

**TOWN COUNCIL
MEETING MINUTES
January 3, 2012**

The Town Council met in regular session on Tuesday, January 3, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Carolyn Sommers Erickson, 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; 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 6:31 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:52 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 December 1, 2011 special council meeting. B) Approve the minutes of the December 6, 2011 regular council meeting.

Councilman Lessner made a motion to approve items A and B. 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 Drive North.

Mayor Israeloff provided an update stating that the week of Christmas, Councilman Lessner, the Town Manager, the Town Attorney, and himself met with the homeowners and the homeowner's attorney for a settlement discussion. Mayor Israeloff stated that the council still has not changed their position and are awaiting proposal from the homeowner.

Mayor Israeloff requested that this item be placed on the February agenda.

AMENDED PLAT SUMMER HILL FARMS: Continue the public hearing and take action regarding amending the Site Plan for Summer Hill Farms.

Mr. Wilbourn introduced this item stating that this item is a continuation from last month. Mr. Wilbourn stated that the Summer Hill Farms HOA wanted time to discuss options in regards to their concerns of the NTMWD water line. Mr. Wilbourn stated that due to NTMWD not releasing details of the start date of the project nor releasing the route, the HOA asked to have the item removed from the agenda until a decision could be made later.

Bruce Tiff, HOA President, stated that Mr. Wilbourn has accurately expressed their concerns.

Mayor Israeloff closed the public hearing and no action was taken.

OIL AND GAS WELL DRILLING AND PRODUCTION: Conduct a public hearing and take action amending the code of Ordinances, Chapter 14: Zoning, Article 14.02, Division 11 Conditional Use Permit District, to establish a new Article 14.04 Oil and Gas Well Drilling and Production, and to establish a new Article A6.000 Oil and Gas Drilling and Production Fees, all related to oil and gas well drilling, production, and pipelines.

Mr. Schmidt introduced this item stating that staff has drafted five amendments based on the council's comments from the last meeting. Mr. Schmidt stated that the first amendment is to provide a definition for 'supermajority', which will be defined as five affirmative votes of the council. Mr. Schmidt stated that the second amendment is to require the council to achieve a supermajority in order to grant a variance, the third amendment is in order to apply the one thousand feet minimum separation distance to the one hundred year floodplain, the fourth amendment is in order to limit variances to the minimum protected use separation distance to seven hundred and fifty feet, which is equivalent to 25 percent of the minimum protected use separation distance of one thousand feet, and the fifth amendment is to limit variances to the minimum protected use separation distance to five hundred feet with consent from property owner and the town council.

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

Mayor Israeloff opened discussion to council. Councilman Cunningham thanked staff for being proactive on this issue.

Councilwoman Sommers Erickson stated that the issues that were raised last month were regarding the differences between the City of Southlake and Flower Mound ordinances. Councilwoman Sommers Erickson stated that she is concerned in the details of the

town's ordinance and would feel secure knowing that the town's ordinance reflects details like the City of Southlake and Flower Mound have in their ordinances. Councilwoman Sommers Erickson commented that she would like to see a red line comparison between the City of South Lake's ordinance and the town's ordinance brought back to next month's meeting regarding the differences or similarities.

Councilman Culbertson asked how many potential locations are allowable within the town. Mr. Schmidt responded that the number of allowable locations with the drafted amendments went from 37 to 12.

Councilwoman Sommers Erickson stated that another area of concern was the zoning. Councilwoman Sommers Erickson stated that the Cities of Cedar Hill, Coppell, and Grapevine are the only cities that exclude residential areas. Councilwoman Sommers Erickson stated at the last meeting it was mentioned that the town cannot exclude residential areas, but it is unclear how some cities say 'no residential' and some cannot.

Councilman Lessner made a motion to approve the amendments of Article 14.04 (Oil and Gas Well Drilling and Production). Seconded by Councilwoman Sommers Erickson, with all in favor.

STORM WATER POLLUTION: Conduct a public hearing and take action regarding an ordinance regulating storm water pollution.

Mr. Chancellor introduced this item stating that the proposed ordinance has been amended based on the comments last month from council including defining illegal discharge. Mr. Chancellor stated that the town's environmental committee met to discuss and review the ordinance. Mr. Chancellor stated that the committee recommended approval of the ordinance and to make further improvements as necessary to the ordinance as more data is gathered. Mr. Chancellor stated the town staff recommends approved of the adoption of Article 9: Storm Water Quality Standards as amended.

Councilwoman Price asked for clarity on item #50 on page 6 and also item #8 on page 2 pertaining to gray water and addressing campers. Councilwoman Price asked to explain item #6 on page 9. Mr. Chancellor responded that this is an 'approved list' and is an affirmative defense to any enforcement action for violation.

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

Mayor Israeloff opened discussion to the council. Councilman Culbertson asked if once the ordinance was implemented, if the staff was ready to begin testing and if the penalties assessed by the town aligned with the state fees. Mr. Chancellor responded yes they would be able to begin testing and will test in house or send off to a lab depending on the test. Mr. Chancellor stated that the state fees are higher and the purpose of the fee(s) is to

help prevent violations, but that the town would send out a written notice before a ticket was given.

Councilwoman Sommers Erickson stated that she'd like to delete item #10 on page 11. Councilman Cunningham requested to have the ordinance mirror the zoning ordinance in regards to this item based on number of livestock and acreage.

Councilman Cunningham made a motion to approve the adoption of Article 9: Storm Water Quality Standards with corrections stated within the discussion. Seconded by Councilman Culbertson, with all in favor.

TXDOT WIDENING FM 1378: Consider and take action regarding TXDOT's planned widening of FM 1378 (Stacy Road).

Mr. Chancellor introduced this item stating that most of the town's issues have been addressed in regards to this project including no six lanes between Meandering Way and Country Club, and turn lanes at Oakwood and Old Stacy. Mr. Chancellor stated that TXDOT did design a median opening that can serve both corners in Fairview and Allen, but that it requires moving the existing drive near the vet clinic over to the west about 100 feet. Mr. Chancellor stated that the owner of the vet clinic requested that his exiting drive be left in place. However, according to TXDOT, they will not adhere to the owner's request, but TXDOT did provide other options. Mr. Chancellor stated that staff is looking for council's feedback since they have reached an impasse.

Councilman Culbertson asked what the reasoning was that the property owner did not want to give up the driveway. Mr. Chancellor responded that he doesn't want customers driving over someone else's property and would like to maintain the property line ownership.

Councilwoman Sommers Erickson asked why TXDOT won't agree to build it and if right-of-way is yet to be acquired. Councilwoman Sommers Erickson stated that she'd like to go back to the beginning and ask for four lanes divided with an easement versus a six lane road with easements.

Councilman Cunningham agreed that there not be six lanes between Meandering Way and Country Club and asked about the request for the cut thru at the FM 1378 and Stacy Road by the church. Mr. Chancellor replied that the church agreed to pay for the left turn lane.

Councilman Culbertson asked if there was an option to move the vet clinic's driveway farther east to align with the Firestone. Mr. Chancellor responded that the second drive by the water tanks would have a better chance with TXDOT.

Mayor Israeloff stated that he believes in supporting the owner's request and to see what TXDOT can do.

Councilman Lessner requested to see TXDOT's entire plans from Highway 5 to Country Club at the next council meeting.

FAIRVIEW PARKWAY: Consider and take action regarding the temporary dead-end on Fairview Parkway.

Mr. Chancellor introduced this item stating that due to the southern half of the intersection not having street lights and it not being as well lit as the north side, barricades were moved back to the end of the pavement and temporarily coned off the intersection. Mr. Chancellor stated that this has helped with the safety issues and improves the look, but there are still concerns that drivers cannot turn around without driving on the wrong side of the road. Mr. Chancellor stated that staff is seeking ideas or direction on how to improve the intersection.

Mayor Israeloff suggested temporarily moving barricades back unless there is another alternative. Council agreed with his suggestion.

STACY ROAD TREES: Consider and take action regarding tree substitutions on Stacy Road.

Mr. Chancellor introduced this item stating that due to the drought, the town did not plant some of the trees along Stacy Road yet. Mr. Chancellor stated after talking to the contractor, he notified staff that the yaupon hollies he had in stock were of poor quality and suggested substituting vitex trees instead since they are more drought resistant. Mr. Chancellor stated that the contractor still plans to install all 229 trees; however, council will need to approve or disapprove the substitution.

Councilman Cunningham asked if the park board was asked to take a look at the trees. Mr. Chancellor responded that John Brown, park board chair, did review the plantings and inspected the street and saw no issues with the species.

Councilwoman Sommers Erickson asked why the vitex trees were not suggested initially and if the landscaper has to buy additional yaupon hollies, then she would rather have the yaupon hollies since they were the town's first choice.

Mayor Israeloff stated that he is neutral since the trees are similar.

Commissioner Culbertson asked if they have heard from the park board regarding this item. Mr. Godwin responded that they can place this item on the upcoming joint meeting if they prefer.

Councilman Cunningham suggested that they could add both trees for a mixture. Councilwoman Sommers Erickson asked to see a plan and suggested that they would get more benefit by placing them on the south side of the street.

Council appointed Councilman Cunningham and Councilwoman Sommers Erickson to a sub-committee to work with staff on tree placement and relocation.

EMJ RETAINAGE: Consider and take action regarding the release of town hall retainage to EMJ.

Mr. Godwin introduced this item stating that the contract with EMJ called for the project to reach completion by mid-November. However, completion did not occur until mid-December. Mr. Godwin stated as a result, the town is claiming liquidated damages of \$300 per day for fifty days, or a total of \$15,000, to be deducted from the final payment. Mr. Godwin stated that they are asking to approve the final release of retainage to EMJ minus the \$15,000.

Councilwoman Sommers Erickson made a motion to approve the release in the amount of \$326,918.88. Seconded by Councilman Lessner, with all in favor.

AMENDMENT TO SIGN ORDINANCE: Consider and take action regarding an amendment to the Sign Ordinance regulating signage and banners in large multi-use master-planned developments.

Mr. Dunlap introduced this item stating that based on comments made at the last meeting, staff revised the proposed ordinance regulating signage and banners with a major planned mixed use development. Mr. Dunlap stated that the revisions included year round banners that promoted facilities, events and sponsors, but not amenities, off premise signage in backlit bollards, electronic signs through the conditional use permit process and signs within the interior of the beach volleyball area that advertised only businesses within the development. Mr. Dunlap added that a definition for the word 'stage' has been added to the ordinance as well.

Mayor Israeloff asked if the off premise signs were limited to the bollards. Mr. Dunlap replied yes.

Councilman Cunningham asked if there was a time frame on the electronic sign. Mr. Dunlap responded that he was not sure, but it would require a pre-application meeting, brought forward to the planning and zoning commission and final approval by town council. Mr. Dunlap stated that nothing has been brought forward at this time.

Norine Bowen, General Manager for the Village, stated that they are hoping to have something within the next 30-60 days to present to town staff.

Councilman Cunningham made a motion to approve the amendments to the sign ordinance. Seconded by Councilman Lessner, with all in favor.

HOTEL OCCUPANCY TAX: Consider and take action regarding an amendment to the Hotel Occupancy Tax.

Mr. Dunlap introduced this item stating that the town's current ordinance requires hotels to collect and pay to the town a 7% tax on all stays of less than a certain number of days. Mr. Dunlap stated with the online reservations being used more by a larger percentage of people, the town attorney amended the ordinance to specifically include online services in the tax. Mr. Dunlap stated that the staff is also suggesting that remittances be made monthly instead of quarterly for easier enforcement.

Councilman Lessner asked if the City of McKinney operated the same. Mr. McCoy, town attorney, responded that many cities are amending their ordinances to reflect the same due to the change in online services.

Councilwoman Price made a motion to approve the amendment to the hotel occupancy tax ordinance. Seconded by Councilman Culbertson, with all in favor.

SPORTS COURTS: Consider and take action regarding sports courts and similar structures.

Mr. Dunlap introduced this item stating that he had opportunity to meet with both parties and there has still been no resolution. Mr. Dunlap stated that staff is preparing a draft ordinance to present at the February meeting, but in the meantime, there is still a moratorium on this item.

TELECOMMUNICATION TOWER LOCATIONS: Discussion regarding a plan to control possible future telecommunication tower locations.

Mr. Wilbourn introduced this item stating that after meeting with the Technology Advisory Committee and bringing their suggestion to the Planning and Zoning Commission, the consensus was to move forward with identifying specific site locations for new towers in a future plan for an addition to the Comprehensive Plan. Mr. Wilbourn stated that they will be site specific so that they protect the town from the towers being

built in less desirable areas. Mr. Wilbourn stated that the Planning and Zoning Commission asked to avoid placing the towers in residential areas and also the Heard Museum when considering locations. Mr. Wilbourn stated that the town staff is requesting feedback on whether or not to pursue the item with the Technology Advisory Committee, which would ultimately be adopted by Town Council as part of the Comprehensive Plan.

Councilwoman Sommers Erickson stated that there was an ordinance on the books already pertaining to telecommunication towers and thought no towers were to be placed in residential areas and would like to have the original ordinance brought back for council to review.

Mr. McCoy commented that the current ordinance could be improved so that legal review would not have to be done every time a tower location request was made.

John Adler, Technology Advisory Committee Chairman, stated that the current ordinance is good, but not great and that they still have stops and checks. Neal Pappion, Technology Advisory committee member, commented that it gives the town more leverage to be proactive.

Mayor Israeloff requested staff to work with the Technology Committee to approve an ordinance and bring back to council.

SOCIAL NETWORKING: Discussion regarding social networking.

Mr. Wilbourn introduced this item stating that Neal Pappion from the Technology Advisory Committee will be making a presentation regarding social networking.

Mr. Pappion provided a brief presentation regarding social networking and how the town could become integrated. Mr. Pappion stated that the idea is to develop a strategy with a phased approach by setting up an official Facebook page for the town, creating a viral market, and other social networks. Mr. Pappion provided examples by showing Facebook pages for the City of Allen, McKinney, and Murphy, as well as how the City of Plano has set up through their website a page on how it's socially connected. Mr. Pappion recommended that phase one could be a dynamic newsletter, phase two could be viral marketing, and stage three could be adding social applications.

Councilman Culbertson asked about maintaining the pages information. Mr. Pappion responded that they would need to consider content, but that the page should have various content including the boards and commissions and eventually even the various departments.

Mayor Israeloff asked what steps they would need to take to get started. Mr. Pappion replied that town staff would need to identify a person to set up and maintain.

Mr. Godwin commented that his initial reaction was not positive towards having a page, but now believes that it is a good idea and there is no down side especially with it being set up with a one-way communication wall.

Mr. Pappion commented that he'd like to see the website redesigned also. He believes the website is very busy and difficult to navigate from a functional standpoint.

Consensus of council was to bring this item back to a future regular scheduled meeting and would like to see an example of the town's official Facebook page before it goes live.

MCKINNEY (CCR) AIRPORT: Receive and discuss report on the McKinney (CCR) airport.

Mr. Wilbourn introduced this item stating that he has been attending the airport meetings and to date, the meetings have mainly consisted of updates in the areas of finance, marketing, economic development, and updates from the executive director of the McKinney Airport Development Corporation. Mr. Wilbourn stated that within the meetings they have been talking mainly about projects at the airport and programs with the Collin County Community College. Mr. Wilbourn stated that main project they have been discussing is the three phase runway project. Mr. Wilbourn stated that phase one and two have been completed, which created 6,000' of runway and phase three, which has not begun, but will be the completion of an additional 1,000' of runway to be completed by July 2012.

Mayor Israeloff stated that by attending the meetings, if a discussion is ever had regarding the airport having two active runways, to report to council immediately. Councilman Lessner expressed an interest in attending the meetings. Councilman Cunningham asked if they can ask questions at the meetings. Mr. Wilbourn replied that they have an open discussion portion at the end where attendees can speak.

Councilwoman Sommers Erickson stated that if passenger airlines are ever brought up in a meeting that an environmental assessment would be required and that is important to know for the town also.

Mr. Wilbourn stated that they have also been discussing the twenty-year plan for the airport. They are currently in the early stages of conceptualization, which includes growth forecasting and future facilities, but the plan will ultimately be taken to the City of McKinney's city council. Mr. Wilbourn stated that a draft form has been sent to the state for comments before it is presented back to council.

Mayor Israeloff commented that he would like to see the draft ordinance for review. Councilwoman Sommers Erickson agreed.

POLICE BARN: Receive and discuss an update on the police barn.

Chief Tolliver introduced this item stating that he has been in talks with MG Herring about the possibility of reconfiguring the area of land where the barn would sit. Chief Tolliver stated that he met with Gar Herring and their staff seemed receptive to the idea. Chief Tolliver stated that they are trying to square the land off for easier building, but that it is still in the early planning phase.

Mayor Israeloff stated that of the diagrams given, he prefers the first option where the horse barn is at the top and the back of the stalls face Indian Springs.

Silva Stapleton, 421 Forest Oaks Drive, asked if they need horses and a barn. Chief Tolliver responded that the horses would be used to develop a horse mounted patrol within the commercial area as well as to be used for ceremonial purposes. Chief Tolliver stated that his thought is to build a stall where the horses could all be together, which would also be open to the public for viewing and give children the opportunity to visit with them.

Cindy Turek, 420 Forest Oaks, asked if the taxpayers would be paying for this project and who will maintain the facility. Chief Tolliver responded that they will look to use commercial development funds to build or another idea was to have sponsored horses and/or stalls that will help defer the cost.

Lauren Balakin, 431 Oak Ridge, stated that she chose not to live in a livestock neighborhood and doesn't like the idea of putting a barn within the commercial area.

Carolyn Johnson, 631 Forest Oaks, stated that she lived on a ranch with horses for many years and commented that they are mighty expensive to maintain and that this is not a cheap project.

Councilman Culbertson stated that he recognizes the issues are cost and maintenance. Councilman Culbertson stated that the idea seems to be to have a partnership between the MG Herring Group and the town and done in a way that makes sense to the town.

Mary Beth Henderson, 380 Forest Oaks, stated that she is in favor of horses, but they have no place within a retail section. Ms. Henderson stated that there are plenty of available stalls within the town and believes that horses do not belong within a parking lot.

Dale Quenzer, 390 Forest Oaks, asked how many other cities have this within a shopping area and questions the benefit of having it. Councilman Cunningham asked if the officers are trained in search and rescue. Chief Tolliver responded that the town does have trained officers in this and the training is used to search for people and often times they are asked to help with events to do crowd control and other uses other than just local patrol.

CITIZENS INPUT:

Bruce Tiff, 530 Stafford Court, stated that he was unable to come to the last meeting and asked where council was on the noise with Fire Station #2. Mayor Israeloff responded that the town staff did have a sound expert test the area and his recommendation was to build an 8 ft tall fence to reflect the sound. Mayor Israeloff stated that the council decided not to take any further action other than planting the remaining landscaping that has not been completed yet. Mayor Israeloff stated that the engineer had no other options other than extensive landscaping, which would not be practical. Councilman Culbertson commented that the design of the fence was also not aesthetically pleasing. Mayor Israeloff stated that there was nothing more feasible to do and have the best buffer possible. Mr. Tiff stated that he still believes there are three to four homes adversely impacted by the sound.

Bill Stapleton, 421 Forest Oaks Drive, stated that the main entryway to River Oaks II has tar on the road and pot holes. Mr. Stapleton questioned who maintains these roads. Mr. Godwin responded it's a town road.

John Singel, 621 Forest Oaks Drive, stated that the repair was done with the black asphalt on top of the gray asphalt which makes the surface look like varicose veins.

Jon Balakian, 431 Forest Oaks Drive, stated that his concern is the liability since he drives a motorcycle and that when the tar gets hot; it turns into tar balls where the seams and cracks are making it very hazardous.

Richard Rackley, 430 Oakridge Drive, showed pictures to council of the streets in the neighborhood and stated what a sloppy mess it is.

Garrett Lacara, 380 Forest Oaks Drive, stated that the street is deteriorated beyond repair especially when that much tar was used to fix it. Mr. Lacara asked for the Town Engineer for a directive to report a solution and/or repair by the next meeting and to be fixed by August or May, 2012. Mr. Godwin replied that there is a bond issue planned to repave various roads and this was not a permanent solution.

Lance Dowd, 640 Forest Oaks Drive, asks who authorizes to send out people for these kinds of repairs. Mr. Dowd stated that it's hard to sell homes and is very unsightly.

Mary Beth Henderson, 380 Forest Oaks, stated that it is reflective off the road and difficult to navigate.

Angela Poen, 421 Oakridge Drive, stated she is concerned by the road and how the work was approved, how the company was selected, and why someone from the town didn't complete it.

Richard Riccardi, 661 Forest Oaks, stated that he agrees with the other statements and asked how will the community follow up and see progress on the road.

Mayor Israeloff asked to place this item on the next meeting agenda.

John Thompson, 441 Palomino Way, stated that the size of the impervious surface was reevaluated and is over 25%. Mr. Thompson questioned that if it is out of variance, why isn't the town enforcing the ordinance and why is he being asked to negotiate with his neighbor. Mr. Godwin stated a notice of violation has been sent to Mr. Dandona.

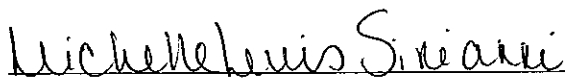
Neal Dandona, 411 Palomino, stated that he started this project in January and kept the town and HOA abreast of the situation. Mr. Dandona stated that if this is enforced on him, then it should be enforced on everyone. Mr. Dandona stated that he has done everything in good faith and has been very patient through it all, but he is also expending his financial resources. Mr. Dandona stated that he feels for the amount of time and effort being put into this issue that it is all based on a technicality. Mr. Dandona doesn't want his position to be forgotten.

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

Mayor Israeloff adjourned the meeting at 10:22 p.m.


SIM ISRAELOF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
AND
PARK AND RECREATION BOARD
SPECIAL JOINT
MEETING MINUTES
January 11, 2012**

The Town Council and the Park and Recreation Board met in special joint session on Wednesday, January 11, 2012 at 7:00 P.M. at 1200 Old Stacy Road, Fairview, Texas. Those present were Council Members Carolyn Sommers Erickson, Jim Cunningham, Ron Kasian, Henry Lessner, and Mary Price. Park Board Members Andrea Faulkner, Dick Anthony, Guy Wormald, Donna Pekarek, John Brown, and Maryanne Simonsen. Town Manager John Godwin and Community Development Manager, Ray Dunlap. Councilman Darion Culbertson and Park Board member Kevin McCarty were absent.

Mayor Israeloff called the meeting to order at 7:00 p.m. and declared a quorum was present.

DEDICATE PUBLIC ART:

Mayor Israeloff noted the new art work at the fire station by recognizing the members of the public art committee and the two artists. Mayor Israeloff unveiled the art pieces.

LANDSCAPING FIRE STATION #2 ART WORK: Discuss and take action regarding landscaping at fire station #2 artwork.

The council and park board discussed placing a stone or bush under the axe on the exterior artwork for safety purposes, but no decision was made. Therefore, no action taken.

STACY ROAD TREES: Discuss and take action regarding the trees on Stacy Road.

The council and park board discussed the contractor's request to substitute vitex in place of the 72 planned and approved yaupon hollies. The park board and council agreed to allow 15 vitex substitutions and to leave the other 57 trees as yaupon hollies.

A committee consisting of Council members Jim Cunningham and Carolyn Sommers Erickson, along with Park Board Members Maryanne Simonsen, and Guy Wormald were appointed to review and agree to tree planting locations.

LAND PURCHASES: Discussion regarding land purchases.

The subject of future land acquisitions for parks and open space purposes were discussed. Mayor Israeloff advised the council of a recent discussion he had had with a county commissioner indicating her support of selling the county ROW behind the church and fire station at Stacy Road back to the town.

FUTURE PARKS: Discussion regarding funding for future parks.

The group discussed park funding; noting about \$280,000 was on hand at this time from previous bond sales and park dedication fees. New bonds could be sold if needed and CDC funds may also be expended on parks.

TRAIL EASEMENT SIGN: Discussion regarding a sign for the trail easement across NTMWD property.

The group discussed placing a sign at the town's trail easement on Orr Road. Town staff needs to check on restrictions and allowed uses on the US Army Corp of Engineers property between the trail easement's eastern terminus and Lake Lavon.

HALF MARATHON BENEFITING PARKS: Discussion regarding a half marathon in October benefiting parks.

Mr. Dunlap brought the group a proposal to host a half-marathon in Fairview on October 6, 2012. Mr. Dunlap stated the purpose would be to bring people into town and proceeds from the race would go to park funds.

Town Council and the Park Board were supportive of the idea and asked Mr. Dunlap to proceed with more detailed planning.

COMMUNITY PARK: Discussion regarding a community park.

The possibility of acquiring land for a future community park was discussed by all members present.

Mayor Israeloff adjourned the meeting at 8:20 pm.

Sim Israeloff
SIM ISRAELOF, MAYOR

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL
MEETING MINUTES
January 11, 2012**

The Town Council met in special session on Wednesday, January 11, 2012 at 8:00 P.M. at 1200 Old Stacy Road, Fairview, Texas. Those present were Council Members Carolyn Sommers Erickson, Jim Cunningham, Ron Kasian, Henry Lessner, and Mary Price. Town Manager John Godwin and Community Development Manager, Ray Dunlap. Councilman Darion Culbertson was absent.

Mayor Israeloff called the meeting to order at 8:27 p.m. and declared a quorum was present.

TXDOT PLANS FOR FM 2786 (STACY ROAD): Discuss and take action regarding TXDOT's planned widening for FM 2786 (Stacy Road).

The council discussed current plans by TXDOT to acquire enough right-of-way to make Stacy Road six lanes wide at some time in the future, although they are only planning to build four lanes currently. Council reiterated its opposition to six lanes here, stating that traffic counts would not warrant such an expansion.

Mr. Godwin distributed copies of a September 2009 council resolution expressing its opposition to six lanes. Mr. Godwin also noted that TXDOT had advised the town of a year-long delay due to unexpected utility line conflicts.

Council expressed concern over ROW acquisition's impact on property values and also discussed inequity of more ROW having to be acquired on the Fairview side than on the Allen side of Stacy Road.

Town staff was instructed to try to set up a meeting between TXDOT District Engineer, Bill Hale and a subcommittee of three council members to urge a permanent four lane solution. Mr. Chancellor, Town Engineer, will also attend the meeting and provide NCTCOG traffic projections.

Mayor Israeloff adjourned the meeting.


SIM ISRAELOF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**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.

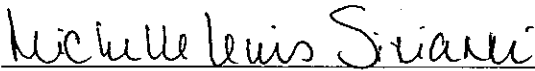
REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

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



**TOWN COUNCIL
SPECIAL
MEETING MINUTES
February 27, 2012**

The Town Council met in special session on Monday, February 27, 2012 at 11:30 A.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Carolyn Sommers Erickson, Ron Kasian, Henry Lessner, Darion Culbertson and Mary Price. Town Attorney, Clark McCoy. Councilman Jim Cunningham was absent.

Mayor Israeloff called the meeting to order at 11:32 a.m. and declared a quorum was present. The council then adjourned into executive session.

At 11:46 a.m. Mayor Israeloff reconvened back into regular session.

INTERIM TOWN MANAGER: Consider and take action to appoint interim to serve as active town manager during town manager's absence.

No action was taken.

Mayor Israeloff adjourned the meeting.


 SIM ISRAELOFF, MAYOR

ATTEST:


 Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
March 6, 2012**

The Town Council met in regular session on Tuesday, March 6, 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 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 6:33 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:46 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 February 7, 2012 regular council meeting. B) Approve minutes of the February 27, 2012 special council meeting. C) Approve a resolution regarding membership to NTMWD.

Councilman Lessner requested to pull item C.

Mayor Pro Tem Kasian made a motion to approve items A and B. Seconded by Councilman Culbertson, with all in favor.

Councilman Lessner stated in regards to item C that he'd like to extend his thanks to Ginny Fisher and along with her help they were able to get 203 signatures for the petition to submit to NTMWD to be considered for membership along with the proposed resolution.

Councilman Lessner made a motion to approve item C. Seconded by Councilwoman Price, with all in favor.

CONDITIONAL USE PERMIT (CUP) 1381 CAMINO REAL: Consider and take action regarding a Conditional Use Permit (CUP) for the development of an accessory building for a workshop and garage, to be located at 1381 Camino Real.

Mr. Wilbourn introduced this item stating that the subject property is annexed and zoned Planned Center (PC) and consists of approximately 1.955 acres in size. Mr. Wilbourn stated that the applicant is requesting to construct a detached accessory building to serve as a garage/workshop. It would provide interior parking for an RV, boat, up to three cars for the applicant's daughters, tractor, sixteen foot trailer, tiller, gardening equipment, and two riding lawn mowers. Mr. Wilbourn stated the building would also serve as a small workshop for personal use. Mr. Wilbourn stated that due to the zoning and lot size, the lot is being held to the RE-1 standards regarding accessory buildings. Mr. Wilbourn commented that as indicated by the applicant on the Site Plan, he will be removing all existing accessory structures on the property.

Mr. Wilbourn stated that due to the size of the proposed building, the applicant is requesting three variances. The three variances are: requesting an additional 240.5 square feet, an additional five feet into the setback since there is an encroachment, and additional 7 feet since height of the building exceeds maximum height requirements due to the roof pitch to allow for the RV to fit within the building. Mr. Wilbourn stated that the applicant has agreed to provide additional landscaping to soften the view from the street, which will be approved by town staff. Mr. Wilbourn stated that the Planning and Zoning Commission unanimously approved this item along with the variance requests along with two conditions. The two conditions being that the applicant install the ridge windows as indicated on the Site Plan and not to encroach more than 25 % into the drip line of the existing tree on the NE corner of the accessory building Mr. Wilbourn added that letters of notification went out to surrounding neighbors and no feedback has been received, but the applicant has talked to surrounding neighbors and he has received letters of support from all, and they are included in the documentation submitted by the applicant to the commission.

Mr. Wilbourn stated that town staff recommends approval of the Conditional Use Permit (CUP), along with the three variance requests for the proposed accessory building as submitted in the Site Plan dated January 27, 2012, the two conditions added by the Planning and Zoning Commission with the landscaping along the southern, western and eastern facades of the accessory building conditioned upon staff approval, as well as other conditions stated in the submitted Site Plan.

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

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

Councilman Culbertson made a motion to approve the Conditional Use Permit (CUP), along with the three variance requests for the proposed accessory building as submitted in the Site Plan dated January 27, 2012, the two conditions added by the Planning and

Zoning Commission with the landscaping along the southern, western and eastern facades of the accessory building conditioned upon staff approval, as well as other conditions stated in the submitted Site Plan. 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 that afternoon from the homeowner, which included a proposal for a way for every pedestrian to be able to use the access easement. Mayor Israeloff stated that council would like to receive input from the neighbors before submitting a final offer; therefore, would like to form a subcommittee of three council members plus possibly a spokesperson for that neighborhood.

Councilman Lessner made a motion to approve a subcommittee that included council members Culbertson, Cunningham, and Price to work with a community spokesperson to come up with a more specific proposal. Seconded by Mayor Pro Tem Kasian, with all in favor:

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

Mr. Chancellor introduced this item stating that Councilman Lessner and he met with Mr. Hale from TXDOT regarding this project. Councilman Lessner stated that TXDOT is planning on building the outer two lanes and that he asked TXDOT to consider building the inner two lanes instead. Councilman Lessner stated that TXDOT's concern in doing this was how to handle the storm drains if the project was redesigned. The storm drains are designed to be constructed along the outer two lanes and, if the inner two lanes were constructed initially, extensions from that road bed to the storm drain pipelines would need to be built. TXDOT suggested a solution to this – but it was more costly and would require redesign of this section of the road project. Councilman Lessner and Mr. Chancellor asked TXDOT to further investigate the impact to the project of changing the current design and building the inner two lanes and to get to them.

Mayor Israeloff stated that he spoke with Barry Heard prior to the meeting and was told that TXDOT could have to do another environmental study if they just build the inside lanes and would have to start over on the plans due to the original submittal being just the outer lanes, which would then add three and a half years to the project and they are still looking at a year and a half out before starting. Mayor Israeloff stated that he was advised that the council could sign a written agreement or a binding letter to state the town's position. However, they could allow TXDOT to proceed with building just the first section with the right-of-way still being six lanes and if the town objects, then

nothing will get built, according to what he was advised. Mr. Chancellor added that he was also encouraged to submit a formal response and that Mr. Hale also advised that TXDOT would replace any landscaping on the outer edge of the road.

Councilman Lessner stated that he would like to go back to TXDOT and push a little bit more that at this point; it's a matter of implementation and the delay if the project is started all over from the submittal process. Councilwoman Sommers Erickson questioned just doing the first section of the project with the possibility of completing the other section at a different time. Mr. Chancellor responded if they continue to build now, it would still be under current schematics. Mayor Israeloff stated that TXDOT could be willing to redesign but will add three and a half years plus the cost to redo, but if the concern is the uncertainty of the future, the town can provide a letter to TXDOT regarding the project.

Councilwoman Sommers Erickson stated that she doesn't want to spend money or tax payer dollars on something they don't want and believes the road from Meandering Way to Hwy 5 should be four lanes undivided. Councilwoman Sommers Erickson stated that she would be okay if the project was pushed out a few years and encouraged Mr. Chancellor to keep speaking out at the meetings to provide the town's opinion.

Mayor Israeloff asked Councilman Lessner and Mr. Chancellor to follow up and keep communicating with TXDOT on the town's options especially doing just the first section/phase of the project and implementation, and report back at the next meeting.

ROAD RATINGS & REPAIRS: Consider and take action regarding the road rating and preliminary list for three year reconstruction plan.

Mr. Chancellor introduced this item stating that the Public Works Manager and he met to prioritize the road repairs. Mr. Holmgren stated that the three criteria they used were how much is the town currently spending, how much traffic is on the road, and the condition of the road. Mr. Holmgren stated that some of the roads in year one include Meandering Way, which has less than 1" of asphalt and needs to be completely redone, Hart Road, and Seattle Slew, which is the overall worst road within the town.

Mr. Chancellor stated that with the cost and pricing of the repairs, years two and three can be adjusted depending on the council's decision and amount of roads, etc., and they could repair a few different roads at a time or do one complete subdivision working from the back to the front.

Councilwoman Price asked about the entrance to River Oaks II and noticed that it is scheduled to be repaired in year two or three and asked why not in year one. Councilwoman Price requested that if these roads were not within year one, could the town chip seal them in the meantime. Mr. Holmgren replied the only downside to this is the cost to chip seal, which could equal between \$50-60,000, which would take away

from the other repairs. Councilwoman Price stated that her preference would be to repair the entire subdivision within year one. Councilwoman Sommers Erickson agreed.

Councilman Cunningham stated if the total three year cost is roughly three million, then what are the construction costs? Mr. Holmgren responded that as gas goes up, so does the cost of asphalt. Mr. Holmgren stated that they can do the whole project with bonds since the rates are currently very low and by using the bonds, the town doesn't have to use the funds all at one time.

Mayor Israeloff asked staff to bring back to the next meeting a list(s) of the financial side and construction side of the project and to consider doing all of Forest Oaks within the first year when compiling these lists.

"SeeClickFix" PROGRAM: Receive presentation on a new "SeeClickFix" program for reporting town service needs.

Mr. Holmgren introduced this item stating that they are looking for a better way for residents to communicate to staff. Mr. Holmgren stated that there's a free application available that would allow residents to take pictures directly and allow everyone to see what is being reported as well as the updates on each item as opposed to going directly through staff at town hall.

Bill Baxter, IT staff and Technology Committee member, stated that when he reviewed this application that he believes that it's not only a great way to communicate with the citizen, but the whole town. Mr. Baxter stated that the values of using the application include that improved response time; it's cost effective, provides immediate feedback, reduces call volume and keeps the town's goal of being a leader in Technology. Mr. Baxter stated that the downsides could be inappropriate content, but the application does have filters in place and there will be key words that will determine what gets placed on the site.

Mayor Pro Tem Kasian asked to see a demo of the application. Councilman Cunningham asked if other cities are using the application and if the town has sought feedback from them. Mr. Holmgren replied that he has looked at other sites and sees no negative issues, but has not talked to any other cities currently using the program.

The consensus of the council was to explore this application, talk to peers about the filtering within the application, and the success within the other cities using the application.

Mayor Israeloff requested to add a discussion about updating the town's website to the next council meeting agenda.

TOWN'S OLD WATER TOWER: Consider and take action regarding the logo on the town's old water tower.

Mr. Chancellor introduced this item stating that work on the water tower includes painting it silver and adding the name of Fairview on two sides in black, block lettering. Mr. Chancellor stated that it will not be seen from US 75, but will be seen as you approach the tower.

Mayor Israeloff stated it would be better to use the font from the town logo as is seen on the letterhead and suggested that the letters be placed below the rail and have it stick out farther than the rails in larger font. Mr. Chancellor replied they could have the letters attached to legs and weld them to the ball, which wouldn't hurt the paint. Councilwoman Price asked how many sides would have the letters. Mr. Chancellor replied two, but could go on all four. Councilwoman Sommers Erickson commented that she likes the idea of having them on all four sides.

Mayor Israeloff asked if green letters were considered or they stuck to black letters. Karen Karnuta, Public Art Committee member, stated that the art committee liked the idea of keeping the letters black, which is was more vintage and in line with keeping it old Fairview, but agrees with the mayor regarding the lettering from the town's letterhead.

Councilman Culbertson asked how this was being funded. Mr. Chancellor responded that possibly EDC, but will need to research and confirm since he doesn't believe a formal action was taken by the EDC board.

Mayor Israeloff asked Mr. Chancellor to check feasibility of hanging letters on all four sides with green and black lettering by providing an illustration at the next meeting.

TOWN HALL PUBLIC ART: Consider and take action regarding historical and regional flag displays for the council chambers as part of the public art requirement for Fairview Town Hall.

Mr. Wilbourn introduced this item stating that as part of the public art requirement for town hall, the Public Art Committee has voted and recommended that a historical and regional flag display be placed in the council chambers. Mr. Wilbourn stated that flags would include the six flags of Texas representing the six nations that either had sovereignty over portions or all of Texas at different points in history as well as the Town of Fairview and Collin County flag. The flags would be 3'x5' and have finishing pole hem and fringe exactly like the US and Texas flags that are currently displayed. Mr. Wilbourn added that flag spreaders would be used and the flags would be placed behind the council against the larger wall to be more visible. Mr. Wilbourn stated the total cost to purchase all eight flags would be \$1,792.25.

Councilwoman Sommers Erickson asked about just displaying the six flags of Texas. Councilman Cunningham asked if they considered hanging them from the ceiling. Mayor Israeloff stated that he'd prefer to just have the six flags of Texas too.

Councilwoman Price made a motion to approve the display of the six flags of Texas only. Seconded by Councilman Lessner, with all in favor.

ELECTRIC VEHICLE CHARGING STATIONS: Consider and take action regarding the installation of electric vehicle charging stations located in the parking lot of Fairview Town Hall.

Mr. Wilbourn introduced this item stating that the Environmental Committee had voted to initiate the possibility to install an electric vehicle charging station. Mr. Wilbourn stated that ECOtality North America has a grant program that funds the installation of charging stations at no cost to the owner of the property if the installation cost stays below \$5,000. Mr. Wilbourn stated the cost to fully charge a vehicle ranges from \$1.60 to \$2.40. Mr. Wilbourn stated the deadline to participate in the project is March 31, 2012 and would continue through June 2013. Mr. Wilbourn stated at the end of the project, the two charging stations would become property of the town at no cost and the town would also have the option to purchase an extended maintenance warranty of \$125 per unit per year. Mr. Wilbourn stated that there are three unbudgeted costs that the town would ultimately have to take on if they took part in the project. These costs include the town paying for the electricity used to charge vehicles, pay to restripe and make one of the parking spots handicap accessible, and pay to keep the charging stations under warranty.

Councilwoman Price stated that her concern is that the area being proposed is the farthest spot away from the shopping center.

Neal Pappion, Environmental Committee member, stated that this is not really a revenue generating project, but provides funding from the government and is worth the investment. Mayor Israeloff asked if they know how much the one at Whole Foods is used.

Dave Aasheim, ECOtality North America representative, stated that they have a 230 million dollar grant and are installing level two chargers. Mr. Aasheim stated that there are over 400 electric vehicles registered in the DFW area and with the grant program they have installed numerous charging facilities within DFW including restaurants, municipal buildings, and parks.

Councilwoman Price asked how electric car owners will know where the charging stations are located. Mr. Aasheim stated that there is an application available on your phone or site that shows where they are and you can even make a reservation for one of them.

Councilman Cunningham asked how long is the project and what happens to the charging stations at the end of the project. Mr. Aasheim stated that once complete in June 2013

the town will have the option to keep each station, which is \$20 per station per month; they can have the equipment pulled or keep the cord. Mr. Aasheim stated that there will also be an optional maintenance program that costs \$250 per year, which will cover all maintenance regarding the stations and the town wouldn't have to handle any maintenance issues. Mr. Aasheim added that usage will pay for itself in time.

Mayor Pro Tem Kasian asked how the user will make payment. Mr. Aasheim responded that the user will have a 'blink' card and can prepay.

Councilwoman Sommers Erickson made a motion to approve the proposal for the electric vehicle charging stations contingent upon meeting all ADA requirements. Seconded by Councilman Culbertson, with all in favor.

ANNUAL POLICE DEPARTMENT REPORT: Receive Police Department's annual and racial profiling reports.

Chief Tolliver gave his yearly report regarding the town's racial profiling and yearly department statistics. The racial profiling report indicated the following regarding traffic related incidents: Caucasian issued 1959 at 72.9%, African American issued 270 at 10%, Hispanic issued 373 at 13.9%, Asian issued 43 at 1.6%, Native American issued 25 at 0.9%, and Other issued 19 at 0.7%. Chief Tolliver also explained out of these citations, how many were searched and how many led to a custody arrest.

Chief Tolliver indicated the department's yearly incident activity compared to last year, which indicates a 28.9% increase in actual calls for police service. Chief Tolliver stated in traffic enforcement, a comparison from 2010 to 2011 reflects a 11.8% decrease in citations, but a 92% increase in written warnings, and a 1.3% increase in total enforcement actions year to year. Chief Tolliver stated a 42.4% decrease occurred in custody arrests, which does not include outstanding warrant arrests, and due to a direct result of the Warrant Officer's efforts, \$95,247.00 was collected in addition to the \$24,308.00 collected by people who voluntarily paid. Chief Tolliver stated that 617 warrants were cleared in 2011. Chief Tolliver stated that the town still has a SRO Officer, which is Robert Salazar and is assigned full time to the school throughout the year, and when school is out, he is assigned to patrol duty.

Councilman Culbertson asked if the department comes into contact with drugs. Chief Tolliver replied yes they do, with most being during a traffic stop, which then leads them to search the vehicle.

Councilman Lessner asked if there are many residential burglaries. Chief Tolliver replied that there are some, but most of them are in new construction areas or the apartments.

Councilwoman Price stated that the police now carry AED's in their vehicles, which will allow them to help further in an emergency.

CITIZENS INPUT:

Joe King, 581 Country Club Road, stated that his concern is regarding a letter he received from Code Enforcement for a habitual barking dog. Mr. King stated that he has a Great Pyrenees dog and uses him as a guard dog and that he has an instinct that protects his goats and chickens from other predators, but mostly coyotes. Mr. King stated that there was one instance that his neighbors complained directly and they were able to resolve the situation. Mr. King stated that when he started losing animals to coyotes is when he purchased the dog due to losing part of his livelihood, but there had been no other complaints until four months ago and is unsure why he received the letter. Mr. King stated that he called the town on numerous occasions and spoke with staff and was given either illegal or dangerous suggestions and the only legal recommendation was a guard dog, which is what he did. Mr. King stated the dog merely protects the animals, he doesn't even chase them. Mr. King stated his concern is not sure what will happen next. He cannot stand to lose his dog because then he'll lose his protection of his farmland. Mr. King stated that there is also nothing in the town's code that excludes coyote's responsibility and authority where animals are at danger; therefore, respectively asks for protection either from the town or for his animals.

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

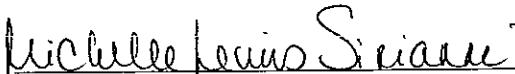
The town sponsored the Tarleton State women's basketball team during the Southland Conference championship that was held at the Allen Civic Center.

Councilwoman Price stated the Collin County Days were coming up soon.

Mayor Israeloff adjourned the meeting at 10:46 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL
MEETING MINUTES
March 20, 2012**

The Town Council met in special session on Tuesday, March 20, 2012 at 7:00 P.M. at 6101 East Campus Circle Drive. Those present were Council Members Jim Cunningham, Henry Lessner, Darion Culbertson and Mary Price. Town Manager John Godwin and Community Development Manager Ray Dunlap. Council members Carolyn Sommers Erickson and Ron Kasian were absent.

Mayor Israeloff called the meeting to order at 7:18 pm and declared a quorum was present.

CONFERENCE/EVENT CENTER: Discussion regarding an event/conference center.

Bill Bowser of Noah's led a tour of the facility, explaining the purposes and functions of each room, and demonstrating a number of the unique features. The group was then seated in the boardroom and Mr. Bowser, along with Michael Denton, representing NAI Robert Lyn, made a detailed presentations regarding the proposed Noah's of Fairview, stressing eight major topics: success factors, the actual proposed building, a review of the conference center industry, project investment, a comparison of the Fairview facility to one already operating in Chandler, Arizona, a projected pro forma, revenue projections, and a prediction of activities in the Fairview facility for its first four years.

The council expressed its interest in pursuing an agreement with Noah's and agreed to have the town manager meet with attorney Stan Lowry and others to negotiate an economic development agreement to bring such a facility to Fairview.

Mayor Israeloff adjourned the meeting at 8:58 p.m.

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
April 3, 2012**

The Town Council met in regular session on Tuesday, April 3, 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, and Darion Culbertson. Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Budget and Management Analyst, Adam Wilbourn; 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 6:31 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:38 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

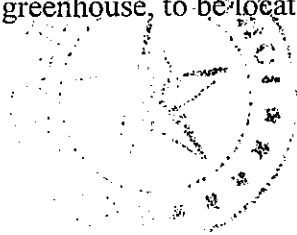
CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be acted on by one motion, with no separate discussion of these items. If discussion is desired, an item may be removed from the consent agenda and considered separately. A) Approve minutes of the February 7, 2012 regular council meeting. B) Approve minutes of the March 6, 2012 regular council meeting. C) Approve minutes of the March 20, 2012 special work session meeting. D) Approve an ordinance cancelling the May 12, 2012 general election. E) Approve an amended plat for Tranquility Farms.

Councilman Kasian and Lessner asked to pull item A.

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

Council took no action on Item A since changes needed to be addressed with the Town Secretary.

CONDITIONAL USE PERMIT (CUP) 550 COTTONWOOD PLACE: Consider and take action regarding a Conditional Use Permit (CUP) for the development of two accessory buildings; one being a detached primary garage/storage/small hobby shop and the other a greenhouse, to be located at 550 Cottonwood Place.



Mr. Wilbourn introduced this item by stating that the subject property is 1.546 acres in size and currently has a primary structure under construction. Mr. Wilbourn stated that the applicant is requesting to construct two accessory buildings; one being a detached primary garage to serve as a two car garage/storage/small hobby shop and the other a greenhouse. Mr. Wilbourn stated that the applicant is also requesting two variances. The first is for the location of the primary detached garage/storage building/small hobby shop and the second for the location of the greenhouse. Mr. Wilbourn stated that the Fairview Code of Ordinances requires that all accessory buildings be located behind the rear of the primary structure, but since the western portion of the property falls within the 100 year flood plain, the applicant is requesting that the structures be located on the east and south side of the property. Mr. Wilbourn stated that the applicant has agreed to plant evergreen materials and plant bushes tall enough to obscure the view of the accessory buildings from Country Club Road as well as 14' tall shrubs on the northeast side of the house to screen and hide both accessory buildings.

Mr. Wilbourn stated that the Planning and Zoning commission unanimously approved the request conditioned upon staff review and approval of the landscaping including softening the view from the greenhouse, as well as other conditions stated in the letter submitted by the applicant. Mr. Wilbourn stated that there were two inquiries with neither positive or negative feedback, but just asked what the applicant was planning to do.

Mr. Wilbourn stated that staff recommends approval of the Conditional Use Permit (CUP) and the two variance requests for the two proposed accessory buildings as submitted in the Site Plan conditioned upon staff approval of landscaping to be located on top of the berm located on the eastern side of the property that will totally obscure the view of both accessory buildings from Country Club Road, as well as other conditions stated in the submitted Site Plan and letter submitted by the applicant.

Mayor Israeloff opened the public hearing. No comments were made.

Mayor Israeloff opened discussion to council.

Councilman Cunningham asked if the HOA has reviewed and approved his plans. Mr. Hooker, applicant responded 'yes'.

Councilman Lessner asked the applicant if he had talked with his neighbors regarding the project. Mr. Hooker replied that he had talked to the surrounding neighbors and all were okay with the project.

Councilman Kasian made a motion to approve the Conditional Use Permit (CUP) and the two variance requests for the two proposed accessory buildings as submitted in the Site Plan conditioned upon staff approval of landscaping to be located on top of the berm located on the eastern side of the property that will totally obscure the view of both accessory buildings from Country Club Road, as well as other conditions stated in the submitted Site Plan and letter submitted by the applicant. Seconded by Councilman Culbertson, 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 by stating that the council appointed a subcommittee to look into a possible way to structure an agreement with the landowner regarding the pedestrian access across that particular lot. Mayor Israeloff stated that the subcommittee has had meetings with an ad hoc committee from the neighborhood, which led to direction from legal counsel to continue to move forward to see if an agreement can be reached.

Mayor Israeloff read a statement provided by the town attorney that read: "is there a motion that the town's previously formed subcommittee on this matter be authorized to pursue a final non binding proposal to resolve the easement and related issues through direct negotiations and/or mediation provided that such proposal be presented to the council for consideration within seventy days after this meeting or as soon as possible".

Councilman Lessner made a motion to authorize this particular subcommittee to hopefully receive a final draft proposal to bring back to council. Seconded by Councilwoman Sommers Erickson, with all in favor.

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

Mr. Chancellor introduced this item stating that he and Councilman Lessner met one more time with TXDOT and the county. District and area office representatives were present, but they explained that they would be putting in letter format on what their response would be upon the town's request and what the impact of building the inside lanes versus the outside lanes and/or acquiring the right-of-way for four versus six lanes. Mr. Chancellor stated that TXDOT believes that to reevaluate a capital exclusion of the project would need to be done, which allows an environmental study to be done and can shorten the length of time allowing for quicker construction. Mr. Chancellor stated that TXDOT also mentioned a substantial cost increase would likely happen, but no amount was listed in the letter. Councilman Lessner stated that he believes they stated it would be \$790,000 extra.

Mayor Israeloff stated that the town needs to decide whether to accede to current plan with TXDOT acquiring six lanes worth of right-of-way and building four lanes worth of payment or do they oppose TXDOT's plan as is currently stands.

Councilman Lessner commented that since he's attended three meetings now that he believes TXDOT took the town's concerns seriously and if the town doesn't approve, there could be some right-of-way acquisition that the town would have to do. Councilman Lessner stated that he thinks they should move forward and that the location is not as

onerous as he thought and that they were able to get additional landscaping and a path out of it, so they should let go as planned.

Councilman Culbertson stated that he believes that it is not optimal for the town to delay the project or potentially delay the project for some time and possibly risk the project not to be funded. Councilman Culbertson stated that he doesn't see a viable alternative. Councilman Culbertson stated that he thinks they need to proceed with the plan proposed by TXDOT.

Mayor Pro Tem Kasian asked if the town knows when TXDOT would begin if they gave their support of the project at this meeting. Councilman Lessner stated the right-of-way acquisition comes first and all the town can do is slow them down. TXDOT is moving ahead waiting on the town's response. If the town says 'no', then they stop implementation of the project. Mayor Pro Tem Kasian asked if there was a timeline. Councilman Lessner responded that there is a timeline, but doesn't have it with him, but the date of completion is set for late 2015/2016. Mr. Chancellor added that there is a right-of-way map that has been developed and will be released once the agreement is signed by the town, but TXDOT is anticipating a 6 month to year delay. Councilman Lessner added that at the last TXDOT meeting he attended, it was also mentioned that the engineering contract was approved to move the water pipe line, so there is obviously coordination between NTMWD and TXDOT.

Councilman Cunningham stated that he feels like he's being pushed into a corner by TXDOT. Councilman Cunningham stated that they have gone to numerous meetings; the town has publicly spoken stating their plans did not meet the town's Master Thoroughfare plans and submitted a copy for the record. Councilman Cunningham stated that he feels like he's letting down citizens along Stacy Road, but still in a bad position being elected to do what's best for the town and a delay of three and a half years is not very palatable. Therefore, he reluctantly is opposed to the way it was handled and their detrimental comments that everyone is in agreement and the town is not and that the town has fought against them for years, but TXDOT is going to do what they are going to do. Councilman Cunningham stated that unfortunately he would have to go along with not delaying the project, not because he wants to, but because it is in the best interest of the town.

Councilwoman Sommers Erickson stated that she agrees with Councilman Cunningham. Councilwoman Sommers Erickson stated that the town has been put into a corner and now they are in a position that they cannot say no. Over the past six months the council has been asking pointed questions, but has been told by TXDOT that it is a done deal. Councilwoman Sommers Erickson questioned why does the council need to say yes or go on record approving the project if it is a done deal. Councilman Lessner responded that they don't have to approve it. Councilwoman Sommers Erickson stated that have had several opportunities to say no and have expressed it through resolutions. Councilwoman Sommers Erickson stated that it is frustrating and makes her angry that the town is being asked to vote one way or another and that TXDOT wants an official vote from the town when they've known all along that the town was against it and now are asking for money if the town does says no. Councilwoman Sommers Erickson questioned why TXDOT

didn't do anything before the environmental study was done. Councilwoman Sommers Erickson stated in her opinion the whole process has been flawed and that to her is frustrating. Councilwoman Sommers Erickson stated that they do need four lanes, but need to know the impact of the six lanes and what kind of capacity can a six lane road handle. Mr. Chancellor responded that the roads are rated A-F based on level of service. Level B is considered standard and level of service D you're approaching F and you don't want to get to an F. Mr. Chancellor stated at level service D on a six lane road can handle 30,000 vehicles per day and a four lane can handle 21,050 vehicles per day, which is not the best, but the maximum. Mr. Chancellor compared traffic counts done by the City of Allen since the town does not have a counter. Mr. Chancellor stated that their results are available on their website. Their numbers are showing that they are already approaching the service level D for a four lane road and TXDOT projections indicate that by 2032 traffic counts will be 28,000 from Highway 5 to Meandering. Councilwoman Sommers Erickson asked what NTCOG data reflected. Mr. Chancellor stated that NTCOG did not have any recent data available, but that there are probably some numbers within their mobility study, but did not have time to research those. Councilwoman Sommers Erickson asked as a town do we know what vehicle counts will be based on projected growth are. Mr. Chancellor stated that typically based on the region that 6-7% per year is added for vehicle growth.

Mayor Israeloff stated that the town is being asked to clarify their position since they have publicly expressed their opposition to TXDOT's plan, which is their plan to acquire additional right-of-way with four lanes of paving. Councilwoman Sommers Erickson stated that TXDOT will need additional easement(s) used for the median, which will give the appearance of six lanes, plus the median is large enough to eventually have two lanes.

Mayor Israeloff asked for a motion to withdraw the town's opposition to the current TXDOT plans as currently configured for the Stacy Road expansion, which includes all of the right-of-way plans, but only includes four lanes of actual paving with a wide median. Councilman Lessner moved and seconded by Councilman Culbertson.

Motion passes with a 5-1 vote.

ROAD RATINGS & REPAIRS: Consider and take action regarding the road rating and preliminary list for three year reconstruction plan.

Mr. Godwin introduced this item stating that selling bonds now could save quite a lot especially with the rates at an all time low. Mr. Godwin stated that the town would need one cent to sell the bonds all at once.

Mayor Israeloff commented that in order to acquire the one cent, it is his understanding that the town can either increase the total tax rate or take it from the M&O rate and is taking it from the M&O rate within the town's budget. Mr. Godwin replied that it can be done, but would be a challenge. Councilman Lessner asked about using reserves or what can they do without having to raise taxes.

Mayor Israeloff asked that based on the three year implementation that was discussed at the last meeting, can they sell the bonds as they need to spend them. Mayor Israeloff stated that he would hate to see the tax rate increased and understands the bond ratings having low interest rates, but spending money now to save money later seems like a better trade off. Councilman Culbertson agreed with selling the bonds as needed versus having to raise taxes or extract it from the M&O rate.

Councilman Cunningham stated that they has asked for a case study to be done as opposed to borrowing the funds as they needed them, but they don't know what the cost versus savings will be and the variable being not knowing what the interest rates are going to do. Councilman Lessner commented that he would issue as many bonds as they can without issuing a tax increase.

Councilman Cunningham asked if the town has received bids on the project. Mr. Chancellor responded that bids will go out in April so that he can bring them back to council in May.

Councilwoman Sommers Erickson asked if the council wanted to proceed with a case study to see what the other projects are. Councilman Cunningham stated that the study was to prepare the cost at today's rate as opposed to breaking it down into a third (1/3) for three years. Mayor Israeloff stated that he agrees with Councilman Lessner that they should put as many bonds into the first year without increasing the tax rate to take advantage of the low interest rates.

TOWN'S TRADEMARKED LOGO: Discussion regarding the town's trademarked logo.

Mayor Israeloff stated that he has asked for this item since he has seen two logos, one with a sun and one without, which caused him to ask which one was the town's official logo and trademarked.

Mr. Skuta stated that in 2008, in the description of the logo within the application submitted indicated having the sun, however, the artwork that was included with the application had pictures with and without the sun. Mr. Skuta stated after contacting the Secretary of State's office, they confirmed that only the logo with the sun was considered trademarked since it was within the description. Mr. Skuta stated that at this time, the only trademarked logo that has been recognized by the state is the sun and has been only made for paper goods and printed matter, which are only two out of the 45 different classifications. Mr. Skuta added that there is a \$50 application fee for each classification. Mr. Skuta added the trademark will protect the town from allowing others to use it and is looking for council's guidance as to whether to keep it as is or can trademark both, but would have an additional cost per classification.

Mayor Israeloff stated that he favors the sun and asked the town attorney if there is a legal protection or need to trademark either one in other categories or is what they have sufficient enough. Mr. McCoy responded that it is a policy decision as far as what they prefer to use, but that trademarking the logo that covers activities that the town uses will provide for the greatest clearance and protection. Councilman Lessner asked if the town trademarked the logo federally rather than having to go through all the categories. Mr. Skuta said he marked off six to eight categories.

Mayor Israeloff asked council if they would be okay advising staff to expand the trademark protection by trademarking both logos into the additional categories that staff and/or council wish to suggest.

Consensus of the council was to trademark both under categories that would provide the best protection of items they currently use with the logo with the sun being the predominant logo used on town printed and/or paper goods.

TOWN WEBSITE: Discussion regarding the town's website and design.

Mr. Wilbourn introduced this item stating that at the last meeting council requested that town staff add this item for discussion. Mr. Wilbourn stated that the website has been simplified, but staff has three possible options for discussion of ways to enhance the website. Mr. Wilbourn stated that the first option is to utilize a higher tier of website design provided by GOV Office, who currently hosts the town's website; Option two is to look at other website designers. Mr. Wilbourn stated that he received information from a company called Vision Internet, who does website design for municipalities throughout the country including Grand Prairie, Highland Park, and Richardson; and option three comes from a suggestion from Baxter IT, which currently uses a company called Web Harambee that designed their website and many others. Mr. Wilbourn stated that the prices on these options vary and start at \$600 all the way up to \$19,975 depending on options and packages they could choose.

Mayor Israeloff stated that the website needs to be upgraded, it has too many clicks with not enough photos, and is dubious about price.

Councilman Culbertson stated that the website is progressing in the right direction, but is not where it could be. Councilman Culbertson stated that he likes the option of using Mr. Baxter's suggestion. Councilman Cunningham asked if he had any examples and how would they proceed with an initial layout. Mr. Baxter responded that the layout design would be kept simple and would incorporate task based scenarios into the design elements. Mayor Israeloff asked if Facebook was similar. Mr. Baxter stated that they are different, but would be best to design the website and Facebook page with the Technology Committee. Mayor Israeloff requested that they allow council to see progress before completing design layout(s).

ANNUAL PLANNING DEPARTMENT REPORT: Receive Planning Department's annual report.

Mr. Efrussy provided council with an update of the events within the Planning Department within the last year. Mr. Efrussy stated that the department collected \$39,677.90 in fees and that in the last year, there has been more pre-application meetings than in previous years, which are to no charge to the developer and/or applicant.

Mr. Efrussy highlighted some of the main projects, which included:

- Amending the Sexually Oriented Businesses ordinance, this included adopting a Special Entertainment Overlay Zoning District.
- Annexed and zoned Lovejoy ISD.
- Zoned the Tanner property, which were 84.0± acres to Agricultural.
- Zoned Mr. Zampino's property to the Planned Center District Zone.
- Fairview Downs – Site Plan and Final Plat.
- Extended Blend Techs Special Use Permit another five years.
- Additional requests for accessory buildings, trending the improvement for neighborhoods.
- Conditional Use Permit for Sports Court.
- Assisted in the Veteran's Day Celebration.
- Discussion regarding Telecommunication Towers and locational criteria.
- Various work sessions.

Mr. Efrussy stated that the planning department continues to keep high standards to maintain high quality, maintaining the goals and objectives of the commercial development within the town, and reviewing the Comprehensive Plan every 3-5 years to look for ways to make any improvements.

Mayor Israeloff stated that Mr. Efrussy is very widely known and he and council are very thankful for having Mr. Efrussy on staff.

SECOND QUARTER BUDGET: presentation of second quarter budget.

Mr. Skuta introduced this item, starting the presentation by discussing the sales and use tax. Mr. Skuta stated that when the town earns revenue it takes two months before it is actually received. Mr. Skuta stated that on a positive note the town earned a 20-25% increase in sales and use tax. Mr. Skuta stated that with estimating the future fiscal year and by taking a conservative approach that there will be a 10% increase equaling 2.8 million in sales and use tax revenue, which is about \$577,000 more than originally estimated. Mr. Skuta reminded council of the 380 agreement with MG Herring where the

town refunds taxes to them, which is about 56% of total sales and use tax the town collects, which will be an estimated 1.6 million of the 2.8 million. The town would then have 1.1-1.2 million for their funds.

Councilman Culbertson asked if a comparison of the sales tax within a year's time of the businesses that have been there a full year. Mr. Dunlap responded by stating that internally the town does have this information, but cannot share due to the state law held by the Comptroller's office.

Mr. Skuta also briefed the council on the following:

- Increase in revenues from franchise fees compared to last year.
- Building Permits increased by \$40,000 and of that \$1,600 are commercial projects with the remaining being residential.
- Sewer sales have spiked due to the apartment complexes and the sales being directly related to water rates.
- Departments are all currently under or right at budget(s).

Councilman Lessner asked what the total debt currently is. Mr. Skuta responded thirteen million.

CHARTER REVISION: Discussion of a possible charter revision process and committee.

Mr. Godwin introduced this item stating that it is not unusual in many communities to appoint charter revision committees every five to ten years to review their existing charters. Mr. Godwin stated that unless the council would want a special election, they have time to review and make any changes.

Mayor Israeloff asked if council typically gives a list of topics that they want considered to the charter committee and is it best to have a liaison with an attorney. Mr. Godwin responded that he thinks that would be best to have an attorney, but doesn't know if that's typical.

Mayor Israeloff asked council to ponder if anything needs reviewed within the charter and let Mr. Godwin know.

NOISE ORDINANCE: Discussion of a possible noise ordinance changes.

Mr. Dunlap introduced this item stating that staff is in the process of updating the noise and nuisance ordinance and an issue was brought to the council's attention at the last meeting regarding barking dogs. Mr. Dunlap stated that staff researched this item under

council's request and while habitual barking dogs are not addressed in the noise and nuisance section of the code of ordinances, but rather in the animal control section, staff would like to get direction from council on how to proceed. Mr. Dunlap stated that staff looked at larger lots and the suggestion is that residents with five or more acres of land and livestock would be exempt. However, the down side to this is that sound does travel, especially at night and may receive complaints. Mr. Dunlap stated that staff requests direction from council on what revisions they would like to see within the amended ordinance.

Mayor Israeloff asked what other towns have done in this regard since it seems like a tough issue to enforce. Mr. McCoy responded that it is one of the toughest issues to enforce. Mr. McCoy stated the challenge is to structure the ordinance with enough specific criteria with what constitutes a violation so that people know what the expectations are and how to enforce, which is not an easy thing to do.

Mayor Israeloff asked if we know how many incidents the town is encountering. Chief Tolliver responded that it does not happen often and usually occurs within a denser neighborhood. Chief Tolliver stated that the police department has had less than two dozen per year. Mayor Israeloff asked if the ordinance needs revisions. Chief Tolliver stated the ordinance is fine as is. The police department will make reasonable judgment and look at the circumstances at that time when responding to a disturbance call regarding habitual barking dog(s). Chief Tolliver stated that every now and again there is friction between neighbors.

Councilwoman Sommers Erickson stated that she agrees with Chief Tolliver. The ordinance doesn't warrant change and should leave as is. Mayor Israeloff and Mayor Pro Tem Kasian agreed. Councilman Cunningham asked the Chief of Police if citations are ever issued. Chief Tolliver responded not very often.

Consensus of the council was to leave the ordinance as is.

MCKINNEY AIRPORT: Discussion regarding the McKinney airport.

Mr. Wilbourn introduced this item stating that he has been attending the meetings regarding the airport, which take place the second Thursday of every month. Mr. Wilbourn stated the next meeting is scheduled on April 12th. Mr. Wilbourn stated that their agenda for this meeting includes a plan to take action on recommending to the McKinney council approving their draft plan. Mr. Wilbourn stated that he believes that it is the intent of the airport to take it to the McKinney council the second week of April.

Councilman Culbertson stated that he thinks one of the items discussed was the idea of the council appointing a citizen council with the potential of an expansion taking place. Councilman Culbertson asked if this is something that council would like to consider.

Councilman Cunningham stated that Councilman Lessner, Adam and he were at the last meeting and the airport had indicated their future plans and should activate and/or deactivate a task force to monitor their actions to see if it mitigates any damage to the town. Councilman Cunningham stated that their plans include a 1,000 ft extension of the runway, which will have a huge influence over Heritage Ranch; therefore, need to monitor this closely in the upcoming months, press for an environmental study if necessary, and keep it known that the town is not going to support their plan without a fight.

Councilwoman Sommers Erickson stated that she believes that they need a task force committee to go to the meetings and read their materials including the draft plan. Mr. Wilbourn stated that he provided a copy of their plan to council three months ago. He was able to receive a copy of it through a public information request. Councilwoman Sommers Erickson stated that she thinks they need to get the process started now, that there are certain benchmarks that the town has to meet in order to go on the record and these are FAA guidelines, and if you miss one the town may not get a chance to go on to the next step. Councilwoman Sommers Erickson stated that they need an environmental impact study done.

Councilman Lessner stated that he agrees that they need to find out what is going on, but have they made any changes that have made life better for the town. Councilwoman Sommers Erickson stated that she believes they delayed the plan. Councilman Cunningham commented that the second runway they wanted was not granted since the airport cannot operate both simultaneously and will not allow them to be operational together. Councilwoman Sommers Erickson stated that the environmental impact study will offer to help look at reducing noise and without the study; they don't have to do anything. The study is the key for the town.

Mayor Israeloff directed staff to place the item back on the next month's agenda or whenever they ready to bring the item back.

CITIZENS INPUT:

Ron Kasian, 1241 Red Oak Trail, stated that he'd like to propose for consideration adding a citizen's forum at the beginning of the agenda as a courtesy to residents.

Bill Baxter, 460 Long Cove, extended his thanks for the trees along Stacy Road.

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

The Real Bookstore will have Fairview author day on May 12th, which includes a book signing by Mr. Godwin, from 2:00-6:00 pm.

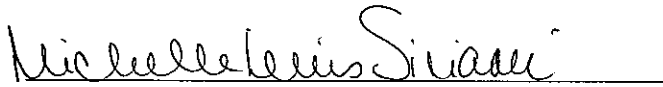
Paul Westbrook is looking for signatures on a petition to encourage residents that have GCEC to encourage them to offer rebates to the residents that are being offered to OnCor users. Mayor Israeloff stated that he placed the petition online through the Fairview yahoo group.

Councilman Lessner stated on April 28th, the Allen Symphony Chorus will be performing at the Allen Performing Arts Center.

Mayor Israeloff adjourned the meeting at 10:06 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL,
PLANNING AND ZONING COMMISSION,
AND THE FAIRVIEW ECONOMIC
DEVELOPMENT CORPORATION
SPECIAL JOINT
MEETING MINUTES
April 10, 2012**

The Town Council, Planning and Zoning Commission, and Fairview Economic Development Corporation met in special joint session on Tuesday, April 10, 2012 at 7:00 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Carolyn Sommers Erickson, Jim Cunningham, and Darion Culbertson. Planning and Zoning Commission Members Brayton Campbell, Brad Northcutt, Renee Powell, and Tom Supan. Fairview Economic Development Corporation Board Members Chuck Williams, Ginny Fisher, Frank O'Reilly, and Warren Westberg. Town Manager John Godwin and Community Development Manager, Ray Dunlap. Council Members Ron Kasian, Henry Lessner, and Mary Price, Planning and Zoning Commission Members Ricardo Doi, Debbie Flood, and Paul Hendricks, and Fairview Economic Development Corporation Board Member Diana Morris were absent.

Mayor Israeloff called the meeting to order at 7:07 p.m. and declared a quorum was present.

EVENT/CONFERENCE CENTER: Discussion regarding an event/conference center.

The council, planning and zoning commission, and economic development corporation received a presentation from Mr. Bill Bowser of Noah's Corporation that detailed the concept behind the proposed Noah's of Fairview event/conference center. Mr. Bowser addressed: the size, location, and orientation of the proposed building; type and quality of the landscaping; parking needs and requirements; architectural design, building materials, and material colors; interior services and amenities; and the Noah's business model.

Mr. Northcutt asked Mr. Bowser and Mr. Dunlap about how this proposal came to fruition and Mr. Dunlap detailed the history of his past discussions with Mr. Bowser. Mr. Dunlap also went into detail about the EDC's proposal to purchase the land and finance the construction with EDC revenues and then leasing the facility to Noah's.

Councilman Culbertson and Mr. Northcutt asked Mr. Bowser to elaborate on the Noah's business model and their ability to compete with other facilities. Mr. Bowser went into detail about the types of events that they attract and seek out. Mr. Bowser stated that they will not have a kitchen and all food and beverage in the facility will be catered. Mr. Bowser also indicated that the majority of their revenue comes from weekend events.

Mr. Dunlap indicated that the applicant intends to submit a site plan to the planning and zoning commission in April and the council in May. If approved, construction could as early as June and finish by December. Councilwoman Sommers Erickson and Mr. Northcutt identified issues with the proposed lighting and wanted to ensure that it complied with the town's dark skies ordinance.

Mr. Dunlap and Mr. Efrussy stated that staff and the planning and zoning commission would thoroughly review - and schedule additional meetings as needed - the concept plan, site plan, and amended plat to ensure that they comply with the town's zoning ordinances.

COMPREHENSIVE PLAN: Discussion regarding the town's comprehensive plan.

Mr. Efrussy requested guidance from the council and planning and zoning commission concerning a proposed update of the town's comprehensive plan. Mr. Efrussy indicated that the current comprehensive plan was first adopted by the town in 2005 and it was updated in 2008. Mr. Efrussy indicated that the comprehensive plan should be reviewed and updated every 3-5 years, so it would be appropriate to initiate an update at this time. Mr. Efrussy also presented a population buildout estimate that was recently completed by Mr. Schmidt. Mr. Schmidt indicated that this estimate displayed a 20% decrease in population from previous estimates used by the town. Mr. Efrussy stated that at the very least, the comprehensive plan should be updated to include this population buildout estimate and an updated annexation plan.


Mayor Israeloff agreed with Mr. Efrussy concerning the population buildout estimate and an updated annexation plan. Mayor Israeloff stated that the goals and objectives identified in the comprehensive plan remain relevant at this time and do not need to be significantly changed. Mayor Israeloff and Councilman Culbertson agreed that the update of the comprehensive plan should not be a drawn out, labor intensive process, and the staff should spend most of their efforts providing analysis on potential annexations of extraterritorial jurisdiction.

Mayor Israeloff adjourned the meeting at 9:05 pm.



ATTEST:


SIM ISRAELOFF, MAYOR


Michelle Lewis Sirianni, Town Secretary

**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 in 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.

CONDITIONAL 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.

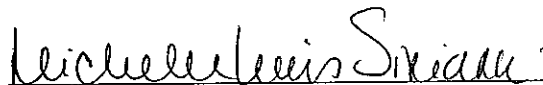
Mr. Efrussy stated on behalf of the staff, he'd like to thank Mr. Godwin for his service and accomplishments as Town Manager. It has been a pleasure working for him and will be greatly missed. Mayor Israeloff reiterated Mr. Efrussy comments and thanked Mr. Godwin also.

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 COUNCIL
SPECIAL
MEETING MINUTES
May 3, 2012**

The Town Council met in special session on Thursday, May 3, 2012 at 4:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Sim Israeloff, Carolyn Sommers Erickson, Jim Cunningham, Ron Kasian, Henry Lessner, Darion Culbertson and Mary Price. Town Manager, John Godwin and Community Development Manager, Ray Dunlap.

Mayor Israeloff called the meeting to order and declared a quorum was present.

The council recessed into executive session, then returned to a joint meeting with the Economic Development Board for a joint discussion.

CONFERENCE CENTER:

Town Council and the Economic Development Board discussed the proposed Noah's conference center and proposed economic incentives.

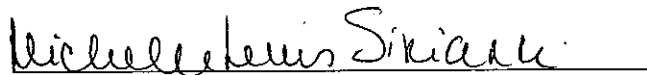
Town Council authorized staff to negotiate a proposed economic development agreement along the lines discussed, subject to final review and approval by the council.

Mayor Israeloff adjourned the meeting.



ATTEST:


SIM ISRAELOFF, MAYOR

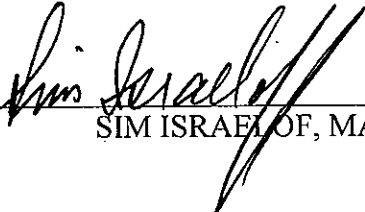

Michelle Lewis Sirianni, Town Secretary

**TOWN COUNCIL
SPECIAL
MEETING MINUTES
May 5, 2012**

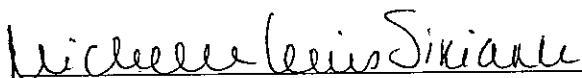
The Town Council met in special session on Saturday, May 5, 2012 at 9:30 A.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Jim Cunningham, Ron Kasian, Henry Lessner, Darion Culbertson and Mary Price. Council member Carolyn Sommers Erickson was absent.

Mayor Israeloff called the meeting to order at 9:30 a.m. and declared a quorum was present. The council then adjourned into executive session.

At 11:45 a.m. Mayor Israeloff reconvened back into regular session and with no action taken, adjourned the meeting.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL
MEETING MINUTES
May 17, 2012**

The Town Council met in special session on Thursday, May 17, 2012 at 7:30 A.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Carolyn Sommers Erickson, Jim Cunningham, Ron Kasian, Henry Lessner, Darion Culbertson and Mary Price. Town Secretary, Michelle Lewis Sirianni.

Mayor Israeloff called the meeting to order at 7:31 a.m. and declared a quorum was present.

INTERIM TOWN MANAGER: Consider and take action regarding an interim town manager.

Councilman Cunningham asked if Ms. Couch has reviewed and agreed to the contract. Mayor Israeloff responded that he believes that they used a standard simple form, which the town attorney has reviewed and only two modifications were done; one to reflect the overlap in time and the other dealing with addressing notices for liability insurance.

Councilwoman Price stated that she believes Mr. Godwin's last day will be May 21st in the office, and asked if Ms. Couch could start any earlier. Mayor Israeloff responded that he believes Ms. Couch will be out of town for next few days or for a week or so and that there will be some overlap in days that they are both in the office.

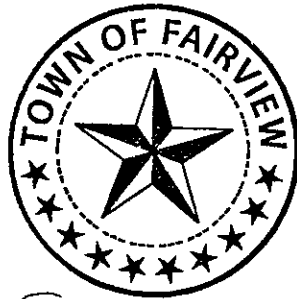
Councilwoman Price made a motion to approve Julie Couch as interim town manager and to allow the mayor to execute the related documents. Seconded by Councilman Kasian, with all in favor:

EXECUTIVE SEARCH: Consider and take action regarding executive search and/or consulting group(s).

Councilwoman Price suggested forming a subcommittee in order to help expedite process. Mayor Israeloff stated he would still like to meet as a whole even if everyone cannot attend the meeting. Mayor Israeloff suggested Tuesday, May 29th for a special meeting and asked the Town Secretary to contact the groups to make sure they could attend on this day.

No formal action was taken.

Mayor Israeloff adjourned the meeting at 7:36 a.m.



Sim Israeloff
SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

**TOWN COUNCIL
SPECIAL
MEETING MINUTES
May 21, 2012**

The Town Council met in special session on Monday, May 21, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Carolyn Sommers Erickson, Jim Cunningham, Ron Kasian, Darion Culbertson and Mary Price. Town Manager John Godwin, Town Attorney Clark McCoy, and Community Development Manager Ray Dunlap. Councilman Henry Lessner was absent.

Mayor Israeloff called the meeting to order at 6:34 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:05 p.m. Mayor Israeloff reconvened back into regular session.

CONFERENCE CENTER AGREEMENT: Consider and take action regarding an economic development agreement regarding a conference center, purchase of land, and issuance of bonds to finance the project.

Frank O'Reilly, member of the EDC board, stated that the developer had been very successful, the project would be a great thing for Fairview, and that the town needs help for our restaurants. Mr. O'Reilly added that it would also help create a business community.

Warren Westburg, EDC board member, agreed with Mr. O'Reilly's comments and stated that he thought the project would be a good fit for Fairview and a first class facility. Mr. Westberg added that Bill Bowser has shown his commitment to the project.

(Councilman Lessner joined the meeting at 7:10 p.m.)

Mr. O'Reilly stated that he thought the center would get more people into the town so they would know what the town has to offer.

Councilman Kasian made a motion to authorize staff and legal counsel who is helping the town on this project to prepare full and final contract documents based on the May 15, 2012 Deal Points presented at this meeting, including an economic development agreement, the lease with the developer, and the bond documents. Seconded by Councilman Culbertson. Motion passed 6-1. Councilman Cunningham explained that he thinks this is a great idea and concept, but he would like to see more developer equity.

Councilman Cunningham commented that he is in full support of the proposed conference center, but has concerns about the structure of the initial agreement as written.

Councilwoman Price made a motion to authorize land purchase at a price not to exceed \$12.00 per square foot for the necessary land for the project. Seconded by Councilman Lessner, with all in favor.

Mr. Godwin explained that one of the deal points is the execution of a professional services agreement by which the developer would pay the town's attorney fees, and he wanted the council to be aware that the agreement, which had been previously prepared, but placed on hold, and would now be executed as quickly as possible.

Councilman Cunningham gave a brief summary of a meeting that he, Councilwoman Sommers Erickson, and Councilman Kasian had had with Gar Herring.

Mayor Israeloff adjourned the meeting at 7:23 p.m.


SIM ISRAELOF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL
MEETING MINUTES
May 29, 2012**

The Town Council met in special session on Tuesday, May 29, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Jim Cunningham, Ron Kasian, Henry Lessner, Darion Culbertson and Mary Price. Town Attorney Pete Eckert. Councilwoman Carolyn Sommers Erickson was absent.

Mayor Israeloff called the meeting to order at 6:35 p.m. and declared a quorum was present.

(Councilman Cunningham joined the meeting at 6:45 p.m.)

EXECUTIVE SEARCH/CONSULTING GROUPS: Receive presentations from executive search and/or consulting groups regarding position of town manager.

Town Council received presentations from Chris Hartung of Chris Hartung Consulting, Chuck Rohre of The Waters Consulting Group, Inc., and Ron Holifield of Strategic Government Resources. Council asked questions after each presentation.

At 9:25 p.m. the council recessed into executive session.

At 9:50 p.m. Mayor Israeloff reconvened back into regular session.

Councilwoman Price made a motion to retain The Waters Consulting Group, Inc. Seconded by Councilman Culbertson, with all in favor.

Mayor Israeloff adjourned the meeting at 9:55 p.m.

ATTEST:



Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

Sim Israeloff
SIM ISRAELOF, MAYOR

**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 town then 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.

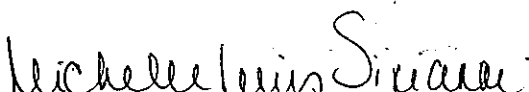
Ms. Couch stated she will be attending the TMCA conference.

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 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 he 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'x40' 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
SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
AND THE
PLANNING AND ZONING COMMISSION,
SPECIAL JOINT
MEETING MINUTES
July 12, 2012**

The Town Council and Planning and Zoning Commission met in special joint session on Thursday, July 12, 2012 at 7:00 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Sim Israeloff, Carolyn Sommers Erickson, Jim Cunningham, Henry Lessner, Darion Culbertson, and Mary Price. Planning and Zoning Commission Members Brayton Campbell, Pat Friend, Brad Northcutt, Renee Powell, and Paul Hendricks. 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. Council Member Ron Kasian and Planning and Zoning Commission Members Ricardo Doi and Debbie Flood were absent.

Mayor Israeloff called the meeting to order at 7:03 p.m. and declared a quorum was present.

Chairman Campbell called the Planning and Zoning Commission meeting to order at 7:04 p.m. and declared a quorum was present.

DEVELOPMENT PLAN FOR PC AT 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 six 2.0 acre lots, nine 1.5-1.7 acre lots, and two lots dedicated to open space. The 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 the proposed subdivision would consist of six, two-acre lots and nine lots that range from 1.5 - 1.7 acres in size. Additionally, this proposed development will have two lots (1.0 and 1.56 acres in size) dedicated to floodplain, parkland, and open space uses. This development would require a parkland conveyance of 0.449 acres or \$15,781.17 if the town council requests money in lieu of land. Mr. Schmidt stated that at the Parks Advisory Board meeting on May 23rd, the Parks Advisory Board unanimously recommended that the town accepts money in lieu of land

for this development. Since the notification for a joint public hearing was published, staff has not been contacted by any residents who wished to indicate their support for or opposition to this zoning change request. Mr. Schmidt stated that the applicant has submitted a quality development plan, but staff cannot support this zoning change request as it fails to conform to the town's Future Land Use Plan. Therefore, town staff recommends denial without prejudice.

Tommy Thompson, developer, reviewed his plan and stated that he believes the revised plan is an asset to the community and includes six two acre lots, nine 1.5-1.7 acre lots and 3.5 acres of common area. Mr. Thompson showed pictures of the land.

Mayor Israeloff opened the public hearing.

Anton Mattli, 111 Weston Drive, stated that he understands the approach the developer is taking with his plan, but believes the town should stay with the zoning requiring two acre lots. Mr. Mattli stated that his fear is that if the plan is approved, then surrounding lots will ask for the same requests. Therefore, he is opposed to the plan.

Kelly George, 4035 Summit Court, stated that restrictions are put into place for a reason and her concern is how it could affect the school district. Ms. George stated that if this plan is approved, she also fears others will ask for the same. Therefore, she is opposed to the plan.

Mary Crain, 1470 Stacy Road, stated that she is in favor of the plan and does not understand why the lots have to be two acres in size.

Toni Jobes, 4055 Summit Court, stated that she is opposed and believes that if smaller lots are granted, than others will ask too.

Marlo Ballard, 130 Horseshoe Bend, stated that the town needs to look at the bigger picture and they will be setting a precedent if the plan is approved. Ms. Ballard stated that she loves the Comprehensive Plan and is opposed to the plan.

Jeff Glock, 3580 Orr Road, stated that it is a nice development and would be a shame if not allowed to develop it. Mr. Glock stated that he would be directly affected and is in favor of the proposed plan.

Bill Dahlstrom, land use attorney for Mr. Thompson, stated that it is a conservation development, by preserving and using the natural features of the land. Mr. Dahlstrom stated one zoning case does not set a precedent and essentially the density is not changing, even with this unique piece of property. Mr. Dahlstrom added that he also has eight letters all in support of the proposed plan.

Mayor Israeloff closed the public input section of the public hearing and turned discussion over to the planning and zoning commissioners.

Commissioner Powell stated that they spent a lot of time on the Comprehensive Plan and many of the zoning districts were based on input they had received from residents. Commissioner Powell stated that a rezoning request on another parcel that is zoned One-Acre Ranch Estate has had several requests to be changed, and the town keeps turning them away based on the Comprehensive Plan. Commissioner Powell stated that they need to uphold the Comprehensive Plan and keep this land zoned Two-Acre Ranch Estate Country.

Commissioner Hendricks stated that there is strong support for low density and he also understands the economics of development compromising on the lot sizes.

Commissioner Northcutt stated that the developer is preserving the natural elements, and dedicating and increasing open spaces by presenting a smaller number of lots, which logistically has not changed the two acre density. Therefore, he supports the plan.

Commissioner Friend stated that each zoning application is taken separately and still impacts others. Commissioner Friend stated that a message was sent when council unanimously denied the previous plan in support of the Comprehensive Plan. Commissioner Friend stated that the development is well thought out and there are a smaller number of lots, but the minimum average is two acres on this parcel.

Chairman Campbell stated that the plan is creative and attractive, but it attacks the Comprehensive Plan and that it is opening doors to others if they approve the plan. They should preserve the integrity of the Comprehensive Plan.

Commissioner Powell made a motion to deny without prejudice a Development Plan for a Planned Center (PC) Zone at 1846 Stacy Road. Commissioner Hendricks seconded that motion. Motion passed with a 4-1 vote. Commissioner Northcutt opposed.

Councilwoman Sommers Erickson commented that she was hoping that the developer would have resubmitted a plan with an average of two acre lots. Councilwoman Sommers Erickson stated she believes the amenities in the property can be preserved with two acres and supports the two acres whether it's the average or actual lot size.

Councilman Cunningham stated that he has walked the property and the special amenities including the pond preservation should be considered. Therefore, he is in favor of the plan.

Councilman Culbertson stated that he commends the development team for the plan they put together, but struggles with the fact it doesn't meet the zoning. Councilman Culbertson stated that he understands why from an economic standpoint, but that is not the town's concern. He indicated that he cannot support the plan.

Mayor Pro Tem Lessner stated that it is a better plan, is lower density, and that he likes the vision and feels like the town is getting a high quality development. He indicated support for the project.

Councilwoman Price stated that she likes the change in lot size, but still would like two acres minimum. Councilwoman Price stated that she likes the preservation being proposed, but pointed out that the side setbacks are not even close to the requirement. She also expressed concern about the proposed trail. She stated she is opposed to the plan.

Mayor Israeloff stated that it is a nice plan, but there could be many possible plans. Mayor Israeloff stated it is a zoning case and it meets some goals of the Comprehensive Plan, but not all. Mayor Israeloff appreciates the creativity of the plan, but no new facts were presented and he thought they would be given a plan based on two acre lot sizes. Therefore, he is opposed to the plan.

Mayor Israeloff closed the public hearing.

Councilwoman Sommers Erickson made a motion to deny without prejudice a Development Plan for a Planned Center (PC) Zone at 1846 Stacy Road. Seconded by Councilman Culbertson. Motion passes with a 4-2 vote. Councilmen Cunningham and Lessner opposed.

Chairman Campbell adjourned the Planning and Zoning Commission meeting at 8:33 p.m.

At 8:05 p.m. Town Council recessed into executive session.

At 9:08 p.m. Town Council reconvened back into regular session.

ARTWORK VETERAN'S PARK: Consider and take action regarding public artwork for the Veterans' Park.

The mayor opened the item to consider and take action regarding public artwork for the Veterans Park. Julie Couch reviewed the recommendation of the public art committee to award a contract to Michael Pavlosky for a bronze sculpture depicting an eternal flame design. She explained that there was approximately \$60,000 remaining of the allocation for public art at Town Hall. The proposed would cost \$40,000 and the base of the sculpture would cost approximately \$3,000. She indicated that the base would be provided by the town. It was pointed out that while the goal would be to complete the sculpture prior to the Veterans' Day event; it was not guaranteed to happen by then.

There was considerable discussion with the artist, the two members of the Public Art Committee present, and the council.

Councilman Culbertson made a motion to enter into a contract with Michael Pavlosky to provide a sculpture in accordance with the plans as proposed and approved by council. Seconded by Councilwoman Price, with all in favor.

The mayor then announced that the council would go back into executive session. At that time, Councilwoman Sommers Erickson indicated she was feeling ill and left the meeting.

At 9:55 p.m. Town Council reconvened back into regular session.

There was no action taken as a result of executive session.

CUP 440 COUNTRY CLUB ROAD: Consider and take action regarding an ordinance allowing for 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 for two storage containers.

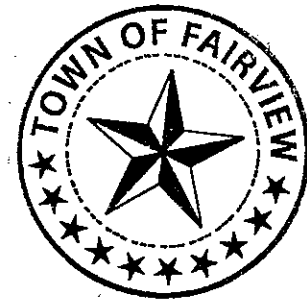
Councilman Culbertson made a motion to approve the ordinance. Seconded by Councilwoman Price, with all in favor.

Mayor Israeloff adjourned the meeting at 10:07 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL
MEETING MINUTES
July 16, 2012**

The Town Council met in special session on Monday, July 16, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Jim Cunningham, Henry Lessner, Darion Culbertson and Mary Price. Interim Town Manager Julie Couch and Town Attorney Clark McCoy. Councilman Ron Kasian and Councilwoman Sommers Erickson were absent.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:30 p.m. Mayor Israeloff reconvened back into regular session.

Councilman Culbertson made a motion to approve a contract with Hobbs Architects for owner representation on the conference center project. The motion was seconded by Mayor Pro Tem Lessner and passed with all in favor.

Council then discussed the proposals for the project design build for the conference center.

Councilwoman Price made a motion to approve a contract with Noah's for the project design for the conference center subject to town attorney approval and closing. Councilman Culbertson seconded that motion and passed with all in favor.

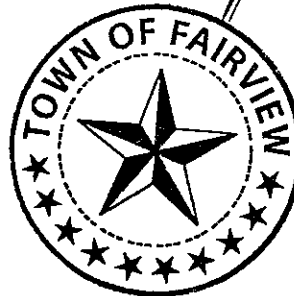
Mayor Pro Tem Lessner made a motion to approve the lease of the conference center for Noah's subject to closing. The motion was seconded by Councilman Culbertson and passed with all in favor.

Mayor Israeloff adjourned the meeting.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL
MEETING MINUTES
August 2, 2012**

The Town Council met in special session on Thursday, August 2, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Sim Israeloff, Carolyn Sommers Erickson, Jim Cunningham, Ron Kasian, Henry Lessner, Darion Culbertson and Mary Price. Interim Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Community Development Manager, Ray Dunlap; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; Public Works Manager, Aron Holmgren; Special Projects Coordinator, Ken Schmidt, Accounting Manager, Brenda Bowman; Human Resources Manager, Judy Webster; Court Administrator, Teresa Jordan; Fire Chief, Dick Price; Fire Marshal, Jeff Bell; Chief of Police, Granver Tolliver; 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 recessed into executive session.

At 7:31 p.m. the council reconvened back into regular session. There were no actions taken from executive session.

BUDGET 2012-13: Hold work session to discuss the amended 2012 fiscal year budget and proposed 2013 fiscal year budget and take any necessary action.

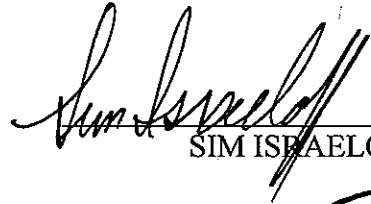
Ms. Couch stated that she would like to hold a true work session with council a Q&A section with staff present to help answer any questions and revisiting any item as necessary.

Ms. Couch provided an economic overview including a discussion of projected development, a review of the status of sales taxes including contracted sales tax rebates, debt service, and the EDC/CDC funds. She also provided an overview of the proposed tax rate of 36 cents and the breakdown of the rate between M&O and I&S. Ms. Couch also gave a brief overview of personnel and the recommended changes including a review of the proposed additional 3 positions including 2 fire positions and a chief financial officer. She also reviewed the recommendation to use the 2.5% cost of living increase that is usually given to employees to complete and implement a classification and compensation study for town personnel. A review of each of the general fund revenues and expenditures was completed. The mayor expressed his concerns regarding the expenditures exceeding revenues and utilizing fund balance for capital and one time expenditures. He indicated a desire to see a balanced budget for next year. Councilwoman Sommers Erickson stated that the town has been too frugal at times and that the town was in very good financial condition. Councilwoman Price agreed. Ms.

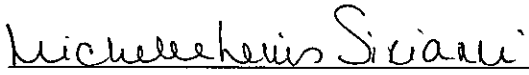
Couch responded that options would be developed for the Council to consider. There was considerable discussion regarding the proposed budget and departmental requests from the general fund and the technology fund.

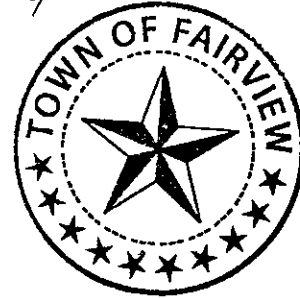
Council agreed to meet in another work session to complete the budget review and discussion.

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


SIM ISRAELOF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



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

The Town Council met in regular session on Tuesday, August 7, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members 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; Assistant to the Town Manager, Adam Wilbourn; Senior Planner, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Sim Israeloff and Carolyn Sommers Erickson were absent.

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

At 7:52 p.m. Mayor Pro Tem Lessner reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

COLLIN COUNTY REGIONAL AIRPORT PRESENTATION: Presentation from the McKinney airport director regarding update on activities and plans for the Collin County Regional Airport.

Ken Wiegand, Executive Director and Jon Wroten, Chairman of the CCRA Board, were in attendance from the Collin County Regional Airport (CCRA). Mr. Wiegand gave a presentation regarding the airport layout plan, which included a status update on the replacement runway, the connectors, the new traffic control tower, future growth and extension of runway, a commercial terminal building, a possible second runway, and funding from the federal government.

Mayor Pro Tem Lessner stated that some citizens had met and compiled a list of questions. Mayor Pro Tem Lessner stated the questions included were:

1. I understand that the new runway can handle current models of commercial passenger aircraft, why is it being lengthen to 10,000 feet?
2. Are there cargo operations currently at the airport? Is there a rail spur on airport property or adjacent to airport property? Are there plans for cargo operations or expansion of existing cargo operations?
3. Are there maintenance/refurbishment companies operating out of the airport? Is the airport trying to attract additional businesses of this type?
4. Is an Environmental Assessment Study or Environmental Impact Study required prior to the runway lengthening project is approved?

5. Is an Environmental Assessment Study or Environmental Impact Study required prior to approval of the planned second operational runway?
6. For planes taking off to the south, are there any special instruction given to pilots related to noise and direction?
7. For planes landing from the south, are there any special instructions given to them by the control tower related to noise and approach direction?
8. What altitude are planes taking off to the south supposed to achieve by the time they reach Heritage Ranch?
9. What altitude are planes landing from the south supposed to be at over Heritage Ranch?
10. Is this altitude for takeoff or landing different for IFR versus VFR operation?
11. There used to be a phone number at the control tower where suspected violations of height restrictions could be reported. What is the current process for handling this type of report?
12. Are there procedures in place to keep up with the repeat low flying offenders and are they fined or restricted from use of the airport?
13. We notice that the number of takeoffs/landings at the airport have diminished significantly over the past couple of years. What do you attribute this to?
14. Strong supporters of the airport include Congressmen Ralph Hall and Sam Johnson and County Judge Keith Self. All three of these elected officials identify strongly with the Tea Party....which encourages limited government and fiscal restraint by various levels of government. In these times when both our Nation and State are in such dire financial condition, why would these individuals support spending our tax dollars expanding an airport that seems to be already extremely well equipped for current and future operations?

Mr. Wiegand responded that the runway length plan was approved by the City of McKinney and was approved as well as by the state and FAA. He indicated that an EIS may have to be done with build out or with the second runway, but is not required at this time. He also indicated that there were no plans for cargo operations at this time. There was additional discussion between Wiegand and the Council.

There was discussion regarding the noise levels and the actions the airport is taking in regard to complaints. He was specifically asked if pilots were given direction as to where to fly when leaving the airport to the south. Mr. Wiegand responded that all the pilots are aware of the noise sensitive areas and that while there is no specific altitude at which pilots are required to fly, that they try to attain an altitude of 2000 feet as fast and safely as possible. Mr. Wiegand welcomed residents to call the airport hotline with any concerns. He indicated that the hotline is checked often, but the calls are not tracked. Mr. Wiegand explained that once planes are in the air the FAA then regulates pilot actions.

Frank O'Reilly, 891 St. James Drive, asked if a study had been done regarding job creation and future businesses. Mr. Weigand replied that an Economic Impact Study had been done in North Texas area that was funded by TXDOT and study results can be found on their website at www.flytki.com.

Martha De la Soujeole, 1301 Red Oak Trl, asked if they keep records on low flying planes at night and if the control tower is open at night. Mr. Weigand responded that they do not track specific flights and that the FAA controls the air space.

Anton Mattli, 111 Weston, asked about the Economic Impact of the CCRA and stated his main concern is that the McKinney's City Council approved an adoption of a plan of the extension of the runway from monies that are allocated through the tax payers. Mr. Mattli expressed his belief that federal money is available and the airport will expand the runway, so the town needs to monitor activities that the airport is planning.

Mr. Wroten stated that the City of McKinney has not approved any project on the plan. He indicated the plan is a twenty year plan and each project will have to be considered and approved separately and will have to go before the McKinney City Council for approval.

Councilman Culbertson asked what type of aircraft lands at 8500 feet. Mr. Weigand responded that the runway length would accommodate a 767.

Councilman Kasian asked if the sign indicating take-off direction was still on the runway. Mr. Wiegand stated the sign was removed by the FAA since they control the air space.

Councilman Cunningham questioned the procedure for noise abatement and why it cannot be followed, and he asked if there were flying restrictions at night, and if an application had been made to the FAA and TXDOT regarding funding on the runway extension. Mr. Wiegand replied that there are no plans for restricting night air travel and that no application has been filed with the FAA or TXDOT.

Councilwoman Price asked if there was a process of reviewing the complaints that they receive. Mr. Wiegand responded that they are logged, than they look for anomalies, which are then reported and identified to the control tower. He indicated that the FAA has authority over aircraft once they are in the air.

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 July 3, 2012 regular council meeting. C) Approve minutes of the July 9, 2012 special council meeting. D) Approve minutes of the July 12, 2012 joint council and Planning and Zoning meeting. E) Approve minutes of the July 16, 2012 special council meeting. F) Authorize the Town Manager to execute a contract with North Texas Contracting to move 16" water main for SH5 TXDOT project at RR bridge. G) Authorize agreement with Evans, Pingleton and Howard, PLLC to complete yearly audit for the town.

Councilman Cunningham made a motion to approve items A-G. Councilman Culbertson seconded that motion and the motion was unanimously approved.

SERIES 2012A CERTIFICATES OF OBLIGATION: Consider an ordinance authorizing the issuance and sale of Town of Fairview, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2012A; levying an annual ad valorem tax and providing for the security for and payment of said certificated; approving an official statement; authorizing the execution of purchase agreement; providing an effective date; and enacting other provisions relating to the subject.

Boyd London, First Southwest, stated that with the interest rates hitting fifty year lows, they were able to get an interest rate lower than anticipated due to the strong economic growth. Mr. London indicated the two agenda items covered the two types of bonds, one being tax exempt and the other being a taxable bond. The series 2012A will have a rate of 2.80% and the series 2012B will have a 3.62% rate.

Councilman Culbertson made a motion to approve an ordinance authorizing the issuance and sale of Town of Fairview, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2012A; levying an annual ad valorem tax and providing for the security for and payment of said certificated; approving an official statement; authorizing the execution of purchase agreement; providing an effective date; and enacting other provisions relating to the subject. Councilwoman Price seconded that motion and the motion was unanimously approved.

SERIES 2012B CERTIFICATES OF OBLIGATION: Consider an ordinance authorizing the issuance and sale of Town of Fairview, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Taxable Series 2012B; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving an official statement; authorizing the execution of purchase agreement; providing an effective date; and enacting other provisions relating to the subject.

Mr. London stated same comments apply.

Councilman Culbertson made a motion to approve an ordinance authorizing the issuance and sale of Town of Fairview, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Taxable Series 2012B; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving an official statement; authorizing the execution of purchase agreement; providing an effective date; and enacting other provisions relating to the subject. Councilman Kasian seconded that motion and the motion was unanimously approved.

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

Mayor Pro Tem Lessner stated that there is nothing new to report; therefore, no action was taken.

ASHWOOD LANE ROAD WORK: Hear citizen input and discuss road work on Ashwood Lane and take any necessary action.

Mr. Chancellor stated that the next phase of road work includes Ashwood Lane. A resident had requested the option of concrete versus asphalt, which is what the council approved for the road work. Mr. Chancellor stated that the cost for concrete would be estimated to cost \$320,000 versus the \$180,000 for asphalt. Another issue to consider is the repair itself. Mr. Chancellor stated that asphalt can be done by milling and overlays, as opposed to concrete that would require excavation of the existing road bed. The traffic disruption would be greater with concrete paving versus asphalt.

Councilman Culbertson inquired about the nature of the request. Mr. Chancellor stated that the neighboring subdivision is Oakwood, which is mostly concrete and aesthetically seems more appealing to the residents. Mr. Chancellor stated some residents on Ashwood Lane had indicated they would also prefer concrete to asphalt and had asked to be placed on the agenda to address the Council. There were no residents in attendance to address the issue.

No action was taken.

PHASE II STREET PROJECTS: Award bid for Phase II of the residential street projects.

Mr. Chancellor stated the bids were acquired for Phase II of the street paving project. He received four bids with Quality Excavation being the lowest bid at \$668,204.95. Mr. Chancellor stated that they were also the lowest bid on the summer road projects (Phase I). Mr. Chancellor stated he would schedule a neighborhood meeting within the next two to four weeks, and he recommended awarding the bid to Quality Excavation.

Councilwoman Price made a motion to award bid on phase II to Quality Excavation, Ltd. in the amount of \$668,204.95. Councilman Culbertson seconded that motion and the motion was unanimously approved.

NTMWD WATER LINE: Hear citizen input regarding NTMWD 54 inch line including alternate routes, use of Red Oak Trail, and application of tree ordinances, and take any necessary action.

Mike Hudgens, resident, requested this item to address issues raised at the last meeting. Mr. Hudgens raised some questions and concerns regarding the NTMWD water line that he wanted to address with council.

Glenn Sparks, 1180 Red Oak Trail, suggested mapping an alternate route to utilize existing flood plain. Mr. Sparks stated that the route would be less obtrusive, less costly to NTMWD and would have less impact on property values. An alternate route would be less intrusive to already established neighborhoods, less intrusive during construction, result in decreased delays in condemnation suits and less money on litigation.

Residents indicated representatives with North Texas Municipal Water District were sent a letter regarding FM 1378 expressing how using this road would be disruptive and expressing concern in removal of trees that act as a sound barrier. They had encouraged the selection that would be less invasive to the neighbors.

Mr. Chancellor commented that he has received no feedback from NTMWD since the last meeting in July.

Council indicated that the information provided to them would be provided to NTMWD and they encouraged residents to notify NTMWD with suggested routes or letters regarding any concerns, questions, or ideas.

CUP 411 PALOMINO WAY: Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for the completion of construction for a sport court located at 411 Palomino Way within the Bridlegate Subdivision involving the installation of an additional basketball hoop, landscaping, lighting, and a perimeter fence.

Mr. Wilbourn introduced this item and reviewed the history on the case. He indicated that the applicant's sport court surface and tennis net have already been approved by the Zoning Board of Adjustments, and cannot be overturned by the council. Also, a variance was granted by the town allowing for the flat surface to be poured over the septic field. After consulting with the town attorney, any requests that were made and denied before the new legal process, being the CUP process for building sports courts, can be asked for as conditions of the CUP. There is nothing procedurally that could exclude him from doing this. There is now a new legal process for constructing a sports court and the applicant is now requesting through the Conditional Use Permit process completion of the sport court meeting the following conditions: six dark skies compliant lights on poles (painted black) sixteen feet in height (the three northern poles encroach into the setback ten feet); black vinyl chain link fence ten feet in height on western and eastern sides that slope down to four feet in height on the northern and southern sides; thirty-one Ligustrum (Variegata and Wax) plants five feet in height to surround the entire sports court; basketball goal on the western side of the sport court; basketball goal on the eastern side of the sport court that encroaches into the setback seven feet; and, approval to paint the sports court classic green with white lines. Mr. Wilbourn stated that the Planning and Zoning Commission unanimously voted to recommend approval including these conditions and that the applicant packet and Site Plan be part of the approval as well. Town staff received fifteen emails regarding this request and twelve of which were in support, two voiced concerns and one asked various questions. At the commission meeting, two citizens asked questions, and one spoke in opposition. Mr. Wilbourn stated that the concerns revolved mainly around lighting and fencing. Mr. Wilbourn stated that town staff has reviewed the request and also taken into account the sensitivity of this situation to the Bridlegate subdivision and is recommending approval of an ordinance granting approval of a Conditional Use Permit (CUP) for the completion of the sports court that includes the six conditions as well as the submitted applicant packet and the Site Plan.

Mayor Pro Tem Lessner opened the public hearing. Neal Dandona, 411 Palomino Way, stated that his family as well as his neighbors would just like to have this project completed. Mr. Dandona stated that he is requesting the Conditional Use Permit as outlined by Mr. Wilbourn to complete his sports court. Mr. Dandona stated that Mr. Johnson, his next door neighbor has been strongly opposed since he thought the sports court would be smaller and that it was taking away his view. Mr. Dandona stated that this could be resolved with one tree, but will leave it up to council to decide. Mr. Dandona also presented a four pole lighting plan to council as an alternative if they did not like the six pole design. He indicated that the lighting in the four pole design would have metal halide lights and have zero trespass. Mr. Dandona believes that he has taken all of his neighbors concerns into account in order to accommodate everyone as much as possible, as well as consulting with many experts to ensure the sports court was being done properly. Mr. Dandona commented that the vast majority of his neighbors are in support.

Councilman Cunningham asked if the lights being proposed meet our requirements. Mr. Wilbourn mentioned that the Town Engineer, James Chancellor reviewed the six pole lighting plan and was comfortable with the request being made. Mr. Chancellor stated that our lighting ordinance requires full-cutoff fixtures and establishes foot candle maximums, but it doesn't establish maximums for recreational maximums. Recreational lighting would have to be asked for through this CUP process

John Johnson, 441 Palomino Way, stated that his concerns from the beginning included the impervious surface, the setbacks on placing the sports court on the side of the property versus behind the property, which affected drainage on his yard, and questions that the lights will be dark sky compliant. Mr. Johnson stated that he believes the sports court should be finished as is with fencing, painting the court, and installing the landscaping, but no lighting.

Mrs. Dandona, 411 Palomino Way, stated that they feel they have been very respectful of their neighbors and would like to finish the project. She stated that once the landscape is complete, the Johnsons will have the view from their property that they had prior to the starting of the project. Mrs. Dandona stated that they consulted many people, which have been costly, but they are just trying to follow the rules.

Ann Johnson, 441 Palomino Way, stated that her concerns include the HOA architectural review committee's conditions placed on the sports court and if they were adhered to, the slab and possible drainage issues, and the landscaping, which now have trees that have died affecting the overall current appearance of the sports court.

Feza Buyukdura, 150 Horseshoe Bend, stated that he would like the project to be completed and as long as it meets town requirements, then he is in support of the project.

Mayor Pro Tem Lessner closed the public hearing and opened discussion to council.

Councilman Culbertson stated that he understands the concerns of each resident, but supports the CUP as submitted by the applicant's plan.

Councilman Culbertson made a motion to approve an ordinance, subject to approval as to form by the Town Attorney, granting a Conditional Use Permit for the completion of a sports court to include the six conditions outlined by staff, and including the applicant packet as submitted, and the Site Plan date July 4, 2012, with the option to include the four pole light option subject to the review and approval by the town engineer that the design meet the no trespass standard of the dark skies ordinance. If the four pole plan is approved then the applicant packet and Site Plan must reflect the four pole plan. Councilwoman Price seconded that motion and the motion was unanimously approved.

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 this request is for a detached accessory building to serve as a garage, workshop, storage area, and workout room. This request requires a Conditional Use Permit (CUP) since the applicant is asking for 353 sq. ft more than the approved 900 sq. for a house in a RE-1 zoning district. The applicant has expressed that he has no plans to use the structure for any type of commercial use and understands that he is not authorized to convert any portion of the structure to a temporary or permanent dwelling unit. Mr. Schmidt stated that the HOA approved his request in October 2011, and in July, 2012 they approved landscaping modifications. Mr. Schmidt stated that town staff recommends approval of the CUP as submitted in the application, including the submitted site plan.

Mayor Pro Tem Lessner opened the public hearing. No comments were made and the public hearing was closed.

Mayor Pro Tem Lessner opened discussion to council. No comments were made.

Councilman Cunningham made a motion to approve the CUP as submitted. Councilwoman Price seconded that motion and the motion was unanimously approved.

SUMMER HILL FARMS: Consider and take action regarding park land for Summer Hill Farms.

Councilman Culbertson stated that the maintenance of Monarch Park is currently being done by the Summer Hill Farms HOA. He stated that since other Town parks are being maintained by the town, the HOA feels it is an unfair burden for the neighborhood to have complete responsibility and that they were requesting the town to consider some alternatives.

Craig Stephens stated that they have spent over \$100,000 maintaining their park land, while other parks are being maintained by the town. Their HOA is requesting from council to change this by giving the upkeep to the town.

Douglas Darby, 541 Cambridge Dr, stated that the upkeep is important to their neighborhood and that they currently contract out grounds maintenance to assist them.

Councilman Culbertson made a motion to direct staff to move forward in developing an agreement between the Summer Hills Farms and the town regarding public park property maintenance. Councilwoman Price seconded that motion and the motion was unanimously approved.

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

Ms. Couch asked council to consider August 14, 2012 for another work session date regarding the budget.

2012-13 AD VALOREM TAX; Consider and file motion approving proposed ad valorem tax rates for 2012-13.

Ms. Couch stated that the town recommends keeping the tax rates at .036, which does not exceed the rollback and effective rate and would only require one public hearing.

Councilman Culbertson made a motion to approve the proposed 2012-13 ad valorem tax rate at .036 per \$100 valuation for budget preparation. Councilman Kasian seconded that motion and the motion was unanimously approved.

PUBLIC HEARINGS ON AD VALOREM TAX RATES: Consider and file motion setting public hearings on the proposed ad valorem tax rates and budget for September 4 and a second public hearing for the proposed ad valorem tax rates for September 11.

Ms. Couch stated that only one public hearing is needed since the tax rate does not exceed the roll back rate or the effective rate. Town staff proposed that the public hearing be conducted at the September 4th meeting, which is their regularly scheduled meeting date.

Mayor Pro Tem Lessner made a motion to approve the public hearing on the 2012-13 tax rates and budget be set for September 4, 2012. Councilman Culbertson seconded that motion and the motion was unanimously approved.

VILLAGE AT FAIRVIEW SIGNAGE: Consider and take action regarding signage within The Village at Fairview.

Ms. Couch stated that staff questioned the Herring Group regarding the time table for taking down the temporary signs for the development. The Herring Group requested that the signs remain through Christmas indicating they would remove them in January. They had indicated they currently have no budget dollars for permanent signage.

There was discussion among the Council regarding the time line for leaving the signs up through the holidays. There was also discussion regarding possible participation on the part of the EDC to assist in the cost of permanent signage.

Councilwoman Price requested to keep the dialog open with the EDC about funding some of the cost for permanent signs.

Norine Bowen, General Manager for the Village at Allen/Fairview, stated that they are meeting with investors next week and will be discussing the possibility of permanent signage and the costs for such improvements.

Consensus of the council was to leave the temporary signs up until after the holiday season.

METER BUILDING PROJECT: Discussion regarding improvements to façade and roof of meter building project and take any necessary action.

Mr. Chancellor stated that staff and the design engineer met with the contractor to get submittals and pricing for stone work as well as constructing a pitched and shingled roof to the meter building. Mr. Chancellor showed council two samples of stone for their consideration.

Mayor Pro Tem Lessner asked if metal was considered for the roof and liked the idea of it matching town hall.

Councilwoman Price asked how much it would cost to install stone on the entire outside of the building. Mr. Chancellor replied that he is still waiting on the roof cost, but if the cost did not exceed the previous authorization of the Council not exceeding 10% of the approved cost of \$15,000 stone could be used on the building. He indicated that if it goes over then he could reduce some of the stone work.

Consensus of the council was to proceed on adding the stone and roofing as discussed, with the project not coming back to Council unless the cost exceeded 10% of \$15,000.

R-O-W NW CORNER TRANQUILITY FARMS: Discussion regarding unused right-of-way on NW corner of Tranquility Farms due to revised Thoroughfare Plan and take any necessary action.

Mr. Chancellor stated that two lot owners are interested in getting right-of-way deeded back to them, which is currently dedicated to the Town for a future road. He indicated that the thoroughfare plan had been amended and that the right of way was no longer needed. If approved the developer would bring back an amended plat to modify the two lots and the boundary of the subdivision. He indicated that this action would also take maintenance responsibilities away from the town and be place them with the property owners.

Mayor Pro Tem Lessner made a motion to abandon and deed back right-of-way on the NW corner of Tranquility Farms to the property owners. Councilman Culbertson seconded that motion and the motion was unanimously approved.

R-O-W KENTUCKY AND STACY ROAD: Discussion of tree line removal at new dedicated right-of-way at Kentucky and Stacy Road, and take any necessary action.

Mr. Chancellor stated that the town acquired an estimate to remove trees that sit on dedicated right-of-way. Mr. Chancellor stated that this has been a sight distance issue for many and that he would like to take some of the trees out for safety concerns. A estimate was received from Lumberjack Tree Service in the amount of \$19,200.00 to remove the trees from one end of the property line to the other.

There was discussion regarding various options on what needed to be removed.

Lee Fox, 1281 Stacy Road, stated that one of the new lot owners, he agreed that there is a safety issue, but he would like to request the opportunity to work with staff to preserve as many trees as possible.

Mayor Pro Tem Lessner suggested and the Council agreed that Mr. Chancellor walk the property with the homeowner and see if an agreement can be worked out as to which trees need to be removed. If agreement cannot be reached then the item can be brought back to Council for consideration.

DEVELOPMENT DENSITY: Discussion regarding development policy considerations concerning overall development project density in relation to minimum individual single-family lot sizes and take any necessary action.

Mr. Schmidt stated that there has been a noticeable increase in interest in development on the east side of town. In light of recent requests and inquiries the planning department has received, the town staff was suggesting that Council consider discussing the current goals of the comprehensive plan to ensure they still reflected the goals of the Council related to the way density is determined for low density residential areas in the town. Such a

discussion could include methodologies for considering enhanced development through various tools such as bonus zoning or incentive zoning.

Councilman Culbertson stated that this is too important of an issue and would like to have a work session. Councilman Kasian agreed.

Tommy Thompson, 501 Lakewood Drive, indicated he supported reviewing the concept. Mr. Thompson indicated that he spoke with several builders and not one stated that they would build on two acres. Mr. Thompson prefers a two acre average lot size, rather than a minimum two acre lot size and he believes it is not changing density.

Councilman Cunningham stated that he would like to consider other options and move forward. After additional discussion, it was the consensus of the Council to hold a joint work session with the Planning and Zoning Commission. Staff indicated that the meeting would be set up.

COMMUNITY EVENTS: Discuss community events and take any necessary action.

Mr. Dunlap introduced this item stating that planning is under way for the Veteran's Day event, similar to the event held last year and that the item is on the agenda to discuss the event with Council to ensure that the planning is consistent with the intentions of the Council. Mr. Dunlap also indicated that the Herring Group has decided that they no longer want to produce and pay for the Christmas parade that they sponsored last year. The Herring Group determined that although it brought people into the center, it did not bring an appreciable increase in sales. Mr. Dunlap stated that Heritage Ranch has offered to combine efforts with the town to hold the parade, which would be minimal cost to the town and the fire and police departments would be participating anyway. Mr. Dunlap stated funds from either event would be funded from the Community Development budget.

The Council expressed their disappointment that the Christmas parade would not be done within the Village and in order to prepare for a future event, council determined that they would not conduct a parade this year and start planning one for next year. The Council expressed support with the planning for the Veteran's Day event to be held in October.

CITIZENS INPUT:

No comments were made.

At 11:38 p.m. council recessed back into executive session.

At 12:15 p.m. Mayor Pro Tem Lessner reconvened back into regular session and no further actions were taken.

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

No reports given.

SPECIAL COUNCIL: Discuss and consider retaining special council for administrative proceedings and take any necessary action.

No action taken.

Mayor Pro Tem Lessner adjourned the meeting at 12:16 a.m.

Henry Lessner
HENRY LESSNER, MAYOR PRO TEM

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL
MEETING MINUTES
August 14, 2012**

The Town Council met in special session on Tuesday, August 14, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Sim Israeloff, Carolyn Sommers Erickson, Jim Cunningham, Ron Kasian, Henry Lessner, Darion Culbertson and Mary Price. Interim Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Community Development Manager, Ray Dunlap; Town Engineer, James Chancellor; Planning Director, Senior Planner, Ken Schmidt, Accounting Manager, Brenda Bowman; Fire Chief, Dick Price; Fire Marshal, Jeff Bell; Chief of Police, Granver Tolliver; Town Secretary, Michelle Lewis Sirianni and Town Attorney, David Overcash.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present. The council then recessed into executive session.

At 7:11 p.m. the council reconvened back into regular session.

Councilwoman Sommers Erickson made a motion to approve retaining Thomas Mason for administrative proceedings and authorizing the interim town manager to execute any related documents. Councilman Cunningham seconded that motion and the motion was unanimously approved.

Councilwoman Sommers Erickson left for the remainder of the meeting.

BUDGET 2012-13: Hold work session to discuss the amended 2012 fiscal year budget and proposed 2013 fiscal year budget and take any necessary action.

Ms. Couch outlined the possible changes to the proposed budget in order to eliminate the requirement to utilize any fund balance in the proposed 2013 fiscal year budget. If council elected to reduce expenditures, then removing all of the operational enhancements would eliminate the need to utilize any reserves. Ms. Couch stated another option would be to utilize tax notes or contractual obligations to finance items that can be classified as capital purchases with a life over four years.

Mayor Israeloff stated that he is reluctant to adopt a non-balanced budget. Councilman Cunningham addressed the monies in reserves and the transfer of these funds as a onetime expense. Councilman Culbertson suggested taking the onetime expense out of the current budget versus carrying it forward, which would result in no fund balance expenditures in the 2013 fiscal year budget. Mayor Pro Tem Lessner agreed with

Councilman Culbertson regarding taking the onetime expense, from the current year to be able to move forward.

Ms. Couch discussed the water and sewer funds, increase costs in water and advising that a rate study be done. Councilwoman Price asked if a water rate increase would be passed on to residents if they were increased. Ms. Couch replied that they would, but recommended not adopting rates until the rate study is completed. Council discussed how rates were established and how they should be compared to other communities. Ms. Couch stated that the town has seen a significant increase in the purchased cost of water from NTMWD. Ms. Couch added that within the utility fund, there are no operational changes.

Ms. Couch reviewed the debt service, capital projects funds, and other funds including the street impact fees and how the storm water fees are used within the town. She also discussed the CDC/EDC funds and outlined the proposed program for the 2013 fiscal year. Mr. Dunlap commented that he plans on doing more marketing for Fairview by continuing to develop networking opportunities and recruit incoming business to help increase sales taxes. The CDC will continue their focus on supporting existing businesses.

Ms. Couch stated the new Technology Fund has combined all the budgeted expenses for technology purchases into one versus separate departments. There was discussion also how the fund would be operated during the year.

Mayor Pro Tem Lessner requested to have a one page balance statement that would reflect the overall state of the town. Council agreed this would be a nice overview to have.

COMMUNITY EVENTS: Discuss community events and take any necessary action.

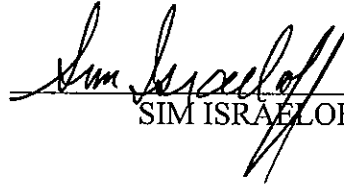
Ms. Couch stated that last year the Christmas parade, tree lighting, and Santa at the bookstore was done by the Herring Group, but that they have opted not to do the parade this year. She indicated that the town could consider going back to a smaller program with Heritage Ranch for a minimal cost and reduced effort or conduct one on their own. Ms. Couch added that the council also needs to determine if they would like to continue with the Veteran's Day event.

Councilwoman Price expressed her disappointment with the Herring Group not holding the parade and felt that it brought many into the center last year and volunteered to gather information and put together outline for next year. There was considerable discussion about the event and how the town should proceed.

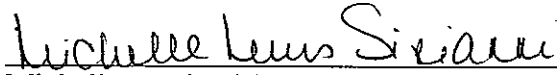
Council agreed to pass over the parade until next year in order to have adequate time to plan.

Mr. Dunlap reviewed the Veterans Day event, including the possibility of an art show. After discussion the council agreed to proceed with the Veteran's event as outlined to be held on October 27th.

Mayor Israeloff adjourned the meeting at 8:52 p.m.


SIM ISRAELOF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
September 4, 2012**

The Town Council met in regular session on Tuesday, September 4, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Jim Cunningham, Henry Lessner, Sim Israeloff, and Darion Culbertson. Interim Town Manager, Julie Couch; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Planning Director, Alan Efrussy; Assistant to the Town Manager, Adam Wilbourn; Senior Planner, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Council members Ron Kasian, Carolyn Sommers Erickson, and Mary Price were absent.

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 7:32 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

GCEC PRESENTATION:

Dave McGinnis, Chief Executive Office/General Manger, provided council with information regarding outages and updates within GCEC. Mr. McGinnis stated in the last 16-18 months there have been twelve outages at the Allen location and thirty seven at the Parker location. Out of the Allen location, eight have been caused by lightening, two by trees, and two by vehicles. The Parker location reflects eleven by lightening, fifteen by trees, five by wind, two by vehicles, two by public accident, one by animal, and one unknown. Mr. McGinnis also explained how the wind affects outages with the trees. The company has also made some software changes and looked at additional updates and/or upgrades to improve their operations.

Councilman Culbertson asked if they are in the process of any upgrades to reduce the outings. Councilman Culbertson stated that thirty seven outages seem to be a lot in his opinion. Mr. McGinnis responded that it is more than they have seen in many years, but many of those are factored by the wind, which in turn affects the trees causing outages.

Anton Mattli, 111 Weston Drive, stated that he appreciates the feedback and asked if GCEC was exploring the smart meters. Mr. Mattli stated that he would like to see the customer have more choice. Mr. McGinnis stated that the smart meters capture and calculate usage and allow for more software interface. GCEC have been testing them, but are not happy with the results thus far. Mr. McGinnis stated they are currently studying the cost benefit to retail choices and will put out the information once it is received.

Councilman Cunningham stated that his issue has been the power surges and asked if using a surge protector would be effective and if they are offered. Mr. McGinnis responded that these kinds of surges are referred to as 'blinks' and that surge protectors were not effective. Mr. McGinnis stated that unless the blinks get recorded as complaints, then he is unaware of them.

Mayor Israeloff stated that he is concerned about the outages, the amount of time it takes to respond to them, and finds the information disturbing that the reliability is not accurate if the surges or blinks are not getting recorded. Mayor Israeloff stated that people will not call everything in, especially on a small blink or surge, and finds it difficult to understand that with all the advances being made with technology that they cannot make improvements.

Council requested Mr. McGinnis provide an update in six months regarding the concerns expressed by council. Mr. McGinnis stated he'd be happy to provide another update at council's disposal.

AT&T PRESENTATION & PROCLAMATION: Hear presentation from AT&T and discuss the possible consideration of a resolution regarding texting and driving.

David Arbuckle, VP of External Affairs with AT&T, provided an update regarding AT&T capabilities within the town. Mr. Arbuckle stated that they are seeing more landlines going away with consumers and finding the increase is in wireless users and that it is becoming increasingly difficult to provide services especially within Fairview due to the space between each house. Mr. Arbuckle stated they will work with customers to the extent possible.

Mayor Israeloff asked why the town doesn't have more internet and/or DSL capabilities. Mayor Israeloff indicated the service is poor. Mayor Israeloff asked if there was information on what's coming available in the next few months regarding service. Mr. Arbuckle responded that AT&T is one of the largest markets and they do not share network attributes especially regarding the future. Mr. Arbuckle stated that they will be going back to 'pair bonding', which is a four wire technology to extend services. Councilman Culbertson asked if they fundamentally cannot share information as to when a neighborhood will have services. Mayor Israeloff added that other companies do share this type of information, which is why he cannot understand why they will not. Mr. Arbuckle replied that the 2013 budget is not set and he does not know if the industry will change, but realistically the bulk of services will be in the wireless products and services.

Stephen Davis, a member of the town's Technology Advisory Committee, stated the houses next to each other within town can have one with U-verse and one that does not. Mr. Davis suggested council to poll neighbors, collect data, and place data on a map to be given to the Technology Committee so that they can answer the 'how', 'what', and 'why' questions. Mr. Davis also indicated that the committee is diligently looking at other providers for roll-outs and trying to provide the best information and services to the town.

Mr. Arbuckle stated that he would like to ask council to adopt a proclamation declaring 'Texting and Driving, It Can Wait Day'. Mr. Arbuckle added that he encourages everyone to go online and sign the pledge that they will not text and drive, especially to the younger drivers.

Mayor Pro Tem Lessner made a motion for the town to declare September 19, 2012 as "Texting and Driving, It Can Wait Day". Councilman Culbertson seconded that motion and the motion was unanimously approved.

WEST NILE UPDATE: Discussion regarding West Nile status and take any necessary action.

Ms. Couch stated that the town is currently providing public information on how to protect from the virus as well as providing links with additional information. The town is staying in contact with Collin County health officials to receive updates as cases are reported. There is currently one reported case in Fairview. Ms. Couch stated upon receiving this information, the town notified residents in the surrounding area with information on testing standing water. Mr. Dunlap added that they placed fish in the pond at Beaver Run Park that as a natural treatment for mosquito populations. Ms. Couch reviewed what surrounding cities are doing.

Ms. Couch stated with the mosquito season winding down, the council has the option to continue with gathering information on trapping and be ready for next year, or proceed with trapping for the remainder of the mosquito season. Ms. Couch stated once the trapping is implemented, the collected mosquitoes would be sent out to the state for testing.

Councilman Culbertson stated that he would like to proceed with the trapping this year. He would like to move forward and prepare in advance for next year. Councilman Culbertson asked if the costs would be minimal for the trapping.

Mayor Pro Tem Lessner agreed and stated it is a health risk. Mayor Israeloff agreed and stated if cost is minimal they should proceed forward with the trapping. It may provide information to the town to keep residents informed.

Councilman Culbertson made a motion to approve the acquisition of six traps and associated materials and proceed with a trapping program. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

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 August 2, 2012 special council meeting. B) Approve minutes of the August 7, 2012 regular council meeting. C) Approve Arbor Day Proclamation. D) Authorize and approve extension with Wells Fargo for the town's depository services.

Mayor Pro Tem Lessner requested to pull item B.

Councilman Culbertson made a motion to approve items A, C, and D. Councilman Cunningham seconded that motion and the motion was approved. Mayor Israeloff abstained from the vote.

Mayor Pro Tem Lessner stated in regards to item B, that he requested to add the whole series of questions under the McKinney airport item that were discussed.

Mayor Pro Tem Lessner made a motion to approve item B. Councilman Culbertson seconded that motion and the motion was unanimously approved.

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

Mayor Israeloff stated that they are still working on the proposal and specifics of this item.

No action was taken.

CONCEPT PLAN FOR CROSSROADS AT FAIRVIEW: Conduct a public hearing and take action regarding the Concept Plan for a portion of the Crossroads at Fairview, a multi-phased commercial development generally located east of US 75, north of the Cortona Apartment complex, south of Ridgeview Rd, and west of the Village of Fairview subdivision; the subject property is 6.264 acres and is within Subzone J (Southern Ceremonial Parkway Zone) of the Commercial Planned Development District (CPDD).

Mr. Schmidt introduced this item stating that the subject property is located in Subzone J of the CPDD. The property is not platted and is undeveloped; however, there are existing public rights-of-way and existing water utilities adjacent to the property. The applicant and developer for this Concept Plan is Mr. C. Michael Bowen. Mr. Schmidt stated the developer plans to complete this development in phases due to the uncertainty within the economy and to accommodate prospective business opportunities. The submitted Concept Plan reflects the first phase, which consists of a restaurant use and a mix of

professional, personal services and custom craft uses. Mr. Schmidt stated that the Planning and Zoning Commission unanimously approved the plan and placed several conditions upon their recommendation. The conditions were to improve the internal circulation within the development, with emphasis on the drive-thru for the coffee shop, and that the applicant identify future points of cross-access that identifies potential linkage between this phase and future phases. Mr. Schmidt stated that staff feels that these issues have been addressed by the applicant and has met town requirements.

Mr. Bowen, applicant and developer, addressed the council by providing an overview of potential buildings and highlighted the access entry ways. Mr. Bowen stated that they feel this phase will provide and serve as a gathering location for many residents in this area.

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 applicant has had a discussion regarding the proposed Dart rail and how the traffic will flow to get to it. Mr. Bowen replied that he has talked to Dart and at this time, they are not sure what they will eventually do.

Councilman Culbertson asked if there was time-frame set on when the Site Plan would be submitted. Mr. Bowen replied probably between May and June of 2013.

Councilman Culbertson made a motion to approve the Concept Plan as submitted. Mayor Pro Tem Lessner seconded that motion and the motion as unanimously approved.

REZONING OF FAIRVIEW RANCH ESTATES PHASE I: Conduct a public hearing and take action regarding a request to re-zone five properties that are to become part of a proposed five lot subdivision that is generally located west of and adjacent to Country Club Road (FM 1378), south of and adjacent to Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision.

Mr. Schmidt stated that this subject property is annexed and consists of five lots and of those five lots, one is zoned RE-1.5 and four zoned RE-1. The subject properties are not platted and contain no floodplain or other environmentally sensitive areas on the property. He reviewed the changes in the zoning lines as proposed. Mr. Schmidt stated that the applicant, Mr. Rudy Rivas who is the CEO of M. Christopher Homes requested this zoning change on behalf of the property owners. Mr. Schmidt stated that the Future Land Use Plan within the Comprehensive Plan indicates that the subject properties are classified as Residential Estate; therefore, the request by the applicant conforms to the Comprehensive Plan as well as the zoning requirements. The Planning and Zoning Commission unanimously approved this request with the condition that the existing structures would be removed. Mr. Schmidt stated town staff recommends approval with the same condition.

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

Mayor Israeloff opened discussion to council. Councilman Culbertson stated that he likes the layout and asked regarding the site line of traffic for lot 5. Mr. Rivas replied that he has a specific home to build on Lot 5 that will have a circular driveway and Lot 4 will have a house that will face both ways with access off of Hart Road. Mr. Rivas added that he is adding an additional utility easement to Lot 1, 2, and 3 for future development.

Councilman Culbertson made a motion to approve the zoning change request and the ordinance for the Johnson and Nelson properties conditioned upon the removal of existing structures on the subject properties. Councilman Cunningham seconded that motion and the motion was unanimously approved.

PRELIMINARY PLAT FAIRVIEW RANCH ESTATES PHASE I: Consider and take action regarding a Preliminary Plat for five properties generally located west of and adjacent to Country Club Road (FM 1378), south of and adjacent to Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision.

Mr. Schmidt stated that town staff reviewed the plat submitted by the applicant and upon its review; the staff required the developer to install an additional fire hydrant, to provide a thirty foot drainage easement on Lot 5 in order to prevent potential drainage issues from adjacent lots, and to include a landscaping and buffering plan. Mr. Schmidt stated the applicant made the revisions and that the revised plat meets all of the town's requirements. The Planning and Zoning Commission unanimously recommended approval with a condition that the existing structures on the property be removed and that staff reviews the changes in the landscape plan. The staff reviewed the changes and recommended to increase the caliper size of all proposed trees, and therefore, recommends approval of the plat with the condition that the existing structures be removed.

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

Mayor Pro Tem Lessner made a motion to approve a Preliminary Plat for Phase I of the Fairview Ranch Estates subdivision as submitted and conditioned upon the removal of the existing structures on the subject property. Councilman Culbertson seconded that motion and the motion was unanimously approved.

FINAL PLAT FAIRVIEW RANCH ESTATES PHASE I: Consider and take action regarding a Final Plat for five properties generally located west of and adjacent to Country Club Road (FM 1378), south of and adjacent to Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision.

Mr. Schmidt stated that Final Plat meets all of the town's requirements. The Planning and Zoning Commission unanimously recommended approval and that the conditions placed by the commission were all met on the Preliminary Plat. Mr. Schmidt stated the Parks Advisory Board met and unanimously recommended that the town request cash in lieu of land in order to fulfill the developer's parkland conveyance requirements in the amount of \$7,859. Mr. Schmidt stated staff recommends approval of the Final Plat for Phase I conditioned upon the removal of the existing structures on the subject property.

Councilman Cunningham made a motion to approve the Final Plat of Phase I of the Fairview Ranch Estates subdivision as submitted and conditioned upon the removal of the existing structures on the subject property. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

REZONING OF FAIRVIEW RANCH ESTATES PHASE II: Conduct a public hearing and take action regarding a request to re-zone five properties that are to become part of a proposed five lot subdivision that is generally located west of and adjacent to Country Club Road (FM 1378), south of Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision.

Mr. Schmidt stated that the subject properties are annexed and zoned to the RE-1 and RE-1.5 zoning districts. The applicant, Mr. Rudy Rivas is applying on behalf of the property owners, The Watkins, and requesting a zoning change in order to facilitate the construction of a five lot subdivision. Mr. Schmidt reviewed the changes in the zoning lines and stated the proposed subdivision fully conforms to the town's Comprehensive Plan and zoning requirements. The Planning and Zoning Commission unanimously recommended approval conditioned upon the removal of the existing structures on the property. Mr. Schmidt stated town staff recommends approval with the same condition.

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

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

Mayor Pro Tem Lessner made a motion to approve the zoning change request and the ordinance for the Watkins properties conditioned upon the removal of existing structures on the subject properties. Councilman Culbertson seconded that motion and the motion was unanimously approved.

PRELIMINARY PLAT FAIRVIEW RANCH ESTATES PHASE II: Consider and take action regarding a Preliminary Plat for five properties generally located west of and adjacent to Country Club Road (FM 1378), south of Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision.

Mr. Schmidt stated that the staff conducted a review of the plat to ensure it met all of the town's requirements. In this review, the staff required the developer to acquire a utility easement from Lot 6 in the adjacent Willow Point Estates Subdivision in order to link the water system, to provide an additional utility easement on Lot 1 to support future development, and to install two fire hydrants along the new public right-of-way that is being proposed. The Planning and Zoning Commission unanimously recommended approval conditioned upon that staff review the landscaping plan and the removal of the existing structures on the property. The applicant revised the plat based on these recommendations. The staff has reviewed this plan and is satisfied with the submittal; therefore, staff recommends approval as submitted conditioned upon the removal of the existing structures on the subject properties.

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

Councilman Cunningham made a motion to approve the Preliminary Plat for Phase II of the Fairview Ranch Estates subdivision conditioned upon the removal of the existing structures on the subject property. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

TOWN INSURANCE PROPOSALS: Consider award proposal for town insurance and take any necessary action.

Ms. Couch stated that due to an increase in medical premiums and under advisement from the town's current broker, the town went out for bids. The town currently provides health and dental only, but employees thru the current dental provider can claim reimbursement up to a certain dollar amount for vision coverage. Ms. Couch stated that proposals were received from Tom Evans and Associates, Lay & Williams Insurance Services, and The Reaves Agency. Ms. Couch stated that the town's health insurance is with Blue Cross Blue Shield (BCBS). The BCBS plan provides guaranteed rates because it is a renewal of coverage. The rates from other companies are estimates only and may change once they receive a final census of employees. Ms. Couch recommended staying with BCBS. Ameritas, the current dental provider has offered to renew the town's current dental plan with no increase in premium if the town also takes their vision plan, making the overall impact to the budget less than anticipated. She recommends staying with Ameritas and adding vision to the plan.

Councilman Cunningham asked if there was anticipation of employees paying any cost for the insurance. Ms. Couch replied that the town covers the cost for full-time employees, and the employee has the option to add any additional dependents and/or spouse at their cost.

Mayor Pro Tem Lessner made a motion to renew medical insurance with Blue Cross Blue Shield and dental insurance with Ameritas Dental and add Ameritas Vision, as well as continuing to use The Reaves Agency as the town's broker. Councilman Cunningham seconded that motion and the motion was unanimously approved.

2012-13 BUDGET PUBLIC HEARING: Conduct a public hearing regarding the 2012-13 budget including the 2012-13 ad valorem tax rate.

Ms. Couch provided an overview of the budget including the general fund revenues and expenditures, water and wastewater fund, and special revenue funds.

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

Mayor Israeloff opened discussion to council. Councilman Culbertson asked if the town had analyzed the possible sales taxes that could be generate within the center based on maximum occupancy. Ms. Couch replied that they are in the process of analyzing this information and looking at the un-leased spaces.

2012-13 AD VALOREM TAX: Consider an ordinance and take action on the proposed 2012-13 ad valorem tax rate.

Ms. Couch stated the proposed 2012-13 ad valorem tax rate is \$0.36 per 100 valuation, which is the same rate adopted last year.

Councilman Culbertson made a motion to adopt the ordinance setting the 2012-13 tax rate at \$0.36 per 100 valuation. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

2012-13 BUDGET: Consider an ordinance and take action on the proposed 2012-13 budget.

Councilman Culbertson made a motion to approve an ordinance adopting the 2012-13 budget and amending the 2011-12 budget. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

WATER TOWER LOGO: Discussion regarding water tower logo and take any necessary action.

Ms. Gregory stated that in a previous council meeting, town council reached a consensus to paint the town logo on four sides of the water tower. Due to the unique size of the structure, the contractor prepared renderings of both a four logo and a two logo scenario. The contractor recommends the two logo scenario based on the smaller lettering he would need to use with the four logo scenario. Ms. Gregory stated that the town is seeking feedback from council if they would like to stay with the logo being painted on four sides of the tower or two.

Councilman Culbertson made a motion to approve the painting of the town logo on the east and west side of the water tower in black lettering. Councilman Cunningham seconded that motion and the motion was unanimously approved.

ANNUAL ENGINEERING DEPARTMENT REPORT: Receive annual Engineering Department report.

Mr. Chancellor presented council with an annual overview of the Engineering Department. Mr. Chancellor highlighted on the following items:

- Water/Sewer projects: moving 16" line, install another pump, creating a computer model of the town.
- Transportation projects: Old Stacy Road, residential street paving project.
- Drainage: Cypress Crossing, St. James, and Country Trail.
- Private Development Projects: New apartments, Fairview Downs, Noah's
- Coordination with outside companies: Atmos, NTMWD, and TXDOT.
- Storm Water Quality annual report to TCEQ.
- Building Construction/Permits
- Employees: Bud, Building Inspector; Danielle Gregory, Graduate Assistant, EIT.

PUBLIC ARTWORK: Discuss Art Committee recommendations regarding Veterans' Park sculpture and town hall public artwork and take any necessary action.

Mr. Wilbourn stated that the council voted to approve a sculpture for the town Veterans' Park. The council requested to see the three words that would be put on the plaques that are a part of the sculpture. Mr. Wilbourn stated the Public Art Committee voted to recommend approval of the words "honor, valor, and sacrifice".

Mayor Pro Tem Lessner made a motion to approve the words "honor, valor, and sacrifice" for the sculpture to be placed at the Veterans' Park. Councilman Culbertson seconded that motion and the motion was unanimously approved.

Mr. Wilbourn stated that in order to display the swords that were donated by the Boy Scouts of America (BSA), town staff has met with a custom cabinet maker to receive quotes. The display case being proposed matches the wood and color stain seen throughout town hall. The case will also have casters on it so it can be moved to different public locations within town hall and still be locked securely into place. Town staff is also requesting to have a small plaque made to place inside of the case to show that BSA donated the swords and a matted card highlighting the historical relevance of each sword. Mr. Wilbourn stated the cabinet has been quoted not to exceed \$2,815.00.

Councilman Cunningham made a motion to approve the display case for the swords with a price not to exceed \$2,815.00. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

No comments were made.

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

Mr. Wilbourn stated that over the next four months the Planning and Zoning Commission will be meeting as the Tree Board since they currently serve as the commission under the town's Tree Care Program. They will be receiving updates from town staff and also discussing the Tree City USA re-certification application process.

Ms. Couch stated that with Texas National Night Out day occurring on the regular council meeting in October, that the meeting date will be moved to October 9th and looking at a joint work session date in October with the Planning and Zoning Commission.

The ground breaking for Noah's will be Tuesday, September 11th around 6:00 p.m.

A ten mile training run will be held on September 29th for those preparing for the upcoming half-marathon in October.

The Ask-Oncor event will be held on September 6th from 5-7 pm.

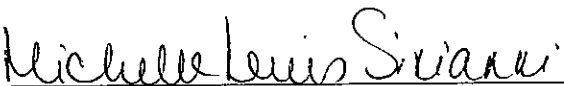
American Community Outreach will be holding a golf event at Heritage Ranch on September 17th.

The Fairview/Allen Chamber of Commerce is taking a trip to Italy in April for anyone that is interested.

Mayor Israeloff adjourned the meeting at 10:29 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL
MEETING MINUTES
September 18, 2012**

The Town Council met in special session on Tuesday, September 18, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Sim Israeloff, Jim Cunningham, Ron Kasian, Henry Lessner, Darion Culbertson and Mary Price. Interim Town Manager, Julie Couch and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present. The council then recessed into executive session.

At 7:15 p.m. the council reconvened back into regular session and took no action on items from executive session.

RESIGNATION OF COUNCIL MEMBER: Consider and take action on resignation of Town Council member.

Council took no action on this item.

APPOINTMENT OF VACANT COUNCIL SEAT: Consider and take action on appointment of a new Town Council member to fill vacant position.

No action was taken.

CONFERENCE CENTER LEASE: Consider approval of amended and restated lease for conference center.

Councilwoman Price made a motion to approve the amended and restated lease for the conference center. Councilman Cunningham seconded that motion and the motion was unanimously approved.

DESIGN BUILD CONTRACT:CONFERENCE CENTER: Consider approval of assignment and modification to design build contract for conference center.


Mayor Pro Tem Lessner made a motion to approve the assignment and modification to the design build contract between the Town and Noah Operations Fairview TX, LLC, and to authorize the Interim Town Manager to execute same on the Town's behalf, subject to: (1) the Town Manager's receipt of a letter from Noah Operations Fairview TX, LLC and

Parkway Construction & Associates, L.P. requesting the assignment to a joint venture formed by said entities; (2) the Town's receipt of proof of the formation of a legally binding joint venture between Noah Operations Fairview TX, LLC and Parkway Construction & Associates, L.P.; and (3) approval of the modification and assignment by the Town attorney. Councilman Culbertson seconded that motion and the motion was unanimously approved.

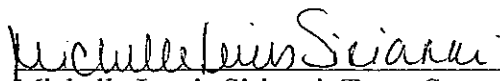
At 7:20 p.m., the council reconvened back into executive session.

At 8:52 p.m., the council reconvened back into regular session and took no action on items from executive session.

Mayor Israeloff adjourned the meeting at 8:52 p.m.


SIM ISRAELOF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
October 9, 2012**

The Town Council met in regular session on Tuesday, October 9, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Jim Cunningham, Henry Lessner, Sim Israeloff, Darion Culbertson, and Mary Price. Interim Town Manager, Julie Couch; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Planning Director, Alan Efrussy; Assistant to the Town Manager, Adam Wilbourn; Management Intern, Mauro Lopez; Senior Planner, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Council members Ron Kasian and Carolyn Sommers Erickson were absent.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:49 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 August 14, 2012 special council meeting. B) Approve minutes of the September 4, 2012 regular council meeting. C) Approve minutes of the September 18, 2012 special council meeting. D) Approve an ordinance abandoning R-O-W within Fairview Farms.

Councilwoman Price requested to pull items A, B, and D.

Mayor Pro Tem Lessner made a motion to approve item C. Councilman Culbertson seconded that motion and the motion was unanimously approved.

Councilwoman Price stated in regards to item A, she would like to add under the 'Community Events' that she had stated that she volunteered to provide an outline for next year's holiday parade.

Councilman Culbertson made a motion to approve item A as amended. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

Councilwoman Price stated that in regards to item B, she needed to abstain since she was not at the meeting.

Mayor Pro Tem Lessner made a motion to approve item B. Councilman Culbertson seconded that motion and the motion was approved, with all voting for except Councilwoman Price who abstained.

Councilwoman Price stated in regards to item D the agenda identified Fairview Farms rather than Tranquility Farms and asked if this would be an issue if approved. Mr. McCoy, town attorney, responded that it could be a risk if the ordinance was ever challenged or voided. Mayor Israeloff asked if they could approve the ordinance tonight if they ratified it at the next meeting. Mr. McCoy agreed this would be okay.

Mayor Pro Tem Lessner made a motion to approve item D. Councilwoman Price seconded that motion and the motion was unanimously approved.

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

Mayor Israeloff stated that they are still working on the proposal and specifics of this item.

No action was taken.

ZONING KNAPPITSCH PROPERTY: Conduct a public hearing and take action regarding the annexed and unzoned, 27.862 acre property at 291 Country Club Road. The proposed zoning for this property would allow for 13.83 acres to be zoned One-acre Ranch Estate (RE-1), while 14.032 acres would be zoned Planned Center (PC). The subject property is generally located east of the Wellington Park Estates subdivision, north of Stacy Road (FM 2786), south of Old Stacy Road, and west of Country Club Road (FM 1378). This proposed PC zone is comprised of both existing and proposed equestrian-related uses and two proposed single-family residential lots.

Mr. Schmidt stated that the subject property is currently not platted. The property does have a small pond and is Equestrian in nature, which includes a riding arena and a dwelling unit. He identified that the town had initiated the zoning for this property, as it is not currently zoned. Mr. Schmidt added the property owner is also a Fairview resident and lives within the Wellington Estates subdivision. Mr. Schmidt stated the applicant expressed the desire to zone the property to the RE-1 zoning district, but also intends to preserve the equestrian uses and indoor riding arena. The Future Land Use Plan within the Comprehensive Plan classifies the subject property as Residential Estate, which allows for single-family detached houses. Mr. Schmidt indicated that the town felt the western portion of the subject property (13.83 acres) should be zoned RE-1 and the other portion be zoned Planned Center (PC) based on current uses and future requests for a

combination of equestrian and residential uses. The Planning and Zoning Commission approved these zoning recommendations, but had requested to restrict the number of horses on the property. He pointed out that there would be no limit if the property were zoned Agriculture (AG), but due the PC recommendation the town staff recommends 20 horses based on current configuration of the property. However, if the property owner would construct a stable, the recommendation was to increase the number to 40 based on the number of stalls that would be provided. The applicant expressed that 45 horses was preferable. Mr. Schmidt stated that the town staff recommends zoning as depicted in the Zoning Exhibit and Planned Center Development Plan dated October 3, 2012.

Council discussed the restriction of horses and as it is defined within zoning districts. The applicant was asked how many horses were currently on the property, with the response being 9 horses are currently on the property.

Mayor Israeloff opened the public hearing. Mrs. Kathy Knappitsch, 290 Hampton Court, property owner and applicant stated that the future goal is to build a house for her and her daughter on the equestrian side of the property. Mrs. Knappitsch stated that she'd prefer not to have a limitation set on the number of horses allowed as it could be bad for future business, but would be okay with a higher number around 60 or even 45.

Reed Rivas, 630 Oakmont Ct, agreed with Ms. Knappitsch that there should not be a limit on the horses set on the property. Mr. Rivas stated that the property is well maintained and managed and a family investment.

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

Councilwoman Price asked if other limitations had been set with other horse properties within town. Mr. Schmidt replied that there is one property off of Hart Road that is zoned Agriculture, which has no restrictions with the number of animals they can have.

Mayor Israeloff stated that he liked the recommended zoning proposal and his only concern was the number of horses. Mayor Israeloff stated that he doesn't know what the correct number is, but the council should protect the surrounding homeowners. Mayor Israeloff suggested setting the limit to 45 maximum horses.

Mayor Pro Tem Lessner stated that he agrees with setting a maximum number of horses to the property, but is okay with a higher number such as 60. Councilman Culbertson agreed as did Councilwoman Price.

Councilwoman Price made a motion to approve zoning 13.83 acres to the RE-1 zoning district and 14.032 to the Planned Center zoning district (PC), with a maximum number of horses set at 60. Councilman Culbertson seconded that motion and the motion was unanimously approved.

AMENDED PLAT WILLOW POINT ESTATES: Consider and take action regarding an Amended Plat for the Willow Point Estates subdivision, which is generally located east of the Oakwood Estates subdivision, north of the Stone Creek Estates subdivision, south of, and adjacent to Hart Road, and west of Country Club Road (FM 1378).

Mr. Lopez stated that the preliminary plat was approved by the council on September 4th. It was requested by staff to the developer to link a new water main to the existing water main in the adjacent Willow Point Estates subdivision. Linking the water would reduce maintenance requirements for the Fire Department and will also provide the subdivision with an additional water sources during emergency events. Mr. Lopez stated that the 20' utility easement would run along lot 6 within the subdivision.

Mayor Pro Tem Lessner made a motion to approve the Willow Point Estates Amended Plat. Councilman Culbertson seconded that motion and the motion was unanimously approved.

FINAL PLAT FAIRVIEW RANCH ESTATES PHASE II: Consider and take action regarding a Final Plat for a proposed subdivision generally located west of and adjacent to Country Club Road (FM 1378), south of Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision. The proposed Final Plat is composed of two, One-and-One-half-Acre Ranch Estate (RE-1.5) lots that are 1.530 and 1.504 acres in size, and three, One-Acre Ranch Estate (RE-1) lots, one of which is 1.153 acres in size, one lot that is 1.10 acres in size, and one lot that is 1.083 acres in size.

Mr. Schmidt stated that the subject properties were recently re-zoned. The staff within its review had required the addition of utility and drainage easements and the installation of three fire hydrants along the new public right-of-way that is being proposed for this subdivision. Mr. Schmidt stated that the Park and Recreation Advisory Board unanimously recommended that the town request cash in lieu of land in order to fulfill the developer's parkland conveyance requirements in the amount of \$7,753. Mr. Schmidt stated that since the Final Plat meets all of the town's subdivision requirements, staff recommends approval of the Final Plat for Phase II of the Fairview Ranch Estates subdivision as submitted and dated September 18, 2012.

Councilman Culbertson made a motion to approve the Final Plat for Phase II of the Fairview Ranch Estates subdivision as submitted and dated September 18, 2012. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

SUMMER HILL FARMS PARK AGREEMENT: Consider an agreement with Summer Hill Farms and the town regarding a park property agreement and take any necessary action.

Mr. Wilbourn stated that the council recently discussed the possibility of the town taking over maintenance of green spaced owned by the town within the Summer Hill Farms subdivision. The Summer Hill Farms HOA currently is responsible for the maintenance and irrigation of the green space. Town staff has met with their HOA president and drafted an agreement on what each party would be responsible in maintaining. Mr. Wilbourn stated that the HOA representatives have since conveyed that the residents of the subdivision would like more time to read the agreement and provide feedback.

Councilman Culbertson asked if staff knew what their main concerns are.

Craig Stephens, 241 Wyndham Court, stated that they have not had adequate time to review. He stated that there are no major concerns, but would like the resident to view the document and provide any feedback.

Council took no action.

Councilman Cunningham joined the meeting.

OPTICOM POLICY: Consider a policy regarding emergency response traffic control and use of Opticom devices and take any necessary action.

Ms. Couch stated that this policy would address the process of installing traffic controlled devices (Opticom) on signals within the town. Currently, all but one traffic signal contains these devices with the possibility of a few future locations.

Mayor Pro Tem Lessner made a motion to approve a resolution establishing a policy regarding Opticom devices. Councilman Culbertson seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

No comments were made.

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

Ms. Couch stated the town's ½ marathon is October 13th and the TML conference is in November this year and encouraged council with an interest in attending to notify the Town Secretary or her.

Down Under Pub is opening the weekend of October 13/14th.

At 8:38 p.m. Mayor Israeloff adjourned the council back into executive session.

At 10:19 p.m. Mayor Israeloff reconvened back into regular session.

TOWN COUNCIL MEMBER RESIGNATION: Consider and take action regarding resignation of Town Council member.

Mayor Israeloff expressed his thanks and appreciation to Carolyn for her advice, counsel, and history with the town, as well as being the longest serving member on the Town Council.

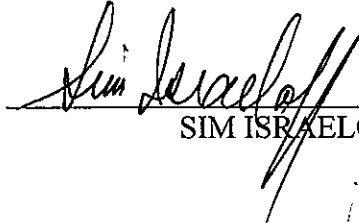
Councilman Culbertson made a motion to accept the resignation of councilwoman Sommers Erickson. Councilwoman Price seconded that motion and the motion was unanimously approved.

APPOINTMENT OF NEW TOWN COUNCIL MEMBER: Consider and take action on appointment of a new Town Council member to fill vacant position.

Councilman Cunningham nominated John Fraser to fill the vacancy of seat one for the remainder of the term. Councilman Cunningham stated that Mr. Fraser has served several years on the Planning and Zoning Commission and Town Council and has knowledge of the town.

Mayor Pro Tem Lessner seconded that nomination and the council approved unanimously.

Mayor Israeloff adjourned the meeting at 10:22 p.m.



SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
AND THE
PLANNING AND ZONING COMMISSION,
SPECIAL JOINT
MEETING MINUTES
October 11, 2012**

The Town Council and Planning and Zoning Commission met in special joint session on Thursday, October 11, 2012 at 7:00 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Sim Israeloff, John Fraser, Jim Cunningham, Henry Lessner, Darion Culbertson, and Mary Price. Planning and Zoning Commission Members Brayton Campbell, Brad Northcutt, Renee Powell, and Debbie Flood. Interim Town Manager Julie Couch; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Planning Director, Alan Efrussy; Senior Planner, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Planning and Zoning Commission Member Paul Hendricks was absent.

Mayor Israeloff called the meeting to order at 7:00 p.m. and declared a quorum was present.

Chairman Campbell called the Planning and Zoning Commission meeting to order at 7:01 p.m. and declared a quorum was present.

The Town Secretary swore in John Fraser as council member filling seat one.

DEVELOPMENT POLICY CONSIDERATIONS: Discussion regarding development policy considerations concerning overall development project density in relation to minimum individual single-family lot sizes and take any necessary action.

Ms. Couch stated that the town's Comprehensive Plan identifies that low density residential areas should develop at a either a one acre or two acre minimum lot size. Ms. Couch stated that staff is seeking direction on whether the goal of council and the planning and zoning commission is to continue to enforce the concept of low-density single-family residential development based on minimum lot sizes or to consider residential developments that have an overall project density, not necessarily saved on the established minimum lot size.

Mr. Efrussy indicated that within the last six months, the Planning Department has met with individuals expressing interest in variation on lot sizes. Mr. Efrussy stated that the Planning Department would like to get further clarification on this policy issue. Mr. Efrussy indicated that there are other zoning tools that can be used including bonus

zoning, density zoning and incentive zoning. If any of these are considered, they would need to be institutionalized within the Comprehensive Plan. Mr. Efrussy also recommended including a list of amenities that go above and beyond initial requirements if any of these are considered.

Mr. Schmidt presented the council and commission members with an analysis on current buildout scenarios. He indicated that the future low density residential development available within the town falls into the RE-2 or RE-3 zoning district(s). Mr. Schmidt stated that the town's Future Land Use Plan states that within a residential subdivision, all lots must meet the minimum lot size indicated for the subdivision. Due to recent discussions with developers, the town would like feedback regarding minimum lot sizes versus the average lot size development, as well as considering bonus zoning/density credits. However, Mr. Schmidt recommended that if council considered average lot size development, that a cap be set on the average size lot, for example RE-1-5 would be the lowest zoning district on a RE-2 zoned lot. Mr. Schmidt provided an example for council using a RE-2 zoning district parcel.

Councilman Culbertson asked if the parcel was zoned to the RE-3 zoning district, what would be recommended as a cap, RE-1.5. Mr. Schmidt replied the staff would either recommend the RE-1.5 or establish different minimums for each zoning district.

Councilwoman Price asked if the developer would still pay park conveyance fees. Mr. Schmidt replied yes they would.

Councilman Fraser asked if there are any other municipalities that have successfully used any of these zoning tools. Mr. Efrussy responded that many other cities have used these tools including Frisco and Flower Mound, but he did not ask their success rate. Mr. Efrussy commented that each city custom crafts based on their community, but he has also not seen anything that has indicated anything negative towards these resources. Councilman Culbertson encouraged staff to seek out success within other cities.

Councilwoman Price stated that she is interested in knowing if the density is mixed, than how would that affect setbacks and building standards and questions how they would know which zoning district to adhere to.

Councilwoman Price asked if the cluster development was the same. Mr. Efrussy responded that it is similar, but cluster zoning is based on creating open space. Mr. Schmidt added it would also be used in higher density areas.

Commissioner Friend stated that they need to preserve the integrity of the Comprehensive Plan, but provide staff with some flexibility to talk to developers in order to be consistent within the approval/denial process.

Commissioner Powell stated that the town should adhere to the Comprehensive Plan.

Councilman Culbertson stated that he is not convinced that they should change the Comprehensive Plan, but if a developer cannot make money by building on a RE-2 lot, he questions if they should change the design of the town to make it work.

Councilman Fraser stated that having flexibility is good, but questions if it will create challenges with water, infrastructure, etc. Mr. Schmidt commented that most subdivisions are mixed lot sizes.

Mayor Israeloff stated that he is opposed to considering bonus zoning, but that he is okay with mixed lot sizes as long as they do not go smaller.

Commissioner Powell reiterated that she believes they should adhere to the Comprehensive Plan. She believes that the town should be in no rush to develop anything new and that it is okay to wait for the right development to come along or just leave the open space. Councilwoman Price agreed with Commissioner Powell's statement.

The consensus of the Town Council and Planning and Zoning Commission was that they were not in favor of using density credits, but agreed to explore further applying an average lot size within an overall project density including setting minimum lot size(s), setbacks, and providing historical examples with other cities.

DEVELOPMENT WITH WATER/FIRE ISSUES: Discussion regarding development issues pertaining to certain existing and future water and fire issues and take any necessary action.

Ms. Couch stated that a portion of town is being served by Milligan Water Supply Corporation. Milligan extended service to areas outside of their CCN before the town annexed these areas. Currently, there are six lots north of Stacy Road that will be constructed. Ms. Couch stated that the water currently supplied by Milligan in this area is insufficient to provide the fire protection flows as required by the town's fire code and very few hydrants are available. Therefore, staff is seeking feedback on how to move forward with the water distribution within these areas.

Mr. Chancellor stated that under the town's ordinances, the fire code doesn't allow new home construction without adequate fire protection. Mr. Chancellor stated that there are a few options to consider. One is the town willing to construct these homes without adequate fire protection. Two, is the town willing to allow the developer to attach to the Milligan system with the provision that the developer agrees to escrow the necessary funds to install the appropriate fire hydrants to serve the development; or three, if the town is not willing to allow the developer to attach to the Milligan system, they must extend both a 6" and 12" line to gain service from the town, or wait until services are extended. Ms. Couch added that at some point in time in the future, a 12" line will be extended either by a developer or by the town.

Councilwoman Price asked if there was a timeline on when the water line would be extended and can the town initiate or do they have to wait on the developer. Mr. Chancellor responded that he has received quotes on if the town would like to proceed. The cost is approximately \$200,000.

Mayor Israeloff stated that he would like to figure out a way to serve the subdivision and likes either option two or three.

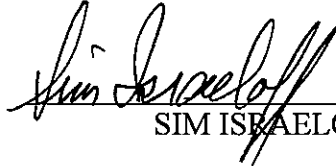
Ms. Couch stated that staff will explore ways to provide adequate water service and will look at the town's CIP plan as well as have conversations with Milligan. Staff will look at a temporary tie on to the Milligan system or look at extending the water line.

Chairman Campbell adjourned the Planning and Zoning Commission meeting at 9:03 p.m.

At 9:04 p.m. Town Council recessed into executive session.

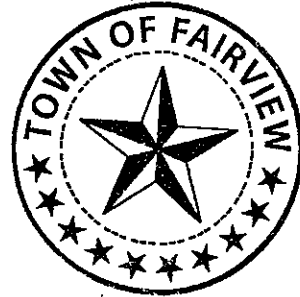
At 11:00 p.m. Town Council reconvened back into regular session and no further actions were taken.

Mayor Israeloff adjourned the meeting at 11:01 p.m.


SIM ISRAELOF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
November 6, 2012**

The Town Council met in regular session on Tuesday, November 6, 2012 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Council Members John Fraser, Jim Cunningham, Ron Kasian, Henry Lessner, Sim Israeloff, Darion Culbertson, and Mary Price. Interim Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer In Training, Danielle Gregory; Community Development Manager, Ray Dunlap; Planning Director, Alan Efrussy; Assistant to the Town Manager, Adam Wilbourn; Senior Planner, Ken Schmidt; Management Intern, Tara Braas, and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:30 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

PRESENTATION TO CAROLYN SOMMERS ERICKSON:

Mayor Israeloff and council recognized Ms. Sommers Erickson for her 21 years of service and being the longest serving member of council. Mayor Israeloff thanked her for the amount of work and commitment to the development of the town.

Councilman Cunningham expressed his thanks and how she has impacted his life and how she got him involved with the town. Councilman Cunningham stated that Carolyn would find a way to do it no matter what it was. She is an innovative leader.

Councilman Culbertson stated that she taught him not to take the easy path and that easy isn't always the best policy.

Councilman Kasian stated that she is a go getter and will have a lasting effect.

Mayor Pro Tem Lessner commented that she has done what is best for the citizens and sets the bar high.

Councilwoman Price stated that her passion for the town is contagious and she has been a sounding board and mentor.

Councilman Fraser stated it will be hard to fill her shoes.

Ms. Sommers Erickson thanked everyone.

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 October 9, 2012 regular council meeting. B) Approve minutes of the October 11, 2012 joint council meeting. C) Consider a resolution approving and authorizing the execution and delivery of a project payment agreement with Fairview Economic Development Corporation and the Fairview Community Development Corporation; approving the expenditure of funds by the corporations in connection therewith; and containing other provisions related thereto. D) Approve an ordinance ratifying the abandoning R-O-W within Tranquility Farms. E) Approve change order request regarding street project(s).

Councilman Cunningham pulled item A and Councilwoman Price pulled item B.

A motion was made Councilman Culbertson to approve items C, D, and E. Seconded by Councilman Fraser, with all in favor.

Councilman Cunningham stated in regards to item A that although the minutes reference him joining the meeting later on, it was noted that he was not there in the caption. Mayor Pro Tem Lessner asked for consistency that on page five and six to add last name behind Mayor Pro Tem.

Councilman Cunningham made a motion to approve item A. The motion was seconded by Mayor Pro Tem Lessner, with all in favor.

Councilwoman Price stated in regards to item B that on page three the last sentence should state that she agreed with Commissioner Powell's statement.

Mayor Pro Tem made a motion to approve item B. The motion was seconded by Councilman Culbertson, with all in favor.

PRESENTATION: SHOWDOWN HALF-MARATHON:

Libby Jones stated that the Showdown Half-Marathon was one of the largest in Collin County this year. It brought in 815 participants with roughly 700 finishing. Ms. Jones presented the town a check for \$900 for the Fairview Parks and Recreation department.

Councilwoman Price complimented the beauty of the course and how it pulled animals to the fence as the participants went through Oakwood. Mayor Israeloff agreed and stated that he also received many compliments.

EMERGENCY ACCESS EASEMENT: Consider and take action regarding an agreement with property owners concerning emergency access easement and private easement between Meandering Way and Creekwood North.

Mayor Israeloff stated that they are still under discussion and getting closer to an agreement between the neighborhood and the home owner.

No action was taken.

SUMMER HILL FARMS PARK AGREEMENT: Consider an agreement with Summer Hill Farms and the town regarding a park property agreement and take any necessary action.

Mr. Wilbourn stated that since the last council meeting, the HOA has had time to review and would like to move forward with the agreement. The town would take over maintenance of 1.3 acres of green space located on the south side of the subdivision entrance in addition to the open space on the north side. Mr. Wilbourn indicated that the area will be maintained at the same level of care as other areas of town.

Councilman Cunningham asked if the town needs to keep up the fencing. Mr. Wilbourn responded that the town can repair or take down based on the council's advisement.

Councilman Price made a motion to approve the agreement between the town and Summer Hill Farms regarding park property agreement subject to review and approval by the town attorney. The motion was seconded by Councilman Culbertson, with all in favor.

DEVELOPMENT PROJECT ON DENSITY: Discussion regarding development policy considerations concerning overall development project density in relation to minimum individual single-family lot sizes and take any necessary action.

Mr. Efrussy stated that bonus zoning was talked about at the October 11th work session and the consensus by council was not to address this zoning element, but to further evaluate average density development. Mr. Efrussy stated that the staff researched eight communities and provided that feedback within their packets along with potential elements that might be included for an average density single-family development process within Fairview. Mr. Efrussy requested council to discuss the information provided and then determine whether they wish to hold another joint work session, remand this item to the Planning and Zoning Commission, have staff bring back more information, discontinue any further addressing of these procedures, and/or have staff prepare a draft average density zoning procedure.

Mayor Israeloff asked council if they preferred in general, to continue to explore the concept of average density zoning or discontinue altogether.

Councilman Cunningham stated that they should strongly consider pursuing the concept since they are a few parcels left within town that this would affect. Mayor Pro Tem Lessner agreed and added that it would help and in some cases preserve the character of the land.

Councilman Kasian stated that he is not in favor of pursuing this concept and believes that they would be compromising the town's vision. He strongly believes in the town's Comprehensive Plan and doesn't believe there are many developable lots left in town that this would adversely affect. Councilman Kasian added that this also affects the residents and believes they should have input. Councilman Culbertson added that he agrees with Councilman Kasian and that if they continue to move forward with this item, that there should be a public hearing so that they can acquire citizen input before moving forward. Councilman Culbertson commented that this is a significant departure from the town's Comprehensive Plan, so the residents should have adequate input. Councilwoman Price also expressed that she is in opposition and if they move forward that they should have public hearings to allow citizen input.

Council had a lengthy discussion on how to proceed.

Councilman Cunningham made a motion to remand this question to the Planning and Zoning Commission so that can develop a proposed methodology to council for further consideration. The motion was seconded by Mayor Pro Tem Lessner, with all in favor.

Councilman Culbertson made a motion to ask the Planning and Zoning Commission when developing their methodology to provide conceptually for the option to say no, so that the average density development will be a permitted use by right, but offered through some planning mechanism that would allow council to decline. The motion was seconded by Mayor Pro Tem Lessner, with all in favor.

ENVIRONMENTAL COMMITTEE/TREE BOARD UPDATE: Receive report from the Environmental Committee and Tree Board, and consider an amendment to the tree preservation ordinance and take any necessary action.

Paul Westbrook, Environmental Committee Chairman, stated that the committee has been reviewing codes and ordinances to see if anything needs adjusted or tweaked, proposed new programs, monitoring data on water and waste, and through the town's environmental newsletter, which allows them to provide education to the public. Mr. Westbrook stated that some of the committee's progress has included the storm water ordinance, the oil and gas drilling ordinance, which they saw no changes that needed to be made, and recently, the additional recommendation on protected trees that Mr. Rick Zampino helped compile. Mr. Westbrook stated that they also recently started looking at

the lighting ordinance and researching on how to make the neighborhood lights compliant with the town's ordinance, as well as the grass height ordinance. The town has lost many wild flowers due to mowing. Mr. Westbrook stated that there is a clause within the ordinance, but many didn't read that portion. The committee is evaluating whether or not there is a way to address this topic.

Mr. Westbrook stated that they recently implemented the electric charging stations. Mr. Wilbourn commented that they are primarily being used on the weekends and have been used roughly a dozen times. Mr. Westbrook stated that they have also looked at rebate incentives with the electric companies, especially with GCEC since they currently do not offer any. With the amount of bulk waste being tree trimmings, they are looking at solutions to keep this out of the landfill, i.e. composting. Mr. Westbrook talked about the water usage amongst residents and ways to improve recycling participation.

Mr. Wilbourn stated that the council is being asked to approve an update to the Appendix C of the Tree Preservation Ordinance. Appendix C lists the quality and marginal names of trees, which has been updated with recommendations by Rick Zampino to include native trees to Fairview.

Councilman Culbertson made a motion to approve the proposed amendment to the Tree Preservation Ordinance to include the updated list in each category. The motion was seconded by Mayor Pro Tem Lessner, with all in favor.

No action was taken on the Gas and Oil Drilling ordinance.

2013 SPRING HALF-MARATHON: Discussion regarding the town promoting a half-marathon in the spring of 2013 and take any necessary action.

Mr. Dunlap stated that due to the success of the Fairview Showdown Half-Marathon, the town would like to do a spring event, which would be named the 'Fairview Half'. The name would then be trademarked. Libby Jones, who directed the Showdown Half would take ownership of this one including costs to promote and conduct the race. They are looking at April 6th for the date, with a country theme, and staging would take place at Town Hall. Ms. Jones commented that she would like to see both of these events grow and have 1500-2000 participants for each.

Councilwoman Price made a motion to approve a spring half-marathon. The motion was seconded by Mayor Pro Tem Lessner, with all in favor.

SALARY CLASSIFICATION PLAN: Discuss and consider a request for proposal of a salary classification plan.

Ms. Couch stated that once a consultant is chosen, they will be brought to the next regularly scheduled council meeting or a special meeting if needed to discuss the classification process and answer any questions. Once the market recommendations have been developed, the Council would again have the opportunity to review those recommendations and ask questions. Ms. Couch stated they are targeting for the study to be completed by the end of April.

Councilwoman Price asked if the staff evaluations and raises had been given. Ms. Couch replied that the 2.5% raises are tied to the market study and they need those recommendations in order to make any necessary adjustments. Councilman Price asked if the raises will be retrofit back to October. Ms. Couch indicated it will depend on the plan and the implementation process.

Mayor Pro Tem Lessner asked if there will be job descriptions with salary ranges. Ms. Couch replied there will be list of classifications and descriptions done along with recommendations on how to implement those recommendations based on the surrounding competitive market.

Councilwoman Price made a motion to approve moving forward with the RFP. The motion was seconded by Councilman Kasian, will all in favor.

NEW WEBSITE UPDATE: Discuss status of updated website and take any necessary action.

Bill Baxter gave an update regarding the town's new website, how it is more visually pleasing, and tweaking a few pages before going live. Mr. Baxter encouraged council to review and help find any corrections that may need changed.

Councilman Culbertson asked if the site is optimized in its current format and if there was a plan on when it would be launched. Mayor Israeloff asked when it would go live also. Mr. Baxter responded that it is optimized and looks wonderful on a tablet or iPad, and hoping to go live within another week.

Mayor Israeloff suggested providing an email blast out to the residents to notify them of the change and Mayor Pro Tem Lessner suggested a welcome banner on the home screen or within the newsletter also.

Council was complimentary on the new site.

ANNUAL COUNCIL RETREAT: Discuss annual council retreat and take any necessary action.

Ms. Couch recommended that the council retreat take place in January and asked council for their input on location, and how they would like to see it conducted. Ms. Couch added that she would like to see the council discuss long range strategic planning with staff participation.

Councilman Fraser stated early January would be better. Mayor Pro Tem Lessner suggested having it at the church, which is the same location as last year. Councilwoman Price and Culbertson liked the idea of having it at the church again.

Ms. Couch stated that she would send out an email with date suggestions and options.

TOWN MANAGER POSITION: Discuss and consider an approval of a contract for the Town Manager position and take any necessary action.

Mayor Israeloff stated that many of you know that the appointment comes at the end of a lengthy search effort carried out by Chuck Rohre of The Waters Consulting Group. The search drew applicants from all around Texas and several other states, which is a testament to just how well Fairview and its operations (and employees) are regarded outside the town. After an extensive series of reviews, background checks and questionnaires the pool was narrowed to twelve semi-finalists and then five finalists including Julie. The council held a full day of interviews with each finalist including Julie to ensure that everyone was considered on an equal footing. Julie simply stood out from the rest of the applicants and was the unanimous top choice. We are delighted that she has agreed to stay on as the full time manager.

I would like to thank everyone again who offered comments, suggestions and ideas for questions to the candidates. Many of them were used during the search process. Please help us congratulate Julie and welcome her as a permanent part of the Fairview family

Ms. Couch stated that she has enjoyed the last five months; it is a great town and staff, and she looks forward to the future.

Mayor Pro Tem Lessner made a motion to approve a contract to appoint Julie Couch as Town Manager. The motion was seconded by Councilman Kasian, with all in favor.

CITIZENS INPUT:

No comments were made.

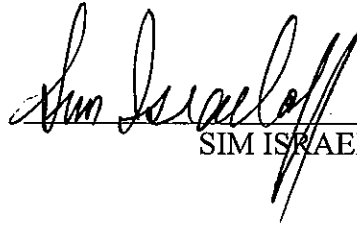
REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Mr. Dunlap stated the tree lighting within the Village At Fairview is taking place on Friday, November 16th and Down Under Pub is having ladies night out on Thursday, November 8th.

Ms. Couch reminded council that the TML conference is next week and there will be a reception following on Thursday that is being hosted by Wolfe, Tidwell & McCoy, L.L.C.

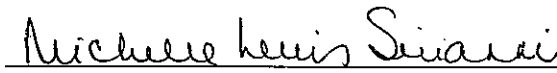
Mr. Efrussy reminded everyone that Veterans Day is Sunday, November 11th.

Mayor Israeloff adjourned the meeting at 9:43 p.m.



SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

**TOWN COUNCIL
MEETING MINUTES
December 4, 2012**

The Town Council met in regular session on Tuesday, December 4, 2012 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Council Members John Fraser, Ron Kasian, Henry Lessner, Sim Israeloff, Darion Culbertson, and Mary Price. Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer In Training, Danielle Gregory; Community Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Senior Planner, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy. Councilman Jim Cunningham was absent.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:50 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

PRESENTATION TO ALAN EFRUSSY:

Mayor Israeloff and council recognized Mr. Efrussy, Planning Director for his thirty plus years in the planning profession. He is considered a dean of planning. Mayor Israeloff acknowledged his ten years of service, honor, and dedication to the town. Mr. Efrussy educated the council and community through planning and zoning issues, as well as helping develop a Comprehensive Plan, Annexation Plan, and implementation of the CPDD guidelines. Mayor Israeloff stated that he has a profound impact on the town and is a distinguished member within his profession. Mayor Israeloff stated on behalf of the town council, community, and staff Mr. Efrussy will be greatly missed, and wished him well on his retirement.

Mr. Efrussy expressed his sincere gratitude to council, staff, and his wife for all the support received over the years. He is sincerely grateful to everyone.

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 November 6, 2012 regular council meeting. B) Approve a resolution supporting legislature for restoring funding levels for park grants. C) Approve an amending plat for Tranquility Farms subdivision.

Mayor Pro Tem Lessner requested to pull item B. Councilman Fraser requested to pull item C.

Mayor Pro Tem Lessner made a motion to approve item A. The motion was seconded by Councilwoman Price, with all in favor.

Mayor Pro Tem Lessner asked in regards to item B if the sales tax money and truth in taxation was taken into account. Mr. Dunlap responded that the resolution was compiled by the state and purposely done to leave the dedicated monies alone.

Councilwoman Price made a motion to approve item B. The motion was seconded by Councilman Culbertson, with all in favor.

Councilman Fraser asked in regards to item C about the right-of-way portion along Hart Road. He wanted to clarify that the action would not abandon any right of way on Hart Road. Mr. Chancellor responded that the portion they are amending is an extension of Stoddard Road. Mr. Schmidt stated that there is no abandonment on Hart Road.

With that clarification Mayor Pro Tem Lessner made a motion to approve item C. The motion was seconded by Councilman Fraser, with all in favor.

PARKS AND RECREATION BOARD ANNUAL REPORT: Receive annual report from the Parks and Recreation Board, including discussion of trail development and take any necessary action.

Mr. John Brown, the chairman for the Parks and Recreation Board gave an annual update to council regarding the following:

- Completion of Cypress and The Meadows Park.
- Concept plan ready for land behind Fire station #2.
- Park dedications- several small subdivisions; cash in lieu of park land.
- New playground concept – interactive electronic games.
- Trinity Trail Association – Development of 30 foot trail easement across NTMWD; possible partnership and agreements with Army Corp of Engineers.
- New land opportunities.
- Coyote Park – new park plan behind Cypress (16 acres); and,
- Open Space at Creekside.

No action was taken.

EMERGENCY ACCESS EASEMENT: Consider and take action regarding an agreement with property owners concerning emergency access easement and private easement between Meandering Way and Creekwood North.

Mayor Israeloff stated that discussions continue and the residents of the neighborhood received a survey asking for their input with the town continuing to help facilitate an agreement. However, no final decision has been made at this time.

No action was taken.

DEVELOPERS AGREEMENT/STACY ROAD: Consider and take action on a developer's agreement for the development of a subdivision on Stacy Road.

Mr. Schmidt introduced this item stating that this proposed agreement between the property owners and the town address the recommendations provided by staff, which include: the applicant acknowledges that the town's ability to fight fires at the property will be limited until improvements to the water system are made and agrees to hold the town harmless for any damages that may occur to their property while conditions are still present; applicant acknowledges the requirements to acquire all necessary easements and dedicate all required ROW prior to the approval of any building permits; applicant acknowledges the requirement to construct an emergency access drive and install a fire hydrant, sprinkler system to serve each primary residential structure; an aerobic system to serve each lot; applicant acknowledges requirement to escrow cash to the town for cost of installing a fire hydrant on the property after the water system has been upgraded; a schedule of improvements that requires that the emergency access drive be fully established prior to the issuance of building permits; applicant acknowledges that they may have to acquire additional utility easements and install an additional 8" water main if improvements to the existing water system cannot be made; and applicant acknowledges that they agree to fully defend, hold harmless, and indemnify the town from any claim, damages, or costs that arise from the development of this property. Mr. Schmidt stated that the staff is confident that the provisions of the developer's agreement will help mitigate any issues that may arise; therefore, recommends approval subject to approval to form by the town attorney.

Councilman Fraser made a motion to approve the developer's agreement subject to approval to form by the town attorney. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

PRELIMINARY PLAT MORDECAI/CARLISLE TRACT: Conduct a public meeting and take action regarding a Preliminary Plat for a property that is generally located west of Fitzhugh Mill Road, south of Summit Court, east of the Heritage Ranch subdivision, and north of and adjacent to Stacy Road. The subject property is 5.22 acres,

zoned Two-Acre Ranch Estate (RE-2), and the proposed Preliminary Plat will subdivide the property into two, 2.61 acre single-family lots.

Mr. Schmidt stated that this subject property is annexed and zoned Two-Acre Ranch Estate (RE-2), and is 5.22 acres in size. The subject property is currently not platted nor has any existing structures on the property. Mr. Schmidt stated that the subject property was originally part of a 43.23 acre tract that has been subdivided numerous times over the last fifty years usually in increments of five acres in order to avoid the platting requirements. Mr. Schmidt indicated that the development of this region has impacted the town in a way that no easements or public right-of-ways have been acquired. There have also been other access and utility easement issues that continue to be addressed by property owners and the town. The proposal is to subdivide the subject property to create two 2.60 acre lots that conform to the RE-2 zoning district. The applicant and the project architect have been working diligently with staff to resolve these issues with most issues being covered within the developer's agreement. Mr. Schmidt stated that the Park and Recreation Board recommended cash in lieu of land in the amount of \$1,795.41 for their park dedication requirement, due prior to recording their final plat. The Planning and Zoning Commission unanimously recommended approval of the Preliminary Plat conditioned upon further review and establishment of a developer's agreement; therefore, staff recommends approval of the Preliminary Plat.

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

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

Councilwoman Price made a motion to approve the Preliminary Plat of the Dos Casas subdivision subject to the approval to form of the developer's agreement by the town attorney. Councilman Culbertson seconded that motion, and the motion was unanimously approved.

FINAL PLAT MORDECAI/CARLISLE TRACT: Consider and take action on a Final Plat for a property that is generally located west of Fitzhugh Mill Road, south of Summit Court, east of the Heritage Ranch subdivision, and north of and adjacent to Stacy Road. The subject property is 5.22 acres, zoned Two-Acre Ranch Estate (RE-2), and the proposed Final Plat will subdivide the property into two, 2.61 acre single-family lots.

Mr. Schmidt stated that the same issues apply to this item as were stated in the previous item. Mr. Schmidt recommended approval of the Final Plat subject to the approval to form of the developer's agreement by the town attorney.

Councilman Kasian made a motion to approve the Final Plat for the Dos Casas subdivision subject to the approval to form of the developer's agreement by the town attorney. Mayor Pro Tem Lessner seconded that motion, and the motion was unanimously approved.

FIRE DEPARTMENT ANNUAL REPORT: Receive annual report from the Fire Department.

Chief Price and Assistant Fire Chief/Fire Marshal Bell presented council with an annual overview of items within the Fire Department, which included:

- Staffing and Coverage: update on the part and full time, as well as volunteers.
- Apparatus: goal is to have 3 person staffing per apparatus, 100% of the time; currently, only 12% of the time the department is running 2 people on one of the apparatus for a 12 hour shift. Also, updated current vehicles with the year they are set to be replaced.
- Calls for Service: Comparison between 2011 and 2012 with a breakdown that included Heritage Ranch, Village at Fairview, and US 75.
- Station 1 vs. Station 2: Comparison of type of service calls each station responds to including EMS, Motor Vehicle, Alarm, Fire, Public Assistance, and Misc.
- Public Relations & Friends of Fairview: The department attended 15 events in 2011 and 24 thus far in 2012. Some of the events include safety fairs, National Night Out, Station Tours, and Fire Prevention at local schools. The Friends of Fairview have raised over \$4,000 through various fund raisers in order to buy station shirts and Class A Uniforms for the staff.
- Future Plans: Received new ISO rating, EMS Service, Dispatching Functions, Station 1 rebuild, and applying for additional grants for equipment/software. Chief also recognized Assistant Chief Bell on his Investigator certification and Lt. Travis Green on his Inspector certification.

JANUARY COUNCIL MEETING DATE: Discuss the January council meeting date and take any necessary action.

Mrs. Couch stated that the January meeting next year falls on a holiday and the council can move it either to the following week, which would be Tuesday, January 8th or another day within the week of January 1st.

The consensus of council was to set the 2013 January meeting to Tuesday, January 8th.

CITIZENS INPUT:

No comments were made.

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

Mrs. Couch apprised council of the project tracking currently being done by staff. This will enable staff to keep council informed of on-going projects, and also reminded council of the upcoming retreat on January 11th.

Mayor Israeloff requested to add a Search Function to the new website.

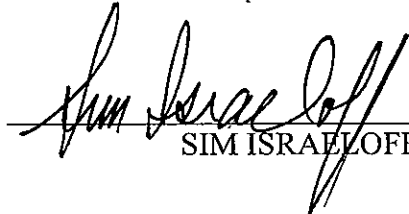
Mayor Israeloff reminded everyone of the Dallas Marathon happening over the weekend, which will include several members of staff participating.

Mayor Israeloff re-welcomed and recognized Ken Schmidt as the Senior Planner to staff and for his hard work and knowledge within the Planning Department.

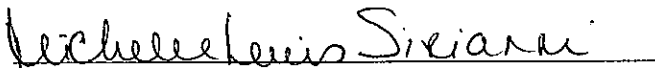
Mayor Israeloff stated that CCART of Collin County is conducting a meeting on December 13th at the McKinney library for anyone interested in attending.

Mayor Pro Tem Lessner stated that the Allen Symphony Chorus will be performing on December 21st.

Mayor Israeloff adjourned the meeting at 9:08 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

