TOWN COUNCIL MEETING MINUTES July 5, 2011

The Town Council met in regular session on Tuesday, July 5, 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, Henry Lessner, Darion Culbertson, and Mary Price. Town Manager John Godwin; 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. Councilman Ron Kasian was in attendance for executive session only.

Mayor Israeloff called the meeting to order at 7:01 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:39 p.m. Mayor Israeloff reconvened back into regular session 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 May 3, 2011 regular council meeting.

Councilwoman Price asked to pull item A (from June agenda). Councilwoman Price stated that she would like to make corrections to her comments in the McKinney ISD discussion. She would like to correct what is currently listed to reflect that she stated' 'part of the town is served by McKinney IDS, the ISD receives tax money from our residents as well as tax money from the town's commercial district. Many children from town are being bused a great distance away for school. Price suggests since the bond has passed for McKinney Schools this is the time our council should encourage McKinney ISD to consider a school to be built in Fairview to better serve our residents.

Councilman Lessner made a motion to approve Item A as amended. Seconded by Councilwoman Sommers Erickson, with all in favor.

REZONING 851 STODDARD ROAD: Conduct a public hearing and take action regarding the rezoning of property currently zoned One-Acre Ranch Estate Zone (RE-1), to the Planned Center Zone (PC), located at 851 Stoddard Road. Subject is for a developer's office use and storage and restoration (limited to painting, staining, and gluing) of antiques and sale of antiques occurring four days per year with limited hours of 7:00 am to 6:00 pm and to be held at the discretion of the property owner.

Mr. Wilbourn introduced this item stating that this subject property is located in a residential area zoned RE-1 and is immediately adjacent to the Robert L. Puster Elementary School. Mr. Wilbourn stated the applicant has requested the PC zoning district that will be used for developer's office space and antiques restoration and antique storage (limited to painting, staining, and gluing) and other collectible-oriented merchandise, upon which said uses will meet all town, state and/or other applicable codes, ordinances, including Performance Standards, regulations, and requirements at the time of application for said uses. The sales shall occur four days per year with limited hours and be held at the discretion of the property owner. Mr. Wilbourn stated that the applicant is requesting that the language be changed from 'developer's office space' to 'professional' office space. Mr. Wilbourn stated that town staff as well the Planning and Zoning Commission recommend approval as submitted.

Mayor Israeloff opened the public hearing. David Wideman, applicant, stated that his wife and he currently have an antique store in McKinney and are very aware and sensitive to the location of the subject property. Mr. Wideman stated that he is requesting to change the language from 'developer's' to 'professional office space'. Mr. Wideman stated that he is also a real estate broker and would like to be able to lease the property to like businesses or to allow for his current profession to office out of this space.

Jennifer Tiner, 111 Elisabeth Way, commented that for the four days that the sales will be held, the council should consider the school traffic.

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

Councilman Culbertson asked if the sales will be conducted in McKinney and if chemicals are involved with the restoration. Mr. Wideman responded that it will be a storage facility for overflow furniture and they will do light staining, but no heavy chemicals will be used.

Councilman Lessner asked if the purchase of this property was contingent upon the request and if manufacturing would occur. Mr. Wideman responded that sale of the property was determined by the approval outcome and that no manufacturing will occur. Mrs. Wideman commented that she will use a stripping agent that can be found at Home Depot, which is considered combustible, but will not be dipping items into heavy chemicals. Mrs. Wideman also was in agreement with holding the sales on Saturday.

Mayor Israeloff stated that he suggests that they add non-school days to the request to clarify the days the sales can occur, but stated that he also has mixed thoughts about putting commercial in a residential area and is sympathetic with the school being adjacent to the subject property.

Councilwoman Price stated that she feels approving the proposed PC Zoning would be an improvement over the type of business currently permitted (Landscape). Councilwoman Price asked if the property was sold or leased in the future, can the council provide language regarding the permitted use(s). Mr. Godwin responded that they may get as specific as listing allowable land uses by categories with definitions giving a specific list if they would like to get specific.

Councilwoman Sommers Erickson stated that her concern is that she doesn't want to change the character of the neighborhood and if the council approves for the intended use, will they be able at a later date to approve a different use if requested by current applicant and/or future applicant. Councilwoman Sommers Erickson questions whether or not the town is setting precedence if approved. Councilman Lessner stated that he shares the concern of Councilwoman Sommers Erickson and doesn't want to see the character of the neighborhood changed.

Councilwoman Price made a motion to approve the rezoning of property currently zoned One-Acre Ranch Estate Zone (RE-1), to the Planned Center Zone (PC), located at 851 Stoddard Road. Subject is for a real estate and developer's office use and storage and restoration (limited to painting, staining, and gluing) of antiques and sale of antiques occurring four days per year with limited hours of 7:00 am to 6:00 pm and to be held at the discretion of the property owner during non-school days. Seconded by Councilman Culbertson. Councilman Cunningham abstained. Motion passes with a vote of 4-1-1.

SUP BLEND TECH: Conduct a public hearing and take action regarding a recommended five year extension of an existing Special Use Permit, for the manufacturing of soaps, detergents and cleaners, within the Commercial Planned Development District (CPDD), Zone M, located at 990 S. State Highway 5, suites 100 and 101.

Mr. Schmidt introduced this item stating that the applicant is requesting a five year extension of his current Special Use Permit. Mr. Schmidt stated that the town has received no complaints and recommends approval of this request.

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

Mayor Israeloff opened the discussion to council. Councilman Cunningham commented that Mr. Jennings, the owner, has done everything asked by council and commends him by stating that you don't even know he is there.

Councilman Cunningham made a motion to approve a five year extension of an existing Special Use Permit, for the manufacturing of soaps, detergents and cleaners, within the Commercial Planned Development District (CPDD), Zone M, located at 990 S. State Highway 5, suites 100 and 101. Seconded by Councilman Lessner, with all in favor.

TERM LIMITS /METHOD OF APPOINTMENT ON BOARDS AND COMMISSIONS: Discuss term limits and method of appointment of chairpersons on boards and commissions.

Councilwoman Price stated that term limits are not currently consistent and would like to see the ordinances amended to reflect no term limits across each board and/or commission and that all chairs are appointed by council. Council all agreed to this request.

Councilman Culbertson asked if there was a process in the appointments made to the boards and/or commissions. Mr. Godwin stated that council did pass a resolution a few years ago to aid in the process that Councilwoman Price suggested. Councilman Culbertson suggested that three members of council get together to look at the boards/commissions to see if they are following their intent as a board, consider a council liaison to each board/commission, as well as interview potential applicants to make recommendations to the council. Council all agreed to this request with Councilman Lessner, Culbertson and Price volunteering to serve on the adhoc committee to interview potential applicants.

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

No appointments were made.

FIRE STATION ARTWORK: Consider and take action regarding artwork at Fire Station #2.

Mr. Godwin introduced this item stating that the proposed artwork by Justine Wollaston has been recommended by the public arts committee and fire department.

Justine Wollaston, artist, described the art piece and stated that she took elements from a fireman's badge and incorporated those items into the art piece. Ms. Wollaston stated that the piece will be 8 ft. tall and will be surrounded by landscaping and will just blend into the landscaping. Ms. Wollaston stated the piece will have a concrete base which will be all welded together for safety and the ladder will be tilted so that children cannot climb on it, as well as the ax having a dull rounded edge. Ms. Wollaston stated that the piece will be secure and safe and is excited for the opportunity to do this project for the town.

Councilman Lessner made a motion to approve the artwork for Fire Station #2 pending art committee final approval. Seconded by Councilwoman Sommers Erickson, with all in favor.

WEIGHT LIMITS TO TRUCKS ON EAST STACY ROAD: Consider an amendment to Ordinance 2011-6-7D setting weight limits on the eastern section of Stacy Road.

Mr. Godwin introduced this item stating that the current ordinance states Stacy Road and this amendment will specify from the intersection of Stacy Road and Stone Hinge Drive to the intersection of Stacy Road and County Road 317 (Orr Road).

Mr. Chancellor referenced the weight-related studies provided to the Council and stated that within the state of Texas the gross vehicle weight is limited to 58,420 lb, on farm-to-market roads built years ago and that the segment of road that would be weight limited under the amended ordinance was not even built to farm-to-market road standards. Mr. Chancellor added that a 10% increase in weight equals four times the damage to the road.

Councilman Cunningham asked if the town can place parameters for trucks used for construction to go through Thompson Springs as well as placing 'no thru truck' signs along Stacy Road.

Councilman Cunningham made a motion to approve the amendment to the Ordinance setting weight limits on the eastern section of Stacy Road with an effective date of August 2, 2011. Seconded by Councilman Culbertson, with all in favor.

WEST SIDE WATER TOWER: Discuss possible painting of the old west side water tower.

This item was passed over.

ELECTRONIC WATER BILLING: Discuss converting water bills to an electronic format.

Mr. Dunlap introduced this item stating that currently the town sends out water bills in paper form. Mr. Dunlap stated that he has done some research regarding the town offering an electronic option. Mr. Dunlap stated that there are some advantages to this option, which include making payments online, it's environmentally friendly, the town would be unaffected by postage rate increase, and it would eventually become less expensive to use. Mr. Dunlap stated the disadvantages would be the initial conversion cost and if fewer customers convert it is annually more expensive than current system. Mr. Dunlap added that in comparison to surrounding cities, Allen and McKinney continue to use paper and online payments and with Little Elm being the most comparable with the town in population, they propose the option to use one or the other, but have converted over 30% in the first five months.

Mayor Israeloff stated he likes the idea. Councilman Culbertson and Sommers Erickson agreed. Councilwoman Price suggested placing a survey online to receive feedback. Consensus of the council was to explore the option further.

COMMUNITY DEVELOPMENT ANNUAL REPORT: Receive Community Development Annual Report.

Mr. Dunlap presented an overview of his department by stating that within the Utility Billing Department; Vicki Russell has been giving excellent customer service and has updated the new resident packets as well as updating customer contact information within the system. Mr. Dunlap stated within the past year, there have been 119 new residents and 13 new commercial accounts. Mr. Dunlap stated that also within the past year he has updated the Park Plan, had 30 health inspections and assisted with the Lake Lavon project. Mr. Dunlap stated that he currently serves on the Allen Community Outreach Board, which has brought Fall Fest to Fairview and a chili cook off this year. He has initiated and launched the shop Fairview website where businesses can provide discounts to residents while receiving local advertisements. Mr. Dunlap also acknowledged his service with the Allen/Fairview Chamber of Commerce that has launched a full Facebook page for community development. Mr. Dunlap commented that other events he conducts are the monthly EDC luncheons as well as highlighting each month a local business and this coming year will include a teacher of the month from the local ISDs.

BUDGET 2011-12: Discuss budget calendar for 2011-12.

Mr. Godwin requested council to check dates listed on the handout for the upcoming budget calendar and work session in late July.

SB100 ELECTIONS: Discuss SB 100 regarding procedures for even numbered year elections.

Mr. Godwin stated that with the recent passing of the SB 100 bill, the election process could change since the county is no longer obligated to contract with the cities, which could result in the town doing their own election, changing to odd numbered years, or conduction elections in November. Mr. Godwin stated that the town secretary will be attending some meetings with surrounding cities to discuss options and/or alternatives to provide additional feedback to council.

CITIZENS INPUT:

Bruce Tiff, 530 Stafford Ct. stated that he lives behind the new fire station and there have been sirens and/or noise very early in the morning as well as trucks pulling in and backing out into exits that causes a disturbance and asked if they can start this later in the day. Mr. Godwin responded that their shifts start at 7:00 am and they have a checklist they usually run through that does set off some noise with the sirens and the lights, but will speak with the fire chief regarding the trucks pulling in and backing into the exits.

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

Councilman Lessner stated that on July 19th the council may visit the NTMWD and if interested to let him know.

Mayor Israeloff adjourned the meeting at 9:19 p.m.

Sim Israeloff

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni

Michelle Lewis Sirianni, Town Secretary