

**TOWN COUNCIL
MEETING MINUTES
January 5, 2010**

The Town Council met in regular session on Tuesday, January 5, 2010 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, Anton Mattli, and Mary Price; Town Manager John Godwin; Assistant to the Town Manager, Matt Donnell; 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 6:30 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:39 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 December 1, 2009 regular council meeting. B) Approve minutes of the December 9, 2009 special council meeting. C) Accept the 2008 audit.

Mr. Godwin stated that he was waiting to receive a published report for the audit, but has not and gave copies of the final draft to council. Mr. Godwin stated that they would be accepting only.

Councilman Kasian requested to pull items A and C.

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

Councilman Kasian made a correction to item A.

Councilman Cunningham made a motion to approve item A as amended. Seconded by Councilman Kasian, with all in favor.

Councilman Kasian stated that in regards to item C that he would like to congratulate the town manager and staff for the continuous improvements of the town's finances and the

bond ratings the town has received. Councilman Mattli stated that he does not feel comfortable accepting the audit without seeing the final version.

No action taken on item C.

FIRST PUBLIC HEARING ANNEXING 590 MEANDERING WAY: Conduct the first public hearing regarding the annexation of 4.5± acres at 590 Meandering Way, generally located east of Meandering Way, south of Sloan Creek, and northwest of North Creekwood Drive.

Mr. Efrussy introduced this item stating that as part of the on-going process of annexing and zoning property, Mr. Zampino's property is now being addressed. Mr. Zampino's property consists of 4.5± acres and includes a business specializing in saving trees and shrubs. Mr. Efrussy stated that the Planning and Zoning Commission held a discussion at the December 10, 2009 meeting and were comfortable with the Planned Center Zone, which enhances open space. Mr. Efrussy stated that town staff recommends the annexation of this property.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was left open.

ACCESS EASEMENT CREEKWOOD DR/MEANDERING WAY: Consider emergency access easement between Creekwood Drive and Meandering Way.

Mayor Israeloff stated that council received legal advice from the town attorney and at this time council is either considering moving forward, deferring or canceling this project.

Mayor Israeloff opened discussion to council members.

Councilwoman Sommers asked if there was funding for this project. Mr. Godwin stated there is none at this time. Councilwoman Sommers stated that in her opinion, they should do nothing at this time and take proper studies before moving forward, especially since there is no funding.

Councilwoman Price stated that she believes that the town should build the emergency access easement, but would like to see a safety engineer conduct a study to see if there is a danger in keeping the sidewalk nor not. Councilwoman Price stated her concern is the number of homes and having the access to get to them in case of an emergency. Councilman Pezzulli asked for clarification on the construction of the easement.

Councilman Pezzulli stated that if constructed that it should be in full compliance of the law.

Councilwoman Price made a motion to build the emergency access easement for emergency vehicles only and not open to the general public. Seconded by Councilman Kasian.

Mayor Israeloff asked council if they would like to have a traffic safety engineer do a study now or wait until funds are available.

Mayor Pro Tem Cunningham stated that he believes they should put the project on hold until funds are available and to leave the existing sidewalk, but to also conduct an outside safety analysis to determine whether or not to continue with the project.

Councilman Pezzulli stated that they need an emergency access that would be constructed in full compliance with the law, but the town does not have the funds available. Councilman Pezzulli requested to follow the town's engineer's recommendation with the trail down the center and to be ADA compliant.

Initial motion is withdrawn.

Councilwoman Price made a motion to request that an engineer conduct a traffic safety analysis on the feasibility and safety issues of constructing the emergency access easement within a 30 day or less timeframe, as well as leaving the existing sidewalk in place until the study is completed. Seconded by Councilwoman Sommers, with all in favor.

TRAINING/HELIPAD FIRE STATION #2: Consider construction of a training/helipad at Fire Station #2, a policy on the use of such a pad, and landscaping and screening requirements thereof.

Chief Price introduced this item stating that the training/helipad will be used as a Medical Emergency Site that could have occasional helicopter use and for training purposes. Chief Price stated that the site would provide a safe and secure area while also offering a training location to keep personnel in town for training. Chief Price stated it would be no cost to the town as all materials are being donated for the construction.

Mayor Israeloff asked how long and often would the training be for the vehicle extrication. Chief Price replied that it would take a full day due to the shifts, but would be conducted four hours at a time. Mayor Israeloff asked if flight training would be one time per year and conducted during the day or night. Chief Price responded that training would be during the day and he would communicate to neighbors ahead of time and would use ground lights as needed, but would be low profile.

Mayor Israeloff opened discussion to the public. Greg Cunningham, 560 Cambridge, asked why the training/helipad is being considered in the residential area versus placing it

within the commercial area and asked how often helicopters would be flown into the area as well as if FAA regulations would be followed.

Bruce Tiff, 530 Stafford, asked what landscaping would be used to screen the area.

Brad Northcutt, 910 Beechwood, asked if the schools have been considered to use as an emergency landing area.

Scott Allen, 550 Cambridge, asked if any other alternative solutions have been considered i.e. the use of only certain parcels of land, certain park space or other facilities.

Chief Price responded to the residents by stating that the idea of the training/helipad is to have a designated and secure area that is used for emergency access only, which is why the schools are not as secure and would have to be concerned with debris and whether or not there was a function at that particular site where they'd have to be worried about people in the area. Chief Price stated that the commercial area was not considered since it is not the town's property and would be limited to where they could place it. Chief Price stated that if a helicopter had to be used they fly it in vertically and are as close to the scene as possible and that they would establish appropriate landscaping around the perimeter. Chief Price added that due to the proximity of the pad to Stacy Road, that they would not need to shut down Stacy if the pad was being used during an emergency.

Mayor Israeloff opened discussion to council members. Mayor Pro Tem Cunningham asked if there was an accident on US 75 and a helicopter was needed, where the helicopter would be taken. Chief Price responded that the helicopter will land as close to the accident as possible in the safest location available. Chief Price stated that they can designate four to five areas, but would still have to check area for debris, open space availability, which takes time. Chief Price added that on average, there were six to seven landings this past year and out of those three were on the east side of town and the remaining were on US 75.

Councilman Mattli asked how much training there would be. Chief Price responded there would be two per year. Councilman Mattli stated asked if the department could commit to two trainings per year. Chief Price responded that he could commit to that number. Councilman Mattli stated that in his opinion, he would be opposed to placing any structures on the pad, no vehicle extrication and/or structure fires and would only recommend fire extinguisher training.

Councilwoman Sommers stated that her concern is the car extrication training. Councilwoman Sommers stated that this is a visible area with no buffer. Councilwoman Sommers asked if the training could be done at town hall where it is less visible. Chief Price responded that the area at town hall is too small and not the right surface.

Mayor Israeloff stated that in his opinion he is skeptical and dislikes the idea of doing training in front of the new building and would rather see the existing town hall used or go to an off-site training location.

Councilwoman Price stated that they need a safe environment for emergencies for when a helicopter would have to be used. Councilwoman Price stated that she has been at an accident when a helicopter was used and it is noisy and crowd control can become an issue. Councilwoman Price stated that she likes the idea of doing trainings onsite and believes a decision should be made on the pad, tentative extrication of cars and landscaping.

Councilwoman Sommers made a motion to permit the construction of the emergency access pad only since it is no cost to the town, but at this time to not authorize any training until council can assess what the possible impact will be. Seconded by Councilman Kasian, with all in favor.

Councilman Mattli stated that he agrees with the constructing of the pad, but should restrict the training to low impact activities and evaluate in a three to six month period and make any changes if necessary. Councilman Pezzulli stated that he believes it's important to have the emergency access pad and agrees with the three to six month evaluation. Councilman Pezzulli stated that he believes only low impact training allowed at this time and no car extrication.

Councilman Pezzulli made a motion to allow low impact training excluding car extrication and to evaluate the impact of the training in a timeframe not to exceed six months. Seconded by Councilman Mattli.

Motion passes on a 4-2 vote; one abstain.

Councilwoman Price asked what were the expectations as to when this will happen. Chief Price responded that within the next two to six weeks. Councilwoman Sommers stated that she hopes that the landscaping will still be put into place as it will help with the noise.

Mayor Pro Tem Cunningham added that he likes the idea of having a second or even third landing zone and asked for the possible cost evaluation and also asked the Fire Chief to look at the parks as a possible location.

LIGHT/SIREN POLICY FIRE STATION #2: Consider a light and siren policy for Fire Station #2.

Chief Price introduced this item stating that the siren testing will be conducted once a day and takes less than five seconds and the light testing will be conducted at the beginning of each shift change and will take a minimum of one minute up to five minutes maximum.

Councilwoman Sommers stated in regards to the exterior building, there are too many lights when completely lit. Councilwoman Sommers suggested that one light be located on the west side, one at the street, one nearest the building, and one on each drive would be sufficient. Councilwoman Sommers stated that the main entrance is really lighted and the lights are not in compliance as well as looking at the flag pole lights and the monument lighting. Councilwoman Sommers stated that she would like to see the brightness of the flag pole lights lowered and either change the direction or eliminate the accent lights.

Mayor Pro Tem Cunningham asked if the flood lights on the front and back of the building be left on and if so recommended leaving them on for special uses only due to the brightness. Mayor Israeloff responded that the site training lighting will have to be in compliance with the town's policy. Councilman Mattli suggested reviewing in six months when the lights are in full operation.

Councilman Pezzulli made a motion to adopt as written subject to review within three months and make changes as needed. Seconded by Councilman Mattli.

Motion passes 5-2.

ARTWORK FIRE STATION #2: Discuss and take action on artwork at Fire Station #2.

Mr. Godwin introduced this item stating that all public facilities are required to have public art work. Mr. Godwin introduced Ms. Karnuta whom has expressed a desire to donate a wall mural to the town based on the town's overall history.

Karen Karnuta stated that she would like to do a mural within the fire station that would be painted by the community based on the town's history. Ms. Karnuta stated that the only cost to the town would be the supplies. Ms. Karnuta shared pictures of her work with the council.

Councilman Kasian asked Ms. Karnuta if she would consider doing a mural in the new town hall where it would be more visible to the residents and also where they could enjoy it more. Councilwoman Price added that the panels within the council chambers would be a possible location for additional artwork.

Mayor Israeloff asked if Ms. Karnuta, Chief Price and Mr. Godwin could look at the space and continue the process of adding the art work.

HAWKSWOOD SECURITY CAMERAS/SIGNAGE: Consider approval of the use of town-owned right-of-way for security cameras and signage in the Hawkswood subdivision.

Mr. Godwin introduced this item stating that a sign cannot be placed on town property, so the Hawkswood subdivision is asking for permission to place the sign on town property and not within someone's yard.

Bill Ameser, 550 Talia Circle, stated that the Hawkswood HOA would like to install cameras on the north side of Stacy Road and signs that would be placed within the town's right-of-way. Mr. Ameser stated that the security system is motion activated that will upload pictures that stores up to four weeks at a time. Mr. Ameser stated that they are using this more as a deterrent due to the recent break-ins they have had.

Councilwoman Price asked how tall the cameras were, if the signs were required and if there was a way to isolate the cars if there were too many entering and leaving the area. Mr. Ameser responded that the cameras are on a two foot post with a black box underneath and will be located behind the guard tower so it would not be visible from Stacy Road. Mr. Ameser added that the signs are required and of course, there is no guarantee, but they are hoping this will at least discourage any further break-ins.

Mayor Pro Tem Cunningham asked who maintains the right-of-way. Mr. Godwin responded that the HOA maintains it.

Councilman Pezzulli asked if this would be an effective deterrent and would people see the signs. Mr. Ameser replied that since gates were not an option that the cameras were suggested and the HOA believes they will be effective and with the signs visible to make the public aware that there is a camera there. Mr. Ameser stated that the cameras are infrared and takes picture of the plates, which also allow them to pick up the image during night time.

Councilwoman Sommers made a motion to approve the use of town-owned right-of-way for security cameras and signage in the Hawkswood subdivision. Seconded by Councilwoman Price, with all in favor.

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

Councilman Pezzulli made a motion to nominate Andrea Faulkner to the Parks and Recreation Board, Seconded by Councilman Mattli.

Councilwoman Sommers stated she highly recommends Maryanne Simonsen. Councilwoman Sommers stated that she has been a resident for many years and would be a valuable addition to the board.

Councilman Pezzulli amended the motion to nominate Ms. Faulkner and Ms. Simonsen to the Parks and Recreation Board. Seconded by Councilwoman Sommers, with all in favor.

PRESENTATION NEW ALARM PERMITTING: Hear presentation on new alarm permitting system.

Bill Baxter, the town's IT person and Police Chief Tolliver presented the new alarm permitting system.

CONSTRUCT TRAIL NORTH SIDE OF STACY ROAD: Consider a resolution urging TXDOT to construct a trail consistent with the town's comprehensive plan on the north side of Stacy Road when it is reconstructed.

Councilman Mattli made a motion to approve the resolution urging TXDOT to construct a trail consistent with the town's comprehensive plan on the north side of Stacy Road when it is reconstructed. Seconded by Councilman Pezzulli, with all in favor.

2006 BUILDING CODE: Consider approval of an ordinance amending the Building Code and adopting the new 2006 Building Code, with amendments.

No action taken.

2006 FIRE CODE: Consider approval of an ordinance amending the Fire Code and adopting the new 2006 Fire Code, with amendments.

No action taken.

COMMUNITY ROOM: Consider approval of a Community Room use policy.

Mr. Godwin introduced this item stating that the policy is consistent with current usage of the town council chambers by neighborhood groups, as well as with procedures for securing reservations for park pavilions.

Councilman Mattli stated that his concern is that there is a greater chance for personal use with potential damage to the facility. Mr. Godwin responded that the reservation is for a two hour time period and no food or beverage is permitted without specific permission as well as no alcoholic beverages are permitted, which would hopefully hinder from any damage to the room.

Councilwoman Price made a motion to approve the Community Room use policy. Seconded by Mayor Pro Tem Cunningham, with all in favor.

THE MEADOWS/CYPRESS PARK IMPROVEMENTS: Consider authorizing the construction of improvements to The Meadows neighborhood park and to Cypress Park.

Mr. Godwin introduced this item stating that since the county grant was denied for The Meadows Park and Cypress Park, town staff met with residents of the Villages of Fairview, Villas in the Park and Cypress Crossing. Mr. Godwin stated that the Park Board recommended spending \$100,000 total on The Meadows Park and Cypress Park combined. The residents would have access to The Meadows Park would like to see a sport court and a swing set that includes six swings. The residents with access to Cypress Park have expressed their desire to have a playground structure and a swing set. Mr. Godwin stated that the park board recommended these improvements to The Meadows Park and Cypress Park.

Councilwoman Sommers asked what the cost to the other parks was and stated that she is not in favor of gradually constructing the parks. Mr. Godwin responded that the Park Board initially wanted to wait, but the residents were requesting items now. Mayor Israeloff commented that even though the parks would not be finished the residents would have something to use now and could go back and fill in later.

Councilwoman Price stated that all parks have submitted plans whether in phases or not that indicated where the items would be placed. Councilwoman Price questioned that if they had no plan they are not servicing the residents and would like to move forward acquiring the equipment, but see where it fits and pair up play area with benches, pavilion and/or other amenities. Councilwoman Price stated that she would like to see a longer range concept plan for both.

Councilwoman Sommers suggested approving the structures and having the Park Board come back with a plan for each park and to also have a council member serve as a liaison on the Park Board. Councilwoman Sommers suggested Councilwoman Price as a valuable resource.

Mayor Israeloff stated that he agrees with Councilwomen Price and Sommers and likes the idea of having a more formal plan. Mr. Godwin commented that the Park Board

communicated that they did not want a specific plan yet due to the uncertainty of demand and changes in plans.

Councilman Pezzulli made a motion to approve the construction of improvements to The Meadows neighborhood park and to Cypress Park. Seconded by Mayor Pro Tem Cunningham.

Councilwoman Sommers asked to amend the motion by requesting the Park Board to submit a more formal flexible plan.

Councilwoman Price requested to add funding to The Meadows Park. Mr. Godwin responded that staff recommended \$75,000 and the Park Board disagreed. Councilwoman Price requested to ask the Park Board to add an additional \$25,000 to The Meadows and Cypress Park if needed for both parks and to indicate where they'd spend it.

Councilwoman Sommers requested a joint work session with town council and the park board.

The motion passes 7-0 to approve the construction of improvements to The Meadows and Cypress Park and requesting the Park Board to submit a more formal flexible plan.

SECOND PUBLIC HEARING ANNEXING 590 MEANDERING WAY: Conduct the second public hearing regarding the annexation of 4.5± acres at 590 Meandering Way, generally located east of Meandering Way, south of Sloan Creek, and northwest of North Creekwood Drive.

Mayor Israeloff continued the public hearing and asked if there were any comments. No comments were made and the public hearing was closed.

SPEED SIGNAGE STODDARD ROAD: Discuss and take action regarding speed signage on Stoddard Road.

Councilman Mattli stated that this item is partially resolved. Councilman Mattli stated that there is no sign notifying residents as they leave the school zone. Councilman Mattli stated that one can argue that it's obvious, but would prefer to have a sign there.

Councilman Mattli made a motion to add a sign going north on Stoddard Road. Seconded by Councilman Pezzulli, with all in favor.

ZIP CODES: Discuss sales tax collections, including concerns regarding proper zip codes.

Mayor Israeloff passed over this item until the next council meeting.

TOWN COUNCIL DUTIES: Discuss duties, authority, and responsibilities of town council members.

Mayor Israeloff passed over this item until the next council meeting.

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

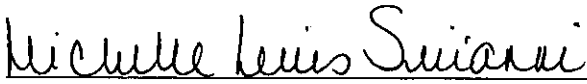
Councilman Pezzulli made a motion to authorize the town manager to execute sale documents for land to McKinney. Seconded by councilman Mattli, with all in favor.

CITIZENS INPUT:

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 11:00 p.m.

ATTEST:


SIM ISRAELOFF, MAYOR


Michelle Lewis Sirianni, Town Secretary

