TOWN COUNCIL
MEETING MINUTES
November 3, 2009

The Town Council met in regular session on Tuesday, November 3, 2009 at 7:00 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, Ron Kasian, Michael Pezzulli, 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. Councilman Anton Mattli was absent.

Mayor Israeloff called the meeting to order at 6:35 p.m. and declared a quorum was present.

At 7:41 p.m. Mayor Israeloff reconvened back into regular session and requested everyone to stand for the Pledge of Allegiance.

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 October 10, 2009 special council meeting. B) Approve minutes of the October 13, 2009 regular council meeting. C) Approve a resolution accepting the tax roll for the Fiscal Year 2009-10. D) Adopt an ordinance revising Article 5.02 of the Town of Fairview Code of Ordinances to ensure consistency with the town's Home Rule Charter. E) Approve a sewer service extension contract with The Fairview Shopping Center. F) Approve tower lease agreement with Clearwire, US. G) Approve a resolution to accept federal funds that will be used to support energy efficient projects.

Councilman Kasian requested to pull items D, E, and F. Councilwoman Sommers requested to pull item B.

Councilwoman Price made a motion to approve items A, C and G. Seconded by Councilwoman Sommers, with all in favor.

Councilwoman Sommers stated in regards to item B under the Master Thoroughfare Plan that there were comments not listed. Councilwoman Sommers requested for the minutes to reflect that council requested additional information and that she did not think there was an approval by council, but the minutes reflect an agreement. Mayor Israeloff

responded that the council directed staff on what they preferred and gave them direction on sidewalk placement and design, but there was no commitment to build or acquire property; therefore, no final decision was made. Councilwoman Sommers asked if they could change the wording or add 'for planning purposes' and add 'council directed staff to bring back additional information comparing cost and design'.

Councilwoman Sommers made a motion to approve item B. Seconded by Councilwoman Price. Councilman Pezzulli abstained. Motion passes.

Councilman Kasian asked in regards to the fire ordinance amendment section 5.02.003 why the last line is stricken and where it references town manager should that be listed as fire chief instead. Mr. Godwin responded that there is no "membership"; they are either an employee or a volunteer.

Councilman Pezzulli stated in regards to section 5.02.001(a) that "appropriately compensated" is vague and suggests adding 'consistent with the budget' and in section 5.02.001(b) if the word 'may' should be at the sole discretion of the town manager. Councilman Pezzulli also asked in regards to section(s) 5.02.003 and 5.02.005 if the language was consistent with other town departments. Mr. Godwin responded that the language is consistent and that section 5.2.001(b) covers only volunteers who would be reimbursed accordingly. Mayor Israeloff asked how the compensation for police is determined. Mr. Godwin responded that they are done by policy and directors make recommendations on salaries.

Councilwoman Sommers made a motion to approve item D with deleting the word 'appropriate' from section 5.02.001(a) and adding the language 'consistent with the budget'. Seconded by Councilman Kasian. Motion passes 5-1 with Councilman Pezzulli opposed.

Councilman Kasian asked about item E. Mr. Chancellor stated that if approved the town will collect pro-rata fees when an owner connects to the line for a period of up to 15 years and that will be used to reimburse the developer. Mayor Pro Tem Cunningham asked who fronts the bill. Mr. Chancellor responded that the developer is responsible.

Mayor Pro Tem Cunningham made a motion to approve item E. Seconded by Councilman Kasian, will all in favor.

Councilman Kasian asked if a coverage map was given in regards to item F. Mr. Donnell responded that no map was given, but will request one.

Councilman Kasian made a motion to approve item F. Seconded by Councilman Pezzulli, with all in favor.

CREEKWOOD EASEMENT: Discuss North Creekwood to Meandering Way safety access easement.

Mr. Chancellor introduced this item stating that staff is seeking feedback in regards to ADA compliance due to the town attorney directing the town to be ADA compliant. Mr. Chancellor stated that the options then would be to have a 12 ft. wide fire lane on hard surface, a 12 ft wide asphalt lane or another option would be to have sidewalk with grass-crete on both sides with a hard surface underneath the grass-crete, which would also be ADA compliant. Mr. Chancellor stated that there is not a big difference cost wise. Mr. Chancellor stated that the plain concrete would run around $50,000± and add an additional 30% for grass-crete and in comparison; asphalt would be around $5,000± cheaper.

Mayor Pro Tem Cunningham commented that he has seen grass-crete, but asked if it was possible to fit a heavy truck on it. Mr. Chancellor responded that it is engineered for heavy equipment and it would hold a fire vehicle.

Councilwoman Sommers asked what the width of the middle section would be if the town used the third option. Mr. Chancellor responded that it can be four or six ft wide, but the minimum width for a hike/bike trail is eight ft.

Councilman Kasian asked if ADA requirements reflect who would be liable and what would be the better option. Mr. Godwin responded that the council can pursue not to go ADA compliant, but would then need gates, signs etc. Councilwoman Price asked what council can do to help eliminate car traffic. Mr. Godwin responded that they would need something where the sidewalk ends on both sides.

Mayor Israeloff opened discussion to the public.

Joe Foster, 711 Creekwood Drive North, stated that he was originally not in favor, but understands the need for the fire lane. Mr. Foster stated his concern would be the foot traffic that would be encouraged.

Steve Howard, 492 Meandering Way, stated that he agrees with Mr. Foster and has seen the traffic on Meandering Way and the endangerment to the children. Mr. Howard stated he'd like to see the emergency access remain in a natural state and his concern would be connecting to the street, which would increase the traffic.

Councilwoman Sommers asked if there was a difference in ADA compliance on an emergency access easement versus a public safety easement. Councilwoman Sommers stated this could have a major impact on the town and recommends getting a second legal opinion.

Mayor Pro Tem Cunningham stated that they need access for emergencies, but questions whether to put all grass-crete or put up chains and only give access to the fire department.

Councilman Kasian stated that they need emergency access and is not comfortable with the trail.

Councilman Pezzulli stated that being ADA compliant is necessary and projects liability on the town if it is not in compliance.

Councilwoman Price agrees that it should be ADA compliant if that is the legal determination, but would also like to get a second opinion.

Four of the six council members wanted to take no further action until a second opinion is acquired on the emergency access and would also like to follow up with the Texas Municipal League (TML) prior to next month's meeting.

LOGO DESIGN ON WATER STORAGE TANK: Discuss and take action on a logo design for the east side elevated water storage tank.

Councilwoman Sommers stated that she'd like to see the Lovejoy leopards logo used on the elevated water storage tank located on the east side of town. Councilwoman Sommers asked if they should place the logo on each side of the water storage tank and what the possible cost would be. Mr. Godwin stated that the placement of the logo would be council's preference.

Mayor Israeloff opened discussion to the public.

Pete Busby, 706 Scenic Ranch stated that he brought this to council's attention at the last meeting and thinks that the school logo would be a good representation of the town, especially since it is located near the schools; therefore, would like to see the logo on the water storage tank.

Bill Wells, 571 Bluebonnet Lane, stated that he'd like to see equal consideration with the McKinney ISD lion logo since he's in the McKinney ISD district.

Councilwoman Sommers made a motion to approve the Lovejoy leopard logo for the east side elevated water storage tank. Seconded by Councilman Pezzulli, with all in favor.

FIRE STATION #2 LANDSCAPING: Discuss and take action on landscaping at Fire Station #2.

Mr. Godwin introduced this item stating that the landscape architect has prepared irrigation plans so that the irrigation can be put in at the same time as the septic field.

Mr. Godwin stated that this plan only includes the irrigation and not the full landscaping plan.

Councilwoman Sommers stated the date of the plan indicates October 15, 2009 and that the plan doesn't have more than was initially listed for the landscaping. Mr. Godwin responded that the preliminary plan did not include the neighborhood needs and was only for the fire station since it is not a finished project, and that a meeting with the neighbors would be conducted.

Heather Hager, 570 Cambridge Drive, stated that the landscaping was initially drafted for irrigation and that a berm will be needed to help screen the lights. Mr. Godwin suggested a berm with plants on top.

TOWN SIDEWALKS AND TRAIL DESIGNS: Discuss and take action on basic town sidewalk and trail designs.

Mr. Godwin introduced this item stating that town council had requested feedback from the park board regarding sidewalk and trail designs. Mr. Godwin stated that the park board discussed concerns over LEEDS reflectively, maintenance, difficulties with repairs and matching colors. Mr. Godwin stated that the park board made the following motion "Recommend the council construct trails and sidewalks with brushed concrete and add landscaping where applicable; for neighborhood connector trails, alternatives to this standard can be considered on a case-by-case basis."

Councilwoman Sommers stated that in her opinion she is not ready to take action and needs more information, pictures, etc. Councilwoman Sommers asked if east Stacy Rd will have a hike/bike trail. Mr. Godwin responded that yes it will. Councilwoman Price suggested that landscape architect Dave Baldwin provide some ideas.

No action was taken by council.

TOWN'S MASTER THOROUGHFARE PLAN: Approve a resolution urging Collin County, NCTCOG, and TXDOT to respect and follow Fairview's master thoroughfare plan in making future transportation decisions.

Councilman Pezzulli made a motion to approve the resolution urging Collin County, NCTCOG, and TXDOT to respect and follow Fairview's master thoroughfare plan in making future transportation decisions. Seconded by Councilwoman Sommers, with all in favor.

PROPOSALS FOR TOWN ATTORNEY SERVICES: Discuss and take action on proposals for town attorney services.

Mr. Godwin introduced this item stating that three proposals were received and it is council's discretion on how to proceed.

Mayor Israeloff suggested setting up a meeting with each of them. Councilwoman Sommers asked if they can meet with council as a group. Mr. Godwin responded that they can invite them to meet with council in a special meeting, but will need to be an open session if all members are present.

2006 INTERNATIONAL BUILDING AND FIRE CODES: Consider adopting the 2006 International Building and Fire Codes and related amendments.

No action taken.

AGREEMENT WITH MSB GOVERNMENT SERVICES: Consider approving an agreement with MSB Government Services to obtain outstanding court collection fees.

Ms. Eckstein introduced this item stating that the town would like to hire an outsourcing company to collect fees. Ms. Eckstein stated that MSB is a well established company and services many cities in the surrounding area. Ms. Eckstein stated that there is no cost to the town to use this service and that when MSB collects for the town they collect an additional 30% which serves as their payment. Ms. Eckstein stated that town staff recommends entering into an agreement with MSB.

Councilman Pezzulli asked if the town needs to adopt an ordinance to comply with the debt collections policies. Councilman Pezzulli recommended that the agreement clarify that MSB is deemed a debt collector under federal statute.

Councilwoman Price made a motion to approve the agreement with MSB Government Services to obtain outstanding court collection fees. 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:

Lyle Croft, 950 Country Club, stated that he has a bar ditch in his back yard along Hart Road and it is steep and hard to maintain. Mr. Croft stated that he opposes bar ditches and the town acquiring right of way for a sidewalk since this would require removing trees, which he'd prefer not to lose.

Chip York, 861 St. James, stated that he was just made aware of the discussion regarding the Hart sidewalk and seems like there are two options, but questions if there is a need for it and if this has necessitated the widening of Hart Road. Mayor Israeloff commented that council has had discussions on a possible sidewalk, which included where to place it, whether it was asphalt or concrete, or a bar ditch versus curb-and-gutter drainage, but stated there was no plan to widen Hart Rd. Mr. Godwin added that the town is future planning, but at this time there is no immediate plan to redo the road.

Greg Cunningham, 560 Cambridge Drive, asked if the lights at the new fire station were lowered and how much impact will they have once turned on. Mr. Godwin responded that the lights were lowered. Mr. Cunningham stated that the lights were on and they glow on the building and feels that they do not need to be lit unless necessary.

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

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW