TOWN COUNCIL
MEETING MINUTES
December 1, 2009

The Town Council met in regular session on Tuesday, December 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, Ron Kasian, Michael Pezzulli, and Mary Price; Town Manager John Godwin; Community Development Manager, Ray Dunlap; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; and Town Secretary, Michelle Lewis Sirianni.

Mayor Israeloff called the meeting to order at 6:33 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:37 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 November 3, 2009 regular council meeting. B) Approve ordinance repealing section 4.03.034 of The Fairview Code of Ordinances, health permit for peddlers. C) Approve an interlocal agreement with Collin County funding sidewalk improvements at the Meadows Park. D) Approve an ordinance establishing a school zone on FM 1378 at Sloan Creek Middle School. E) Approve an ordinance establishing a speed zone within the Village of Fairview.

Councilman Kasian requested to pull items A and D.

Councilman Pezzulli made a motion to approve items B, C and E. Seconded by Councilwoman Price, with all in favor.

Councilman Kasian made a correction to page 2 and also requested page numbers.

Councilwoman Price made a motion to approve item A. Seconded by Councilman Cunningham, with all in favor.

Councilman Kasian asked in regards to item D why the maximum amount was $200, if there was sufficient distance and if signs would be posted regarding no cell phone use. Mr. Godwin responded that TXDOT provided the ordinance and if not approved to form, they would not accept the speed zone. Mr. Godwin stated that the signs are up and the distance was based on standard criteria.

Councilman Kasian made a motion to approve item D. Seconded by Councilwoman Sommers, with all in favor.

<u>HELI/TRAINING PAD FOR FIRE STATION #2:</u> Discuss a heli/training pad for Fire Station #2.

Chief Price introduced this item stating that they have designed training props into the new fire station. Chief Price said the idea is to use the pad for training and on occasion to use for transport. Chief Price stated that they are not planning on putting in a heliport, that it is a medical emergency site. Chief Price stated that on average, they fly out six people per year with only transporting one to two in the immediate area and that this would provide a safe and secure, flat, dry area if they would at anytime need to use it. Chief Price stated that the noise would be minimal on the training, no fires would be set and the pad would be no cost to the town.

Mayor Israeloff opened the discussion to the public. Bruce Tiff, 530 Stafford Court, asked if there have been any safety accidents to date that would have needed a helicopter. Chief Price responded no. Mr. Tiff stated his concern is the noise and if there is a better location that doesn't impact the neighbors. Chief Price responded that the training would only occur twice a year and the noise is minimal.

Dan Carroll, 171 Summerhill, asked if there would be training where helicopters would come in/out of the area. Chief Price responded that there would be a maximum of one per year and could try to arrange it at the college. Mr. Carroll stated that he'd prefer not to have helicopters coming in and out of the area.

Scott Allen, 550 Cambridge, stated that his concern is also air support training.

Craig Stephens, 241 Wyndham, stated that he understands the safety concern and does not disagree with the idea of the training pad as long as it is used for training purposes only.

Mayor Israeloff opened the discussion to the council.

Councilman Pezzulli stated that the Chief is welcome to look at Country Day School as a designated site.

Councilwoman Sommers stated that the council had not decided so residents were unaware. Councilwoman Sommers stated that the plan says helipad and that she is not only concerned about the noise, but also concerned about the lighting to the landscaping around the area. Councilwoman Sommers stated that Fairview is a small town to have a helipad and needs to consider how the training will impact the residents from the noise to the old cars and the training for the helicopters.

Councilman Cunningham asked if they were placing a big "H" on the pad. Chief Price responded they will not be painting an "H" or anything on the pad.

Councilman Kasian asked what would be the frequency of the training. Chief Price responded that the training is required once a year.

Councilman Pezzulli stated that the town needs appropriate landing zones and know where to land even if it's only once or twice a year for safety concerns so that when an emergency arises, it can be handled.

Councilman Mattli stated that he doesn't disagree with the pad as long as it's used for training and having a secure landing site for emergencies would be helpful. Councilman Mattli stated that he believes that they should limit the number of trainings per year, use no fire and/or chemicals during training sessions so that it can be a controlled area.

Mayor Israeloff stated that his concern has been the process. Mayor Israeloff stated that when the construction plan was approved, it did not include the training pad. Mayor Israeloff stated that he was disappointed that he didn't hear about this earlier and would rather see it presented as a completed plan with thoughts including landscaping, designated areas, etc.

Councilwoman Price stated that the landing pad was included on the site plan approved earlier this year but the pad was not approved due to cutting cost. Councilwoman Price stated she likes the idea of having the pad there as a multi-use function. Councilwoman Price asked if there were guidelines and if anyone can just come in and land on the site. Councilwoman Price stated that landscaping needs to be discussed and addressed so that there is a visual buffer for Summerhill Farms. Chief Price responded that it would be a controlled site and he would know when and if someone would need to land on the site.

FAIRVIEW SOCCER COMPLEX: Consider amending the Fairview Soccer Complex Agreement.

Mr. Dunlap introduced this item stating that construction delays have caused the project to be about a year behind, causing a delay in the construction of the park, trail and clubhouse. Mr. Dunlap stated the delay resulted in an Event of Default, according to the lease. Mr. Dunlap stated that Mr. Olalli was notified and requested an extension for the construction of the trail and park to September 11, 2010 and the construction of the clubhouse until September 11, 2011, which would allow him to come into compliance. Mr. Dunlap stated that the Parks and Recreation Board recommended modifying the lease to incorporate the new completion dates.

Councilman Mattli asked why the project was delayed and how can they ensure it won't be delayed again. Mr. Olalli responded that the primary delay is due to the growth of the grass and a few construction issues, which pushed things back. Mr. Olalli stated that everything is right on track now. Mayor Israeloff asked if he anticipated any more delays. Mr. Olalli responded he does not anticipate any further delays.

Councilman Mattli asked how many fields will there be. Mr. Olalli responded that there are six fields. Councilman Mattli asked if there would be temporary shelter put in for safety of the residents. Mr. Olalli responded that he covers all bases when a tournament is held. Councilman Pezzulli asked if they have lightning detectors for storms and what is the process during a storm. Mr. Olalli responded that they do have lightening detectors and will send adults to their cars first if a storm threatens.

Councilwoman Price asked if washroom facilities will be brought in since there are no permanent structures. Mr. Olalli responded that they will have facilities that will be changed out weekly.

Councilman Mattli made a motion to approve the modification to the Fairview Soccer Complex lease. Seconded by Councilman Pezzulli, with all in favor.

LANDSCAPING FOR EAST STACY ROAD SIDEWALK: Consider an agreement with David Baldwin Architects for landscaping on the east Stacy Road sidewalk.

Mr. Godwin introduced this item stating that council has requested that a landscape architect look at possible designs on East Stacy Road. Mr. Godwin stated that he visited with Dave Baldwin and he presented an agreement to the town. Mr. Godwin stated that he tends to think that it can be done in-house, but would like council to instruct staff with any other options.

Councilman Cunningham asked about the length of Stacy Road and suggested showing the design to the HOA as well. Mayor Israeloff stated whether it's town staff or the HOA, if someone could take some pictures and try to develop a concept.

The council directed staff to take some photos and provide a concept whether it is using drawings or rough sketches.

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

Mr. Godwin introduced this item stating that a position on the Planning and Zoning Commission and the Parks and Recreation Board have opened due to The Hastedts moving out of town limits. Mr. Godwin stated that Mr. Culbertson has re-expressed his interest in the Planning and Zoning Commission and Neal Pappion, who currently serves on the Technology Committee, would like to be considered for the Environmental Committee.

Councilman Pezzulli stated that he interviewed Greg Sachnik and would be willing to nominate him and was encouraged to see Mr. Culbertson's interest and is equally comfortable nominating him.

Councilwoman Sommers stated that she has known Mike Hudgens for years and thinks he would be a great addition to the Planning and Zoning Commission. Councilman Kasian agreed with Councilwoman Sommers.

Councilman Pezzulli made a motion to nominate Greg Sachnik to the Planning and Zoning Commission. No Second; therefore, motion fails.

Councilman Pezzulli made a motion to nominate Darion Culbertson to the Planning and Zoning Commission. Seconded by Councilman Cunningham.

Councilwoman Sommers made a motion to nominate Mike Hudgens to the Planning and Zoning Commission. Seconded by Councilman Kasian.

With a 4-0 hand vote, Darion Culbertson was re-appointed to the Planning and Zoning Commission.

No action was taken on the Parks and Recreation Board.

Councilman Pezzulli made a motion to nominate Neal Pappion to the Environmental Committee. Seconded by Councilman Mattli, with all in favor.

2008 NATIONAL ELECTRIC CODE: Consider adopting the 2008 National Electric Code (NEC).

Mr. Chancellor introduced this item stating that Fairview is still operating under the 2002 National Electric Code and town staff is in favor of updating to the 2008.

Councilman Pezzulli made a motion to approve the adoption of the 2008 National Electric Code. Seconded by Councilman Mattli, with all in favor.

FIRE STATION #2 LANDSCAPING: Award bid to Metheny landscaping at Fire Station #2.

Mr. Godwin introduced this item stating that Metheny came in with the lowest bid. Mr. Godwin stated that additional fencing, walls and landscaping will be added when the water tower is finished,and they are looking to doing some work in-house. Mr. Godwin stated that the total amount proposed equals $71,276.95.

Councilman Cunningham asked if they approve the landscaping bid and they have minor changes down the road, will funding be available. Mr. Godwin responded that they will be able to come back and fill any gaps if necessary.

Councilman Cunningham made a motion to approve the landscaping bid not to exceed $71,276.95 with additional berming as needed. Seconded by Councilman Pezzulli, with all in favor.

CHANGE ORDER #1 NEW TOWN HALL: Consider Change Order #1 for the new town hall.

Mr. Godwin introduced this item stating that the amount of the reductions totaled $163,051 and includes deleting some of the landscape walls along the trellis, changing the small fountain, altering some glass, and deferring some sidewalk segments until vacant lots are developed. Mr. Godwin stated that they are still reducing cost(s) and he hopes to have an additional deduct change order in January.

Councilwoman Sommers made a motion to approve the new town hall change order #1. Seconded by Councilman Kasian, with all in favor.

PROPOSALS FOR TOWN ATTORNEY SERVICES: Discuss town attorney interviews.

Mr. Godwin introduced this item stating that they haven't been able to find a date to schedule the interview meetings. Mr. Godwin asked council what day and type of timeframe they would like for each firm and if they preferred a question/answer type setting.

Council agreed to meet on Wednesday, December 9, 2009 at 6:30 pm to include a 30 minute timeframe for each firm followed by a question and answer portion.

CCAD BOARD OF DIRECTORS: Consider casting votes for the CCAD Board of Directors.

Mr. Godwin stated that the town typically has not voted in the past, but has eleven votes if they wish to cast them. Mr. Godwin stated that the town did receive a letter from the City of Allen requesting that the town vote for Mr. Rodenbaugh.

Councilman Kasian made a motion to cast the town votes for Gary Rodenbaugh to the CCAD Board of Directors. Seconded by Councilman Cunningham, with all in favor.

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

No action was taken.

CITIZENS INPUT:

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 9:26 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary