

**TOWN COUNCIL
MEETING MINUTES
November 2, 2010**

The Town Council met in regular session on Tuesday, November 2, 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, and Henry Lessner. 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. Councilwoman Mary Price was absent.

Mayor Israeloff called the meeting to order at 7:32 p.m. and declared a quorum was present and then requested everyone to stand for the Pledge of Allegiance.

Mayor Israeloff presented a proclamation to Scott Owens, longest standing volunteer with the Fire Department.

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 October 12, 2010 regular council meeting. B) Approve a resolution accepting the tax roll for the Fiscal Year 2010-11. C) Consider an ordinance updating Texas Municipal Retirement System service credits.

Mayor Pro Tem Sommers Erickson made a motion to approve items A, B, and C. Seconded by Councilman Lessner, with all in favor.

SPECIAL USE PERMIT MOTHERS DAY OUT PROGRAM: Conduct a public hearing and take action regarding a Special Use Permit for Mothers Day Out Program located within the Mosaic Christian Fellowship Church, which is located east of and adjacent to Highway 5, north of Lakeridge Drive, south of Plumwood Way, and west of Meandering Way, within the CPDD, Zone N.

Mr. Donnell introduced this item stating that the program proposed will only be on Tuesdays and Thursdays and the hours will not conflict with Lovejoy or McKinney ISD buses and school timing. Mr. Donnell stated that at the October 14th commission meeting, the commissioners recommended approval with the conditions that the program will allow up to 25 children and up to four days a week with an annual review; therefore, staff recommends approval with the conditions set by the Planning and Zoning Committee.

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.

Councilman Lessner made a motion to approve the Special Use Permit for Mothers Day Out Program located within the Mosaic Christian Fellowship Church. Seconded by Councilman Kasian, with all in favor.

SPECIAL USE PERMIT SPLITSVILLE: Conduct a public hearing and take action regarding a Special Use Permit for Splitsville, a bowling alley, located within the Commercial Planned Development District (CPDD), Zone K.

Mr. Dunlap introduced this item stating that Splitsville Lanes is an upscale restaurant, bar and bowling alley set to open within the Village At Fairview. Mr. Dunlap stated that in order for the bowling to occur, a Special Use Permit must be granted. Mr. Dunlap stated that the planning and zoning commission unanimously recommended approval; therefore, staff is recommending approval.

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.

Councilman Cunningham made a motion to approve the Special Use Permit for a bowling alley located within Splitsville. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

BOARDS/COMMISSIONS: Consider the appointment of individuals to serve on the Board of Adjustments and Technology Committee.

Ms. Lewis Sirianni stated that there is currently one alternate positions open on the Board of Adjustment and that she recently received a resignation letter from a member, which leaves a position open for a regular member. Ms. Lewis Sirianni stated that Mr. Davis

has expressed an interest to serve on the Technology Committee, which also has an opening.

Mayor Pro Tem Sommers Erickson made a motion to move Donna Cunningham from an alternate position to a regular position on the Board of Adjustment. Seconded by Councilman Lessner, with all in favor. Councilman Cunningham abstained from the vote.

Mayor Pro Tem Sommers Erickson made a motion to nominate Glenn Messner as an alternate to the Board of Adjustments. Seconded by Councilman Lessner, with all in favor.

Councilman Lessner made a motion to nominate Stephen Davis to the Technology Committee. Seconded by Councilman Cunningham, with all in favor.

PUBLIC ARTS COMMITTEE: Consider appointment of individuals to the public arts committee.

Councilman Lessner made a motion to nominate Anita Scott, Jodi Hodak, and Angela Poen to the Public Arts Committee. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

UTILITY AND STORMWATER RATES: Consider an ordinance amending utility and stormwater utility rates.

Mr. Godwin introduced this item stating that the town is suggesting a 5% increase in both water and sewer rates to help cover the increases in water rates that NTMWD has been increasing since 2000 and a new ozone treatment process they have implemented. Mr. Godwin stated that this would be the first rate increase since 2001-2002. Mr. Godwin stated that the town is also suggesting a reduction in the residential stormwater drainage fee that is currently \$7.75 to \$5.75 due to now having new commercial development that has helped cover drainage fees.

Councilman Kasian made a motion to approve an ordinance amending the utility and stormwater utility rates with the addition of adding 'per 1,000 gallons' next to the rate(s). Seconded by Councilman Lessner, with all in favor.

GOLF CARTS ON PUBLIC STREETS: Discuss a possible ordinance allowing the use of golf carts on public streets.

Mr. Wilbourn introduced this item stating that he researched four other local cities, which included Frisco, Port Aransas, Galveston, and Nassau Bay to find out their current requirements/policies on golf carts. Mr. Wilbourn stated that per state law, Texas Department of Motor Vehicles classifies a golf cart as having no less than three wheels, a normal maximum speed of 15-25 mph, and is manufactured primarily for operation on golf courses. Mr. Wilbourn stated that registration is not required and a city/town may pass an ordinance as long as the roads are within the boundaries of the city/town and with a speed limit of 35 mph or lower. Mr. Wilbourn stated that the golf cart must be insured and have headlamps, tail lamps, reflectors, parking brakes, mirrors, and a slow-moving vehicle emblem. Mr. Wilbourn added that his findings on each city were included within their packet and various requirements and/or standards varied including seat belts, fines/penalties and registering their cart with their city/town.

Mr. Richard Light, 445 S. Highway 5, stated that there are manufactures to choose from and that seat belts can be added, but there are concerns that the frames and holding a person in the cart would hurt more lives than saved. Mr. Light stated that the town could have the resident register their cart with the town and require them to have a dealer certificate or proof of sale. Mr. Light added that he understands the use of the cart within a neighborhood and not allowing on sidewalks, but pointed out that the security for the Village at Fairview and Allen drives their security cart on the sidewalks and that they would need to be informed if an ordinance is passed.

Mayor Pro Tem Sommers Erickson stated that she believes it would be in good practice for the town to place an ordinance addressing this issue.

Mayor Israeloff asked if it would be likely that the town would place a fee to register with the town. Mr. Godwin responded that it would make sense to set a minimal fee. Councilman Cunningham asked if the fee would vary based on whether or not they had the carts inspected. Mr. Godwin responded that they could vary the fee from \$25 -\$50 or set a suitable rate based on what the town would require and to cover administrative fees.

The consensus of the council was to have town staff draft an ordinance outlining requirements and policies and to also address electric versus gas carts.

TOWN'S INVESTMENT POLICY: Discuss and take possible action regarding the town's investment policy.

Mr. Wilbourn introduced this item stating that there have been no changes to the policy and are updating some of the language used in the policy to comply with the PFIA. Mr.

Wilbourn stated that the updated language was highlighted on their copy with their packet.

Councilman Cunningham asked who the town is currently using for their depository services and who makes the investment decisions. Mr. Godwin responded that the council at the last meeting approved Wells Fargo for the depository services and that Adam and Brenda, the town's accounting manager make the investment decisions. Mr. Wilbourn added that the town has two investment pools: TX Pool and Lonestar.

Councilman Cunningham asked if the town has an investment review committee or an outside advisor. Mr. Godwin responded that town staff reviews all investments, but can seek advisement from First Southwest. Mayor Israeloff asked if the town has internal controls. Mr. Godwin responded that there are controls and is checked yearly by the auditor.

Councilman Mattli made a motion to approve the town's investment policy. Seconded by Councilman Kasian, with all in favor.

PUBLIC WORKS ANNUAL REPORT: Receive public works annual report and discuss possible temporary closure of a portion of Frisco Road.

Mr. Godwin introduced this item stating that the town would like to possibly close a portion of Frisco Road located by Medical Center Drive and Frontage Road. Mr. Godwin stated that a new piece of road was put into the McKinney side, but still leaves a bad portion of the road open that will torn out within a few years. Mr. Godwin stated that the town is suggesting closing down a piece of the road for a year or two, but would do some minor repairs to the road in the meantime.

Mayor/Pro Tem Sommers asked to ensure that the home located on that road has normal access in and out of their driveway. Mr. Godwin responded that they will use a temporary barricade and can move it if necessary.

The consensus of the council was to temporarily close down a portion of Frisco Road and evaluate if any feedback is received from residents.

CITIZENS INPUT:

Richard Light, 445 S. Hwy 5, asked if the town was aware of the hydrant and the water usage at the new town hall and asked if there was a way to sequence the stop lights on Stacy Road since it makes it difficult to cross the street. Mr. Godwin responded that they are filling the pond for the first time at the new town hall and the City of Allen is

responsible for the lights and the town has expressed to them before the light sequencing, but will send another request.

Council members expressed their concern with the backup on Stacy Road and if TXDOT could reduce turn lanes to one versus two, placing an "exit only" sign at 7-Eleven and the misleading signage on US 75 regarding the exit for Stacy Road. Mr. Godwin responded that these are all TXDOT issues, but will notify them with their concerns.

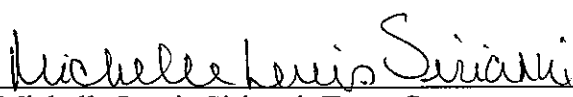
REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

- Veterans Day Park celebration is November 13th.
- Whole Foods opened November 1st and the Village Beach and Garden are now open.
- Town's Holiday Parade is December 11th.

Mayor Israeloff adjourned the meeting at 8:33 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

