

**TOWN COUNCIL
MEETING MINUTES
February 7, 2012**

The Town Council met in regular session on Tuesday, February 7, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Carolyn Sommers Erickson, Ron Kasian, Jim Cunningham, Henry Lessner, Darion Culbertson, and Mary Price. Town Manager John Godwin; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Budget and Management Analyst, Adam Wilbourn; Public Works Manager, Aron Holmgren; Management Intern, John Skuta; Special Projects Intern, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 6:32 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:42 p.m. Mayor Israeloff reconvened back into regular session and invited 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 January 3, 2012 regular council meeting. B) Approve the January 11, 2012 joint meeting minutes with the Park and Recreation Board. C) Approve the minutes of the January 11, 2012 special council meeting. D) Accept the 2010-2011 Audit. E) Call the May 2012 General Election. F) Adopt the resolution suspending the March 6 effective date of Atmos Mid-Tex's proposed rate increase.

Councilman Culbertson asked to pull item E and Councilwoman Sommers Erickson asked to pull item A.

Councilman Lessner made a motion to approve items B, C, D, and F. Seconded by Councilwoman Sommers Erickson, with all in favor.

Councilwoman Sommers Erickson asked that in regards to item A of the January 3rd minutes on page three, that the minutes reflect that she asked for a redlined side by side comparison between Fairview and Southlake ordinances.

Councilman Lessner made a motion to approve the minutes as amended. Seconded by Councilman Culbertson, with all in favor.

Councilman Culbertson asked in regards to item E, that due to the recent changes by Senate Bill 100, how that would affect this year's election. Ms. Lewis Sirianni responded that by having the election in May, this could almost double their cost from last year due to the additional buying of voting equipment by the county.

Mayor Pro Tem Kasian made a motion to approve item E. Seconded by Councilwoman Price, with all in favor.

GENERAL OBLIGATION BONDS: Consider an ordinance authorizing the issuance and sale of the Town of Fairview, Texas, General Obligation Refunding Bond, Series 2012; levying an annual ad valorem tax and providing for the security for and payment of said bond; and enacting other provisions relating to the subject.

Sara Bedford, analyst for First Southwest, stated that the current interest rates are very low and that they are actually seeing historical lows. Ms. Bedford stated that the lowest bid received was by TIB at 2.09% with an any time call date at no cost to the town. Ms. Bedford stated the town will receive a 15% savings overall.

Councilman Cunningham pointed out that due to the town's strong financial standing and outstanding credit, they are able to receive these types of savings.

Councilwoman Sommers Erickson made a motion to approve an ordinance authorizing the issuance and sale of the Town of Fairview, Texas, General Obligation Refunding Bond, Series 2012; levying an annual ad valorem tax and providing for the security for and payment of said bond; and enacting other provisions relating to the subject. Seconded by Councilman Lessner, with all in favor.

EMERGENCY ACCESS EASEMENT: Consider and take action regarding the emergency access easement between Meandering Way and Creekwood Drive North.

Mayor Israeloff provided an update stating that they received a settlement offer from the homeowner, which has been discussed, but no decision has been made and they will go back to homeowner for additional negotiations and further discussions. Mayor Israeloff stated that the town has not changed its goal and hopes to have a concrete proposal by the next meeting.

ROAD RATINGS & REPAIRS: Consider and take action regarding the road rating and preliminary list, and road repairs to River Oaks subdivision.

Mr. Chancellor introduced this item providing a brief background history of how the roads in Fairview were developed and identified the roads within the town that need more maintenance. Mr. Chancellor stated that he has identified approximately 13 miles of asphalt streets that need more than routine maintenance. Mr. Chancellor stated that these

streets are either showing signs of sub grade problems due to wet weather and/or drought conditions, or the age of the asphalt itself has too much cracking.

Mayor Israeloff asked if these repairs would be contracted out and if there was a timeframe on completing the repairs. Mr. Chancellor responded that yes he will contract the jobs out by bidding out the project and will spread the monies out by doing more than one job at a time. Mr. Chancellor added that the more quantity they bid out at once, the better pricing they will receive. Mr. Godwin stated that the town's Capital Improvement Plan (CIP) allows for a million a year to be spent on roads and the town will sell bonds in August to start the projects in the fall.

Mayor Israeloff asked if they will do the roads that require the overlay with the base first or how do they determine which roads to do first. Mr. Holmgren responded that depending on existing conditions, volume of traffic, etc. will determine which roads will be done first, but he will prioritize based on current conditions. Mr. Chancellor added that one way to also determine which roads are done first is to break them up into quadrants that way they can target various parts of town at once.

Councilman Lessner asked if they will have to shut down any roads. Mr. Chancellor responded that they will try not to shut any roads completely down, but some roads may require half a road at a time.

Mayor Pro Tem Kasian asked if there is an incremental cost or can they place a value on the cost at this time. Mr. Chancellor responded that the cost is usually by the square yard, but will have it bid out by the tons and spread the cost out over the course of one year in order to know how much is spent within that timeframe.

Councilwoman Sommers Erickson asked what the budget is for the regular maintenance of the town roads. Mr. Holmgren replied that within the current budget, his department maintenance budget only allows him to maintain the current roads that are in need of repair. Councilwoman Sommers Erickson asked with this big of a project, will he have the staff and/or the resources to manage the project while maintaining the other parts of town. Councilwoman Sommers Erickson stated that she would like to see someone from the town overseeing the project on a daily basis.

Councilman Cunningham stated the town's CIP has been in place for years and that he recognizes that every city has issues with the roads and that they will just have to prioritize which projects they would like to do first.

Councilman Culbertson asked if there was any feasibility to do the projects over a two year period versus a three year period and would that have any financial impact. Mr. Chancellor replied that they can spread the work out and notate that within their contract. Mr. Chancellor added that it may or may not have a financial impact, but will depend on other projects.

Mayor Israeloff asked that the council be apprised in advance of any information regarding the project(s) so that they are able to keep residents properly informed of what's upcoming and currently happening.

Councilwoman Price stated that some streets are unsightly due to the crack sealing and asked if there is something they can do now to make the streets cosmetically appealing. Mr. Holmgren responded that they can go back and chip seal the road, but nothing is currently within his budget to make any other repairs.

Mayor Israeloff asked town staff to bring back a draft to the next meeting of roads based on priority to do within the first year with the option to chip seal on certain streets as well as financial options.

TXDOT'S PLANS HWY 5 TO FM 1378: Consider and take action regarding TXDOT's plans from Highway 5 to FM 1378 (Country Club Road).

Mr. Chancellor introduced this item stating that the plans are currently on the town's website and recently Councilman Lessner and himself met with TXDOT's district engineer and discussed right-of-way and the six lanes versus four lanes. Mr. Chancellor stated that according to TXDOT, they would have to redo the environmental document clearance as well as re-prepare schematics, etc. which would add an additional 2-3 years to the project as opposed to starting now.

Councilman Lessner added that the TXDOT representative was accommodating and took the town's side, but acknowledged that they would essentially have to start over, which would include the costs associated with it including traffic counts, etc.

Councilwoman Sommers Erickson stated that if TXDOT has known of the town's plans since the beginning, she questioned why they would proceed with the project and how much additional cost is it going to be for TXDOT, and questioned what the cost comparison is between the environmental study versus the cost to acquire the additional land for the right-of-way access.

Councilman Culbertson asked if there was any recourse with TXDOT. Mr. Chancellor responded that the town could withdraw local support. Mr. Godwin added that the council could also contact officials with the Texas Transportation Department, as well as state representatives.

Councilwoman Sommers Erickson asked if the town has any voice in regards to the right-of-way on Stacy Road or will TXDOT condemn it. Mr. Godwin responded the town does not own any of this property. The town only has property at Bridalgate, but the town has also told TXDOT many times that they disagree with their plans. Councilwoman Sommers Erickson asked what the town told TXDOT regarding the property at Bridalgate. Mr. Godwin responded that the town said 'no' regarding relinquishing right-of-way.

Councilman Lessner stated that they can go back to TXDOT and tell them 'no' again, which would delay the start of the road repairs. Mayor Israeloff commented that the town needs the additional lanes and would not like to see the project delayed, but also

feels that TXDOT is ignoring their position and the town continues to tell them 'no' every chance they get. Councilman Cunningham reiterated that the town has voiced their opinion numerous times and it seems that TXDOT continues to do what they want.

Councilman Lessner stated that he would like to know what the next steps are by TXDOT and if there would really be a delay if the town asked TXDOT to redo their plans.

Councilwoman Sommers Erickson made a motion to go back to TXDOT and request support of the town's Master Thoroughfare plan and to discuss only the likelihood of a delay with starting the project. Seconded by Councilman Lessner. Motion passes with a 5-2 vote.

NTMWD MEMBERSHIP: Consider and take action regarding NTMWD membership.

Mr. Wilbourn introduced this item stating that if the town were to become a member city it would have two representatives on the NTMWD Board of Directors, which would be appointed by the Town Council, and serve two-year terms. Mr. Wilbourn stated that in order to become a member city there are certain areas where the town doesn't meet the criteria evaluated by the NTMWD Board of Directors: 1) the town doesn't have a population equal to or greater than 25,000; 2) the town doesn't have an ultimate population of 100,000 or more; and 3) the town doesn't receive solid waste disposal services from NTMWD. Mr. Wilbourn stated that the town would also need to be annexed by the district and would need to present a petition signed by at least 50 citizens residing in town along with a resolution from the Town Council declaring their desire to be annexed. Mr. Wilbourn stated that after a public hearing was held, and then an election would be held and then canvassed.

Councilman Lessner stated that it is worth a look since the town has large water pipelines that run through it. Councilman Lessner stated that he knows several directors and that doesn't guarantee anything, but there is also no downside in asking and going through the process.

Councilwoman Price feels strongly about pursuing the membership. Councilwoman Price stated that the town is uniquely positioned with them and feels that NTMWD is part of the community.

The consensus of council was to pursue membership and proceed with a resolution.

SH 5 SEWER LINE: Discussion regarding sewer line at SH 5 and the old railroad bridge.

Mr. Godwin introduced this item stating that with TXDOT planning to straighten out the road by the old railroad bridge; it seems to be a good idea to extend the sewer line. Mr. Godwin stated the once the 15" interceptor line is in place, the project construction will begin. Mr. Godwin stated that the Petefish group has agreed to fund design engineering costs and is proceeding with that work now.

Councilwoman Price made a motion to proceed with the sewer line project. Seconded by Councilwoman Sommers Erickson, with all in favor.

SPORTS COURTS: Conduct a public hearing and take action regarding sports courts, batting cages, and other similar structures.

Mr. Dunlap introduced this item stating that the Planning and Zoning Commission's recommendation was that the sports courts be allowed by right should they meet the following criteria: 1. Courts are allowed by right in zoning districts RE-1 – RE-3 plus the AG zoning district. All other districts would require either a conditional or special use permit. 2. Permits are required for all sports courts and must include a site plan, drainage analysis, fence plan (if desired) and color samples for the court and fencing. 3. Potential commercial oriented uses are prohibited. 4. Setbacks for a sports court would be the same as for the primary structure. 5. Court color is to be approved by town staff. 6. Fencing would be allowed by right and the fencing material would be limited to either vinyl coated chain link or lattice that is made of vinyl or hard plastic with the fence color being either a dark green or black, subject to staff approval. The fence height would be a maximum of 10 feet at the ends with that height extending no more than 25 percent down each side towards the middle. 7. The court should be screened from view of adjacent properties and public streets with the landscape plan subject to staff approval. Mr. Dunlap added that if a resident should desire lighting, then the process would become a conditional use or special use permit process. Mr. Dunlap added that for batting cages no permit would be required, but they would adhere to the setbacks based on each zoning district. Mr. Dunlap stated that due to these recommendations, town staff recommends approval of the proposed ordinance as well as removing the moratorium.

Mayor Israeloff opened the public hearing.

John Johnson, 441 Palomino Way, stated that the town needs to enforce the laws they currently have and feels that a conditional use permit should be required since it is the only way to provide notification to surrounding neighbors. Mr. Johnson stated that the staff should be taken out of the approval process. Mr. Johnson questioned fencing and its allowable height and if the adjacent grade is taken into consideration. Mr. Johnson stated that it's not the cost of building a sports court that is expensive, it's the landscaping. Mr. Johnson asked how you can enforce the completion of landscaping. Mr. Johnson also stated that he doesn't believe lights should be allowed at all.

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

Councilman Lessner asked if a time limit should be placed on the lighting and if the proposed cost needs to be in the ordinance. Mr. Dunlap responded that yes, the costs need to be included within the ordinance.

Councilman Culbertson questioned under the section in the proposed ordinance where it mentions that permits are required, that for the RE-1 zoning district, he believes it should require a conditional use permit. Councilman Culbertson stated that fences should also fall under the conditional use permit and agrees with Councilman Lessner that lights should have a time limit. Councilman Cunningham questioned if the homeowners associations can restrict time limits on the sports courts.

Councilwoman Price asked if setbacks were the same as the primary structure, if the color of the court was approved by staff, what will staff use as their guide. Councilwoman Price stated that the specifics of what's acceptable need to be tightened. Councilwoman Price asked in regards to batting cages, if the issues would be handled by code enforcement and if there are no permits required, then how do you enforce something that is put up that could end up being not aesthetically pleasing. Councilwoman Price reiterated that there needs to be specifics of expectations.

Councilwoman Sommers Erickson stated that she feels that any tennis court needs a conditional use or special use permit, especially any structure of that size that has an impact on their neighbors. Councilwoman Sommers Erickson stated that everyone has a different idea of what screening means and this has a huge impact on their neighbors. Councilwoman Sommers Erickson believes that chain link fences should not be permissible as well as lighting.

Councilman Culbertson made a motion to add sports courts back as an accessory use requiring a Conditional Use Permit. Seconded by Councilman Cunningham, with all in favor.

MEADOWS PARK: Consider and take action regarding establishing sod as the Meadows Park.

Mr. Dunlap introduced this item stating that now is a good time to install sod and even though it will be dormant for a few more months. Mr. Dunlap stated that it will need to be watered regularly due to the lack of rain and intense heat. Mr. Dunlap stated that even though the town is currently under Stage 3 water restrictions, they will still be able to hand water and use water from the town hall pond. Mr. Dunlap stated that council can choose to do nothing at this time, sod around pavilion and playground area or sod the whole area.

Councilman Culbertson asked if the town would be adhering to the current water restrictions. Mr. Dunlap responded yes they would.

Councilwoman Price asked if their additional funds were coming from park dedication fees. Mr. Dunlap replied yes.

Councilman Cunningham asked if there was significant cost differential between Buffalo and Bermuda grass. Mr. Dunlap responded that Buffalo grass costs about three times as much as Bermuda.

Councilwoman Price made a motion to approve to sod the entire Meadows Park. Seconded by Councilman Lessner, with all in favor.

ENVIRONMENTAL COMMITTEE: Receive report from Environmental Committee.

Paul Westbrook, Chairman for the Environmental Committee gave a report regarding the committee by stating the following:

- The committee currently meets the third Monday of each month.
- They periodically put out an Environmental Newsletter.
- The committee is currently planning reviews of existing ordinances to find ways to improve them.
- Monitor data including energy use by the town, water/waste water use, as well as how to educate residents on these items.
- Implementing progress by trying to incorporate plug-ins for electrical vehicles within the commercial area, find incentive programs through electric companies, as well as rebates that may be available to residents.
- Polling HOA's in terms of allowing solar roofs, etc.
- Recognition of awards the town has received.

Council suggested that the committee review or find initiatives on the following: 'green' initiatives, recycling tree limbs and whether or not there's a grant to acquire a wood chipper, review the town's oil and gas ordinance, and educate residents on the town's wildlife, and any other items that the committee deem fit.

OIL AND GAS ORDINANCE: Discussion regarding oil and gas ordinance comparisons.

Councilwoman Sommers Erickson stated that she had requested a red line comparison of the ordinances between the town and the City of Southlake regarding what was changed from theirs to the towns. Mr. McCoy responded that the town based its ordinance on the City of Southlake, but it doesn't mirror it because adjustments were made based on the town as well as finding improvements.

Mayor Israeloff asked if the comparison was of the same "full" text of the ordinances. Councilwoman Sommers Erickson stated that she is finding differences and would like to see a side by side comparison.

Consensus of the council was to ask the Environmental Committee to compare the ordinances and provide feedback before bringing it back to council.

COUNCIL CHAMBERS: Consider and take action regarding concrete columns in the council chambers.

Mr. Ron Hobbs, architect, presented the council with options regarding the appearance of the concrete columns in the council chambers. Mr. Hobbs stated that a variety of materials have been considered including wood, stone, and metal.

Mr. Hobbs stated that the metal was ruled out fairly quickly because it didn't have character and was the most expensive. Mr. Hobbs stated that the wood paneling based on how much they would need would cost \$40-42 a square foot equaling roughly \$18,000. Mr. Hobbs stated that his concern with this material is that it is dark wood and may take away from the council's seating area and if the columns were wrapped in wood, he would make sure the material is thin so that the columns wouldn't become any wider. Mr. Hobbs stated that with the stone, they looked at honed finished limestone in various colors. Mr. Hobbs stated that the limestone is durable and can be glued to existing columns. The cost ranges from \$60-65 per square feet, but is the same price range as the metal.

Mayor Israeloff asked if there was thought to staining the columns. Mr. Hobbs responded yes, but that was a concern. Mr. Hobbs stated that the intent with the limestone was in keeping with the town's theme of 'keeping it country' and thought the concrete columns added character and wanted the main focus to be on the council dais.

Mayor Israeloff and Councilman Cunningham agreed that they dislike the concrete columns, but due to the price of the other materials it doesn't seem worth changing.

Mayor Pro Tem Kasian and Councilman Culbertson commented that they like the concrete columns.

No action was taken.

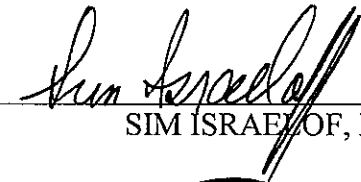
CITIZENS INPUT:

No comments were made.

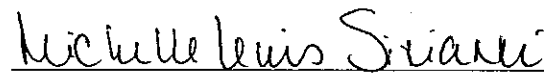
REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Mayor Israeloff stated that the old gas station along the service road of US 75 has been demolished and that the town acquired back right-of-way on the Stacy Road bypass.

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


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

