

**TOWN COUNCIL
MEETING MINUTES
September 7, 2010**

The Town Council met in regular session on Tuesday, September 7, 2010 at 7:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Carolyn Sommers Erickson, Jim Cunningham, Ron Kasian, Anton Mattli, Henry Lessner, and Mary Price; Town Manager John Godwin; Assistant to the Town Manager; Matt Donnell; Planning Director, Alan Efrussy; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Budget and Management Analyst, Adam Wilbourn; Town Secretary, Michelle Lewis Sirianni, and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 7:30 p.m. and declared a quorum was present and then 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 August 3, 2010 regular council meeting. B) Approve minutes of the August 17, 2010 special council meeting. C) Approve Atmos rate case settlement.

Councilman Lessner made a motion to approve item A. Seconded by Councilman Cunningham, with all in favor. Council members Sommers Erickson, Mattli, and Price abstained.

Councilwoman Price made a motion to approve item B. Seconded by Councilman Mattli, with all in favor. Council members Israeloff and Kasian abstained.

Councilman Kasian made a motion to approve item C. Seconded by Councilman Mattli, with all in favor.

2010-11 AD VALOREM TAX: Conduct a public hearing on the 2010-11 ad valorem tax rate.

Mr. Godwin introduced this item stating that the tentative tax rate is 36.5 per \$100 valuation, which remains the same. Mr. Godwin stated that this includes a slight increase in the M&O rate and a slight decrease in the I&S rate, but is a balanced budget.

Mayor Israeloff opened the public hearing. Randy Smith, 691 Foxdale asked what the rate was last year. Mr. Godwin responded that it remains the same at \$0.365. Mayor Israeloff commented that taxes may go up based on the appraised values, but the rate stays the same.

Public hearing remains open.

2010-11 BUDGET: Conduct a public hearing on the 2010-11 budget.

Mr. Godwin introduced this item stating that he is recommending a reduction in storm water fees from \$7.75 to \$5.00 for residential houses; the commercial rate stays the same and for an increase in water and sewer rates that would be effective January 1st. Mr. Godwin stated that this is the first increase since 2000 and is essentially to help cover the continuing annual price increase from NTMWD.

Mayor Israeloff opened the public hearing. Randy Smith, 691 Foxdale, asked what the storm water fee covers. Mr. Godwin responded that the fee covers items dealing with drainage. For example, equipment and materials that deals with drainage projects, as well as part of the town engineer's salary. Mr. Godwin stated that the money goes into a separate fund that is used on projects as they are needed.

Leland Payne, 398 Parkvillage, asked how much the total debt service is. Mr. Godwin responded that the total in this budget is \$2.2 million with total debt equaling a little over eleven million, which includes the new town hall, fire station #2, Stacy Road improvements and the new water tower. Mr. Godwin stated that the town issues CO's and GO's to use for these projects. Mr. Smith asked when they are scheduled to be paid off. Mr. Godwin responded that they have payments coming due each year, but they are typically twenty year notes.

Ed Hayes, 445 Sloan Creek Parkway, stated that it seems that the debt service is 18-19% and if that's accurate, is this rate considered low, high or average for a town of our size. Mr. Godwin responded that it is a typical number for a growing town of our size of roughly 8-9,000 people. Mr. Godwin added that the town bond rating was recently evaluated again and has been increased.

John Brightwell, 5583 Emerson Ct, asked if additional staff would be hired upon the completion of the new town hall. Mr. Godwin responded that no additional staff will be hired other than a few police officers, one public works employee and three half time fire fighters that have been budgeted.

Public hearing remains open.

CONCRETE/ASPHALT BATCH PLANTS: Conduct a public hearing and take action regarding modifications to the requirements for temporary use for concrete batch plants and asphalt batch plants.

Mr. Efrussy introduced this item stating that the purpose of this request is to broaden the use of temporary concrete and asphalt batch plants to all zoning districts. Mr. Efrussy stated that this could save the town and developer money as well as the ability to have access to a batch plant on or near a project site, which would provide more efficient work levels. Mr. Efrussy stated at the Planning and Zoning Commission meeting, no one spoke in favor or opposition to this recommendation. Mr. Efrussy stated the consensus of the commissioners regarding this project was to have the town staff review an application and then a subcommittee would provide final approval. The commissioners also requested that surrounding residents be notified. Mr. Efrussy stated that town staff supports their recommendation and recommends approval of these modifications.

Mayor Israeloff asked if there was a time limit or is it based on each applicant? Mr. Efrussy responded that the time period is based on the construction time frame.

Mayor Israeloff opened the public hearing. Randy Smith, 691 Foxdale, asked if the people that were notified would have a chance to protest if they chose.

Matt Faulkner, 425 Plumwood, stated that he lived near a plant in Frisco, which is one of the reasons they moved to Fairview, but it was the smell of the asphalt that was bothersome, not the concrete. Mr. Chancellor responded that as a temporary use, they will come and go with the project. Mr. Chancellor stated the advantage to an on-site plant is there are fewer trucks and traffic issues.

Mayor Israeloff closed the public hearing and opened discussion to council members.

Councilman Kasian asked if 500' for notification is typical and suggested that the word 'property owners' be used consistently versus 'citizens', and how can they validate the subject site being returned to its preceding condition. Mr. Efrussy stated that it is normal statute for a public hearing process. Mr. Efrussy commented that they can modify that number if they choose and can use an aerial photograph with a date for the validation of the site.

Mayor Pro Tem Sommers Erickson stated her concern is the impact on the neighborhoods and would suggest notifying all adjacent neighborhoods. Mayor Pro Tem Sommers Erickson asked how many residential areas are undeveloped. Mr. Efrussy responded roughly 30% east of Highway 5. Mayor Pro Tem Sommers Erickson responded that opening up one area for one project is a concern and especially the impact it will have and believes that all the planning and zoning commission members should approve the project and not just a sub-committee. Mayor Pro Tem Sommers Erickson also stated that she would recommend striking asphalt batch plants altogether from the ordinance.

Councilman Cunningham asked if there was an option to use space farther out of the town's ETJ and would like to see town council have final approval versus the planning and zoning commission.

Councilman Mattli stated that he shares the same views of everyone and feels that the town does not need a new ordinance. Councilman Mattli stated that the impact on the residential areas is huge and would like to see town council have final approval as well.

Councilwoman Price stated that she doesn't care for the idea of having a batch plant in a residential area. Mayor Israeloff agreed and suggested modifying ordinance to delete asphalt from the ordinance, but add that a public hearing and notification of 500' and adjacent neighborhoods that would be affected is added to the ordinance with town council having final approval. Mr. Godwin added that if they are not satisfied with the ordinance they may pass over and come back next month and that this is not meant to be a shortcut for any contractors.

Mayor Pro Tem Sommers Erickson made a motion to deny modifications to the requirements for temporary use for concrete batch plants and asphalt batch plants. Seconded by Councilman Mattli, with all in favor.

MASTER THOROUGHFARE PLAN: Conduct a public hearing and take action regarding modification to the Master Thoroughfare Plan.

Mr. Chancellor introduced this item stating that the last update was in 2008 and due to traffic conditions changing and a community and/or town's goals change, the plan should be updated. Mr. Chancellor stated that the proposed changes are to remove the connection from Hart Road to Sloan Creek Parkway, remove Hart Road and Stoddard Road, and to remove the internal streets in the Village at Fairview including Murray Farm Road, Indian Springs Road, and Convention Center Drive. Mr. Chancellor stated that the Planning and Zoning Commission unanimously approved these changes and residents from the Sloan Creek subdivision were in attendance at this meeting and expressed their concerns over cut through traffic.

Mayor Israeloff opened the public hearing. Ed Hayes, 445 Sloan Creek Parkway, stated that the residents in the subdivision would like to see this extension removed. Mr. Hayes stated they feel the road was not built for heavier traffic.

Leland Payne, 398 Parkvillage, asked if the town is eliminating a road connector out of Sloan Creek. Mr. Chancellor responded that if this approved, then there would be no road. Mr. Payne stated that he thought each subdivision needed two points of access. Mayor Pro Tem Sommers Erickson responded that this subdivision was built prior to this requirement and was approved since it has a divided entryway. Mr. Payne asked if the private streets within the Village At Fairview would restrict residents from using them or

having public access. Mr. Chancellor responded that the town would still have access to public access easements so it would not restrict residents.

Mayor Israeloff closed the public hearing and opened discussion to the council. No additional comments were made.

Councilman Lessner made a motion to approve the modifications to the Master Thoroughfare Plan. Seconded by Councilwoman Price, with all in favor.

CUP 511 STONEBROOK DRIVE: Conduct a public hearing and take action regarding a Conditional Use Permit for a proposed accessory building located at 511 Stonebrook Drive.

Mr. Donnell introduced this item stating that the proposed building is to construct a detached garage and a detached storage building for lawn equipment etc. Mr. Donnell stated that the property to the south is currently vacant and the lot that would be most affected by this building; therefore, town staff has asked the applicant to add additional landscaping and the applicant have agreed. Mr. Donnell added that the building material will be the same as the primary structure. Mr. Donnell stated that the planning and zoning commission unanimously recommended approval and no one spoke in favor or opposition to this request.

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

Mayor Israeloff opened discussion to council. No additional comments were made.

Councilwoman Price made a motion to approve the Conditional Use Permit for an accessory building located at 511 Stonebrook Drive. Seconded by Councilman Mattli, with all in favor.

MASTER PARKS AND RECREATION PLAN: Conduct a public hearing and take action regarding an update of the Master Parks and Recreation Plan.

Mr. Dunlap introduced this item stating that town staff has updated the parks and recreation plan within the Comprehensive Plan as well as the maps. Mr. Dunlap stated that the Park and Recreation Board unanimously approved the plan.

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

Mayor Israeloff opened discussion to council. Councilwoman Price asked if listing the golf course at Heritage Ranch and the Heard Museum within the plan would cause problems in the future when applying for grants since they are not technically Fairview parks. Mr. Godwin responded that it's hard to predict when applying for grants if this would cause problems. Mr. Godwin stated that they are very subjective, but as a personal preference having them listed in the plan shows what is available to the public. Mayor Israeloff agreed.

Councilwoman Price asked if the map illustrating the emergency access within the pedestrian connector trail can to be removed from the map. Mayor Pro Tem Sommers Erickson asked to strike the word 'lighted' under future community parks and to add the following language on page 59 under the section labeled 'Potential Pedestrian Connector Trail': 'will not use emergency access or any other easement other than a trail as a neighborhood connector'.

No action was taken.

PUBLIC ART TOWN HALL/FIRESTATION #2: Discuss and take action regarding public art at town hall and fire station #2.

Paul Adelson, local artist, stated that he has worked for over 24 years with public spaces and is currently working with five municipalities. Mr. Adelson stated that he likes to get thoughts from the council and understand their budget so that he may design something to their appeal. Mr. Adelson invited the council to visit his gallery so that they may have an idea of his portfolio.

No action was taken.

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

No action was taken.

EAST STACY ROAD CONSTRUCTION: Discuss and take action regarding East Stacy Road construction, and related sidewalks and landscaping.

Passed over until October.

STORMWATER UTILITY PROJETS AND BUDGET: Receive report on stormwater utility projects and budget.

Passed over until October.

K2: Consider adopting an ordinance prohibiting the sale, possession, or use of K2.

Mr. Godwin introduced this item stating that many municipalities are passing ordinances to enforce prohibiting the sale and possession of K2. Mr. Godwin stated that if the ordinance is passed that this will discourage individuals and businesses from bringing it into the town.

Councilwoman Price made a motion to approve the ordinance prohibiting the sale, possession or use of K2. Seconded by councilman Mattli, with all in favor.

STREET LIGHTS: Discuss and take action regarding the town paying for certain street lights.

Mr. Godwin introduced this item stating that Fairview Farms HOA has asked the town to take over some streets lights since their HOA is disbanding. Mr. Godwin stated that there are a total of 212 lights, but most of these (185) are within subdivisions. Mr. Godwin recommended only taking over the remainder which includes the nine on SH5, eight on FM 1378, six on Stacy Road and four on Meandering Way.

Councilman Cunningham stated the HOA has agreed to donate the remaining funds to the town to take over the lights. Councilman Cunningham stated that their utility bill is roughly \$17 and would be \$50 for four plus or minus. Councilman Cunningham stated that if the town decides not to take over lights, then there will not be any lights on there and suggested using the donated money to put up new street lights.

Mayor Israeloff suggested taking over the lights at the main intersections/corners and not all the interior street lights as recommended by town staff.

Councilman Cunningham made a motion to accept funds from the Fairview Farms HOA and to use the funds to purchase four street lights to be used conforming Stacy Road and to use the Master Thoroughfare Plan as a threshold and that the town will take over the maintenance of these lights. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

ANNUAL FIRE REPORT: Receive annual Fire report and discuss and take possible action regarding the light and siren policy.

Chief Price made a presentation regarding the department's goals, staffing, equipment, future plans, and comparisons from this year and last year regarding calls and response times.

Chief Price stated that now that Fire Station #2 is open and functioning would like council to provide any feedback in regards to the sirens and lights. Mayor Pro Tem Sommers Erickson stated that the outside lighting is an issue and suggested one light on each side of the entrance.

Mayor Pro Tem Sommers Erickson asked if the berms and landscaping that was in place was what they approved. Mr. Greg Cunningham, 560 Cambridge, commented that he lives right next door to the fire station and wanted to thank the town for working with him and surrounding residents. Mr. Cunningham stated that the berms are actually taller than initially agreed on and a second one was added; he doesn't normally hear the sirens and the lighting has been toned down as requested.

FURNITURE NEW TOWN HALL: Discuss and take action regarding furniture for public spaces in the new town hall.

Mr. Godwin showed council possible selections of furniture for the public areas within the new town hall, which were agreed to.

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

Mr. Godwin introduced this item stating that council discussed last month the load rating on East Stacy Road and the town could possibly pass an ordinance or instruct the town attorney to write an ordinance on the weight limitations. Mr. Godwin stated that the county is the only one able to write tickets and seems unlikely that NTMWD could resist a local restriction that is no more strenuous than the state limitations.

Councilman Mattli stated that the trucks are destroying the road and the town is not being sufficiently compensated for the damage. Councilman Mattli stated his main concern is how the town can approach the water district.

Councilman Cunningham asked if the town agreed to allow the trucks or is it an agreement with the county and if so, do they have the right to resend it. Mr. Godwin responded it is an interlocal agreement with the county and they can resend it.

Council requested that the town attorney prepare an ordinance.

CERTIFICATES OF OBLIGATION: Consider adoption of an ordinance authorizing the issuance and sale of Town of Fairview, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2010; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject.

Councilman Kasian made a motion to table and reschedule adoption of the ordinance authorizing the issuance of the certificates of obligation to the Town Council meeting to be held September 14, scheduled to begin at 7:00 pm. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

REDISTRICTING COUNTY LINES: Consider approval of a resolution supporting state and federal redistricting along county lines.

Mr. Godwin introduced this item stating that the county has requested support by adopting a resolution to encourage redistricting in a manner that will not split Collin County into multiple districts.

Councilman Lessner commented that it is their objective to get Collin County by district with one person versus multiple.

Councilman Lessner made a motion to approve a resolution supporting state and federal redistricting along county lines. Seconded by Councilman Mattli, with all in favor.

CITIZENS INPUT:

No comments were made.

REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

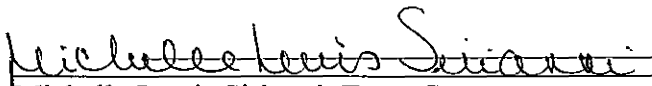
- Special council meeting will be September 22nd to adopt budget and tax rate.

- Regular council meeting will be October 12th due to conflict with National Night Out on October 5th.
- Taste of Watters Creek.
- Acquiring sponsorship for fireworks for the Veterans Day Park celebration.
- October 23rd Allen Community Outreach and Village At Fairview hosting a 5K fun run/walk.
- October 1-3rd is Texas/OU weekend; A live radio broadcast will be hosted in the Village At Fairview with ticket give-a-ways and local businesses advertised.

Mayor Israeloff adjourned the meeting at 11:30 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

