TOWN COUNCIL
MEETING MINUTES
January 4, 2011

The Town Council met in regular session on Tuesday, January 4, 2011 at 7:00 P.M. at 372 Town Place, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Carolyn Sommers Erickson, Jim Cunningham, Anton Mattli, 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. Council members Ron Kasian and Henry Lessner were absent.

Mayor Israeloff called the meeting to order at 7:01 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 December 7, 2010 regular council meeting. B) Approve the minutes of the December 21, 2010 special council meeting. C) Approve an amended plat for the Blue Grass Farms subdivision, lots 17 & 18.

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

AMENDMENT TO BLUE GRASS FARMS PC DISTRICT: Conduct a public hearing and take action regarding a zoning change to amend the Blue Grass Farms Planned Center Zoning District (PC). The purpose of the amendment is to combine two residential lots into one lot, reducing density, and retaining the residential requirements.

Mr. Donnell introduced this item stating that the applicant is requesting to move a lot line and combine lots 17 & 18, which will also maintain the zoning currently in place.

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

Mayor Israeloff opened discussion to council. Mayor Pro Tem Sommers Erickson asked what the developer had planned for these lots. Mr. Donnell responded that the applicant is combining one lot with another to build one home.

Councilwoman Price made a motion to approve a zoning change to amend the Blue Grass Farms Planned Center Zoning District (PC). The purpose of the amendment is to combine two residential lots into one lot, reducing density, and retaining the residential requirements. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

CONCEPT PLAN FAIRVIEW DOWNS: Conduct a public hearing and take action regarding the Concept Plan for Fairview Downs Residential Subdivision located east of Ridgeview Drive, north of Fairview Parkway, west of Emerson Court, and south of Ranchette Estates within the Commercial Planned Development District (CPDD), subzone I.

Mr. Donnell introduced this item stating that the proposed Concept Plan shows residential on the east side using the existing creek and trees as a natural buffer. Mr. Donnell stated that the plan meets and exceeds land use requirements for this area within the Commercial Planned Development District. Mr. Donnell stated the proposed plan went to the planning and zoning commission as a discussion item once and the commission held two public hearings. The first public hearing was tabled to allow the developer to meet with residents and discuss concerns. Mr. Donnell stated the planning and zoning commission unanimously approved the plan, but there were several citizens opposed to the plan, but also ones that were in favor.

Mayor Israeloff opened the public hearing.

Steve Sallman stated that he represents the owner and started designing plans in August. Mr. Sallman stated that he met with the Village of Fairview HOA and presented the first Concept Plan in November to the planning and zoning commission. Mr. Sallman stated that the commission tabled the item and asked him to address concerns of the residents and bring back a revised plan in December. Mr. Sallman stated that he revised his plan by reducing the number of lots; therefore reducing the density. The number of lots went from 42 to 35 to 32 after addressing the properties that abutted directly to the development. Mr. Sallman stated that they will be preserving the creek and tree line along with the green space, which will provide for a natural buffer between homes and future commercial development. Mr. Sallman stated that they would like to have single-family detached homes similar to the adjacent subdivision so that it will blend together well. Mr. Sallman stated that he believes they addressed most resident concerns; therefore, requests approval of the proposed plan.

Eric Peterson, 559 Emerson Court, stated that his concern is the traffic flow. Mr. Peterson asked if a traffic feasibility study has been done and would like to request one if not. Mr. Peterson stated that his property is one that is affected the most since it abuts to the proposed development. Mr. Peterson stated that if possible, he would like to ask the developer to place single story homes where properties back up to each other so that they do not have future homeowners looking into their homes.

Brad Clear, 557 Emerson Court, stated that he believes this plan will lower property values, which he is not in favor of and the natural barrier on this subject area is the flood plain and the trees. Mr. Clear stated that he is concerned about preserving the trees in this area. Mr. Clear stated that he doesn't agree with the density argument and seems that the density is higher due to the floodplain, especially if you compare it with what is existing within the Village of Fairview. Mr. Clear asked how they will market this development since they already have something similar in their neighborhood especially with the existing noise issue from 75. Mr. Clear stated you can hear the traffic noise from 75 into their homes. Mr. Clear stated he does not support this plan.

Eddie Herring, 362 Spring Meadow, stated that he commends Mr. Sallman for working with the Village of Fairview neighborhood and that it is rare that this occurs. Mr. Herring stated that he believes the developer has gone above and beyond what's expected.

Mr. Donnell noted that the traffic analysis study is done at the Site Plan level along with a tree survey.

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

Councilwoman Price asked if the widths of the roads are 31' in the Village of Fairview subdivision and what are they going into the cul-de-sac area. Mr. Donnell stated that the roads in the Village of Fairview subdivision are 26' wide.

Councilman Mattli asked how the density was calculated and if it included the flood plain. Mr. Donnell responded that flood plain goes into the middle of the creek and the calculation includes part of the flood plain. Mayor Israeloff asked if the flood plain was not calculated how that affects the subzone requirements. Mr. Donnell responded that it does not affect the requirements and the developer has met if not exceeded them.

Councilman Cunningham stated that with the increase of traffic and the headlights of the cars on the roads if they would be able to place more vegetation to help shelter the lights. Mr. Donnell responded that there is ample space to place additional vegetation.

Mayor Pro Tem Sommers Erickson asked what it meant when staff states 'requirements met' and if this was the minimum or maximum requirements. Mayor Pro Tem Sommers Erickson asked if the developer could have less density than presented and what are the purpose and/or goals for the Commercial Planned Development District and how does this development meet these. Mr. Donnell responded that the developer could have presented less density and that the purpose of subzone I, which is where this development

is within the CPDD is to retain a higher density and increases as it moves closer to Fairview Parkway and towards the commercial area. Mayor Pro Tem Sommers Erickson asked if it was the town's intent to place homes behind the Village of Fairview subdivision. Mr. Godwin responded that they did expect it and have been talking with the Bowen family for over eight years and have acquired right-of-way from them, and the temporary lift station, will eventually go away as the property develops.

Mayor Pro Tem Sommers questioned if this development is really what the town wants and emphasized the importance of property values. Mayor Pro Tem Sommers Erickson stated that in her opinion she thinks this development will not go visually, especially with the lots that back up to it and how this will affect their property values and the higher density plus her concerns regarding the cul-de-sac at Latham. Mayor Pro Tem Sommers Erickson stated that she doesn't believe this falls in with town's motto of keeping it country. Mayor Pro Tem Sommers Erickson stated that she believes this plan is not sufficient and should do more planning on it; therefore is not in favor of the plan.

Mr. Sallman stated that the majority endorsed with the preserving of open space and that they moved lots so no one had a common fence line and also provided extra buffering. Mr. Sallman stated that he also met with the HOA and there were a few not completely satisfied, but scaled back the plan significantly to accommodate resident concerns.

Mr. Godwin commented that Planned Development guidelines versus restrictions are very different than straight zoning.

Councilman Cunningham asked if there were commercial height restrictions. Mr. Godwin responded that the council can place restrictions at the Site Plan level, but can build up to three stories in zone I. Councilman Cunningham stated that he believes that the plan is a creative use of the land and that it is following the long range plan of the town where it suits as a gradual transition from commercial to apartments to single-family homes.

Councilwoman Price appreciates the developer working with the residents and the encouragement from the Village of Fairview's HOA president to encourage residents to speak. Councilwoman Price stated that she likes the green space and the road connection at Latham and agrees that this plan feeds into original plan to have this area feed into commercial area, which in turn will help with traffic.

Councilwoman Price made a motion to approve the Concept Plan for Fairview Downs Residential Subdivision located east of Ridgeview Drive, north of Fairview Parkway, west of Emerson Court, and south of Ranchette Estates within the Commercial Planned Development District (CPDD), subzone I. Seconded by Councilman Mattli. Motion passes with a 4-1 vote.

GOLF CARTS ON PUBLIC STREETS: Consider an ordinance regulating the use of golf cards on certain public streets.

Mr. Wilbourn introduced this item stating that the council had requested staff to bring back a draft ordinance regarding the regulation of golf carts. Mr. Wilbourn referenced that some of the key elements within the ordinance are state law and others are set forth by the town. Mr. Wilbourn stated that the proposed maximum speed limit is 30 mph or less and carts would be allowed to legally cross at public intersection. Mr. Wilbourn also noted the following items that the golf cart must be equipped with including: headlamps, tail lamps, brake lights, reflectors, parking brake, horn, mirror and a slow moving vehicle emblem. Mr. Wilbourn stated that the ordinance has set the permit fee at $60.00 per year and where the resident will receive stickers to place on the front and rear of the cart. Mr. Wilbourn stated that these are just a few of the items and requests council to make any further recommendations on how to proceed with the ordinance.

Mayor Israeloff opened discussion to council.

Councilwoman Price asked to change the language regarding the item that states animals may not ride in the cart. Councilwoman Price requested this to be changed to allow on the drivers lap or perhaps secured within the cart. Councilwoman Price also suggested the fee to be every two years versus annually.

Mayor Pro Tem Sommers Erickson agreed that animals should be allowed as in Heritage Ranch it is common to see them riding with the resident. Mayor Israeloff directed staff to add a secure animal clause within the ordinance and agreed with the fee being every two years.

Leland Payne, 398 Park Village, stated that he owns his own golf cart and lives within the Village of Fairview subdivision. Mr. Payne stated that he bought the cart in 2007 to drive within the subdivision and also at that time, the only state requirements were that the cart be street legal and have head and rear head lights and that the cart should be registered with the county. Mr. Payne stated that in 2009 a new law was passed which eliminated the requirement to register the cart. Mr. Payne stated he is in favor of an ordinance as such, but has no intention of driving his across Stacy Road, but would like the option to drive to the commercial area through his subdivision. Mr. Payne suggested that the speed limit be increased to 35 mph and since many already have carts, it would get costly to add features listed by Mr. Wilbourn and should give residents option to add these or update as needed and believes $60 fee is too high.

Richard Light, 445 S. Hwy 5, stated that he believes the ordinance is a good idea and agrees with Mr. Payne's comments. Mr. Light stated that he uses his cart to get around and all manufacturers produce a street legal cart that meets safety requirements and would prefer to have the carts off the main streets, but able to use the sidewalks.

John Brightwell, 5583 Emerson Court, stated that he has worked on golf carts and would like to see them allowed on public streets.

Mayor Israeloff stated that the speed limit on Fairview Parkway is 35 mph and is a matter of opinion on whether or not to allow the carts on the streets, but think it's a good idea to go over to commercial area. Mayor Israeloff asked the police chief for his comments.

Granver Tolliver, Police Chief, stated that he would like to see the operators of the carts be licensed drivers so that it keeps it from becoming a "play item" and if they are allowed on the trail, then should be allowed on the sidewalk until otherwise prohibited.

Mr. Godwin noted that there is currently an ordinance in place that prohibits motorized vehicles in the parks.

Mayor Israeloff asked staff to bring back the ordinance with the fee being every two years, have an animal secure clause referenced and to allow the carts on the sidewalks unless otherwise prohibited.

Councilman Cunningham asked the Chief of Police if brake lights and a horn were necessary. Chief Tolliver responded that he would like to see both, but the horn is important. Councilman Mattli questioned that if carts drive over to the commercial district, is it a safety concern to have the brake lights.

Mayor Israeloff directed staff to bring back ordinance based on the discussion.

No action taken.

IMPROVEMENTS TO PORTION OF FM 1378: Consider an agreement with Collin County to design future improvements to a portion of FM 1378.

Mr. Godwin introduced this item stating that two years ago council approved a resolution requesting the county to include the town on a bond election for the widening of FM 1378 from the Lucas boundary north to Farmstead. Mr. Godwin stated that construction has still not been funded, but they can proceed with engineering and ROW acquisition with the county.

Mayor Pro Tem Sommers Erickson asked how much input will they have with design work since the town's Master Thoroughfare Plan includes a trail through this section. Mr. Godwin responded that the trail will be included and that the council will be involved with the process.

Councilman Cunningham asked if the town already had acquired the ROW. Mr. Godwin responded yes the town has acquired most of the ROW.

Mr. McCoy stated that the contract will be between the county and engineer, but that the town will be able to keep up with what's going on and monitor the contract with the county. Mr. Godwin stated that James, town engineer, will be the project manager.

Councilman Mattli asked if they don't agree with the county, does the town have the option to withdraw from state funding. Mr. Godwin responded that he would recommend that they do not since construction funding is unknown and four to five years down the road there could be changes.

Councilman Mattli made a motion to approve an agreement with Collin County to design future improvements to a portion of FM 1378. Seconded by Councilman Cunningham, with all in favor.

CITIZENS INPUT:

Leon West, 922 Grand Cypress, asked why there was no status report on Stacy Road and stated that no one worked last week. Mr. West asked if anyone is monitoring the project. Mr. West asked what residents can do if they miss their bulk trash pickup since it's only once a month and seems to be nowhere else to take it. Mr. West also noted that as the town council being elected officials, they never seem to be accessible. Mayor Israeloff responded by stating that Stacy Road is being monitored, residents can pay an extra fee for an extra pick up through Allied Waste if they choose and that residents are welcome to email him at mayor@fairviewtexas.org anytime, that he tries to respond within a reasonable time.

Mayor Israeloff stated that he will be out of town for the next council meeting on February 1, 2011.

Councilman Mattli suggested there be signs placed on Stacy Road warning residents of drop off.

Brad Northcutt, 910 Beechwood, stated that he saw where the McKinney ISD met in a joint meeting with the City of McKinney and noticed there were no representatives from the town there. Mr. Northcutt stated that due to the higher density going into the CPDD with the apartment; that maybe the town can reach out to McKinney ISD to see if the town can also have a joint meeting to see what their future plans are with the schools.

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

No items reported.

Mayor Israeloff adjourned the meeting at 9:56 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW