TOWN COUNCIL
MEETING MINUTES
June 5, 2012

The Town Council met in regular session on Tuesday, June 5, 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, Henry Lessner, Mary Price, and Darion Culbertson. Interim Town Manager, Julie Couch; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; Special Projects Intern, Ken Schmidt; Human Resource Manager, Judy Webster; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 6:31 p.m. and declared a quorum was present.

OATHS: Administer the oaths of office to newly elected officials.

Ms. Lewis Sirianni, Town Secretary administered the oath of office Mary Price and Jim Cunningham and issued Certificates of Election.

The council then adjourned into executive session.

At 7:36 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

MAYOR PRO TEM: Select a mayor pro tempore for 2012-13.

Councilwoman Sommers Erickson nominated Jim Cunningham. Seconded by Councilman Lessner.

Councilman Kasian nominated Henry Lessner. Seconded by Councilwoman Price.

Councilman Lessner elected 2012-13 mayor pro tem with a 5-1 vote. Councilman Lessner abstained and Councilwoman Sommers Erickson opposed.

1281 STACY ROAD: Consider and take action regarding a Final Plat and Landscape Plan for 1281 Stacy Road generally located east of Kentucky Lane, north of Stacy Road, west of Pine Valley Court, and south of Farmstead Street. The subject property is comprised of 6.140± acres and is currently zoned Two-Acre Ranch Estate Zone (RE-2). The proposed Final Plat is comprised of two-2.0 acre lots and one-2.063 acre lots.

Mr. Wilbourn introduced this item stating that the subject property is comprised of 6.140± acres and currently unplatted. Mr. Wilbourn stated the applicant wishes to plat the property as three separate lots, which are two acres or more in size. Mr. Wilbourn stated that the applicant has met all legal requirements and in order to fulfill the park dedication, they will be paying $4,312.00 in lieu of land. Mr. Wilbourn stated the Planning and Zoning Commission voted unanimously in favor and no citizens spoke in favor or of against at the commission meeting. Therefore, town staff recommends approval as submitted and contingent upon receiving all park dedication monies in full.

Councilman Kasian made a motion to approve the Final Plat as submitted and dated April 27, 2012 and also the Landscape Plan as submitted and dated May 1, 2012. Also, make approval of both the Final Plat and Landscape Plan contingent upon receiving all park dedication monies in full. Seconded by Councilman Culbertson, with all in favor.

1846 STACY ROAD: Conduct a public hearing and take action regarding a Development Plan for a Planned Center (PC) Zone at 1846 Stacy Road, proposed for a single-family home development comprised of three-2.0 acre lots, five-1.5 acres lots, and twelve-1.0 acre lots. This subject property consists of 33.28 acres, is generally located west of Orr Road, south of and adjacent to Stacy Road, east of Country Club Road, and north of the Thompson Springs Subdivision. The property is currently zoned Two-Acre Ranch Estate Zone (Re-2).

Mr. Schmidt introduced this item stating that this subject property is currently zoned RE-2 within the town's Comprehensive Plan. Mr. Schmidt stated that the current applicant is requesting to re-zone this property to the Planned Center (PC) zoning district in order to allow for a mix of lot sizes within his proposed development. Mr. Schmidt stated the proposed subdivision would consist of three Residential Estate Country lots that are two acres in size and 17 Residential Estate lots that range from 1.0-1.5 acres in size, with two lots dedicated to floodplain, parkland, and open space uses, which would allow for the preservation of the pond, trees and the property's natural terrain. Mr. Schmidt stated that the mix of land uses fails to conform to the town's future land use plan and would represent an increase in density. Mr. Schmidt stated that the financial considerations should not dictate the town's vision and goals and those other developers want larger lots to develop, and not seeking to increase density. Mr. Schmidt stated that the town staff recommends denial of this project due to it failing to conform to the town's Future Land Use Plan.

Tommy Thompson, applicant, 501 Lakewood, stated that the proposed subdivision named 'Rolling Hills of Fairview' primary focus is on trees, the water attributes, and the natural features of the property. Mr. Thompson stated that this piece of property is unique due to the natural terrain, which does make some issues challenging, that he was also using the characteristics of the property to achieve the goals of the town set forth in the Comprehensive Plan. Mr. Thompson stated the elevation of the property determined the layout of the lots and once roads were added it becomes difficult to keep the two acre lots. Mr. Thompson compared his proposed subdivision with the mix of lot sizes to other subdivisions within the town including Oakwood and River Oaks. Mr. Thompson stated that he is agreeing to put in a park trail connector, improve the pond, and believes that he is developing a design that works for the land.

Councilman Culbertson asked if a plan was shown to the Planning and Zoning Commissioners that reflected the RE-2 zoning. Mr. Thompson replied he did not, that it and was too complex and not aesthetically pleasing from a business standpoint.

Councilman Cunningham asked the applicant if two acre lots were considered. Mr. Thompson replied no, but the surrounding neighbors that live on larger lots support his proposed development he believed due to the uniqueness of the property, which is why the change in zoning was requested.

Councilwoman Sommers Erickson provided a brief history by stating that most properties were not annexed and the town found themselves in a position to compromise. Councilwoman Sommers Erickson stated that when Oakwood was developed only a small section of it was in the town and the rest was unannexed and unplatted resulting in the average lot size of 1.5 acres. . She indicated that the townthen began zoning properties east of Hwy 5 to the RE-2 zoning district and that the focus has always been on larger lots.

Mayor Pro Tem Lessner asked if there was any other history of rezoning other developments. Mr. Efrussy responded that the Stover property was changed from RE-3 to RE-2 and when Thompson Springs was beginning their development, it was unannexed and unzoned and had an, average lot size of 1.5 acres.When it was zoned to the RE-1.5 zoning district was not available; therefore, the area was zoned RE-1.

Mayor Israeloff opened the public hearing. Carl Hoempke, 1801 Stacy Road, stated that he owns 12 acres across the street and is in favor of the development.

Margie Stover, 1814 Stacy Road, stated that she supports the plan.

Gus Mussett, 1761 Stacy Road, stated that he lives at the top of the hill and that the proposed development will help slow down the traffic.

Kelly George, 4035 Summit Court, stated that she disapproves and moved to town for the larger lots.

Joan Tober, 220 Horseshoe Bend, stated she also moved to town for the large lots and is concerned about the school districts and what it could do to the traffic.

Gaye Kiser, 100 Man-O-War Lane, stated that she would like to see the two acre lots.

Lucille Jones, supports having larger lots.

Debbie Burger, Summit Court, stated that she moved to town for large country lots and disapproves of the proposed subdivision.

Brad Gelles, 680 Forest Oaks, stated he supports staff and the Town Manager for adhering to the Comprehensive Plan.

Jeff Crannell, Engineer for Mr. Thompson, stated that he worked on protecting the topography of the property, which did decrease the lot sizes. Mr. Crannell also referenced that he has worked on the Oakwood subdivision, which was also a unique and restricted piece of property.

Councilman Cunningham asked Mr. Crannell if he ran schematics on two acres. Mr. Crannell replied two acres lots would have given them 15 square straight lots and would also lose some of the trees and the pond. Councilman Cunningham stated that he likes the development, but his main concern is the ramifications if the development is approved.

Councilman Kasian stated that he agrees with Councilman Cunningham and very confident with the research staff has done and would not like to see anything less than two acres.

Councilwoman Price stated it is a beautiful lot and based on the two acre lots, which would allow for 15 homes versus the mixed lots allowing for 20 homes, she doesn't agree with changing the town's Comprehensive Plan for only five (5) homes. Councilwoman Price stated that she would have also liked to have seen the two acre lot(s) plan and why it wouldn't have worked.

Councilman Culbertson stated that he agrees with the other comments as well and in his opinion, the trees trail, and pond would have been preserved anyway; therefore, struggles in changing the zoning.

Mayor Pro Tem Lessner stated that he did go and view the piece of property and it is extremely beautiful. Mayor Pro Tem Lessner commented that it would be useful to see the two acre plan and why it didn't work.

Mayor Israeloff stated that he is opposed to the plan. Mayor Israeloff stated that in his opinion that the area would be just as beautiful for another development and believes that the proposed plan is not the best use of the property and is trying to do what's best for the community. Mayor Israeloff stated that the Comprehensive Plan was given specific goals and objectives and specified that when the plan was adopted that the further away from Hwy 5 to the eastern edge of town, the lower the density would be. Mayor Israeloff

stated that the question is not the challenge of building on this property and is not convinced it's not possible to do so with larger lots and is not in favor of changing the zoning.

Councilwoman Sommers Erickson encouraged the applicant to consider bringing back a two acre plan.

Councilwoman Sommers Erickson made a motion to deny without prejudice the Development Plan for a Planned Center (PC) Zone at 1846 Stacy Road, proposed for a single-family home development comprised of three-2.0 acre lots, five-1.5 acres lots, and twelve-1.0 acre lots. This subject property consists of 33.28 acres, is generally located west of Orr Road, south of and adjacent to Stacy Road, east of Country Club Road, and north of the Thompson Springs Subdivision. Seconded by Councilman Cunningham, 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 there has been a long and involved meeting between the homeowners and the town, and it has been requested that more time is needed; therefore, no action is being taken tonight.

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 May 1, 2012 regular council meeting. B) Approve minutes of the May 3, 2012 special council meeting. C) Approve minutes of the May 17, 2012 special council meeting. D) Approve minutes of the May 29, 2012 special council meeting. E) Approve town's emergency management plan. F) Award bid for third water pump. G) Approve developer's agreement for a sewer line extension. H) Approve resolution denying Atmos' rate request. I) Approve an inter-local agreement with county regarding fire investigation.

Mayor Israeloff requested to pull item A, Councilman Kasian requested to pull items A and E, and Councilwoman Sommers Erickson requested to pull item D.

Councilman Culbertson made a motion to approve items B, C, F, G, H, and I. Seconded by Councilwoman Price, with all in favor.

Mayor Israeloff clarified a change to a comment he made page three regarding impervious surfaces. Councilman Kasian clarified comments to be amended on pages one, three and five.

Councilman Kasian made a motion to approve item A as amended. Seconded by Councilwoman Price, with all in favor.

Councilwoman Sommers Erickson stated she was not in attendance at the May 29th meeting and wishes to abstain from this vote.

Mayor Pro Tem Lessner made a motion to approve item D. Seconded by Councilwoman Price, with all in favor and Councilwoman Sommers Erickson abstained.

Councilman Kasian stated in regards to item E, on page four referring to the line of succession, he didn't recall them keeping the Town Engineer on this list. Council confirmed it was added for safety.

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

EDC/CDC PROJECT: Consider adoption of a resolution approving a project of the Town of Fairview Community Development Corporation and the Town of Fairview Economic Development Corporation; approving the expenditure of funds by the Corporation in connection therewith; and containing other provisions related thereto. (1st reading).

Ms. Couch stated that this is the first of two readings and this resolution will allow them to borrow funds with a requirement to pay them back as soon as the bond proceeds are realized.

Mayor Pro Tem Lessner made a motion to approve a resolution approving a project of the Town of Fairview Community Development Corporation and the Town of Fairview Economic Development Corporation; approving the expenditure of funds by the Corporation in connection therewith; and containing other provisions related thereto. Seconded by Councilwoman Price, with all in favor.

PERSONNEL POLICIES: Consider and take action regarding town's personnel policies.

Ms. Couch stated a team of staff has been working on these and their memo highlights a number of policies that potentially impact expenditures.

Mayor Israeloff asked if any of these will have a large impact on the budget as well as how the tuition reimbursement is done. Ms. Webster replied that none of these will have a large impact and the tuition reimbursement is done annually.

Councilman Culbertson asked if these changes were consistent with other municipalities. Ms. Webster replied yes they are.

Councilwoman Sommers Erickson asked how the workers' compensation salary supplement worked and if there is a limit to total disability. Ms. Webster replied that if someone is injured on the job, then the policy will pay difference and workman's compensation pays a portion, and total disability is up to 90 days.

Councilman Culbertson made a motion to approve town's personnel policies. Seconded by Councilwoman Price, with all in favor.

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

Mr. Chancellor stated that at the last council meeting, council voted on black lettering with the town's logo font. Mr. Chancellor stated that Councilwoman Sommers Erickson has requested this item for further discussion.

Councilwoman Sommers Erickson stated her concern is the paint. Mayor Israeloff expressed disappointment of the color not being 'true silver'.

Mr. Chancellor stated that the initial structural inspection of the tank indicated a few items needed repair. The initial bid came in under $50,000. Mr. Chancellor stated that the estimator and painter advised due to the proximity of the tower to the road that the town should use dry fall aluminum paint so that they would not have to worry about the paint spraying cars on the road. Mr. Chancellor stated at that point, he had two choices; to paint the tower with or without a shroud, which would increase the cost by $15-20,000 plus the paint job.

Councilwoman Price asked how long the paint will last. Mr. Chancellor responded 10-15 years.

Mayor Israeloff suggested proceeding with the black lettering and council agreed.

SIGNAGE AT THE VILLAGE: Consider and take action regarding signage at the Village.

Councilwoman Price stated that she had requested an update on the electronic and temporary signs and asked if there was an end date to the temporary signs being used on Hwy 5, Stacy Road, and the Frontage Road.

Mr. Dunlap responded that the financial partners that were set to fund the electronic signs have not fully committed with the cost at one million plus. Mr. Dunlap stated MG Herring's plan was to ask for three signs total.

Councilwoman Sommers Erickson stated that the financial partners didn't want to spend one million and asked if the signs that would be placed on the corners along Stacy Road are still a possibility. Councilwoman Price asked what kind of signs can be placed on the corners along Stacy Road. Mr. Dunlap responded that they can take the signs down anytime.

Councilwoman Sommers Erickson asked Mr. Dunlap to talk to the Herring's to see what their plans are for the signs. Mayor Israeloff agreed and expressed his unease with the temporary construction signs and requested Mr. Dunlap to express the council's discontent and when can the council expect replacements.

Council was in consensus of these requests.

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

Mayor Pro Tem Lessner stated that the subcommittee met once and they will bring back recommendations next month.

COUNCIL SUBCOMMITTEES: Consider and take action regarding a resolution creating council sub-committees.

Ms. Couch stated that council is being asked to consider creating subcommittees that would consist of a Communications, Budget and Finance, and Capital Projects committee. Ms. Couch stated that they can consist of three members each.

Mayor Israeloff stated that he would like to see them implemented.

Councilman Culbertson made a motion to approve the resolution creating and appointing the members to each subcommittee. Seconded by Councilman Kasian, with all in favor.

Councilman Culbertson made a motion to appoint Councilwoman Sommers Erickson and Mayor Pro Tem Lessner to the communications subcommittee. Seconded by Councilwoman Price, with all in favor.

Mayor Pro Tem Lessner made a motion to appoint Councilman Culbertson and Cunningham to the budget and finance subcommittee. Seconded by Councilwoman Price, with all in favor.

Councilman Culbertson made a motion to appoint Councilman Kasian and Councilwoman Price to the capital projects subcommittee. Seconded by Mayor Pro Tem Lessner, with all in favor.

WEBSITE/SOCIAL MEDIA: Consider an ordinance adopting an internet website and social media policy.

Mr. Wilbourn stated the Technology Advisory Committee came to the conclusion that it was not possible to have a one-way communication Facebook page for the town. The committee was adamant that any social networking other than one-way communication could get out of hand and expensive for the town. Mr. Wilbourn stated that the committee is currently working on an alert notification system that they will bring to council in the near future. Mr. Wilbourn stated that even though the committee is no longer pursuing a Facebook site, they want to recommend that the Internet Website and Social Media Policy be approved so that a policy is in place for the future.

Councilman Kasian made a motion to approve the Internet Website and Social Media Policy. Seconded by Councilman Culbertson, with all in favor.

OPTICOMS: Consider and take action regarding emergency response traffic control and use of Opticoms.

Chief Price stated that the town has eight intersections and seven are protected. Chief Price explained that there are triggers at each section done by frequency controls, which are put on all vehicles. Chief Price stated that Stacy Road is shared with the City of Allen and there is one remaining light on Hwy 5 and FM 1378 (Country Club) that does not have an Opticom that he would like to request to do now. Chief Price stated that since it's a TXDOT light, they would have to approve, but the brand would be complimentary to the City of Allen, so that they would be able to use as well. Chief Price stated he is requesting approval on all future intersections to have Opticoms.

Mayor Israeloff asked what the funding source would be if they added the Opticom on the light at Hwy 5 and FM 1378. Chief Price stated that it would come from the reserves and the current cost of the device is approximately $10,000.

Mayor Israeloff asked if they could have a policy that indicated that all future signal warning devices have Opticoms. Ms. Couch recommended that a written policy be brought back to council as well as exploring the costs of signal/warning devices.

Councilwoman Sommers Erickson made a motion to approve adding an Opticom device at Hwy 5 and FM 1378 (Country Club). Seconded by Councilman Kasian, with all in favor.

COMMUNITY DEVELOPMENT ANNUAL REPORT: Receive Community Development's Manager annual report.

Mr. Dunlap presented his annual report to council and touched on the following items within his department: utilities, permits, parks, community outreach, chamber of commerce, EDC/CDC, shop Fairview website, and various upcoming events.

Councilman Culbertson suggested reaching out to schools to figure out a way to get recognizable achievements.

Councilwoman Price suggested using the boy scouts for various events.

MCKINNEY AIRPORT: Consider and take action regarding McKinney airport.

Mr. Wilbourn provided an update to council regarding the McKinney airport, which included briefings on the layout plan passed by McKinney's city council, name change of the development corporation to Collin County Airport Development Corporation as well as the website address change from flymckinney.com to flytki.com. Mr. Wilbourn stated that the City of McKinney is also offering an incentive to any municipality within Collin County to help promote economic development, which is a twenty-five percent tax abatement for any airplane(s) or other taxable property that could be housed at the Collin County Regional Airport.

Mayor Israeloff asked if an environmental assessment was being done. Mr. Wilbourn responded that there have been no talks of doing one currently, just of the studies they have conducted in the past.

MCKINNEY AIRPORT TASK FORCE: Consider and take action regarding the town's task force for the McKinney airport.

Councilman Cunningham stated that he asked for this item to be placed on the agenda due to the fact that he'd like to request reactivating the task force. Councilman Cunningham stated that he has reached out to several residents and many have offered to help including Anton Mattli, Sam Peacock, Kevin Kernan, Bill Baxter, Mary Holly and Arlan Witt. Councilman Cunningham stated that they would need to designate council members to help and serve as liaisons.

Ms. Couch recommended creating a resolution setting up the task force that would detail its requirements, responsibilities, the group monitors, and time lines, as well as indicating the task force reports to council, and cannot spend any monies.

Mayor Israeloff requested the town attorney and interim town manager to draft a resolution and bring back at the next regular council meeting.

Councilwoman Sommers Erickson stated she would like to start meeting with the group and discuss the history.

Mayor Pro Tem Lessner suggested inviting the head of the airport board, who happens to be a resident of Fairview, to the next regular council meeting.

AT&T TOWER LEASE: Discussion regarding proposed amendment to the AT&T tower lease agreement.

Mr. Wilbourn introduced this item stating that AT&T notified the town that they are reevaluating tower sites and agreements. Mr. Wilbourn stated that AT&T offered the following options to the town to secure a longer-term lease, which included receiving $17,000 per year, a 3% rent increase every year, extending the life of the lease to 2042 along with several other provisions they outlined. Mr. Wilbourn stated by comparison, the town currently received $28, 597.87 per year with a yearly 5% increase and would receive payments until November 7, 2015 with an option to enter into another renewal term. Mr. Wilbourn stated the staff is requesting feedback on whether or not this proposal should be accepted or denied or if the town is willing to negotiate with AT&T regarding a new tower lease agreement.

Mayor Israeloff commented that he is not sure it's worth the effort and asked if they would have to finish out the lease as long as there is equipment on the tower.

Councilwoman Price stated that she does not like the idea of them having right to sublease without consent.

Councilman Cunningham asked if counter proposals were given and stated it's not worth discussing with the other stipulations.

Mr. Wilbourn stated that he can inquire back with AT&T regarding the monies with the lease and will inquire to see if there is any benefit for council to reconsider.

EDC/CDC PROJECT: Consider adoption of a resolution approving a project of the Town of Fairview Community Development Corporation and the Town of Fairview Economic Development Corporation; approving the expenditure of funds by the Corporation in connection therewith; and containing other provisions related thereto. (2nd reading).

Councilman Kasian made a motion to approve a resolution approving a project of the Town of Fairview Community Development Corporation and the Town of Fairview Economic Development Corporation; approving the expenditure of funds by the Corporation in connection therewith; and containing other provisions related thereto. Seconded by Mayor Pro Tem Lessner, with all in favor.

REIMBURSE PROJECT COSTS: Consider a resolution expressing official intent to reimburse costs of projects.

Mayor Pro Tem Lessner made a motion to approve a resolution expressing official intent to reimburse costs of projects. Seconded by Councilwoman Price, with all in favor.

PUBLICATION OF NOTICE: Consider a resolution directing publication of notice of intention to issue certificates of obligation; and resolving other matters relating to the subject.

Mayor Pro Tem Lessner made a motion to approve a resolution directing publication of notice of intention to issue certificates of obligation; and resolving other matters relating to the subject. Seconded by Councilman Culbertson, with all in favor.

A motion was made by Councilwoman Price to ratify and approve all resolutions on the agenda authorizing approval of the conference center. Seconded by Councilwoman Sommers Erickson, with all in favor.

TOWN MANAGER COMPENSATION: Consider and take action regarding town manager compensation.

No action taken.

CITIZENS INPUT:

Garrett Lacara, 380 Forest Oaks Drive, recommended council in regards to the airport seeking out what's going on with Congress and the House of Representatives since the FAA has control, the council should consider using best resources to deal with Congress that funds the FAA.

Frank O'Reilly, 891 St. James, notified council of a residence two doors down from his that looks to have had an estate sale, but still has items all over their driveway. Mr. O'Reilly requested a regulation that would prohibit someone from having items out for more than 14-15 days, which is how long these items have been out.

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

Mr. Efrussy asked to recognize the 68th anniversary of D-Day.

Ms. Couch stated she will be attending the TMCA conference.

Mayor Israeloff recognized Ken Schmidt and Jon Skuta, town interns for their achievements on graduating within the Masters of Public Administration at UNT.

Mayor Israeloff adjourned the meeting at 10:52 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW