TOWN COUNCIL
MEETING MINUTES
May 4, 2010

The Town Council met in regular session on Tuesday, May 4, 2010 at 7:30 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 and Mary Price; Town Manager John Godwin; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; Community Development Manage, Ray Dunlap; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Council members Ron Kasian, Anton Mattli, and Michael Pezzulli were absent.

Mayor Israeloff called the meeting to order at 7:38 p.m. and declared a quorum was present 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 April 6, 2010 regular council meeting. B) Award Bid Ranchette Estates water line replacement project. C) Award bid SH5 16" water line project. D) Approve amendments to the sign ordinance.

Councilwoman Price asked to pull items A and B.

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

Councilwoman Price requested in regards to item A that on page four of the minutes under Master Plan for Cypress Park, that the word 'phases' be changed to 'park projects'. Mayor Israeloff added that on page six within the second paragraph that the word 'pre-exempt' should be 'pre-empted' and also on page six that under Citizens Input, that Mr. Adler was referring to the new town hall and not the commercial development.

Councilwoman Price made a motion to approve the minutes as amended. Seconded by Mayor Pro Tem Cunningham, with all in favor. Councilwoman Sommers abstained from the vote.

Councilwoman Price asked in regards to item B if there are plans to notify the residents and if any streets will be closed during the project. Mr. Chancellor responded that the town staff is having a meeting with the residents in this area to answer any questions.

Councilwoman Price asked if staff could still send something out in writing to the residents in case they are unable to attend the meeting.

Mayor Pro Tem Cunningham asked if they were repairing one street or all. Mr. Chancellor stated all streets need replaced and will be working on drainage, asphalt and replacing a water line.

Mayor Pro Cunningham made a motion to approve item B. Seconded by Councilwoman Sommers, with all in favor.

SPECIAL USE PERMIT PROPOSED BEACH VOLLEYBALL AND COMMUNITY GARDEN WITHIN VILLAGE AT FAIRVIEW: Conduct a public hearing and take action regarding a Special Use Permit (SUP) for a temporary use for a proposed beach volleyball facility and a community garden within the Village At Fairview, located within the Commercial Planned Development District (CPDD), Zone K.

No action taken.

REVISED FINAL SITE PLAN PHASE I: VILLAGE AT FAIRVIEW: Conduct a public hearing and take action regarding a Revised Final Site Plan for Phase I of the Village At Fairview, regarding a proposed temporary use for a beach volleyball facility and a community garden. Said subject property is located within the Commercial Planned Development District (CPDD), Zone K.

No action taken.

Councilwoman Sommers asked if Mr. Godwin could provide a brief update in regards to the proposed project within the Village At Fairview. Mr. Godwin responded that MG Herring is looking for a temporary use until the office buildings are complete. Their proposal has a community garden on the east side and a beach volleyball court on the west side. Mr. Godwin stated that plans were submitted and town staff responded, but no other revisions have been turned into staff. Mr. Godwin stated that at this point, it will not go to the Planning and Zoning Commission until June.

CONDITIONAL USE PERMIT 91 SEATTLE SLEW: Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for an accessory building proposed to be located at 91 Seattle Slew, said lot comprising 3.535± acres.

Councilman Cunningham excused himself and left the room as he is the owner of this property.

Mr. Efrussy introduced this item stating that this subject property is 3.535± acres and the proposed accessory building is 1,080 square feet and will be located behind their garage and used for personal storage and a media room. Mr. Efrussy stated that the materials will match existing primary residence and given the lot size of this property and the allowable size for accessory buildings for this size of property, staff recommends approval. Mr. Efrussy added that their neighbor spoke in favor of the project at the Planning and Zoning Commission meeting and no one opposed. Mr. Efrussy stated that Mrs. Cunningham is present to answer any questions that council may have.

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

Mayor Israeloff opened discussion to council. Councilwoman Sommers asked if the building is over 84 square feet since the maximum allowable square footage for an accessory building in a RE-3 zoning district is 2,100. Mr. Efrussy responded that since the property is over three acres, then they are right on target with their building being 2,184 square feet.

Councilwoman Price made a motion to approve the Conditional Use Permit (CUP) for an accessory building proposed to be located at 91 Seattle Slew, said lot comprising 3.535± acres. Seconded by Councilwoman Sommers, with all in favor.

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

No Action Taken.

COMMUNITY DEVELOPMENT ANNUAL REPORT:

No report given; passed over until next month.

BUDGET REVENUE REPORT:

Mr. Wilbourn discussed the following items in regards to the budget revenue.

- Ad Valorem, basic operational costs, and debt service.
- Sales/Use Tax: town has had a conservative approach; 1.9 million based on businesses that are currently opened.
- Franchise Fees: slightly higher than last year; predicting an overall surplus.
- Permits/Utilities: similar trend to last year; permits are down, but water/sewer sales are slightly higher.
- TMRS
- Misc. Income: land sale proceeds.
- Investments: TX Pool- interest rates extremely low and not generating a lot of income due to variable rate.
- Expenditure(s): Fire is over due to new furniture, fixtures, equipment for new Fire Station #2; Public Works has had significant street maintenance; Utilities fund is considerably higher in sewer costs, which public works is investigating.
- Surplus in Police Department reflects unfilled budgeted positions.

Councilman Cunningham asked if the town should invest in more state funds. Mr. Godwin responded that the town would need an active treasury management and currently does not have an individual certified in this area.

Councilwoman Sommers asked the town engineer to review the original priority list of street improvements so that the town could review the storm water charge to residents and if it could possibly be lowered.

Mayor Israeloff commented that he appreciates the conservative budget and asked if the town foresees coming in on track or with a surplus. Mr. Wilbourn responded that he predicts that there will be a slight surplus.

CITIZENS INPUT:

Mayor Israeloff mentioned the pothole at St James and Hart Road.

No other comments were made.

EXECUTIVE SESSION: Discuss possible litigation regarding Fairview Acres.

The council adjourned into executive session.

At 8:45 p.m. Mayor Israeloff reconvened back into regular session and being that there are no other items for discussion, Mayor Israeloff adjourned the meeting at 9:07 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary