

**TOWN COUNCIL
MEETING MINUTES
June 1, 2010**

The Town Council met in regular session on Tuesday, June 1, 2010 at 6:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Jim Cunningham, Carolyn Sommers Erickson, Ron Kasian, Henry Lessner, Anton Mattli and Mary Price; Town Manager John Godwin; Assistant to the Town Manager; Matt Donnell; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; Community Development Manager, Ray Dunlap; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present.

NEWLY ELECTED OATHS: Ms. Lewis Sirianni administered oaths to the newly elected officials from the May 2010 uncontested election.

Jim Cunningham, Place 2
Henry Lessner, Place 4
Mary Price, Place 6

The council then adjourned into executive session.

At 7:33 p.m. Mayor Israeloff reconvened back into regular session and requested everyone to stand for the Pledge of Allegiance.

PRESENTATION FIRE DEPT. Fire Chief Price introduced the new full time firefighters:

Jeff Choquette, Nathan White, Ted Fritzler, and Travis Green.

MAYOR PRO TEM: Select a mayor pro tempore for 2010-11.

Councilman Kasian nominated Carolyn Sommers Erickson with no other nominations.

Councilman Cunningham made a motion to approve Councilwoman Sommers Erickson as mayor pro tem. Seconded by Councilman Lessner, with all in favor.

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 May 4, 2010 regular council meeting. B) Approve minutes of the May 11, 2010 special joint meeting.

Councilman Kasian made a motion to approve items A and B. Seconded by Councilman Mattli, with all in favor.

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

Ms. Lewis Sirianni introduced this item stating that she had spoken to two board members since the last meeting, Michael Smith who serves on the Technology committee and Sharon Feldt, who has resigned from the Parks and Recreation Board due to moving. Ms. Lewis Sirianni stated that she spoke to Mr. Smith over the phone and he expressed that he would like to continue serving, but due to his job he is simply not able to make the evening meetings and preferred the morning meetings, but understands if he cannot continue serving at this time.

Mayor Pro Tem Sommers Erickson nominated Kevin McCarthy for Parks and Recreation Board. Seconded by Councilwoman Price, with all in favor.

Councilwoman Price made a motion to reappoint Dick Anthony, John Brown, and Brian Kasper to the Parks and Recreation Board with notation that Sharon Feldt may attend the joint meeting with council. Seconded by Councilman Kasian with all in favor.

No other appointments were made.

COMMUNITY DEVELOPMENT ANNUAL REPORT: Receive the Community Development annual report.

Mr. Dunlap gave an overview of the following items within his department:

- Utility billing has increased their customer service and being proactive with residents that are in danger of being cut off as well as if abnormal water usage is detected.
- The permit department has had an overall reduction in new residential building but a slight increase in remodels/additions, so seems that residents are making

improvements to their homes. Health inspector is out and regulating restaurants and helping them stay in compliance.

- Community Outreach – new town hall groundbreaking, meetings with residents when big projects occur, i.e. Seattle Slew drainage project, logo contest with Lovejoy ISD students and the Lake Lavon project, and Allen Community Outreach will have a 5K fun run within Fairview.
- Economic Development- monthly luncheons with guest speakers and monthly spotlight of a business within newsletter.
- Current projects include acquiring a full page ad within Texas Monthly with the MG Herring Group, new brochure that will be featured at welcome centers, businesses etc., free website that will be free for one year and give businesses an opportunity to add their website links for promotion and doing a feasibility study for a new sports complex.

THE MEADOWS PARK: Consider approval of a master plan for The Meadows Park.

Mr. Dunlap introduced this item stating that John Brown, park board member and owner of a landscaping company volunteered to put this plan together. Mr. Dunlap stated that the park board met several times and heard from residents as well as Grenadier Homes. Mr. Dunlap stated that based on input received, the amenities were placed to maximize use of the park. Mr. Dunlap stated that the amenities include swings and full size sports court, pavilion and additional landscaping.

Mayor Pro Tem Sommers Erickson stated that she would like to see more details on the amenities and know how the town determined what the park needed. Mr. Dunlap responded that the park board chose what was consistent in other parks while also allowing for open space. Mayor Pro Tem Sommers Erickson asked what the average age of the children is and is there a climbing area or equipment suitable for the children's ages.

Mr. Dunlap stated that the full size basketball court and swings have already been approved by town council.

Councilwoman Price asked if there were more amenities to add in this area and place the additional landscaping in Phase II. Councilwoman Price stated that she would like to see more monies on equipment than landscaping. Councilwoman Price also stated that she would like to have the plan labeled with details.

Mayor Israeloff stated that if the plan is approved, the town can get firm prices on the court and swings and if there is extra money, the town staff can go back to the park board to get details on additional structures. Councilman Kasian asked what was included in each phase and would also like to see the plan labeled with a legend notating their elements and/or components.

Mayor Israeloff stated that council is being asked to approve the plan not with details, but seems that council desires to see details as the park moves forward. Mayor Israeloff commented that council can approve with the provision regarding the equipment selection and cost so that it is brought back to council for review.

Councilman Mattli made a motion to approve the master plan for The Meadows Park. Seconded by Councilman Lessner, with all in favor.

Town Council requested town staff to bring detailed construction plan and pricing to the joint meeting between council and the park board scheduled for later this month.

THE VILLAGE GREEN PARK: Consider approval of a master plan for The Village Green Park.

Mr. Dunlap stated that the park board has been working with the MG Herring Group to present a park plan that will meet the spirit of the original plan.

Mr. Gallo, Development Manager for MG Herring, introduced this item stating that this park is 10± acres and received direction from the park board in regards to the park. As a result, there will be additional landscape that will include 185 trees in addition to a double row of trees along Fairview Parkway already in place, plus a mixture of grass, trees, and open field space.

Mayor Israeloff asked if the open field space was large enough for a Frisbee course. Gar Herring, President of MG Herring, responded that it would be possible, but would be all you could do since you cannot cross with other activities.

In regards to dogs, there will be two dog waste stations and a drinking fountain with doggie drinking bowls and will follow town's ordinance in regards to the leash law and picking up after the animal.

Councilwoman Price asked if there would be picnic tables or benches within the gazebo. Mr. Gallo responded that there are 6 picnic tables and 6 park benches.

Councilwoman Price made a motion to approve the master plan for The Village Green Park. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

DANGEROUS BUILDING CODE: Consider amending the Dangerous Building Code.

Mr. Godwin introduced this item stating that the existing ordinance is outdated and needs revised. Mr. Godwin added that the ordinance is designed to protect structures and also for safety purposes. Mr. Godwin stated that the old gas station located on SH5 is closed and secure and people cannot get inside, but the town has to be able to prove the structure dangerous in order to pursue condemnation. Mr. Godwin stated that another structure is the old haunted house that belongs to Mr. Lawler. Mr. Godwin stated that this structure has fallen in several times and could possibly be one the town looks to tear down completely. Mayor Israeloff mentioned the house that was struck by lightning that burned and has had no repairs done to it.

Mr. McCoy, town attorney, stated the ordinance is similar to other cities', but is customized for Fairview. Mr. McCoy stated the ordinance is written to reflect that the Board of Adjustments doubles as the decision making body, but this is essentially a policy issue and council can determine which body makes the final determination. Mr. McCoy stated that the definitions of what constitutes a dangerous building are more specific as well as the procedures set forth within the ordinance.

Councilman Cunningham asked if the Board of Adjustments makes determination council cannot overrule decision? Mr. McCoy responded that is correct. Mr. McCoy stated that they could add a provision, but if town council makes the final decision that can overlap procedures. Mr. McCoy added that if a structure whether it is a portion of it or the whole structure is deemed dangerous, it is the owner's burden to repair or demolish and bring the structure up to code and council can decide the time frame for the repairs.

Councilman Mattli made a motion to approve the amended dangerous buildings code ordinance as written. Seconded by Councilman Lessner.

Ordinance passed with a 4-3 Vote.

MARKETING/PROMOTIONS IN FAIRVIEW: Discuss and consider marketing and promotions of activities and businesses in Fairview.

Mayor Pro Tem Sommers Erickson stated that she would like to discuss how to create awareness at the Village At Fairview and in her opinion is needed until the project is fully built out. Mayor Pro Tem Sommers Erickson suggested sending something out to residents whether it was e-mail or something else, but was open to ideas.

Mr. Dunlap stated that the town staff is currently advertising in magazines, brochures and featuring a business each month in the newsletter. Mr. Dunlap added that he is currently working on the website shopfairviewtexas.com that will allow businesses to promote themselves and offer discounts for residents, but will take a few months to have ready.

Mayor Pro Tem Sommers Erickson asked if it was possible to place the link in the newsletter each month and asked how the business is selected for the newsletter. Mr. Dunlap stated that it is done randomly.

Councilman Mattli suggested a neutral site with a link on the town's website to invite businesses to place on site and do a formal invite out to residents. Councilman Lessner commented that you don't want to impose on residents with Spam e-mails and that the town has placed temporary signs on site at the Village At Fairview, which goes against the town code and suggested that the Village At Fairview sends out information often regarding businesses, etc., and is a good way for people to be informed, but they have to want to know about what's going on in order to seek out the information.

Mayor Israeloff asked council and town staff to continue to brainstorm and think outside the box for new ways to promote businesses.

ART WORK FOR NEW TOWN HALL AND FIRE STATION: Discuss and take possible action on art work for the new town hall and fire station.

Mr. Dunlap introduced this item stating that nothing has really changed and that Ms. Karnuta is willing to do something for either building, but would like to have the community participate in both. Ms. Karnuta offered to do the Fire Station #2 now and the new town hall later when she is able to see it.

Councilwoman Price suggested that they see what the Fire Department would like to have and if the town is not in a hurry that they keep it on-going to collect ideas. Mayor Israeloff suggested exploring options and possibly asking consultants to help out with the art work.

MCKINNEY AIRPORT: Discuss and take possible action on the McKinney airport.

Mayor Pro Tem Sommers Erickson stated that there is currently earthwork being done and urges the town to watch and/or monitor progress and if there is anything done against the FAA to have it reported. Mayor Pro Tem Sommers Erickson asked if there were a staff member(s) or people willing to take on that responsibility or possibly volunteers.

Mr. Godwin responded that he would designate a staff member to check on progress.

IMPACT OF HEAVY TRUCKS ON EAST STACY ROAD: Discuss and take possible action regarding the impact of heavy trucks on East Stacy Road.

Councilman Mattli introduced this item stating that he wanted to discuss the heavy sludge trucks that have been traveling on East Stacy Rd. Councilman Mattli stated that this road was not designed for the use of these heavy trucks and is also now generating more traffic.

A resident commented that she sees the trucks daily and they are traveling this road as early as 6 am through 10 pm at night would guess that there is a minimum of two dozen or more trucks a day traveling on the road.

Mayor Israeloff asked if the town can regulate load requirements. Mr. Godwin responded that historically, this is a problem because it's the only route for North Texas Municipal Water District but they have never offered to help and we tried to negotiate with them to help pay for damages, but since we get our water from them, it proves difficult.

Mayor Pro Tem Sommers Erickson asked if a weight limit sign could be posted or if the town could establish weight limits within an ordinance. Mayor Israeloff stated that the town should explore options and gather more data through weight tickets and proceed from there.

RESOLUTION AUTHORIZING SUIT AGAINST JAMES F. LUNSFORD: Discuss and take possible action regarding a resolution authorizing suit against James F. Lunsford and authorizing and approving an associated compromise settlement agreement regarding Fairview Acres.

Councilman Cunningham made a motion to approve a resolution authorizing suit against James F. Lunsford and authorizing and approving an associated compromise settlement agreement regarding Fairview Acres. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

CITIZENS INPUT:

Sean Dunne, CWD, stated that he recognized that the town's contract with Allied Waste expires in November 2010, and would like the town to consider CWD for their services and believes that CWD could provide the town with great service.

Mayor Israeloff adjourned the meeting at 10:30 p.m.

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

Sim Israeloff
SIM ISRAELOFF, MAYOR

