulli added that there are educational materials on how to educate residents on hygiene practices, immunizations/vaccinations, and how to notify residents of what to expect and what will happen in the event of an outbreak.

Councilwoman Price asked who is designated as the key manager in such event and what location is identified as the Emergency Operations Center (EOC). Mr. Godwin responded that he is the key manager and currently town hall is the EOC, but then it would be become Fire Station #2 once it's complete and then the new town hall upon its completion.

LEGAL SERVICES: Discuss issuing a request for proposals for legal services.

Mr. Godwin stated that every five years it's good to test the waters and issue requests for proposals for legal services to keep options open.

Mayor Israeloff agreed and suggested to request for proposals.

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

No action was taken.

CITIZENS INPUT:

No comments made.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 10:25 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW