

**TOWN COUNCIL
MEETING MINUTES
November 8, 2011**

The Town Council met in regular session on Tuesday, November 8, 2011 at 7:00 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Carolyn Sommers Erickson, Jim Cunningham, Ron Kasian, Henry Lessner, and Mary Price. Town Manager John Godwin; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Budget Management and Analyst, Adam Wilbourn; Town Secretary, Michelle Lewis Sirianni and Town Attorney, David Overcash. Councilman Darion Culbertson was absent.

Mayor Israeloff called the meeting to order at 7:02 p.m. and declared a quorum was present and requested everyone to stand for the Pledge of Allegiance.

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

Mr. Wilbourn presented the council with an award that the town received at the Texas Municipal League conference. Mr. Wilbourn stated that the town received the Scenic City award at the platinum level, which is the highest level. Mr. Wilbourn stated that the award was based on the town's ordinances for beautification of open and public spaces. Mr. Wilbourn commented that the City of Frisco was the only other municipality to receive this award at the highest level.

Chief Tolliver made a presentation promoting Officer Jeffrey Hoover to Police Corporal.

CITIZENS INPUT:

Tom Supan, 780 Creekwood Drive North, stated that there is an item of concern that he'd like to request getting on a public agenda. Mr. Supan stated that residents feel like they have not been part of the process regarding the access easement at Meandering Way and Creekwood Drive. Mr. Supan stated that council surveyed the residents a while back and there were 14 yeses and three who indicated not to have the sidewalk ripped up and he was not aware of any discussion on the sidewalk, but it's not there now. Mr. Supan stated that he is also unaware that the easement became a private drive and that the neighbors are now preventing residents from using it. Mr. Supan stated that it has become a hostile environment and the confusion upon whether or not this is a 'public easement' or 'cut through, meaning sidewalk'. Mr. Supan stated that council held executive sessions on

this topic and there is no public knowledge of what conversations took place, which has residents questioning the legality and is why the residents would like a public hearing on this item. Mr. Supan presented council with emails that had been circulated between residents, the mayor and the town manager.

Michael Pezzulli, 880 Country Club, stated that he is troubled that this is a private easement since it has always been a trail. Mr. Pezzulli reminded council that he sat on council when this item was first introduced. Mr. Pezzulli stated that at that time he called the Department of Justice and stated that the access easement needs to be ADA compliant. Mr. Pezzulli commented that the Department of Justice stated that an ADA compliant trail must be able to allow a person in a wheel chair to travel on public right-of-way. Mr. Pezzulli requested that council release the opinion letters from the legal attorney and would also like a public hearing on this item.

Ron Pruitt, 840 Timberwood Lane, stated that he has lived in Fairview for three years and his concern is that there has been no public input on this item. Mr. Pruitt stated that the trail makes it a safe way for his family to travel to the parks due to the heavy traffic. Mr. Pruitt stated that he would like to see this publicly discussed too.

Lindy Fisher, 831 Timberwood, stated that she has been using the trail for over twenty years.

Mayor Israeloff stated that the town has taken no position on this item and it is their understanding that the emergency access easement made of grass-crete allows emergency vehicles to get through and it is the right of the homeowner to walk the trail. He also stated that this item would be on the December council agenda.

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 29, 2011 special council meeting. B) Approve minutes of the September 29, 2011 joint council and P&Z meeting. C) Approve minutes of the October 5, 2011 regular council meeting. D) Approve a resolution accepting the tax roll for the Fiscal year 2011-12. E) Approve a resolution opposing NTMWD's preferred route. F) Approve the renewal of the town's investment policies.

Councilman Cunningham asked to pull item E.

Mayor Pro Tem Kasian made a motion to approve items A, B, C, D, and F. Seconded by Councilwoman Price, with all in favor.

Councilman Cunningham stated that the date will need to be changed on the resolution. Councilman Lessner made a motion to approve item E. Seconded by Councilman Cunningham, with all in favor.

SENATE BILL 1: Conduct a public hearing and take action regarding Senate Bill 1 and tax on goods in transit.

Mr. Godwin introduced this item stating that this is the same as last month and if approved, the ordinance would allow council to tax goods in transit.

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

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

Councilman Cunningham made a motion to approve an ordinance regarding Senate Bill 1 and tax on goods in transit. Seconded by Mayor Pro Tem Kasian, with all in favor.

SOCIAL NETWORKING: Presentation from the Technology Committee regarding social networking.

Mayor Israeloff skipped over this item stating that the Technology Committee was not ready to present item.

ARTS CENTER OF NORTH TEXAS: Consider and take action on an appointment to the Arts Center of North Texas Advisory Board.

Mayor Pro Tem Kasian nominated Stephen Arnold. Seconded by Councilwoman Sommers Erickson, with all in favor.

CCAD BOARD: Consider and take action regarding casting votes for person(s) to serve on the Collin County Appraisal District Board of Directors.

Mr. Godwin introduced this item stating that council has 13 votes and that the City of Allen has asked the town to support Gary Rodenbaugh.

Councilwoman Sommers Erickson nominated Gary Rodenbaugh. Seconded by Councilman Lessner, with all in favor.

PUBLIC WORKS ANNUAL REPORT: Receive the public works annual report.

Mr. Holmgren introduced himself and stated that he currently has eight employees, which includes Robert White, Code Enforcement Officer. Mr. Holmgren stated that he would

like to touch on the following items: operation/maintenance, town streets, parks, water/wastewater and code enforcement.

Mr. Holmgren outlined the following for each item.

- **Operation/Maintenance:** Over 450 tons of asphalt around town are laid including an overlay on Fitzhugh, Hart Road, Meandering Way and the temporary asphalt on Stacy Road; concrete repairs were made in Oakwood, and maintain the right-of-way areas at Frisco/Hart Road and Fairview Parkway. Mr. Holmgren added during winter days, environmentally safe ice melt was used on streets and sidewalks around town for safety.
- **Drainage:** Includes day to day maintenance that is done throughout the town, but larger projects included St. James, Stacy Road, Ranchette Estates, removing tree limbs off Meandering Way as well as the backside of Heritage Ranch.
- **Parks:** Currently maintains Creekside, Beaver Run, and Monarch Park, which includes mowing, trash, and maintenance. This past year, they replaced the fence at Creekside, re-built a ½ mile of walking trail at Beaver Run and will install a new sprinkler system at Monarch Park.
- **Water/waste water:** This year held the highest consumption year of water with a 95% capacity even during a Stage 2 drought (150 million gallons of water per month and 5.9 million gallons used in one day). They completed over 1,000 service orders, repaired 32 service line leaks, replaced 66 meters, conducted inspections for the water tanks, and are using smart phones, which allows them to be more efficient by emailing service orders to the Utility Billing Department, use GIS system as well as having the capability to access and control water system 24/7.
- **Code Enforcement:** The town's code enforcement officer has issued over 238 citations as well as issuing 258 notices of violation with 225 of them voluntarily complying. Mr. White conducts grease trap inspections for the Village At Fairview, as well as septic and pool inspections in addition to keeping the town in compliance with the town's code.

STORM WATER/POLLUTION ORDINANCE: Consider and take action regarding an ordinance for storm water/pollution.

Mr. Chancellor introduced this item stating that the town can adopt an ordinance that will implement a prevention plan for storm water. Mr. Chancellor stated that the Environmental Committee met to discuss and review the ordinance and the committee recommended approval of the ordinance. Mr. Chancellor outlined some prohibitions and requirements within the ordinance and noted that if there was a violation that warnings would be issued first then a notice followed by a fine.

Mayor Israeloff asked if this included the tossing of man-made trash into the creeks and if not he'd like to see the council adopt an ordinance specifically for this.

Council discussed how this affects the backwashing from a swimming pool and fire protection water that was outlined in the ordinance. Councilwoman Price asked what the definition of fire protection is and its purpose in the ordinance. Council agreed to strike the line prohibiting any filtering backwash from a swimming pool, fountain or spa from the ordinance as well as placing a set number for the pH balance for swimming pool water.

The consensus of council was to have staff bring this item back for a public hearing and revise ordinance based on comments and concerns addressed regarding the swimming pools and fire protection water.

PARK IMPROVEMENTS THE MEADOWS AND CYPRESS PARKS: Consider and take action to award a bid for construction of park improvements at The Meadows and Cypress Parks.

Mr. Skuta introduced this item stating that the Community Development and the Park and Recreation Board advised town staff to seek bids for the park improvements at The Meadows and Cypress Park. Mr. Skuta stated that the improvements will be for two park pavilion structures, concrete piers and trails. Mr. Skuta added that the columns on the pavilions will have stonework and there will also be stone seating walls and retaining wall that will border the monument sign. Mr. Skuta stated that drinking fountains as well as electrical outlets will be installed in each park and minor grading will be done to ensure the parks are ADA compliant. Mr. Skuta stated that the proposed project cost is \$158,360.50 and the lowest bid was submitted by Parkscape Construction, Inc. Mr. Skuta stated their references were checked and they were given positive feedback and that the company specializes in parks and playgrounds and the owners have over 50 years of combined experience.

Council asked what was the diameter of the pavilion and color of the stone that they would be using. Mr. Skuta responded that the pavilion will be 24 ft in diameter and the color of the stone will match the neighborhood(s).

Councilman Cunningham asked if there was a performance and/or maintenance bond for the project. Mr. Skuta responded yes.

Councilwoman Price asked how many water fountains would be at each park. Mr. Skuta stated that there will be a fountain at each park and will be the three leveled tier fountain used in other parks.

Councilwoman Sommers Erickson stated that she would like to see the bids, original plans of the parks, where the pavilion and other amenities would be placed within the park(s), as well as a complete listing of the amenities.

Councilwoman Price asked why the contractor was being given four months to complete the project. Mr. Dunlap responded that bids went out in early August and September and that they initially received zero bids, which left a 60 day window to complete the project, which seemed like too short of a window. Councilwoman Price added that she'd also like to see the contract along with penalty markers within the contract.

Mayor Israeloff stated that the consensus of the council is that they would like to see the bids, plans of each park, contract(s), and placement of the amenities within each park brought back to the next meeting.

No action was taken.

COMMUNITY AND ECONOMIC DEVELOPMENT: Discussion regarding community and economic development activities.

Mayor Israeloff asked Mr. Dunlap for an update on what the town is doing from an economic development standpoint as well as an overview of the economic development role.

Mr. Dunlap stated that the town's Comprehensive Plan and Future Land Use Plan that was adopted in April 2004 outlines strategic goals that include: create a Fairview Center; provide quality housing; increase non-residential taxes; improve CPDD infrastructure; provide dining, shopping, and entertainment; increase name recognition; attract new businesses to compliment the town; and retain existing businesses.

Mr. Dunlap stated that a main component is having community involvement with organizations/groups and making the right contacts. Mr. Dunlap stated that he currently handles 2-3 inquiries per month and has a prospect 2-4 times per year that involves meetings, but has not reached the level of being presented to the council. Mr. Dunlap stated that he has the ability to read various publications to scope ideas and/or opportunities for the town. Mr. Dunlap stated that he also uses LinkedIn, which is a network discussion group that you can use to get direction and ideas, and uses the shopping website for The Village as a way to advertise events.

Mr. Dunlap stated that in his opinion there is a gap in what private land owners are asking and developers are willing to pay, so that can oftentimes make it difficult in the current economic state. Mayor Israeloff asked if land was purchased through the Economic Development Corporation, was there an opportunity by having land available, if he was seeing any barriers, and if he has talked to anyone in regards to building a hotel. Mr. Dunlap responded that the town is in good position and has put feelers out that the town

is interested in developing a hotel. Mayor Israeloff asked if the sports venue was on hold. Mr. Dunlap replied yes it is on hold.

Councilwoman Sommers Erickson asked when the town will be ready to get office buildings. Mr. Dunlap responded that there are two interested parties, the Herrings and a private land owner. Mr. Dunlap stated that the location will be a factor, but the economy is also a factor. Mayor Israeloff asked if there is a regional organization. Mr. Dunlap responded that the regional organization is the Economic Development Council and he is building contacts and sharing information with them regarding the town.

Councilwoman Sommers Erickson asked Mr. Dunlap that since he oversees parks, utility billing, the health inspector, community relations, is liaison to the Parks and Recreation Board and the Board of Adjustment, and if council asked him to make economic development his highest priority, would he have time to fit it into his schedule. Mr. Dunlap responded that this would not be an issue.

Mayor Israeloff asked about the smaller sections of town, i.e. Stacy Road and Hwy 5 and requested Mr. Dunlap to see if there was anything they could do for these areas.

CITIZENS INPUT:

John Thompson, 441 Palomino Way, stated that his property backs up to 411 Palomino Way. Mr. Thompson stated that he has concerns regarding this property. Mr. Thompson stated that the residents at 411 Palomino Way are building a tennis court and expressed that the impervious surface they are building it on will affect the drainage onto his property, that the percentage of property that it takes up is against town code, and that the resident has also paved over his septic system, which is against the state code. Mr. Thompson also stated that he also believes the lights will be against the code due to the town's dark sky ordinance. Mr. Thompson asked about the town's permitting process and is alarmed how the town did not catch this until after the fact and questions how this could get built without approval. Mr. Thompson stated that his house aligns to the view of the structure and is now not sure how to deal with it and would therefore like to file a formal appeal with the council.

Mr. Godwin stated that the lights were denied, and the fencing went before the Board of Adjustments and was also denied.

Councilwoman Sommers Erickson asked if the resident received a permit for the slab. Mr. Godwin responded that the residents were permitted to pour the slab, but they might have to alter their septic system.

Mayor Israeloff asked if there is anything pending. Mr. Godwin responded that there is nothing pending, but he anticipates further requests from the resident wanting to complete the court. Councilman Cunningham commented that he attended the Board of Adjustment meeting and the board did adhere to the regulations and denied the request(s)

based on the town ordinances. Mr. Godwin commented that there are holes in the ordinances and that there is currently no prohibition on tennis courts and the council may want to add more specifics to the ordinance in regards to the lighting, i.e. the number of lumens versus just security lighting or changing the code to reflect that tennis courts are only allowable in certain zoning districts, and that the P&Z was scheduled to discuss this on November 10th.

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

Mr. Dunlap stated that the Holiday parade will be November 19th at 6:00 pm. Mr. Dunlap stated the lineup will be on Convention Drive and the council has cars to ride in that night.

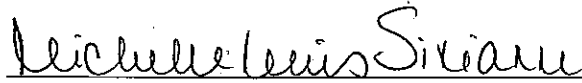
The Thompson Springs HOA is setting up a fund for the families of the workers that were recently killed. Chief Tolliver was able to provide the family information.

Councilman Lessner stated the Allen Symphony Orchestra will perform on December 15th.

Mayor Israeloff adjourned the meeting at 9:49 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

