TOWN COUNCIL
MEETING MINUTES
May 1, 2012

The Town Council met in regular session on Tuesday, May 1, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Sim Israeloff, Carolyn Sommers Erickson, Ron Kasian, Jim Cunningham, Mary Price, and Darion Culbertson. Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Budget and Management Analyst, Adam Wilbourn; Special Projects Intern, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Councilman Henry Lessner was absent.

Mayor Israeloff called the meeting to order at 6:33 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:41 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

CITIZENS INPUT: Ed Hayes, 445 Sloan Creek, asked council to consider reducing the speed limit on Hwy 5 to 45mph. Mr. Hayes stated that with the current speed limit of 55mph, citizens are driving faster and it's not safe. Mr. Hayes stated that he'd like to see Hwy 5 be 45 mph from one end to the other.

Mr. Godwin replied that Hwy 5 is a TXDOT road. Mr. Godwin stated that the town has asked for traffic counts in order to change the speed limit and they have had no change. Mayor Israeloff asked with the construction that is set to start, will TXDOT do a traffic count. Mr. Godwin responded that they monitor, but the speed is set on 85th percentile.

Mayor Israeloff asked town staff to place the speed limit on Hwy 5 on the June council agenda.

Mike Vannata, 5141 Stream Crest, asked if the street light before the bridge could be moved. Mr. Vanatta stated that he would like to see a street light there in order to be able to see cars. Mr. Godwin stated that they can talk to TXDOT since it is their intersection.

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 March 6, 2012 regular council meeting. B) Approve minutes of the April 3, 2012 regular council meeting. C) Approve minutes of the April 10, 2012 joint work session meeting. D) Consider adoption of a resolution expressing official intent to reimburse costs of project. E) Approve bid for road improvement projects. F) Authorize purchase of new fire staff vehicle. G) Approve updated financial policies, including a revised purchasing policy. H) Approve a rotating art program as part of public art requirement for town hall. I) Adopt a resolution authorizing the law firm of Wolfe, Tidwell, & McCoy, LLP to initiate and prosecute on its behalf any legal proceedings against Jim Douglas and any other responsible party's related development known as Sloan Creek Estates.

Councilwoman Price asked to pull items A, B and C. Councilman Culbertson asked to pull item G, and Councilwoman Sommers Erickson asked to pull item D.

Councilman Culbertson made a motion to approve items E, F, H and I. Seconded by Councilman Kasian, with all in favor.

Councilwoman Price stated in regards to item a, on page four within the last paragraph, it should reference River Oaks II versus just River Oaks and on page seven within the second to last paragraph from the bottom, it should state that she asked how electric car owners will know where the charging stations are located.

Councilwoman Sommers Erickson made a motion to approve item A. Seconded by Councilwoman Price, with all in favor.

Councilwoman Price stated is regards to items B and C, that she was not present at these meetings.

Councilman Cunningham made a motion to approve item B. Seconded by Councilman Culbertson. Motion passes with a 5-0 vote; Councilwoman Price abstained.

Councilman Culbertson made a motion to approve item C. Seconded by Councilman Cunningham. Motion passes with a 5-0 vote; Councilwoman Price abstained.

Councilwoman Sommers Erickson asked in regards to item D, why Exhibit 'A' to the resolution does not include the list of roads. Mr. Godwin replied that typically they would not be listed in case you can get to do more or less of what's anticipated. However, in this case, the town is set to resurface a section of East Stacy Road, Meandering Way, and Hart Road.

Councilwoman Price made a motion to approve item D. Seconded by Councilwoman Sommers Erickson, with all in favor.

Councilman Culbertson asked in regards to item G, if the town has a safety agreement and/or collateralized with the bank depository. Mr. Wilbourn responded yes to both.

Councilman Culbertson made a motion to approve item G. Seconded by Councilman Kasian, with all in favor.

CONDTIONAL USE PERMIT (CUP): Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for the development of a sports court (tennis court) to be located at 760 Stallion Drive.

Mr. Wilbourn introduced this item stating that this subject property is annexed and zoned One-Acre Ranch Estate (RE-1) and located within the Willow Points Estates subdivision. Mr. Wilbourn stated that currently there is a primary structure and swimming pool with deck located on the property. Mr. Wilbourn stated that the applicant is requesting to construct a tennis court that is 2,450 square feet. The applicant does not want lights or fencing around the proposed sports court and that landscaping will be used to soften the view of the sports court. Mr. Wilbourn stated that applicant is requesting one variance as part of the CUP request to allow for an impervious surface coverage of 28.5 percent. The town's maximum set forth within the town's Code of Ordinances for zoning districts RE-1 through RE-3 is 25 percent. Mr. Wilbourn stated that the Planning and Zoning Commission unanimously recommended denial without prejudice and agreed that they did not want to establish a precedent by approving the variance. Mr. Wilbourn stated that town staff received no calls either positive or negative and two citizens spoke in favor of the request at the Planning and Zoning Commission meeting. Mr. Wilbourn stated that town staff maintains their recommendation to deny the Conditional Use Permit and the variance request for the proposed tennis court due to the impervious surface rule.

Mayor Israeloff opened the public hearing. Abe Smith, 760 Stallion, applicant, stated that this is the first time he has built in Fairview and the first time his home builder had built within Fairview and was unaware of the 25% impervious surface as well as acquiring a Conditional Use Permit. Mr. Smith expressed his frustration of the time, cost and energy of the application process and questioned a better approach. Mr. Smith stated that since the Planning and Zoning Commission meeting, he looked at trying to find a creative way to get below the 25% rule. Mr. Smith stated that he found a pervious concrete to use that allows water to go back into ground and would like to use it for their project and move forward with project as submitted.

Mayor Israeloff closed the public hearing and opened discussion to council. Councilman Cunningham asked if the vacant lot owners were notified, and why the applicant's letter expresses intent for lights and fence, but town staff is stating they do not, and if the swimming pool was included in the impervious surface measurement. Mr. Wilbourn stated that all residents within 500 feet were notified of the CUP request and the applicant decided to withdraw lighting and fencing during the Site Plan review process after the letter was submitted. Mr. Godwin replied that normally pools are not included in the measurement since they do not shed water. Mr. Chancellor commented that is not usually counted and have to decide if the goal is to enforce development drainage or open space, which would allow for more development. Mayor Israeloff stated that his pool has an overflow line and in his opinion if the pool overflows, then it does go into the yard.

Councilwoman Sommers Erickson stated that the intent was to keep lots from being concreted over so that neighbors don't just see concrete. Mr. Godwin responded that then they should include the pools in the measurement of the impervious surface. Mayor

Israeloff stated that he is okay with adding a percentage of the qualification of materials to be included.

Councilwoman Sommers Erickson stated that if they start making exceptions and approving variances, then they will start seeing what they don't want. Councilwoman Sommers Erickson questioned the knowledge and awareness of the applicant's home and pool builder to the town's requirements. Mr. Smith commented that M. Christopher, home builder, was unaware until made aware by him, since it was their first time building within the town. Mr. Smith stated that when their fire pit was approved and they went to run their gas line, they found out it was too close to their house, so they had to redesign their pool, which added additional concrete and if they would've known of the percentage requirement at that point, they would have reconsidered or tried to find a different design.

Councilman Cunningham made a motion to deny the Conditional Use Permit and the one variance request as submitted. Seconded by Councilwoman Sommers Erickson, with all in favor.

CONCEPT/SITE PLAN & REPLAT CONFERENCE CENTER: Conduct a public hearing and take action regarding a Concept Plan, Site Plan, and Replat for a conference center located east of Watertower Way, north of Southwind Lane, west of South State Highway 5, and south of Indian Springs Road within the Commercial Planned Development District (CPDD), subzone K.

This item was passed over and no action taken.

ALLIED WASTE: Annual report and rate adjustment.

Mr. Reid Donaldson, Senior Area Municipal Services Manger for the North Texas Area, stated that he has known John for a little over five years and has enjoyed working with him and appreciates all he's done.

Mr. Donaldson reviewed the 2011 year by stating the following:

- Solid Waste Collected = 2079 tons
- Recycling Collected = 907 tons
- Bulk Trash Collected = 546 tons
- Call-ins – 67 calls that included missed trash, recycling, and bulk/brush
- Annual Cleanup Comparison: 2010, 20 tons; 2011, 74 tons; 2012, 15 tons
- Programs available to promote and encourage recycling within community including school scholarships

Councilman Cunningham asked if there was a way to educate schools regarding recycling. Mr. Donaldson stated that they do offer tours for kids.

Mayor Israeloff asked what the percentage of recycling that is rejected is. Mr. Donaldson responded that 15-20% is usually rejected and consists of garden hoses, extension cords or items with cords that can get caught within their machines.

Mr. Godwin stated that Allied Waste is also seeking a rate increase based on the CPI increase in addition to the fuel surcharge.

Councilman Kasian asked if the increase in efficiency costs would offset operational costs. Mr. Donaldson responded that they are running cleaner burning diesel trucks, which cost more, but are more efficient. Mr. Donaldson commented that with Allied being the second largest waste company, they have a research crew that is always take the steps to keep their costs in line with competitors.

Mayor Israeloff stated that Allied Waste is seeking a rate increase of $0.55 per month per household.

Councilman Kasian made a motion to approve the rate increase of $0.55 per month per household. Seconded by Councilwoman Price, with all in favor.

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

Mayor Israeloff stated the process is still underway and the council subcommittee is in the process of scheduling their next meeting. Mayor Israeloff stated that he has no other new information to report.

OLD WATER TOWER LOGO: Consider and take action on a logo design for the old water tower.

Mr. Chancellor stated that council has asked staff to come back with some additional logo pictures showing what the word "Fairview" would look like if it were beneath the ring around the tower. Mr. Chancellor stated if the word is placed below the tower ring, it doesn't show well. Mr. Chancellor stated the word displays well mid-tower and can place on two sides of the tower or four if not too crowded.

Councilman Kasian asked if the letters could be done in dark green. Mayor Israeloff stated that he'd like to see the word done the same as the logo font currently used and spaced on all four sides of the tower in the middle in black as suggested by the public arts committee.

Councilwoman Sommers Erickson made a motion to approve that the word "Fairview" be placed on the old water tower in the town's logo font matched as best as feasible, spaced on all four sides, and black in color. Seconded by Councilman Culbertson.

Motion passes with a 5-1 Vote. Opposed by Councilman Kasian.

2012-13 BUDGET: Discuss 2012-13 annual budget.

Mr. Godwin went over upcoming budget calendar dates and stated that the August 14th meeting is a morning meeting and council will approve the tentative tax rate, which will include an I&S rate and an M&O rate. Mr. Godwin stated that they will also set the public hearing dates with one of them being a regular scheduled council meeting.

Mr. Godwin commented on recommendations for council to consider including: leaving the existing total tax rate at $0.36; this will mean a slight reduction in the M&O rate since debt service will be increased due to the road reconstruction CO's, increase utility rates by 10% due to the significant and continuing rate increases of as much as 25% projected by the NTMWD, include raises for all employees of 2.5%, plus merit raises for a few select employees based on actual performance, no new staffing except the first year of a three-year planned phase-in of in-house EMS, creation of a Capital Equipment Replacement Fund to balance out capital outlays on fire, police, and public works equipment expenditures from year to year, and an addition of a TMRS cost of living adjustment for any employees who retire from Fairview.

TOWN'S WEBSITE AND DESIGN: Consider and take action regarding the town's website and design.

Mr. Wilbourn introduced this item stating that council requested a prototype from Baxter IT regarding the website design as well as an initial estimate of cost.

Bill Baxter presented a prototype of the website design layout as well as providing a comparison from the current website to the prototype. Mr. Baxter stated that the homepage of the website will have large icons at the top and drop down menus and tabs. Mr. Baxter stated that he has reduced the number of pages within the site itself to make it more user friendly for the customers and added an icon for the water department since they receive the highest call volume. Mr. Baxter stated that the design was presented to the Technology Committee and Mr. Adler formed a sub-committee to gather feedback from the residents and received positive comments.

Mayor Israeloff asked what the cost is. Mr. Baxter stated that it could be $3,000, but minimum of $2,500.

Councilwoman Price made a motion to award the website design to Baxter IT and not to exceed a cost of $3,000. Seconded by Councilwoman Sommers Erickson, with all in favor.

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

Councilman Cunningham made a motion to reappoint the council subcommittee consisting of Councilwoman Price and Councilmen Culbertson and Lessner. Seconded by Mayor Pro Tem Kasian, will all in favor.

Mayor Israeloff requested to bring item back to next month's regular meeting.

COUNCIL SUB-COMMITTEES: Discuss creation of council subcommittees.

Mr. Godwin introduced this item stating subcommittees can help council stay informed and connected with ongoing issues and activities within the town. Mr. Godwin stated that subcommittees could include one for communications that could meet and assist with staff on what council wants and needs reported; a capital projects subcommittee; and a budget & finance subcommittee that would review the audit in more detail each year as well as investments and budget.

Mayor Israeloff stated that it is worth a try and is a good idea to keep council and residents informed. Councilman Cunningham stated that it works in corporations and wouldn't hurt for council to try. Councilman Culbertson stated that he thinks it's a great idea due to diversity of issues.

Mr. Godwin commented that the committees can be two person committees versus three and the committees can encourage the relationship between council and staff.

Mayor Israeloff requested the item be added to the next regular council meeting and asked staff to prepare a resolution creating the three sub-committees stated by the town manager.

EMERGENCY MANAGEMENT PLAN: Consider and take action regarding the town's emergency management plan.

Mr. Godwin stated that the town has put together a basic plan in the event of an emergency that is tailored to provide basic information needed by emergency personnel and town staff to respond to an event that requires activation of an Emergency Operations Center (EOC). Mr. Godwin stated that if the disaster is large enough that goes beyond the town limits, then the town would rely on the Collin County Plan for assistance. Mr.

Godwin stated that the plan is meant to be local and a few changes need to be made within the document, but wanted to get feedback from council. Mr. Godwin commented that if an EOC was activated, then staff would operate out of Fire Station #2. A real EOC will have a standalone policy, but this basic plan defines roles and provides a check list for persons to know what to do in an event of emergency.

Councilwoman Price asked whose responsibility was it to keep the document current and resources updated. Mr. Godwin responded currently it is Mr. Wilbourn. Councilwoman Price questioned the line of succession for the Town Manager with the Police Chief, Fire Chief, and then the Town Engineer to follow if an EOC was activated. Councilwoman Price commented that per the town's charter, the council appoints the succession of the town manager. Mr. Godwin replied that in the event of an emergency the Chief of Police and Fire is needed and would need another person to appoint and since staff does not have an EOC coordinator position; therefore the intent is to have two different lists.

Councilman Culbertson asked who would handle the media relations. Mr. Godwin responded that the Town Manager is responsible, but it is usually the Fire or Police Chief that relay the information depending on the event or it could fall to Human Resources and/or the Town Secretary.

Mayor Israeloff asked to have a form that declares the emergency and suggested that the people listed within the line of succession have copies in the event an EOC is activated and would provide official documentation.

Councilwoman Sommers Erickson stated the fire and police departments are already trained for emergencies and asked if the Town Manager is gone, then the police or fire would be acting and controlling operation, so it would make sense for them to be next in line of succession. Mr. Godwin responded that the police and fire department are solely responsible for items on the list and the idea is that if there is an emergency, then the police and fire will be too busy dealing with responsibilities and other related issues.

Mayor Israeloff closed by reiterating his request for a form declaring an emergency, but also to clarify the line(s) of succession and what they refer to so that there is no confusion. Mayor Israeloff asked staff to place back on the agenda for the next regular council meeting.

CITIZENS INPUT:

Garrett Lacara, 380 Forest Oaks Drive, asked what the progress was on the River Oaks II roads. Mr. Chancellor responded that a bid was awarded to a contractor and the town will be ready by early to late August to start the project.

Mike Vannata, 5141 Stream Crest Way, asked if consent agenda item I was passed. Mayor Israeloff responded 'yes' it was. Mr. Vannata responded that he would like to thank staff and council for approving this item.

Mr. Vannata invited council to a pancake breakfast for the upcoming weekend held by the Friends of Fairview at Fire Station #2.

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

Mr. Efrussy stated on behalf of the staff, he'd like to thank Mr. Godwin for his service and accomplishments as Town Manager. It has been a pleasure working for him and will be greatly missed. Mayor Israeloff reiterated Mr. Efrussy comments and thanked Mr. Godwin also.

Councilwoman Price stated that Mr. Godwin will be receiving the Spirit of Fairview Award from the Chamber of Commerce Fairview/Allen and invited everyone to an open house on Monday, May 21st from 4:30-6:30 p.m. in honor of Mr. Godwin.

Mayor Israeloff adjourned the meeting at 9:48 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW