

**TOWN COUNCIL
MEETING MINUTES
April 6, 2010**

The Town Council met in regular session on Tuesday, April 6, 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 Ron Kasian, Anton Mattli, and Mary Price; Town Manager John Godwin; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Council members Carolyn Sommers and Michael Pezzulli were absent.

Mayor Israeloff called the meeting to order at 6:35 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:43 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 March 2, 2010 regular council meeting. B) Award Bid for the East Stacy Road reconstruction project. C) Cancel the 2010 May Town Council election. D) Approve a resolution calling for the sunset of the Texas Public Utilities Commission. E) Adopt a proclamation recognizing the Arbor Day 2010.

Councilman Mattli requested to pull item B.

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

Councilman Mattli asked in regards to the Stacy Road project if the asphalt overlay on the east side of Heritage Ranch was to be included in the bid or is on top of price. Mr. Godwin responded that it will be on top of the price. Mr. Chancellor stated that due to the heavy traffic on the road, the staff didn't want to have to close off any lanes, so there will be no lane closures. Mayor Pro Tem Cunningham asked if LH Lacy has done any other work within the town. Mr. Chancellor responded that they have not, but are very well known throughout the metroplex and have down various other jobs.

Councilman Mattli made a motion to approve item B. Seconded by Councilman Kasian. The motion passes with a 4-1 vote.

ALLIED WASTE ANNUAL REPORT: Annual report from Allied Waste.

Ms. Brenda Lalonde introduced this item stating that in 2009 they generated 1927 tons of solid waste, 837 tons of recycling, and 931 tons of bulk waste.

Councilman Kasian asked what is the breakdown of recycling materials. Ms. Lalonde responded that 60% are paper products, which saved 8537 trees and 1657 cubic yards of landfill space. Mayor Pro Tem Cunningham asked what the per capita ratio is in recycling. Ms. Lalonde responded that there's been a 66% participation rate, collecting about 18 pounds per set out, which totals roughly 60 pounds per month.

Councilman Kasian asked how they determine the generated amount if residents are not recycling. Ms. Lalonde replied that once the waste is returned to the plant, they still have the availability to separate items as much as they can before it hits the landfill.

Ms. Lalonde commented that the benefits to recycling are: it takes less energy to make products from recycled material versus virgin materials, keeps the water and air cleaner, and keeps it out of the landfill.

Ms. Lalonde stated that the times for some items to decompose in a landfill are astonishing. Ms. Lalonde commented that it takes a banana peel 3-4 weeks, aluminum cans 200-500 years, but if recycled can be reused within 6 weeks, disposable diapers 550 years, plastic jugs one million years, Styrofoam one million plus years.

Ms. Lalonde stated in customer service calls received in 2009, they received 111 calls dealing with missed trash, recycle, and bulk and received 56 miscellaneous calls dealing with repairs, replaced, general information and paid bulk.

Ms. Lalonde added that commercial services are also available.

Henry Lessner, 5133 Pond Crest Trail, asked if she does HOA presentations and if smaller trash carts are available. Ms. Lalonde responded that she can do HOA presentations and the carts sizes are 65 and 95 gal. carts.

Councilman Mattli stated that he recently did an organized tour of the recycling facility for school. Ms. Lalonde commented that she encourages residents to visit the facility and to see the process and stages once waste arrives to the facility.

ANNUAL RATE ADJUSTMENT ALLIED WASTE: Consider annual rate adjustment by Allied Waste.

Mr. Godwin stated that Allied Waste is requesting their yearly increase, which is built into the current contract. Mr. Godwin stated that the increase equals to .24 cents per

month totally \$2.88 per year and a 1.75% increase. Mr. Godwin stated that the automatic adjustment will be effective May 1st.

Mayor Pro Tem Cunningham made a motion to approve the annual rate adjustment. Seconded by Councilwoman Price, with all in favor

TECHNOLOGY COMMISSION PRESENTATION: Presentation by Technology Committee Chairman John Adler.

Mr. Adler, Chair of the Technology Advisory Committee stated that Google offered communities to answer questions and submit various information regarding their city and/or town for an opportunity to bring fiber optic cables into their city and/or town and if chosen, Google would provide internet access speed that is one hundred times faster than what is currently being used.

Mr. Adler stated with the help of Wedge Green, Gil Stevens, whom also serve on the Technology Committee, the mayor and other town staff have spent many hours answering and compiling information about the town. Mr. Adler stated they conducted an online survey with residents to receive additional feedback and the top three requests that they continue to see and hear are a demand for faster speed, more reliable companies and more choices.

Mr. Adler stated in addition to the survey, they were able to join into partnerships with Lovejoy ISD, SMU, UNT, OnCor, and GCEC and with the help of Councilman Kasian who was able to get Allen Presbyterian Hospital and JCPenny to partner as well. Mr. Adler stated that the idea behind this is to encourage support and the need to be considered. Mr. Adler stated a lot of communities changed their name or basically brought attention to them so that Google would take a look at them, so we did compile videos and placed them on the internet along with our submission.

Mr. Adler stated that over 1100 communities responded and Google is stating that they should announce finalists this year. Mr. Adler stated that there is still a chance that they could pull back from this, but they continue to check on the status and Google keeps reaffirming that they will know something later this year.

ANNUAL PLANNING REPORT:

Mr. Efrussy made a presentation outlining the progress of the Planning Department in the last fiscal year. Mr. Efrussy highlighted the following:

- Collected \$28,757.00 in fees.
- Completed Year Three of the Three Year Annexation Plan.

- Zoning Cases
- Updated the Comprehensive Plan.
- Updating the Park Plan.
- Advanced Land Uses.
- Amended the Accessory Building Ordinance
- Housing, Population, and Employment Projections for NCTCOG's Regional and Planning Studies.
- Updated Masonry Requirements within the Commercial Planned Development District.

Councilman Kasian thanked Mr. Efrussy for his continuous service to the town and asked to expand on the Telecommunication Towers as part of the Comprehensive Plan. Mr. Efrussy responded that the idea is to incorporate Telecommunication Towers as part of the Master Plan as a land use. Mr. Efrussy stated that the FCC has specific requirements, but would essentially provide specific locations and/or placement of towers within the town. Mr. Adler added that this is actually a very good idea and prohibits companies from coming into the town and placing the towers anywhere they choose.

MASTER PLAN FOR CYPRESS PARK: Consider approval of a master plan for Cypress Park.

Mr. Godwin introduced this item stating that the Park Board approved plans at their March meeting and will build the park in two phases. Mr. Godwin stated that the plan was created with input from neighbors on either side of the park.

Councilwoman Price asked if more monies were being added to both phases. Mr. Godwin responded that no additional funds were added and they have looked into using an artificial grass that has a natural feel in lieu of mulch. Councilwoman Price stated if the \$58,000 only covers Phase I, then what would be the cost on Phase II? Councilwoman Price stated that she seems to recall that they added an additional \$25,000 to both park projects, which would increase them to \$75,000 each park. Mr. Godwin responded that he doesn't recall if this was agreed upon or not. Ms. Lewis Sirianni stated that she remembers them adding the \$25,000 to each park, but will check the minutes to verify.

Mayor Pro Tem Cunningham asked what the cost would be to dig up a tree and relocate it. Mr. Godwin stated he knows that it depends on the species and size of the tree, but doesn't know specific costs. Mayor Pro Tem Cunningham stated that if someone would be relocating them, may be an idea to relocate to the parks.

Councilman Kasian made a motion to approve a master plan for Cypress Park. Seconded by Councilwoman Price, with all in favor.

SIGN ORDINANCE CHANGES: Discuss possible changes to the sign ordinance.

Mr. Godwin introduced this item stating that the current ordinance is a little confusing in regards to the allowable size of letters. Mr. Godwin stated that for example, it states that a single line of channel letters shall not exceed 30 inches or 37.5% of the façade, but it does not include language like "whichever is greater" or "whichever is smaller". Mr. Godwin stated that it is not clear on the intent and would like direction from council to clarify the ordinance.

Wedge Green, 1461 Meandro Ria, stated that he remembers when this was created and that the intent was that the façade is a percentage and moved to the maximum size on the letters.

Mayor Israeloff asked council to give direction on amending the ordinance and possibly adding language inches or % or whichever is less. Mayor Israeloff stated that the interpretation of façade for him means wall space above architectural features and up; not the door or window. Councilman Kasian suggested adding the language "not to exceed". Councilman Mattli stated that he believes it's very important to define the word façade. Councilman Mattli stated that the definition means whole face front.

Council directed staff to revise ordinance with recommendations listed.

AMEND PEDDLERS' ORDINANCE: Consider an amendment to the peddlers' ordinance.

Mr. Godwin introduced this item by stating that due to recent inquiries regarding the peddlers' ordinance and religious affiliations has caused staff to revisit the ordinance. Mr. Godwin stated that after consulting with Mr. McCoy, the town attorney, he suggested it would be a good idea to rewrite the ordinance and bring it up to date.

Mr. McCoy stated that he rewrote the ordinance and it is lengthy, but comprehensive. Mr. McCoy stated that the main purpose is residential safety and consumer protection. Mr. McCoy stated that he also outlined exemptions better based on recent case laws for further clarification. Mr. McCoy stated that residents can post a "no solicitation" sign as an enforcement mechanism as well as he's added more requirements to the application process and background checks are performed on each applicant.

Councilwoman Price asked how religious organizations are defined. Mr. McCoy responded that they have to be an established organization. Mr. McCoy stated that everyone will be required to carry a permit unless they are exempt as defined in the ordinance.

Councilman Kasian asked how in depth are the background checks. Chief Tolliver responded stating that he typically will check for any outstanding warrants, prior criminal history and will check their driver's licenses.

Councilman Mattli asked why real estate agents were exempt. Mr. McCoy responded that they are permitted by state and they are pre-empted based on their occupation since they have to provide the state with so many documents before receiving license, but have to prove to the town that they are state licensed.

Councilwoman Price asked why the permits are limited to persons less than 13 years of age and asked in reference to younger children who go door to door for various fundraisers. Mr. McCoy responded that the ordinance exempts persons under the age of 13 that are related to activities such as Girl Scouts, Boy Scouts, etc. Mr. McCoy stated that the person could be 14-18 without an adult present.

Councilwoman Price made a motion to approve the amended peddlers' ordinance. Seconded by Mayor Pro Tem Cunningham, with all in favor.

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

No Action Taken.

CITIZENS INPUT:

Wedge Green, 1461 Meandro Ria, asked council and staff to look at utility easements within private properties and what the utility companies can and cannot do. Mr. Green stated that his concern is the utility companies are tearing up residents' properties without permission. Mayor Israeloff responded that they can't prevent a company from getting into an easement, but the issue may be more of the designation of a sub-contractor and can always call the police if there is an issue.

John Adler, 980 Country Trail, asked if pictures were being taken of the new town hall to see progression. Mr. Chancellor responded that thousands of pictures are being taken and will have pictures of each floor plan.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 9:25 p.m.

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

Sim Israeloff
SIM ISRAELOFF, MAYOR

