TOWN COUNCIL
MEETING MINUTES
August 2, 2011

The Town Council met in regular session on Tuesday, August 2, 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, Ron Kasian, 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; Management Intern, Ken Schmidt; Management Intern, Jon Skuta; Engineering Intern; Danielle Gregory; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 7:00 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:54 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 July 5, 2011 regular council meeting. B) Approve an ordinance between Atmos Cities Steering Committee and Atmos Energy regarding a negotiated resolution for utility rates. C) Approve an amended Plat for Sloan Creek Estates, Phase I and II.

Councilwoman Price stated she emailed corrections to the minutes on page one and three prior to the meeting.

Councilwoman Price made a motion to approve items A, B, and C with corrections to the minutes as amended. Seconded by Councilman Culbertson, with all in favor. Mayor Pro Tem Kasian abstained.

ZONING TANNER PROPERTY 84.0± ACRES TO AG: Conduct a public hearing and take action regarding the zoning of property that is annexed but unzoned, comprised of 84.0± acres, proposed to be zoned Agricultural Zone (AG), generally located east of Country Club Road (FM 1378), west of County Road 317, north of Meandro Ria Lane, and south of County Road 326.

Mr. Wilbourn introduced this item stating that over the past ten years the property owner has been using this subject property for agriculturally-oriented uses. Mr. Wilbourn stated that 71 acres out of the 84.0± acres are flood plain. The town engineer who is also the Flood Plain Administrator has addressed this property and believes the subject property will be protected under the Agricultural Zone (AG). Mr. Wilbourn indicated that the town's Future Land Use Plan within the Comprehensive Plan supports the zoning of this property to AG; therefore, along with the unanimous recommendation by the Planning and Zoning Commission, staff recommends approval.

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 Kasian commented that he finds the Agriculture Zone very attractive for this property.

Councilman Culbertson made a motion to approve the zoning of property that is annexed but unzoned, comprised of 84.0± acres, proposed to be zoned Agricultural Zone (AG), generally located east of Country Club Road (FM 1378), west of County Road 317, north of Meandro Ria Lane, and south of County Road. 326. Seconded by Councilman Lessner, with all in favor.

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

Mr. Wilbourn introduced this item stating that with this Site Plan submittal, the applicants have submitted a proposed monument sign that would be located in the entry of the subdivision and home elevations for the subdivision. Mr. Wilbourn stated that town staff has reviewed these two items and has determined them to be in compliance with the guidelines and regulations. Mr. Wilbourn stated along with these items, there has been a request for four variances that include: 1) Approval for one (1) tree per lot within the front yard, required to be 50 ft. on center spacing for canopy trees; (2) Approval of 50 ft. spacing of streetscape/screening trees in the open space lot, Lot 1 Block X; 3) Approval of the proposed landscape cul de sac median and 4) Approval of the use of cobblestone stamping on the roadway where Fairview Downs transitions into the Villages of Fairview on Latham Drive. Mr. Wilbourn stated at the July 26, 2011 Parks and Recreation Board meeting, the board made a recommendation regarding the park dedication requirement. The board voted 5-1 to recommend that the town council require the applicant to submit $38,905.72 to fulfill this requirement and that the approval of the Site Plan be contingent upon the town receiving this payment. Mr. Wilbourn stated that the only other request by the applicant is that a stipulation be added that the street name Brandon Court is approved only after approval for that name has been given by the USPS. Mr. Wilbourn stated that town staff recommends approval of the Site Plan as submitted along with all items stated above.

Mayor Israeloff opened the public hearing. Mr. Sallman, developer, stated that he along with the property owner has had several meetings with the homeowners and the Villages of Fairview HOA. Mr. Sallman stated that he feels that they have been accommodating with the residents and their concerns and have changed their plans based on their comments. As a result, the Site Plan reflects 50 foot lots with 26 units. Mr. Sallman stated that the park dedication fee came as somewhat of a surprise based on the amount the park and recreation board requested. Mr. Sallman stated that this area doesn't lend itself for a park and since they are conserving the green belt area and providing additional buffer and landscaping, they would like to request a 50% credit towards the initial amount. Mr. Sallman stated that the HOA will maintain and be bearing the cost of any future maintenance.

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

Councilman Cunningham asked if the size of trees had been determined. Councilwoman Sommers Erickson asked if the trees would be lined up in a row. Mr. Sallman responded that they will have 50' ft. spacing and have a canopy effect. Councilman Lessner asked if there were any trees within the green space. Mr. Sallman responded that there are several Hackberry trees that will be preserved. Mayor Pro Tem Kasian asked if there were other kinds of trees proposed. Mr. Sallman replied they will use Red Oaks.

Councilman Culbertson asked why a credit should be considered toward the park dedication fee. Mr. Sallman stated that they were not made aware of the cost until they attended the Park and Recreation Board meeting. Mr. Sallman stated that the amount did come as a surprise. Mr. Sallman requested that due to the additional landscaping and amount of green space in addition to the maintenance of these areas being eventually taken over by the HOA if a 50% credit could be applied to the initial amount requested. Councilwoman Sommers Erickson commented that she believes the green space should count for a credit and merits consideration. Councilwoman Sommers Erickson reminded council of a few other examples of the town accepting credits in lieu of monies. Councilwoman Price agreed and stated it seems reasonable to accept a credit.

Councilwoman Sommers Erickson made a motion to approve the Site Plan for the Fairview Downs Residential Subdivision generally located east of Ridgeview Drive, north of Fairview Parkway, west of Emerson Court, and south of Ranchette Estates, and within the Commercial Planned Development District (CPDD), subzone I to include a variance request(s) for: 1) Approval for one (1) tree per lot within the front yard be required to 50 ft. on center spacing for canopy trees; (2) Approval of 50 ft. spacing of streetscape/screening trees in the open space lot, Lot 1 Block X; and 3) Approval of the proposed landscape cul de sac median and 4) Approval of the use of cobblestone stamping on the roadway where Fairview Downs transitions into the Villages of Fairview on Latham Drive; to approve the proposed monument sign and the typical home elevations as submitted; to approve a stipulation that the street name Brandon Court is approved only after approval for that name use has been given by the United States Postal Service; and to approve that the town accept a 50% credit to fulfill the park dedication requirement and to receive $19,452.86 for the remaining 50%; and that approval of the

Site Plan is contingent upon the town receiving this payment. Seconded by Councilwoman Price with all in favor.

FINAL SITE PLAN FAIRVIEW DOWNS: Consider and take action regarding the Final Plat for the Fairview Downs Residential Subdivision generally located at the area immediately described above.

Mr. Wilbourn introduced this item stating that the applicants have requested to submit the Final Plat the same night, which is their legal right to do so. Mr. Wilbourn stated that town staff recommends approval as submitted with the same stipulation on the street name along with the park dedication requirement as just approved.

Councilwoman Price made a motion to approve the Final Plat for the Fairview Downs Residential Subdivision as submitted, to approve a stipulation that the street name Brandon Court is approved only after approval for that name use has been given by the United States Postal Service; and to approve that the town accept a 50% credit to fulfill the park dedication requirement and to receive $19,452.86 for the remaining 50%. Seconded by Councilman Lessner, with all in favor.

MURRAY FARM ROAD: Approve a resolution abandoning a portion of Murray Farm Road.

Mr. Chancellor introduced this item stating that this is an old section of Murray Road that used to connect the now US 75 Hwy with the Murray Road currently used in the Ranchette Estates Subdivision. Mr. Chancellor stated that most recently, the Villages of Fairview and Villas in the Park subdivisions were platted where the old road used to be. Mr. Chancellor stated that the developer of Fairview Downs has asked to release the section that is adjacent to their proposed plat. Mr. Chancellor stated the town has no issue with this request and recommends approval.

Councilwoman Price made a motion to approve the resolution abandoning a portion of Murray Farm Road. Seconded by Councilman Lessner, with all in favor.

TERM LIMITS /METHOD OF APPOINTMENT ON BOARDS AND COMMISSIONS: Consider an ordinance and resolutions amending term limits and the method of appointment of officers for certain town boards and committees.

Councilman Lessner stated that he'd like to add revisions to the Park and Recreation Board ordinance to include the following: 1) Section 1, item 3, add 'Members at will should be appointed by council.' 2) The Park and Recreation Board shall report to council at least once per year, and 3) The committees meet every quarter as a minimum.

Councilman Lessner made a motion to approve the Park and Recreation Board ordinance with revisions. Seconded by Councilwoman Sommers, with all in favor.

No action taken on other proposed resolution(s) and/or ordinances.

Councilwoman Sommers Erickson asked if the council should consider being liaisons to the boards and/or commissions. Councilman Lessner stated that rather than appoint a council member as a liaison, to leave it open to council to attend as they wish. Councilwoman Sommers Erickson stated that she believes it's important for the boards to have a connection with council and to makes themselves available, as well as, receive quarterly reports from the boards and/or commissions.

Councilwoman Price stated that she believes that a council liaison is not required to attend the meetings, but there should be a council person for each board that the members can contact directly.

Mayor Israeloff stated that he believes it should be an open invite for the council to attend any meeting they wish as a citizen with no 'special' authority, but oftentimes their presence is perceived as a higher authority; thereby altering the issue. Mayor Israeloff directed staff to email all boards and/or commissions to inform them that they are able to contact council any time they wish to ask questions.

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

The council made the following appointments:

Board of Adjustments:

Councilwoman Price nominated to reappoint Gene Harrington, Donna Cunningham, Glenn Messner as Alternate, Matthew Faulkner from Alternate to Permanent, and Joe Barton King as a new Alternate to two year terms. Seconded by Councilman Lessner, with all in favor.

Planning and Zoning:

Commissioner Culbertson nominated to reappoint Brayton Campbell, Ricardo Doi, Renee Powell, and Brad Northcutt to two year terms as well as appointing Brayton Campbell as Chairman. Seconded by Mayor Pro Tem Kasian, with all in favor.

Economic Development:

Councilman Lessner stated that more discussion is needed and would like to pass on this one. No action was taken.

Parks and Recreation:

Councilwoman Price nominated to reappoint Andrea Faulkner, Donna Pekarek, and Maryanne Simonsen to two year terms and to appoint John Brown as Chairman. Seconded by Councilman Culbertson, with all in favor.

Technology Advisory Committee:

Councilman Lessner nominated to reappoint Stephen Davis, Gil Stevens, and John Adler as Chairman, as well as, Bill Baxter as a new member; all to two year terms. Seconded by Councilman Cunningham, with all in favor.

Environmental Committee:

Councilman Lessner nominated to reappoint Steven Peacock and William Lynd to two year terms and Paul Westbrook as Chairman. Seconded by Councilman Kasian, with all in favor. Councilman Lessner commented that this leaves two vacancies on this committee.

Public Arts:

Councilman Culbertson nominated to appoint Jodie Baldwin to a two year term. Seconded by Councilwoman Price, with all in favor.

WEIGHT LIMITS TO TRUCKS ON EAST STACY ROAD: Consider and take action regarding an ordinance setting weight limits on the eastern segment of Stacy Road, establishing related regulations and exceptions by permit, prohibiting nearby through-truck traffic, and repealing related ordinances.

Mr. McCoy, town attorney, introduced this item stating that council requested the ordinance be amended to reflect that Thompson Springs subdivision not be used as a possible cut-through for trucks; therefore, this language has been added within the ordinance.

Councilman Culbertson made a motion to approve the ordinance setting weight limits on the eastern segment of Stacy Road, establishing related regulations and exceptions by permit, prohibiting nearby through-truck traffic, and repealing related ordinances. Seconded by Councilman Cunningham, with all in favor.

FIRE STATION #2: Discuss concerns at Fire Station #2.

Mr. Godwin introduced this item stating that this item was brought up by a resident at the previous council meeting.

Councilwoman Sommers Erickson stated that she believes that additional landscaping and screening will help in sound and appearance at the fire station. Councilwoman Sommers Erickson requested that the Park and Recreation Board and/or town staff designate someone to design a landscaping plan.

Councilman Culbertson asked if it was feasible to adjust the time to 8 am versus 7 am. Mr. Godwin responded that he recently spoke to the Fire Chief and he is willing to agree on the time change. Mr. Godwin stated that when visiting the houses that sit down the hill, they are the ones that are picking up more noise, which is why additional cedar trees were added.

The consensus of the council was to request town staff to locate a person to develop/design a plan for additional landscaping for sound attenuation.

ENGINNERING ANNUAL REPORT: Receive Engineering Annual Report.

Mr. Chancellor gave a presentation regarding the engineering department and items they have addressed in the past year. Those items include upgrading the Scada Water System, Meandering Way access easement, the Stacy Road project, replaced two bridges, drainage at Ranchette Estates, replaced some ditches, installed a new solar generator, which will offset the electricity cost to pump water to pond, implementing storm water qualities testing, and overseeing building construction as well as the IT department and phone system, which is being done in-house by Baxter IT. Mr. Chancellor also introduced Danielle Gregory, engineering intern, stating that she is currently attending A&M and will be returning to school soon, but has been doing a summer internship with the town's engineering department. Mr. Chancellor stated that she has made great contributions and helped him greatly this summer. Ms. Gregory stated that she has assisted James with computer mapping, updating drainage throughout the town, worked with other interns on a park project, and updating the storm water ordinance, as well as other small projects. Ms. Gregory stated that she has learned a lot and is thankful for the opportunity she's had this summer with the town.

BUDGET UPDATE: Receive the third quarter budget update.

Mr. Schmidt gave the council an update regarding the town's current and projected revenues, expenses, and sales use tax. Mr. Schmidt stated that the town continues to remain in line with what was budgeted and shows no signs of deficits for the fiscal year.

TOWN MEETINGS: Discuss, plan and schedule possible special town council meetings, joint meetings, and work sessions at town hall as well as at alternative locations.

Mr. Godwin stated that council meets once a year to hold joint meetings with the Park and Recreation Board and the Planning and Zoning Commission. Mr. Godwin stated that they also usually do a council meeting off-site as well as their yearly retreat. Mr. Godwin encouraged them to hold some of these before the end of the year.

Mayor Israeloff stated that he will not be in attendance at the September regular council meeting and suggested October for the off-site town hall meeting with a joint Planning and Zoning meeting in November, and holding off on the retreat until January or February of 2012.

Mr. Godwin asked if council could email the Town Secretary or him available dates for the special meetings and retreat.

CITIZENS INPUT:

No comments were made.

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

No comments were made.

Mayor Israeloff adjourned the meeting at 10:41 p.m.

Sim Israeloff
SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW