TOWN COUNCIL
MEETING MINUTES
July 3, 2012

The Town Council met in regular session on Tuesday, July 3, 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; 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. The council then adjourned into executive session.

At 7:33 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

NTMWD PRESENTATION:

Joel Stankowitz with NTMWD made a presentation on the proposed construction of a water pipeline that will go through Fairview. He outlined the routes that had been considered and discussed the proposed route. The mayor took comments regarding the proposed route for the upcoming water line project. A number of residents spoke and addressed the council and NTMWD representatives regarding their concerns about the pipeline and the impact the construction would have on their property. Council requested NTMWD to consider the options for the water line route presented by residents in attendance.

There was no action taken and the mayor closed the comment period.

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 21, 2012 special council meeting. B) Approve minutes of the June 5, 2012 regular council meeting. C) Approve an amendment to ordinance 2011-9-6B establishing an Environmental Management Advisory Committee. D) Approve an amendment to ordinance 2011-9-6C establishing a Public Art Committee. E) Approve an amendment to ordinance 2011-9-6A establishing a Technology Advisory Committee. F) Award bid for meter building.

Mayor Israeloff stated that no action would be taken on item A.

Councilman Kasian requested to pull item B and F, and Councilwoman Price requested to pull items C, D, and E.

Councilman Kasian, Lessner and mayor Israeloff made corrections to item B.

Councilman Culbertson made a motion to approve item B, seconded by Councilman Kasian, with all voting in favor.

Mr. Wilbourn stated the amendments to items C, D, and E reflects a language revision to ensure that each committee is required to conform to requirements of the Open Meetings Act. He also indicated that having quorums has been an issue and that it was recommended to reduce the number from seven to five.

Councilman Culbertson stated that he believes the Environmental and Technology Committees should remain at seven, but was alright with only having five on the Art Committee. Mayor Pro Tem Lessner agreed that he is comfortable with retaining seven members on the two committees as well.

Mayor Pro Tem Lessner made a motion to approve item C with the language of Section 1(6) of the ordinance and with the membership remaining at seven members. Motion was seconded by Councilman Culbertson and passed with all in favor.

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

Mayor Pro Tem Lessner made a motion to approve item E with the language of Section 1(6) of the ordinance and with the membership remaining at seven members. Motion was seconded by Councilman Culbertson, and passed with all in favor.

Council then considered item F, the award of bid for a meter building. Mr. Chancellor stated the purpose of the project is to design a new underground metering vault and utility building to house new equipment to replace what is currently under the old tower. Mr. Chancellor stated that the building will be the same color as town hall. Mayor Israeloff asked how much more it would cost to add stonework. Mr. Chancellor replied that roughly it could be an additional $30,000 or 10%. Mayor Pro Tem Lessner asked if landscaping was included. Mr. Chancellor replied that no landscaping was included, but an iron fence with some bushes and/or hollies would be.

Mayor Israeloff requested a design be brought back to council. Council agreed.

Councilman Cunningham made a motion to approve a bid awarded to RAMA Enterprises, LLC in the amount of $297,000.00 and an additional 10% for additional improvements as discussed. The motion was seconded by Councilwoman Price, and passed 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 that the adhoc neighborhood group is still having conversations and have asked council to take no action.

No action was taken.

CUP 510 CAMBRIDGE DRIVE: Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for the development of one accessory building; this building will serve as a detached garage/storage space/small hobby shop to be located at 510 Cambridge Drive. This subject property is zoned One-Acre Ranch Estate Zone (RE-1).

Mr. Schmidt introduced this item stating that the subject property is located at 510 Cambridge Drive, is 1.7 acres in size and contains a primary structure with an attached garage, and an in-ground pool. Mr. Schmidt stated the applicant is requesting to construct a detached two-story accessory building that will serve as a garage that would accommodate up to three vehicles, a small workshop, and a storage area. Mr. Schmidt stated that accessory building would match the primary structure in color and meets all requirements, as well as the impervious surface to lot ratio at 18.2%, which is below the 25% restriction.

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

Mayor Israeloff opened discussion to council.

Councilman Cunningham asked if the property owner was in attendance and if they had received approval from the Summer Hill Homeowners Association (HOA). Mr. Schmidt responded that the owner was not present, that the town staff and owner have received no opposition from neighbors or residents, but he was unaware of any status regarding the HOA. Mayor Israeloff commented that if this request is approved, it would not override the HOA approval.

Councilwoman Sommers Erickson suggested that they table the request until they hear from the HOA. Councilwoman Sommers Erickson stated that her concern is the size of the accessory building and that the owner could use it as a residence since it is big enough to have livable space, she indicated she would not be in favor of approving since it exceeds the zoning ordinance. Ms. Couch responded that the requirements within the zoning code provide for a Conditional Use Permit (CUP) if the building exceeds the allowable size by ordinance. Mr. Schmidt added that there is a sink on the first floor, but no bathroom facility. Mr. Efrussy reiterated that although the size is large enough to be a

guest house, the request is for an accessory building, which does not allow for residential use.

Councilman Kasian stated that he would like to have a discussion with the applicant present; therefore, he suggested tabling the item.

Mayor Israeloff stated he would like to have information from the HOA and agreed with tabling the item until the next meeting.

Mayor Israeloff reopened the public hearing and moved to table the item until the next regular council meeting. The motion was seconded by Councilman Cunningham and passed with all in favor.

CUP 440 COUNTRY CLUB ROAD: Conduct a public hearing and take action regarding an amendment to a Conditional Use Permit (CUP) for property located at 440 Country Club Road, formally known as the Sloan Creek Middle School, owned by Lovejoy Independent School District. The amendment request is for the addition of two 8'x40' storage containers to be located on site.

Mr. Wilbourn introduced this item stating that Chase Oaks Church would like to install two 8'x40' storage containers to be located on the premises of Lovejoy ISD. Mr. Wilbourn stated that the church has been given permission by the school would retain a lease until 2020, which the containers would then become property of the school. Mr. Wilbourn stated the Planning and Zoning Commission recommended approval to amend the current CUP to add the two containers, which would be black in color with the provision that they install a French drain and a sidewalk/ramp to allow for access to the containers, that they install low maintenance small trees or bushes on the northern side of the containers, and that a letter is submitted to town staff in eight years by the LISD indicating the containers are still in appropriate condition.

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

Mayor Israeloff opened discussion to council.

Councilman Cunningham asked why the chose the color black for the containers, expressing that this would make them very hot on the inside.

Councilwoman Price made a motion to approve the amendment to the CUP allowing for two 8'x'40' storage containers with the provision that they install a French drain and a sidewalk/ramp, plant low maintenance trees or bushes on the northern side, that a letter be submitted in eight years by the LISD indicating the condition of the containers, and a non-binding suggestion that the containers be painted lighter in color. The motion was seconded by Mayor Pro Tem Lessner, and passed with all in favor.

POLICY TERM LIMITS: Discussion considering a resolution regarding policy term limits on boards and commissions, and take any necessary action.

Councilman Culbertson stated that this policy would provide that generally the length of service on boards and commissions would not extend beyond six years of service. Councilwoman Sommers Erickson agreed with the proposed resolution, but expressed her only concern is losing some history with individuals that may be serving. Ms. Couch stated that the intent is to provide general guidelines and the council would still have the option of reappointing or not reappointing the individuals. Ms. Couch asked if they approve the resolution to identify when it would become effective. Mayor Pro Tem Lessner stated that it should be effective immediately and that all individuals will continue to serve until otherwise notified.

Mayor Pro Tem Lessner made a motion to approve a resolution setting policy term limits. The motion was seconded by Councilman Kasian, and passed with all in favor.

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

Mayor Pro Tem Lessner stated that this year they invited applicants to be interviewed, which was a new process, and that he enjoyed doing it and thought it was successful.

Board of Adjustments

Mayor Pro Tem Lessner made a motion to reappoint Jim Helbig, to reappoint Ed Hayes as alternate, and reappoint Gregg Custer as full time member to a two year term expiring June 30, 2014. The motion was seconded by Councilman Kasian, and passed with all in favor. Councilman Cunningham abstained.

Planning and Zoning Commission

Mayor Pro Tem Lessner made a motion to reappoint Paul Hendricks and Debbie Flood, and appoint Pat Friend to replace Tom Supan to two year terms expiring June 30, 2014. The motion was seconded by Councilman Culbertson, and passed with all in favor.

EDC/CDC

Councilman Culbertson made a motion to appoint Everett Spain to replace Diana Morris, to reappoint to both boards Warren Westburg and Virginia Fisher to a year term expiring June 30, 2013 and to reappoint Chuck Williams and Frank O'Reilly to two year terms expiring June 30, 2014.

Motions were seconded by Mayor Pro Tem Lessner, and passed with all in favor.

Councilman Culbertson made a motion a motion to reappoint Sim Israeloff to CDC with his term expiring June 30, 2013 and to reappoint Mary Price with her term expiring June 30, 2014. The motion was seconded by Mayor Pro Tem Lessner, and passed with all in favor. Mayor Israeloff and Councilwoman Price abstained.

Parks and Recreation

Councilman Culbertson made a motion to reappointed Guy Wormald and appoint Glenn Messner to replace Dick Anthony to a two year term expiring June 30, 2014. The motion was seconded by Councilman Cunningham, and passed with all in favor.

Technology Advisory Committee

Councilwoman Price made a motion to reappoint John Adler as chairman and Neal Pappion to a two year term expiring June 30, 2014. The motion was seconded by Councilman Kasian, and passed with all in favor.

Environmental Committee

Councilwoman Price made a motion to reappoint Paul Westbrook as chairman, Neal Pappion, and to appoint Gary Anderson to replace Stephen Davis to a two year term expiring June 30, 2014. The motion was seconded by Mayor Pro Tem Lessner, and passed with all in favor.

Public Art Committee

Councilwoman Price made a motion to reappoint Karen Karnuta and Debbie Flood to a two year term expiring June 30, 2014. The motion was seconded by Councilman Cunningham, and passed with all in favor.

2012-13 BUDGET: Discuss 2012-13 budget, calendar, and meetings and take any necessary action.

Ms. Couch stated that she will be out of town for the previously scheduled budget work session on July 26th and would like to change the date to August 2nd at 6:30 pm if the date works for everyone.

Council had no concerns with the change.

AIRPORT TASK FORCE: Consider and take action regarding a resolution creating an airport task force.

No action taken.

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

Mr. Wilbourn introduced this item stating that he has had further communications with AT&T and they have indicated the current lease provisions that are already in place are acceptable and that they were requesting an amendment to the current lease to promise sixty month rental guarantee that would bring in $27,235 per year with a five percent increase every three years totally a guaranteed rent of $138,898.50. The lease would be extended through 2043 with five five-year renewal periods. Mr. Wilbourn stated that the proposed lease agreement will have a positive impact on the town's budget short term since it guarantees $138,898 over six years versus the current agreement only guaranteeing $117,386 until November 15, 2015. The proposed lease benefits the budget long-term since it establishes a tower lease through March 7, 2043. Mr. Wilbourn stated that town staff recommends approving the proposed lease agreement and give staff the authorization to enter into said agreement with AT&T.

Councilwoman Sommers Erickson made a motion to approve proposed lease agreement with AT&T and authorizing staff to enter into said agreement. The motion was seconded by Councilman Cunningham, and passed with all in favor.

CITIZENS INPUT:

John Johnson, 441 Palomino Way, made comments regarding a Conditional Use Permit for a sports court that is located next to him. Mr. Johnson stated that he thought this was ruled on by the Board of Adjustments or Town Council, but had received a notification letter that they were trying to proceed. Mr. McCoy responded that there is no problem proceeding under the Conditional Use Permit. Mr. Johnson indicated that it's been a year since his neighbor started the sports court and whether or not it's approved, there is already erosion on the property since there is no landscaping and there is also a drainage issue. Mr. Johnson stated every rain his yard floods and commented that the poles that were supposed to be for lights are already rusty. Mayor Israeloff stated that they will have code enforcement take a look at these items.

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

Ms. Couch reminded council that Town Hall is closed for July 4th Holiday and that the town was recently recognized in D Magazine for being a top rated suburb in Dallas.

Mayor Israeloff adjourned the meeting at 10:25 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW