TOWN COUNCIL
MEETING MINUTES
October 5, 2011

The Town Council met in regular session on Wednesday, October 5, 2011 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Carolyn Sommers Erickson, Ron Kasian, Henry Lessner, Darion Culbertson, and Mary Price. Town Manager John Godwin; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Budget Analyst and Management, Adam Wilbourn; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Councilman Jim Cunningham was absent.

Mayor Israeloff called the meeting to order at 6:31 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:30 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 September 6, 2011 regular council meeting. B) Approve minutes of the September 22, 2011 special council meeting.

Councilman members Lessner, Price, Sommers Erickson, and Kasian made corrections to the September 6, 2011 minutes.

Mayor Pro Tem Kasian made a motion to approve the minutes of the September 6, 2011 regular council minutes as amended. Seconded by Councilwoman Sommers Erickson, with all in favor. Mayor Israeloff abstained from the vote.

Mayor Pro Tem Kasian asked to be added to the September 22, 2011 minutes. He stated that he was left out of the caption.

Councilman Lessner made a motion to approve the September 22, 2011 special meeting minutes. Seconded by Mayor Pro Tem Kasian, with all in favor.

NTMWD WATER LINE: Consider and take action regarding NTMWD water line.

Mr. Godwin provided council with an update stating that he talked with Joe Stankiewicz, Deputy Director, from NTMWD that suggested meeting also with Jim Parks, Executive Director with NTMWD. Mr. Godwin stated that he has left three emails and a phone message with Mr. Parks, but has received no response; therefore no date has been scheduled yet.

Councilwoman Sommers Erickson stated that there were several plans, but one with a preferred route. Councilwoman Sommers Erickson asked Mr. Chancellor, town engineer, how much easement is currently there on FM 1378. Mr. Chancellor stated that there is 90 ft. by the church, but TXDOT wants 120 ft to widen the road, so they are trying to find a permanent easement of 40 ft. Mr. Chancellor stated that an additional 50 ft construction easement is needed to lay the water line. Councilwoman Sommers Erickson asked if there was room to acquire the additional 50 ft. with the 90 ft. easement already there. Mr. Chancellor responded that FM 1378 is 25 ft wide with 35 ft on either side of the road and is sitting within a 5 ft. permanent easement and that there is currently no town easement. Mr. Chancellor explained that the existing line is just outside the 90 ft easement, but within a 30 ft easement that is currently there. Mr. Chancellor stated that NTMWD is asking for additional right-of-way that will impact existing homes and subdivisions. Mr. Chancellor stated the county plan as well as the town's plan for FM 1378 does not call for a six lane road.

Councilman Culbertson asked if NTMWD has been receptive to current conversations that the Mr. Chancellor has had with them. Mr. Chancellor responded that they have not been receptive and they've looked at the plans, but they have not done anything. Councilman Culbertson commented that it doesn't seem like much will be done until council meets with NTMWD. Councilman Lessner asked if CR 317 has been considered.

Councilwoman Sommers Erickson asked in the preferred plan if the town has any say on using the water line. Mr. McCoy, town attorney, responded that generally speaking the town could condemn using for public purpose as long as there is no interference with the town's initial purpose, but advises this would be an issue discussed in executive session. Mayor Israeloff asked if NTMWD would have right of eminent domain. Mr. McCoy responded yes they would and as long as they have funds, they will more than likely use that right. Mayor Israeloff stated if they use eminent domain and FM 1378 is widened at a later date to six lanes, then it seems it would be their cost to move the water line.

Council requested staff to add the preferred route onto the website for residents to be able to view. Mr. Chancellor noted it is already on the site.

Mayor Israeloff opened questions/concerns to the public.

Ken Hardison, 1280 Camino Real, asked in regards to the map online, if town staff could label the roads, so that he knows what they are looking at and asked what the need for the water line was? Mr. Godwin responded that the best person to contact to ask is Jim Parks and any Board of Directors with the member cities. Mr. Godwin commented that the more people they reach out to the better, but that also Joe Stankiewicz, assistant director of operations may also have specifics. Mr. Hardison stated that he had understood there was a public meeting at the middle school and would like to see if the staff could inform the community more regarding this issue when information is received.

Ken Breazeale, 1350 Camino Real, stated that it seems that NTMWD's proposal is to run the line along southern FM 1378. Mr. Breazeale asked if they are willing to run the line on half of FM 1378, and then why not continue the whole way.

S. Faqua, 1330 Camino Real, stated that he's planted red and live oak trees and with Montecito being one of the oldest subdivisions, they are vigorously opposed as a community due to losing their mature trees.

Guy Wormald, 926 Medinah, asked if an alternate graphic using FM 317 has been done.

Cynthia Copeland, 1319 Camino Real, asked when construction begins, how they will handle temporary emergency access. Mr. Chancellor responded that they are planning to dig a trench and bury as they go.

Axel De La Soujeole, 1301 Red Oak Trail, stated that he has a safety concern. Mr. Soujeole stated that the topography of the area along with the dimension of the water line, that if it ever leaks, it could cause flooding and/or damage.

Rod Rayburn, 1400 Camino Real, stated that he has started a neighborhood group and has been sending out updates and that any resident can see him to add their email or request information he has shared. Mr. Rayburn stated that they need to unite as a community.

Marilyn Harper Tolle, 1300 Farmstead, asked how deep the line will be buried. Mr. Chancellor responded 5-6 ft or deep enough that no one will dig into the easement.

MASTER THOROUGHFARE PLAN: Conduct a public hearing and take action regarding the town's Master Thoroughfare Plan and rescinding the January 2011 inter-local agreement with Collin County.

Mr. Godwin introduced this item stating that the town's current Master Thoroughfare Plan (MTP) reflects a four lane road on FM 1378 by the school. Mr. Godwin stated that in January 2011, council approved an inter-local agreement to formalize funding so that the engineering and the ROW acquisition portion of the project could proceed. Mr. Godwin stated that the planning and zoning commission met on this issue and unanimously recommended to change from four lanes to two. Mr. Godwin stated that he also met with the city manager of Lucas, whose city council has also expressed concern about a wider road, but they also appear to be supportive of adding turn lanes. Mr. Godwin stated that there are two actions to consider, one being amending the MTP and rescinding the January 2011 inter-local agreement with Collin County.

Mayor Israeloff opened the public hearing. Richard Hickman, 1220 Camino Real, stated that he supports the two lane road decision.

A representative from Emmanuel Lutheran church stated that they support the two lane road.

Chris Smith, 470 Country Club Road, stated that he supports the two lane road and that his concern is that there are other places more beneficial to spend money, i.e. bridges, etc.

Mel Harper Tolle, 1300 Farmstead, stated that he supports the two lane road.

Mayor Israeloff closed the public hearing and opened discussion to council. Mayor Pro Tem Kasian expressed that they need to keep the character of the town and having yellow directional signs every so many feet is an annoyance.

Councilman Lessner stated that Collin County's Thoroughfare should be amended to reflect FM 1378 from four to two lanes, as well as, amending Highway 5 to be a two-lane undivided road.

Councilwoman Sommers Erickson stated that another idea to consider is taking FM 1378 off the state system, which means the town owns, maintains, etc. Councilwoman Sommers Erickson explained that the cost versus reward is an unknown value at this time, but can be discussed at a later date.

Councilman Lessner made a motion to amend the town's Master Thoroughfare Plan from four lanes to two lanes at FM 1378 and rescind the January 2011 inter-local agreement with Collin County. Seconded by Councilwoman Sommers Erickson, with all in favor.

ZONING 3.047 ACRES- 441 COUNTRY CLUB ROAD: Conduct a public hearing and take action regarding the zoning of property that is annexed but unzoned located at 441 Country Club Road, comprised of 3.047± acres proposed to be zoned One-Acre Ranch Estate (RE-1), generally located west of Country Club Road (FM 1378), east of Collinwood Drive, north of Old Stacy Road, and south of Cottonwood Place.

Mr. Wilbourn introduced this item stating that this subject property is currently unzoned and that the town's Future Land Use Plan within the Comprehensive Plan shows this property as Residential Estate, which is 1-1.99 acres in size. Mr. Wilbourn stated that the planning and zoning commission unanimously recommended zoning this property to the One-Acre Ranch Estate (RE-1); therefore staff recommends zoning the 3.047± acres to the RE-1 zoning district.

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

Mayor opened discussion to the council. No comments were made.

Commissioner Culbertson made a motion to approve the zoning of property that is annexed but unzoned located at 441 Country Club Road, comprised of 3.047± acres proposed to be zoned One-Acre Ranch Estate (RE-1), generally located west of Country Club Road (FM 1378), east of Collinwood Drive, north of Old Stacy Road, and south of Cottonwood Place. Seconded by Councilwoman Price, with all in favor.

BOARDS/COMMISSIONS: Consider and take action on the appointment of individuals to serve on the Public Arts Committee and/or other boards/commissions.

Councilman Culbertson nominated Joyce Bryan for the Public Art Committee. Seconded by Councilman Lessner, with all in favor.

Councilwoman Price stated that Brian Kasper recently resigned from the Park and Recreation Board; therefore, would like to nominate Guy Wormald. Councilwoman Price stated that Mr. Wormald served six years on the Park Board in Plano and would be a very valuable asset. Seconded by Mayor Pro Tem Kasian, with all in favor.

EDC CORPORATION: Consider an ordinance permitting the Fairview EDC Corporation to undertake any project that a Type B Corporation may undertake.

Mr. Dunlap introduced this item stating that legislature passed a bill that allows communities with populations of 7,500 or less with both Type A and Type B corporations to pass an ordinance authorizing Type A corporations to act as Type B corporations and undertake a wider range of civic and commercial projects. Mr. Dunlap stated that examples of Type A are creating primary jobs as well as job training and targeted infrastructure. Mr. Dunlap stated that Type B can be used for everything Type A can do plus has the ability to buy land, buildings, and equipment for professional and amateur sports facilities, as well as park facilities. Mr. Dunlap stated this would allow the town to be able to consider revenue from both tax sources.

Councilwoman Price asked if the population increases would this change the ordinance. Mr. Dunlap stated that it would lock the town in for ten years.

Councilman Culbertson asked if there were any projects the town was considering now as a result of this change. Mr. Dunlap responded that there are no immediate projects, but could help in regards to a sports complex.

Councilman Lessner made a motion to approve an ordinance permitting the Fairview EDC Corporation to undertake any project that a Type B Corporation may undertake. Seconded by Mayor Pro Tem Kasian, with all in favor.

SENATE BILL 1: Consider and take action regarding Senate Bill 1 and goods in transit.

Mr. McCoy introduced this item stating that "goods-in-transit" are tangible personal properties acquired in or imported into Texas to be forwarded to another location in Texas upon which the tax code provides an exemption. Mr. McCoy stated that if the town opts out and adopts, then the exemption is not available and excludes oil, natural gas, petroleum products, aircraft, and outdoor motor equipment. Mr. McCoy stated the town would lose the ability to tax these items if a resident applies for an exemption. Mr. McCoy stated opting in will increase ad valorem tax revenues, although there is no easy method to estimate by how much. Mr. McCoy noted that according to the appraisal district, no one has ever sought an exemption, so the town currently receives nothing. Mr. McCoy stated that if the town wants to retain authority to tax, then council would need to pass ordinance.

Councilman Culbertson stated that he recommends taking action so the town doesn't lose flexibility.

Council agreed to bring back an ordinance for consideration at the next meeting.

FIRE STATION #2 ARTWORK: Consider and take action regarding artwork by Andy Buchanan for Fire Station #2.

Mr. Wilbourn stated that as part of the public art requirement for Fire Station #2, the Public Arts Committee voted for a mural for the community room. Mr. Wilbourn stated that the mural entitled "Rescuing Freedom" is by artist Andy Buchanan and will be located on the interior northeast corner of the room. Mr. Wilbourn stated that total cost of the mural is $5,140 of budgeted costs.

Councilwoman Price made a motion to approve the artwork for Fire Station #2. Seconded by Councilman Culbertson, with all in favor.

FIRE STATION #2 SOUND ATTENUATION: Consider and take action regarding sound attenuation at Fire Station #2.

Mr. Wilbourn introduced this item stating that at the July 5, 2011 council meeting, it was brought to staff's attention that there was an issue with noise due to the daily checklist at the beginning of each shift in the morning at 7:00 am. Mr. Wilbourn stated at the August 2, 2011 Town Council meeting, the council asked staff to develop a plan to assist with the sound attenuation. Mr. Wilbourn stated since that meeting, staff developed a site plan to include additional landscaping along with at stone wall to help aid in this issue. Mr. Wilbourn stated the cost of implementing this project would be $10,500. Mr. Godwin added that Mr. Tiff, nearby resident, has seen the plan and had no significant comments, but asked for a five foot wall versus four. Mr. Godwin also noted that the station is also not starting fire engines until 8 am versus the initial 7 am.

Councilman Culbertson asked if the staff received any professional advice. Mr. Godwin responded that he spoke to three to four people that each had specific advice. Mr. Godwin stated that there will still be noise, but this will help soften and as the trees mature, it will get better.

Councilwoman Sommers Erickson stated that she remembers asking staff to find a consultant for noise abatement and would still like to talk to a person and get their thoughts. Councilwoman Sommers Erickson stated that she doesn't want to put any additional monies into this project without getting a professional opinion. Councilwoman Price agreed that she thought the expectation was to get a consultant and have that person speak to council. Councilman Lessner commented that it's a complicated problem and would like to find a consultant.

Consensus of council was to have staff hire a consultant.

FIRE DEPT. ANNUAL REPORT: Receive the Fire Department annual report.

Chief Price made a presentation outlining the past year within the Fire Department. Chief Price stated that staffing has seen an increase since it is now a combination department. Chief Price stated that regardless if they are a volunteer, part or full time, everyone is treated the same and wears the same uniform. Chief Price went over the departments current status of their apparatus's and the importance of the preventative maintenance program that was put into place in 2010. Chief Price stated that call comparison from last year to this year has increased a significant increase of EMS calls within Heritage Ranch, calls within the Village at Fairview have remained consistent, and calls for US 75 have decreased due to dispatch being able to identify better if the call is in Fairview and if they need assistance.

Councilman Culbertson asked if the addition of Fire Station #2 has helped with productivity and response time. Chief Price stated that the dividing line for Fire Station #2 is Oakwood Estates and the average response time has been 5 ½ to 6 minutes, but with the addition of an opti-com at the light has helped along with having three personnel on the big apparatus.

Chief Price stated that the department has held events that included fire safety for kids, National Night Out, station tours for boy and Girl Scout packs and troops, and 9/11 events at Heritage Ranch, Cottonwood Baptist, and City of McKinney. Chief Price mentioned that most notably, the Friends of Fairview has been able to raise $9,000, which will help purchase Class A Uniforms that cost roughly $600/ea. Chief Price stated that future plans for the department are ISO, dispatching, a five year strategic plan, and enhancing programs and services within the department.

Mayor Israeloff and Councilman Culbertson acknowledged the many compliments received and heard regarding the department and the staff.

CITIZENS INPUT:

Greg Cunningham, 560 Cambridge, publicly thanked the fire department and council for their continued efforts.

Bill McLean, 301 Kentucky, stated that he can affirm that the sirens with Fire Station #2 have been limited and much better since switching to 8:00 am.

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

Councilwoman Sommers Erickson reminded everyone of the upcoming Chili cook-off taking place within the Village.

Mayor Israeloff adjourned the meeting at 9:22 p.m.

SIM ISRAELOF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW