

**TOWN COUNCIL
MEETING MINUTES
January 5, 2010**

The Town Council met in regular session on Tuesday, January 5, 2010 at 6:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Jim Cunningham, Council Members Carolyn Sommers, Ron Kasian, Michael Pezzulli, Anton Mattli, and Mary Price; Town Manager John Godwin; Assistant to the Town Manager, Matt Donnell; Community Development Manager, Ray Dunlap; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; and Town Secretary, Michelle Lewis Sirianni.

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 7:39 p.m. Mayor Israeloff reconvened back into regular session and requested 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, 2009 regular council meeting. B) Approve minutes of the December 9, 2009 special council meeting. C) Accept the 2008 audit.

Mr. Godwin stated that he was waiting to receive a published report for the audit, but has not and gave copies of the final draft to council. Mr. Godwin stated that they would be accepting only.

Councilman Kasian requested to pull items A and C.

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

Councilman Kasian made a correction to item A.

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

Councilman Kasian stated that in regards to item C that he would like to congratulate the town manager and staff for the continuous improvements of the town's finances and the

bond ratings the town has received. Councilman Mattli stated that he does not feel comfortable accepting the audit without seeing the final version.

No action taken on item C.

FIRST PUBLIC HEARING ANNEXING 590 MEANDERING WAY: Conduct the first public hearing regarding the annexation of 4.5± acres at 590 Meandering Way, generally located east of Meandering Way, south of Sloan Creek, and northwest of North Creekwood Drive.

Mr. Efrussy introduced this item stating that as part of the on-going process of annexing and zoning property, Mr. Zampino's property is now being addressed. Mr. Zampino's property consists of 4.5± acres and includes a business specializing in saving trees and shrubs. Mr. Efrussy stated that the Planning and Zoning Commission held a discussion at the December 10, 2009 meeting and were comfortable with the Planned Center Zone, which enhances open space. Mr. Efrussy stated that town staff recommends the annexation of this property.

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

ACCESS EASEMENT CREEKWOOD DR/MEANDERING WAY: Consider emergency access easement between Creekwood Drive and Meandering Way.

Mayor Israeloff stated that council received legal advice from the town attorney and at this time council is either considering moving forward, deferring or canceling this project.

Mayor Israeloff opened discussion to council members.

Councilwoman Sommers asked if there was funding for this project. Mr. Godwin stated there is none at this time. Councilwoman Sommers stated that in her opinion, they should do nothing at this time and take proper studies before moving forward, especially since there is no funding.

Councilwoman Price stated that she believes that the town should build the emergency access easement, but would like to see a safety engineer conduct a study to see if there is a danger in keeping the sidewalk nor not. Councilwoman Price stated her concern is the number of homes and having the access to get to them in case of an emergency. Councilman Pezzulli asked for clarification on the construction of the easement.

Councilman Pezzulli stated that if constructed that it should be in full compliance of the law.

Councilwoman Price made a motion to build the emergency access easement for emergency vehicles only and not open to the general public. Seconded by Councilman Kasian.

Mayor Israeloff asked council if they would like to have a traffic safety engineer do a study now or wait until funds are available.

Mayor Pro Tem Cunningham stated that he believes they should put the project on hold until funds are available and to leave the existing sidewalk, but to also conduct an outside safety analysis to determine whether or not to continue with the project.

Councilman Pezzulli stated that they need an emergency access that would be constructed in full compliance with the law, but the town does not have the funds available. Councilman Pezzulli requested to follow the town's engineer's recommendation with the trail down the center and to be ADA compliant.

Initial motion is withdrawn.

Councilwoman Price made a motion to request that an engineer conduct a traffic safety analysis on the feasibility and safety issues of constructing the emergency access easement within a 30 day or less timeframe, as well as leaving the existing sidewalk in place until the study is completed. Seconded by Councilwoman Sommers, with all in favor.

TRAINING/HELIPAD FIRE STATION #2: Consider construction of a training/helipad at Fire Station #2, a policy on the use of such a pad, and landscaping and screening requirements thereof.

Chief Price introduced this item stating that the training/helipad will be used as a Medical Emergency Site that could have occasional helicopter use and for training purposes. Chief Price stated that the site would provide a safe and secure area while also offering a training location to keep personnel in town for training. Chief Price stated it would be no cost to the town as all materials are being donated for the construction.

Mayor Israeloff asked how long and often would the training be for the vehicle extrication. Chief Price replied that it would take a full day due to the shifts, but would be conducted four hours at a time. Mayor Israeloff asked if flight training would be one time per year and conducted during the day or night. Chief Price responded that training would be during the day and he would communicate to neighbors ahead of time and would use ground lights as needed, but would be low profile.

Mayor Israeloff opened discussion to the public. Greg Cunningham, 560 Cambridge, asked why the training/helipad is being considered in the residential area versus placing it

within the commercial area and asked how often helicopters would be flown into the area as well as if FAA regulations would be followed.

Bruce Tiff, 530 Stafford, asked what landscaping would be used to screen the area.

Brad Northcutt, 910 Beechwood, asked if the schools have been considered to use as an emergency landing area.

Scott Allen, 550 Cambridge, asked if any other alternative solutions have been considered i.e. the use of only certain parcels of land, certain park space or other facilities.

Chief Price responded to the residents by stating that the idea of the training/helipad is to have a designated and secure area that is used for emergency access only, which is why the schools are not as secure and would have to be concerned with debris and whether or not there was a function at that particular site where they'd have to be worried about people in the area. Chief Price stated that the commercial area was not considered since it is not the town's property and would be limited to where they could place it. Chief Price stated that if a helicopter had to be used they fly it in vertically and are as close to the scene as possible and that they would establish appropriate landscaping around the perimeter. Chief Price added that due to the proximity of the pad to Stacy Road, that they would not need to shut down Stacy if the pad was being used during an emergency.

Mayor Israeloff opened discussion to council members. Mayor Pro Tem Cunningham asked if there was an accident on US 75 and a helicopter was needed, where the helicopter would be taken. Chief Price responded that the helicopter will land as close to the accident as possible in the safest location available. Chief Price stated that they can designate four to five areas, but would still have to check area for debris, open space availability, which takes time. Chief Price added that on average, there were six to seven landings this past year and out of those three were on the east side of town and the remaining were on US 75.

Councilman Mattli asked how much training there would be. Chief Price responded there would be two per year. Councilman Mattli stated asked if the department could commit to two trainings per year. Chief Price responded that he could commit to that number. Councilman Mattli stated that in his opinion, he would be opposed to placing any structures on the pad, no vehicle extrication and/or structure fires and would only recommend fire extinguisher training.

Councilwoman Sommers stated that her concern is the car extrication training. Councilwoman Sommers stated that this is a visible area with no buffer. Councilwoman Sommers asked if the training could be done at town hall where it is less visible. Chief Price responded that the area at town hall is too small and not the right surface.

Mayor Israeloff stated that in his opinion he is skeptical and dislikes the idea of doing training in front of the new building and would rather see the existing town hall used or go to an off-site training location.

Councilwoman Price stated that they need a safe environment for emergencies for when a helicopter would have to be used. Councilwoman Price stated that she has been at an accident when a helicopter was used and it is noisy and crowd control can become an issue. Councilwoman Price stated that she likes the idea of doing trainings onsite and believes a decision should be made on the pad, tentative extrication of cars and landscaping.

Councilwoman Sommers made a motion to permit the construction of the emergency access pad only since it is no cost to the town, but at this time to not authorize any training until council can assess what the possible impact will be. Seconded by Councilman Kasian, with all in favor.

Councilman Mattli stated that he agrees with the constructing of the pad, but should restrict the training to low impact activities and evaluate in a three to six month period and make any changes if necessary. Councilman Pezzulli stated that he believes it's important to have the emergency access pad and agrees with the three to six month evaluation. Councilman Pezzulli stated that he believes only low impact training allowed at this time and no car extrication.

Councilman Pezzulli made a motion to allow low impact training excluding car extrication and to evaluate the impact of the training in a timeframe not to exceed six months. Seconded by Councilman Mattli.

Motion passes on a 4-2 vote; one abstain.

Councilwoman Price asked what were the expectations as to when this will happen. Chief Price responded that within the next two to six weeks. Councilwoman Sommers stated that she hopes that the landscaping will still be put into place as it will help with the noise.

Mayor Pro Tem Cunningham added that he likes the idea of having a second or even third landing zone and asked for the possible cost evaluation and also asked the Fire Chief to look at the parks as a possible location.

LIGHT/SIREN POLICY FIRE STATION #2: Consider a light and siren policy for Fire Station #2.

Chief Price introduced this item stating that the siren testing will be conducted once a day and takes less than five seconds and the light testing will be conducted at the beginning of each shift change and will take a minimum of one minute up to five minutes maximum.

Councilwoman Sommers stated in regards to the exterior building, there are too many lights when completely lit. Councilwoman Sommers suggested that one light be located on the west side, one at the street, one nearest the building, and one on each drive would be sufficient. Councilwoman Sommers stated that the main entrance is really lighted and the lights are not in compliance as well as looking at the flag pole lights and the monument lighting. Councilwoman Sommers stated that she would like to see the brightness of the flag pole lights lowered and either change the direction or eliminate the accent lights.

Mayor Pro Tem Cunningham asked if the flood lights on the front and back of the building be left on and if so recommended leaving them on for special uses only due to the brightness. Mayor Israeloff responded that the site training lighting will have to be in compliance with the town's policy. Councilman Mattli suggested reviewing in six months when the lights are in full operation.

Councilman Pezzulli made a motion to adopt as written subject to review within three months and make changes as needed. Seconded by Councilman Mattli.

Motion passes 5-2.

ARTWORK FIRE STATION #2: Discuss and take action on artwork at Fire Station #2.

Mr. Godwin introduced this item stating that all public facilities are required to have public art work. Mr. Godwin introduced Ms. Karnuta whom has expressed a desire to donate a wall mural to the town based on the town's overall history.

Karen Karnuta stated that she would like to do a mural within the fire station that would be painted by the community based on the town's history. Ms. Karnuta stated that the only cost to the town would be the supplies. Ms. Karnuta shared pictures of her work with the council.

Councilman Kasian asked Ms. Karnuta if she would consider doing a mural in the new town hall where it would be more visible to the residents and also where they could enjoy it more. Councilwoman Price added that the panels within the council chambers would be a possible location for additional artwork.

Mayor Israeloff asked if Ms. Karnuta, Chief Price and Mr. Godwin could look at the space and continue the process of adding the art work.

HAWKSWOOD SECURITY CAMERAS/SIGNAGE: Consider approval of the use of town-owned right-of-way for security cameras and signage in the Hawkswood subdivision.

Mr. Godwin introduced this item stating that a sign cannot be placed on town property, so the Hawkswood subdivision is asking for permission to place the sign on town property and not within someone's yard.

Bill Ameser, 550 Talia Circle, stated that the Hawkswood HOA would like to install cameras on the north side of Stacy Road and signs that would be placed within the town's right-of-way. Mr. Ameser stated that the security system is motion activated that will upload pictures that stores up to four weeks at a time. Mr. Ameser stated that they are using this more as a deterrent due to the recent break-ins they have had.

Councilwoman Price asked how tall the cameras were, if the signs were required and if there was a way to isolate the cars if there were too many entering and leaving the area. Mr. Ameser responded that the cameras are on a two foot post with a black box underneath and will be located behind the guard tower so it would not be visible from Stacy Road. Mr. Ameser added that the signs are required and of course, there is no guarantee, but they are hoping this will at least discourage any further break-ins.

Mayor Pro Tem Cunningham asked who maintains the right-of-way. Mr. Godwin responded that the HOA maintains it.

Councilman Pezzulli asked if this would be an effective deterrent and would people see the signs. Mr. Ameser replied that since gates were not an option that the cameras were suggested and the HOA believes they will be effective and with the signs visible to make the public aware that there is a camera there. Mr. Ameser stated that the cameras are infrared and takes picture of the plates, which also allow them to pick up the image during night time.

Councilwoman Sommers made a motion to approve the use of town-owned right-of-way for security cameras and signage in the Hawkswood subdivision. Seconded by Councilwoman Price, with all in favor.

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

Councilman Pezzulli made a motion to nominate Andrea Faulkner to the Parks and Recreation Board, Seconded by Councilman Mattli.

Councilwoman Sommers stated she highly recommends Maryanne Simonsen. Councilwoman Sommers stated that she has been a resident for many years and would be a valuable addition to the board.

Councilman Pezzulli amended the motion to nominate Ms. Faulkner and Ms. Simonsen to the Parks and Recreation Board. Seconded by Councilwoman Sommers, with all in favor.

PRESENTATION NEW ALARM PERMITTING: Hear presentation on new alarm permitting system.

Bill Baxter, the town's IT person and Police Chief Tolliver presented the new alarm permitting system.

CONSTRUCT TRAIL NORTH SIDE OF STACY ROAD: Consider a resolution urging TXDOT to construct a trail consistent with the town's comprehensive plan on the north side of Stacy Road when it is reconstructed.

Councilman Mattli made a motion to approve the resolution urging TXDOT to construct a trail consistent with the town's comprehensive plan on the north side of Stacy Road when it is reconstructed. Seconded by Councilman Pezzulli, with all in favor.

2006 BUILDING CODE: Consider approval of an ordinance amending the Building Code and adopting the new 2006 Building Code, with amendments.

No action taken.

2006 FIRE CODE: Consider approval of an ordinance amending the Fire Code and adopting the new 2006 Fire Code, with amendments.

No action taken.

COMMUNITY ROOM: Consider approval of a Community Room use policy.

Mr. Godwin introduced this item stating that the policy is consistent with current usage of the town council chambers by neighborhood groups, as well as with procedures for securing reservations for park pavilions.

Councilman Mattli stated that his concern is that there is a greater chance for personal use with potential damage to the facility. Mr. Godwin responded that the reservation is for a two hour time period and no food or beverage is permitted without specific permission as well as no alcoholic beverages are permitted, which would hopefully hinder from any damage to the room.

Councilwoman Price made a motion to approve the Community Room use policy. Seconded by Mayor Pro Tem Cunningham, with all in favor.

THE MEADOWS/CYPRESS PARK IMPROVEMENTS: Consider authorizing the construction of improvements to The Meadows neighborhood park and to Cypress Park.

Mr. Godwin introduced this item stating that since the county grant was denied for The Meadows Park and Cypress Park, town staff met with residents of the Villages of Fairview, Villas in the Park and Cypress Crossing. Mr. Godwin stated that the Park Board recommended spending \$100,000 total on The Meadows Park and Cypress Park combined. The residents would have access to The Meadows Park would like to see a sport court and a swing set that includes six swings. The residents with access to Cypress Park have expressed their desire to have a playground structure and a swing set. Mr. Godwin stated that the park board recommended these improvements to The Meadows Park and Cypress Park.

Councilwoman Sommers asked what the cost to the other parks was and stated that she is not in favor of gradually constructing the parks. Mr. Godwin responded that the Park Board initially wanted to wait, but the residents were requesting items now. Mayor Israeloff commented that even though the parks would not be finished the residents would have something to use now and could go back and fill in later.

Councilwoman Price stated that all parks have submitted plans whether in phases or not that indicated where the items would be placed. Councilwoman Price questioned that if they had no plan they are not servicing the residents and would like to move forward acquiring the equipment, but see where it fits and pair up play area with benches, pavilion and/or other amenities. Councilwoman Price stated that she would like to see a longer range concept plan for both.

Councilwoman Sommers suggested approving the structures and having the Park Board come back with a plan for each park and to also have a council member serve as a liaison on the Park Board. Councilwoman Sommers suggested Councilwoman Price as a valuable resource.

Mayor Israeloff stated that he agrees with Councilwomen Price and Sommers and likes the idea of having a more formal plan. Mr. Godwin commented that the Park Board

communicated that they did not want a specific plan yet due to the uncertainty of demand and changes in plans.

Councilman Pezzulli made a motion to approve the construction of improvements to The Meadows neighborhood park and to Cypress Park. Seconded by Mayor Pro Tem Cunningham.

Councilwoman Sommers asked to amend the motion by requesting the Park Board to submit a more formal flexible plan.

Councilwoman Price requested to add funding to The Meadows Park. Mr. Godwin responded that staff recommended \$75,000 and the Park Board disagreed. Councilwoman Price requested to ask the Park Board to add an additional \$25,000 to The Meadows and Cypress Park if needed for both parks and to indicate where they'd spend it.

Councilwoman Sommers requested a joint work session with town council and the park board.

The motion passes 7-0 to approve the construction of improvements to The Meadows and Cypress Park and requesting the Park Board to submit a more formal flexible plan.

SECOND PUBLIC HEARING ANNEXING 590 MEANDERING WAY: Conduct the second public hearing regarding the annexation of 4.5± acres at 590 Meandering Way, generally located east of Meandering Way, south of Sloan Creek, and northwest of North Creekwood Drive.

Mayor Israeloff continued the public hearing and asked if there were any comments. No comments were made and the public hearing was closed.

SPEED SIGNAGE STODDARD ROAD: Discuss and take action regarding speed signage on Stoddard Road.

Councilman Mattli stated that this item is partially resolved. Councilman Mattli stated that there is no sign notifying residents as they leave the school zone. Councilman Mattli stated that one can argue that it's obvious, but would prefer to have a sign there.

Councilman Mattli made a motion to add a sign going north on Stoddard Road. Seconded by Councilman Pezzulli, with all in favor.

ZIP CODES: Discuss sales tax collections, including concerns regarding proper zip codes.

Mayor Israeloff passed over this item until the next council meeting.

TOWN COUNCIL DUTIES: Discuss duties, authority, and responsibilities of town council members.

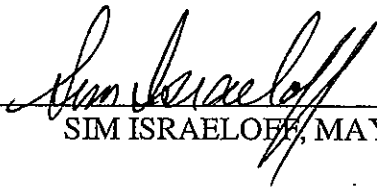
Mayor Israeloff passed over this item until the next council meeting.

EXECUTIVE SESSION: Take action on items discussed in executive session, if necessary.

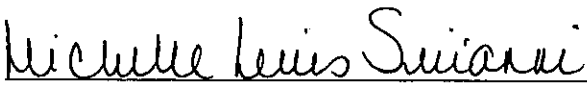
Councilman Pezzulli made a motion to authorize the town manager to execute sale documents for land to McKinney. Seconded by councilman Mattli, with all in favor.

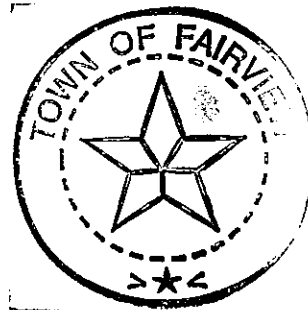
CITIZENS INPUT:

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 11:00 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
JANUARY 12, 2010**

The Town Council met in special session on Tuesday, January 12, 2010 at 6:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Jim Cunningham, Council Members Carolyn Sommers, Ron Kasian, Michael Pezzulli, Anton Mattli and Mary Price and Town Manager John Godwin.

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 8:30 p.m. Mayor Israeloff reconvened back into regular session.

TOWN PERSONNEL: Discuss and take action regarding Town Personnel.

No action taken.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 9:00 p.m.

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

Sim Israeloff
SIM ISRAELOFF, MAYOR



**TOWN COUNCIL
MEETING MINUTES
February 2, 2010**

The Town Council met in regular session on Tuesday, February 2, 2010 at 7:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Jim Cunningham, Council Members Ron Kasian, Anton Mattli, and Mary Price; Town Manager John Godwin; Assistant to the Town Manager, Matt Donnell; Community Development Manager, Ray Dunlap; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; Management Intern, Adam Wilbourn; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Council members Carolyn Sommers and Michael Pezzulli were absent.

Mayor Israeloff called the meeting to order at 7:32 p.m. and declared a quorum was present and requested 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 5, 2010 regular council meeting. B) Approve minutes of the January 12, 2010 special council meeting. C) Approve an ordinance calling the May 2010 general election. D) Accept the 2008 Audit. E) Approve resolution appointing town attorney. F) Award town hall planting bid to Hadden Landscaping. G) Approve deductive Change Order #2 for new town hall construction.

Councilman Kasian requested to pull items A and E.

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

Councilman Kasian stated in regards to item A that the minutes seem to be reduced regarding the Fire station #2 Artwork discussion. Councilman Kasian stated that he recalls discussing the potential of Ms. Karnuta painting a mural inside of town hall where it would be visible to the public and feels that it should have been noted in the minutes. Councilwoman Price commented that she referenced the artist painting the panels in the new town hall council chambers, which was not noted in the minutes. Councilman Kasian asked if the minutes could reflect these comments.

Councilman Kasian requested that on page seven of the minutes under the section regarding security cameras in Hawkswood that the word 'nightfall' be changed to night time, as it has a different connotation.

Councilman Kasian made a motion to approve item A with additional language as referenced. Seconded by Mayor Pro Tem Cunningham, with all in favor.

Councilman Kasian stated in regards to item E, the resolution had the town secretary's name listed incorrectly. Ms. Lewis Sirianni responded that she has already made this change.

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

CONDITIONAL USE PERMIT- 82 STONE HINDGE: Conduct a public hearing and take action regarding a Conditional Use Permit for an accessory building located at 82 Stone Hinge Drive, Fairview, TX 75069.

Mr. Efrussy introduced this item stating that the proposed accessory building will provide for additional storage for the applicant's vehicles and boat, which will therefore provide a better aesthetic view to the residence. Mr. Efrussy stated that the Planning and Zoning Commission unanimously recommended with condition upon adding saturation landscaping comprised of evergreen materials for the west side of the building.

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

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

Councilman Mattli made a motion to approve the Conditional Use Permit for an accessory building located at 82 Stone Hinge Drive with additional saturation landscaping comprised of evergreen materials for the west side of the building. Seconded by Councilman Kasian, with all in favor.

CONDITIONAL USE PERMIT – 1081 ELM CREEK DRIVE: Conduct a public hearing and take action regarding a Conditional Use Permit for an accessory building located at 1081 Elm Creek Drive, Fairview, TX 75069.

Mr. Efrussy introduced this item stating that the proposed accessory building will be used for additional storage. Mr. Efrussy stated that the HOA and surrounding neighbors

support this proposal and the Planning and Zoning Commission unanimously recommend approval.

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

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

Councilwoman Price made a motion to approve a Conditional Use Permit for an accessory building located at 1081 Elm Creek Drive. Seconded by Councilman Mattli, with all in favor.

CONDITIONAL USE PERMIT- 1091 ELM CREEK DRIVE: Conduct a public hearing and take action regarding a Conditional Use Permit for an accessory building located at 1091 Elm Creek Drive, Fairview, TX 75069.

Mr. Efrussy introduced this item stating that the proposed building will be used for the storing of one or two classic cars. Mr. Efrussy stated that the building will have a small encroachment into the setback, but will have minimal impact. Mr. Efrussy stated that the Planning and Zoning Commission recommended approval condition upon planting of evergreen materials to the west of the building.

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

Mayor Israeloff opened discussion to council members. Mayor Israeloff asked if the encroachment is an issue and will have any effect on the town. Mr. Efrussy responded that the applicant received approval from the HOA and the town is legally able to accommodate the request so there are no issues.

Councilman Mattli made a motion to approve a Conditional Use Permit for an accessory building located at 1091 Elm Creek Drive condition upon planting of evergreen materials to the west of the building. Seconded by Mayor Pro Tem Cunningham, with all in favor.

CONDITIONAL USE PERMIT- 711 MAPLE CREEK DRIVE: Conduct a public hearing and take action regarding a Conditional Use Permit for an accessory building located at 711 Maple Creek Drive, Fairview, TX 75069.

Mr. Donnell introduced this item stating that the proposed building will be an addition to the existing detached garage. Mr. Donnell stated that they find the impact to be of

minimal impact, but staff has recommended the applicant plant additional evergreen materials on the north side of the building, one every 10 feet, ranging in height from 6-8 feet tall. Mr. Donnell stated that the Planning and Zoning Commission unanimously recommended approval and no negative feedback was received.

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

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

Councilwoman Price made a motion to approve a Conditional Use Permit for an accessory building located at 711 Maple Creek Drive condition upon planting of evergreen materials to the north of the building, one every 10 feet, ranging in height from 6-8 feet tall. Seconded by Councilman Kasian, with all in favor.

ANNEXATION 4.5± ACRES ZAMPINO PROPERTY: Adopt an ordinance annexing 4.5± acres, known as the Zampino property at 590 Meandering Way, generally located east of Meandering Way, south of Sloan Creek, and northwest of North Creekwood Drive.

Mr. Efrussy introduced this item stating that two public hearings were conducted as part of the legal requirement. Mr. Efrussy stated at both public hearings no comments were made by citizens. Mr. Efrussy stated that the property owner has agreed to the initiation of the annexation; therefore, staff recommends approval.

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

Councilman Kasian made a motion to approve an ordinance annexing 4.5± acres, known as the Zampino property at 590 Meandering Way, generally located east of Meandering Way, south of Sloan Creek, and northwest of North Creekwood Drive. Seconded by Councilman Mattli, with all in favor.

ZONING 14± ACRES APPLE PROPERTY: Conduct a public hearing and take action regarding zoning for an area known as the Apple property, comprising 37± acres that are annexed, of which 23± acres are zoned Commercial Planned Development District (CPDD), Zone M and 14± acres are unzoned. Said public hearing shall be conducted regarding zoning the unzoned 14± acres to the Commercial Planned Development District, Zone M. This property is located south of Country Club Road (FM 1378), west of the DART tracks, and east of State Highway 5.

ABSTRACT A0791 SLOAN, SAMUEL, BLOCK 4, TRACT 25-9, ACRES 14.7500
 ABSTRACT A0791 SLOAN, SAMUEL, BLOCK 4, TRACT 196, ACRES 10.0000
 ABSTRACT A0791 SLOAN, SAMUEL, BLOCK 4, TRACT 25-1, ACRES 1.0000

Mr. Efrussy introduced this item stating that in 2006 it was suggested by the commission to zone the 14± acres to the Planned Center (PC) zone, but since that time town staff reviewed and believes that since the 37± acres represents one entity, that zoning the 14± acres to Zone M would provide one unified zoning district and would minimize zoning administration and land use coordination concerns. Mr. Efrussy stated that Mr. McKissick and Janet Cobbel, the real estate brokers for this property approve of the recommendation and are present if the council has any questions. Mr. Efrussy stated that the Planning and Zoning Commission unanimously recommended approval.

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

Mayor Israeloff opened discussion to council. Mayor Israeloff asked what the linear length of the frontage of this property is. Mr. Donnell responded that it is 500-600 feet.

Councilman Kasian asked if there has been any medically oriented interest with the use to date on this property. Mr. Efrussy responded that there has been no specific interest or comment to this issue.

Councilman Mattli made a motion to approve the zoning of 14± acres to the Commercial Planned Development District, Zone M known as the Apple property. Seconded by Councilman Kasian, with all in favor.

2006 BUILDING CODE: Consider approval of an ordinance amending the Building Code and adopting the new 2006 Building Code, with amendments.

Mr. Chancellor introduced this item stating that the town has currently adopted the 2006 codes and they are in effect minus the International Building (IBC) and Fire Code (IFC). Mr. Chancellor stated that since that time, the state of Texas passed additional laws that affected under what conditions a municipality could require residential fire suppression systems. Mr. Chancellor stated that the proposed amendments to the IBC and IFC have been revised and reviewed by staff and the town attorney taking into account additional council discussion in November. Mr. Chancellor stated that town staff is recommending the adoption of the 2006 IBC and IFC with the proposed amendments.

Mayor Pro Tem Cunningham asked if \$500 was the fee for the whole plan to be reviewed and if an application is denied, are they charged the \$500 again or any additional fees. Jeff Bell, the town's fire marshal replied that there are reinspection fees. Mr. Godwin confirmed that there are no new fees charged if an applicant is asked to make changes on their plan. Mayor Pro Tem Cunningham asked if the review of the plans were done in-house. Mr. Godwin responded that the residential fire and building were done in-house and the Villages At Fairview were currently being done by Bureau Veritas.

Councilman Mattli asked if the item referencing Section 3002.4 (Elevator car to accommodate ambulance stretcher) of the International Building Code was referencing commercial or residential. Mr. Bell responded that it is commercial only. Mr. Mattli commented that some sections seem confusing as to whether the code is referencing commercial or residential. Mr. Bell replied that there is not one section that is only commercial or only residential that it is mixed throughout, but is commercial unless noted residential.

Councilman Mattli made a motion to approve the 2006 Building Code, with amendments. Seconded by Councilman Kasian, with all in favor.

2006 FIRE CODE: Consider approval of an ordinance amending the Fire Code and adopting the new 2006 Fire Code, with amendments.

Mr. Chancellor stated that same comments apply.

Mayor Pro Tem Cunningham asked in regards to section 106.2.1 what the fees were pertaining to inspection and re-inspection fees. Mr. Bell responded that they are listed within the Master Fee schedule. Mayor Pro Tem Cunningham requested that the language 'as fees outlined in the Master Fee schedule' be added anywhere in the ordinance where fees were referenced.

Mayor Pro Tem Cunningham asked in regards to section 503.1.2 referencing two points of access if there are any subdivisions not in compliance. Mr. Bell responded that if a subdivision is already built, the town cannot make them go back and change; they would be exempted. Mr. Bell stated that this also applies to new construction only.

Mayor Pro Tem Cunningham asked in regards to section 907.23 referencing the resetting of the fire alarm system if someone from the fire department was always present. Mr. Bell replied that someone from the fire department must be on-site to reset the alarm. Mayor Israeloff asked what happens in the case of a fire drill; do they still need someone from the fire department present? Mr. Bell responded that when a school conducts a fire drill, the alarm goes off but is not signaled to them since it is in test mode, so they do not have to be there to turn it off. However, if for example, the sprinklers were triggered and they were dispatched to location, then, yes the fire department is the one to turn off the alarm.

Mayor Pro Tem Cunningham made a motion to approve the 2006 Fire Code Ordinance and amendments with the additional language 'as fees outlined in the Master Fee schedule' as stated above. Seconded by Councilman Mattli, with all in favor.

ACCESS EASEMENT CREEKWOOD DR/MEANDERING WAY: Consider emergency access easement between Creekwood Drive and Meandering Way.

Mr. Chancellor introduced this item stating that the council had requested a safety study be completed and to bring back recommendations. Mr. Chancellor stated that Larry Cervenka, engineer was hired and visited the site the week of January 18th. Mr. Cervenka provided a list of recommendations.

Mayor Israeloff asked if there is a proposed crosswalk between the connector and questioned using the word 'trail' on the pedestrian crossing sign. Councilman Kasian agreed and also questioned the use of the word 'trail'.

Mayor Israeloff stated that council has received legal advice on ADA compliance and how the project can be done safely. Mayor Israeloff stated that council has also been given information on policy and safety. Mayor Israeloff polled council on how they would like to see staff proceed or is the issue too complicated and not to proceed at this time.

Mayor Pro Tem Cunningham suggested policy direction and stated that he likes the concept of signs, but questioned how to make a more feasible barrier for kids who may be going down the hill at a fast pace. Mr. Cervenka responded that if it is on Meandering Way coming down the hill, the trails will have a bend to help slow them down or get their attention. Mr. Cervenka added that a sign will also be posted to help warn them. Councilman Kasian commented that in his opinion, it will also be based on the discipline of the people and can't protect everyone 100%.

Mayor Israeloff asked council if they should proceed or defer topic until they have a full council present.

Councilman Kasian asked if there was consensus on the emergency access easement.

Councilwoman Price asked if the portion of the sidewalk that is sloped can meet the ADA requirements and how will that affect the crossing at Meandering Way. Mr. Cervenka replied yes it can be done and would have to build ramps to the road. Mr. Cervenka stated that it's better to do with concrete as it will last longer, but would have to back it up enough so isn't a speed bump.

Councilman Kasian made a motion to direct staff to bring back a preliminary design to include the emergency access easement with the trail component with Mr. Cervenka's recommendations along with full ADA compliance and pricing. Seconded by Councilman Mattli, with all in favor.

PERMIT HELICOPTER LANDING: Consider request for authorization of special permit for a helicopter landing.

Mr. Godwin introduced this item stating that a couple is having their wedding reception at Heritage Ranch and they are requesting a helicopter to pick them up following their reception which requires town approval.

Councilwoman Price asked if safety measures are being used and how do they enforce them. Councilman Mattli stated that debris could be a potential problem. Mayor Israeloff stated that they should give safety precautions to the fire marshal and/or fire chief.

Mayor Pro Tem Cunningham stated that if they show proof of liability insurance and they get approval from the Homeowners Association, then seems okay.

Councilwoman Price made a motion to approve conditioned upon the area is free of debris and safety plan is approved by the fire chief and proof of insurance is shown.

Clark McCoy, town attorney, said that the insurance is required and is one to two million per occurrence. Mr. McCoy stated that he can draft an addendum that addresses the hold harmless agreement.

Seconded by Councilman Mattli, with all in favor.

EAST STACY ROAD PROGRESS: Receive briefing on East Stacy Road progress, and take action thereon.

Mr. Chancellor introduced this item stating that all the utility companies have been notified and still working and should be complete by the end of February. Mr. Chancellor stated that he's hoping to bid out in March and receive approval in April, but will not see any real construction until May if stays on track.

Councilman Mattli asked if some utilities will stay on poles. Mr. Chancellor responded that yes and not all will go underground.

Mr. Godwin showed various pictures to council regarding views of sidewalks and different options for East Stacy Road. Councilman Mattli asked who would maintain the grass on the side of the road. Mr. Godwin responded that the town would maintain these areas.

Mayor Israeloff stated that he likes the serpentine shape with hardy low maintenance trees. Councilman Mattli agrees. Mayor Israeloff suggested proceeding with the sidewalk and determining if they have extra monies for landscaping at a later date.

Mayor Pro Tem Cunningham stated that he could show pictures and talk to neighbors regarding the sidewalk to get feedback.

SIDEWALK/TRAILS ON STACY ROAD: Consider construction of sidewalks and trails on Stacy Road between SH 5 and FM 1378.

Mr. Chancellor introduced this item stating that it appears unlikely that TXDOT will have enough money or desire to pay for construction of the wide trail on the north side of Stacy when improvements are made. Mr. Chancellor stated that the sidewalk on the south side is much smaller, but also unfunded and will not connect to FM 1378 until improvements are completed, which is several years out. Mr. Chancellor stated that he spoke with a local area engineer with TXDOT about designing 8 ft sidewalk, but will not be able to meander the sidewalk and in some places will be 6 feet wide. Mr. Chancellor stated that options for the town at this point are to pay for the trail now, not build at all or have TXDOT complete the design of the trail, but build it at a later date.

Councilwoman Price asked if the equestrian use was still a possibility and how can the town discourage from having six lanes. Mayor Israeloff suggested that they ask TXDOT to design in the sidewalk, but defer the cost. Councilwoman Price asked if the town could try to receive funding from the county. Mr. Godwin responded that the town cannot argue with state roadways and that North Central Texas Council of Governments (NCTCOG) took our side with only wanting four lanes versus six.

The council agreed to ask TXDOT to design the sidewalk.

GRANT EMERGENCY OPERATIONS CENTER: Consider submission of a state matching grant for construction and equipping of an emergency operations center.

Mr. Godwin introduced this item stating that Mr. Donnell with assistance from Chief Price slightly modified the original grant application from a year ago and was resubmitted. Mr. Godwin stated that staff is asking council to approve the submittal or withdraw it.

Councilman Mattli made a motion to approve the emergency operations center grant. Seconded by Councilman Kasian, with all in favor.

SALES TAX COLLECTIONS: Discuss sales tax collections, including concern of proper allocation to the town.

Mr. Dunlap introduced this item stating that the town is currently in a three year agreement with Muni Services to insure tax revenues are properly allocated. Mr. Dunlap stated that the town meets with a sales representative twice a year. Mr. Dunlap stated that there is an analyst who is assigned to the area that works with the state comptroller to make sure businesses' taxes are properly allocated to the town. Mr. Dunlap said there is no charge unless something is found and since they've been contracted, there has only been one business found and has been corrected for future payments and is currently working with the comptroller's office to see if there is any back money owed.

Mr. Godwin stated that Mr. Donnell will also be doing quarterly reports on revenue and will be able to report to council.

Councilman Kasian asked about the 7-11 business. Councilman Kasian stated that the credit card receipts say McKinney when it should say Fairview.

Councilman Mattli asked how often they review. Mr. Dunlap responded that there are monthly reports as well as quarterly reports, but the reports are not public information.

Councilman Kasian asked if the percentage that is paid back to them is negotiable. Mr. Dunlap stated that the agreement was approved prior to his time and was done at the time of the contract approval, but is not currently able to change it.

TOWN HALL FURNITURE: Discuss Town Hall furniture.

Mr. Godwin introduced this item stating that the architect recommended chairs that are cloth and stackable that the town would like to purchase now for the council chambers since they are in need of new chairs, but will go to the new town hall when complete. Mr. Godwin stated that they will also look to purchase desks, shelves, etc and asking council if they would like to see the items prior to ordering or just certain items that will be purchased for the new town hall.

Mayor Israeloff stated that he would rather see the people who will actually be using the furniture pick it out within budget reason, but for council to review the furniture that will be in the public areas. Councilwoman Price asked if the designer was helping with color choices. Mr. Godwin responded yes and will coordinate with the rooms since flooring etc has already been chosen.

Councilman Mattli asked if any audio/visual has been considered. Mr. Godwin responded they are still working on it and is under design.

FIRE EQUIPMENT: Discuss and take action regarding fire equipment, specifically control/mitigation and commercial structures.

Councilman Mattli introduced this item stating that he had requested to discuss the next few topics, which were brought on by a series of events. Councilman Mattli stated that recently his fire sprinkler pipes burst inside of his home. Councilman Mattli stated after the incident he had the fire marshal come out and inspect them and found out that they were was not properly installed. Councilman Mattli stated his concern is that when the incident occurred, only one truck came out and did not have a water pump and once they did arrive, it only had a small vacuum, which ultimately had significant impact on the house with severe monetary damage. Councilman Mattli believes some of it could have been rectified and thinks it's important to recognize that that the inspection of his system was not done properly and would like assurance that the inspectors will follow through moving forward.

Mr. Godwin stated that the town has identified the number of homes that may not have been properly inspected. Mr. Godwin stated that he has no concerns with Jeff Bell, current fire marshal, but prior to that the inspections were done by someone with less experience and is not certain why it happened but trying to find out which companies were affected and identify property owners by to mail so that they can ask for their home to be checked for any problems, which the town is offering at no charge. Councilman Mattli added that the residents need to be educated so that they know how to check their system and where it is so that they are well informed.

Councilman Mattli asked if there was a fire vehicle or a smaller unit that could go out on calls such as these. Jeff Bell, fire marshal, stated that he is not familiar with other cities providing this service and would require additional equipment.

Mayor Israeloff asked what type of equipment is used in colder climates and/or are there alternative approaches. Mr. Bell responded if the house has the correct installation, then there should be no problems.

No action taken.

DISPATCH RULES OF ENGINES: Discuss and take action regarding dispatch rules of engines.

Councilman Mattli stated that currently EMS is dispatched then Fire. Councilman Mattli stated that he was surprised of the order since EMS was not necessary for his call. Mr. Bell commented that it is typical that 'all hands' respond, but is in the process of re-writing on whom to send out on what kind of call, so that if there is an overlap in calls, that they have people available to respond. Mr. Bell stated that a typical crew is four

people; three full-time and one volunteer and at night there are also four people, so all four respond plus EMS to a call.

Mayor Israeloff stated that he would be interested in looking at a modest level vehicle that would allow for cleanup of water damage as long as it is feasible and practical and what that would entail for the fire department until they were needed to respond to another call. Councilman Kasian responded that he would not be in favor of this. Councilman Mattli added that maybe he has a different view of emergency management, but seems that extracting water is small and would like to see more damage control.

Mayor Pro Tem Cunningham stated that it could become a liability and either the town does it right or not at all. Councilwoman Price agreed with Mayor Pro Tem Cunningham.

No action taken.

FIRE SPRINKLER INSPECTION/CODE ENFORCEMENT: Discuss and take action regarding fire sprinkler inspection/code enforcement.

See discussions above.

No action taken.

PUBLIC OFFICIALS: Discuss duties, authority, and responsibilities of elected public officials.

Councilman Mattli stated that he believes that the town charter does not go into enough detail regarding public officials. Councilman Mattli suggested the town creating a manual outlining duties. Councilman Mattli stated that within the charter the ethics portion needs to be expanded stating what is allowable and what is not with also providing examples.

Mayor Israeloff stated that it's an education aspect and asked the town attorney what is required under current state law and how do other cities and/or committee's handle this. Mr. McCoy responded that some cities will do an orientation when a new member is elected. Mr. McCoy stated that he could look into a handbook that deals with codes of ethics and state law if council wishes. Mr. Godwin stated that all newly appointed board and commission members are required to take the public information training. Mr. Godwin stated that a refresher and expectations are important and could add this to the annual retreat or could have a work session and bring in a neutral party.

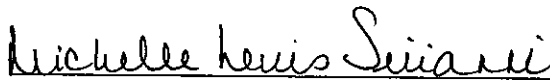
Mayor Israeloff asked town staff to put together a session and once a year to conduct refreshers.

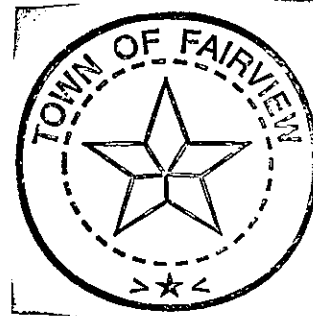
CITIZENS INPUT:

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 10:17 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
March 2, 2010**

The Town Council met in regular session on Tuesday, March 2, 2010 at 7:00 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Carolyn Sommers, Ron Kasian, Anton Mattli, and Mary Price; Town Manager John Godwin; Assistant to the Town Manager, Matt Donnell; Community Development Manager, Ray Dunlap; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; Management Intern, Adam Wilbourn; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Mayor Pro Tem Jim Cunningham and Council member Michael Pezzulli were absent.

Mayor Israeloff called the meeting to order at 7:00 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:39 p.m. Mayor Israeloff reconvened back into regular session and requested 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 2, 2010 regular council meeting. B) Accept the 2009 Audit.

Councilwoman Price requested to pull item A.

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

Councilwoman Price stated in regards to item A, she would request striking the last sentence on paragraph B. Councilwoman Price stated that the conversation was lengthy, and believes it is better to end the sentence at 'agreed with Mayor Pro Tem Cunningham'.

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

CONDITIONAL USE PERMIT- 421 HORSESHOE TRAIL: Conduct a public hearing and take action regarding a Conditional Use Permit for an accessory building located at 421 Horseshoe Trail, Fairview, TX 75069.

Mr. Wilbourn introduced this item stating that this subject property is zoned RE-1 and the applicant is requesting an additional storage building totaling 1,131.9 square feet. Mr. Wilbourn stated that the addition will encroach 16' into the setback on the west side of the building, but the neighboring residents support his request and the town has received no negative feedback. Mr. Wilbourn stated that Mr. Pace, the applicant, will be using building materials of the existing structure and that upon approval, town staff recommends the planting of evergreen materials on the west side of the building, one every 10 feet ranging in height from 6 to 8 feet tall. Mr. Wilbourn stated that at the February 25th Planning and Zoning Commission meeting, that the commissioners recommended approval with the condition of planting the evergreen materials; therefore, town staff recommends approval.

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

Mayor Israeloff opened discussion to commission members. Mayor Israeloff asked Mr. Pace if he was in agreement with the condition of planting of evergreen materials. Mr. Pace responded that he was okay with the request and brought a list this evening of potential plants to use.

Councilwoman Price made a motion to approve a Conditional Use Permit for an accessory building located at 421 Horseshoe Trail. Seconded by Councilman Mattli, with all in favor.

ZONING 44.252± ACRES DOUBLE EAGLE INVESTMENTISTS: Conduct a public hearing and take action regarding the zoning of property that is annexed but unzoned, commonly known as the Double Eagle Investments LLC property, comprised of 44.252± acres, generally located north of Farmstead Road, south of Camino Real, east of and adjacent to FM 1378 (Country Club Road), and west of Kentucky Lane. Said proposed zoning is recommended for the Two-Acre Ranch Estate Zone (RE-2), for 11.612± acres, and the remaining 32.64± acres to the Open Space and Flood Hazard Zoning District (FH).

Ms. Lewis Sirianni introduced this item stating that in September, 2008 Town Council approved a Preliminary Plat, which consisted of 20 lots that ranged in size from 1.0-1.99 acres in size. Since that time, two extensions were filed due to the developer having difficulties receiving financing. Ms. Lewis Sirianni stated that the second extension has now passed and the developer has not expressed an interest in continuing the project;

therefore, town staff recommends zoning to further protect the town. Ms. Lewis Sirianni stated that since the surrounding properties are zoned RE-2, but lots sizes are two acres and larger, town staff recommends zoning the 11.612± acres to the RE-2 zoning district and the remaining 32.64± acres to the Open Space and Flood Hazard zone. Ms. Lewis Sirianni stated at the February 25th Planning and Zoning Commission meeting, that no one spoke in favor or opposition to the recommendation and was unanimously recommended for approval.

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

Mayor Israeloff opened discussion to council. Councilwoman Sommers stated that there is no building in the flood plain, is that correct? Ms. Lewis Sirianni responded that yes that is correct and the map that was included in their packet indicates the current FEMA flood plain.

Councilman Mattli asked what the property to the south was zoned. Ms. Lewis Sirianni responded that the property to the south is zoned to the Planned Center zone as well as Agriculture, but the lots are two and three acres in size.

Councilman Kasian made a motion to approve the zoning of property that is annexed but unzoned, commonly known as the Double Eagle Investments LLC property, comprised of 44.252± acres, generally located north of Farmstead Road, south of Camino Real, east of and adjacent to FM 1378 (Country Club Road), and west of Kentucky Lane. Said proposed zoning is recommended for the Two-Acre Ranch Estate Zone (RE-2), for 11.612± acres, and the remaining 32.64± acres to the Open Space and Flood Hazard Zoning District (FH). Seconded by Councilman Mattli, with all in favor.

TOWN'S INVESTMENT POLICIES: Discuss and take action regarding the town's investment policies.

Mr. Godwin introduced this item stating that the current policy remains unchanged and the council may make revisions, but needs to re-authorize the policy.

Councilman Mattli stated that he is still okay with the current policy and believes it protects the town. Councilman Kasian asked in regards to the Internal Controls, if there were specific documents outlining these procedures or was it mostly something the town handles internally. Mr. Godwin responded that an annual audit compliance is done as well as procedures done internally.

Councilman Mattli made a motion to approve the town's investment policy. Seconded by Councilwoman Price, with all in favor.

ANNUAL ACCOUNTING REPORT: Receive annual Accounting Report.

Brenda Bowman, Accounting Manager, stated that in the past year, improvements have been made to accounts payable, as well as payroll procedures and have updated and improved various forms and procedures including the filing system. Mrs. Bowman stated that a lot of re-organization has occurred. Mrs. Bowman stated that she also works closely with Human Resources, Permits, and Utilities. Mrs. Bowman stated that she currently is working on keeping the financials updated so that departments can review their budgets monthly, updating fixed assets, and capital improvement projects. Mrs. Bowman stated and as part of her position and ongoing education, she will be doing an online course regarding investments to further her knowledge.

BIDS FOR STACY ROAD: Authorize advertising for bids for improvements to East Stacy Road.

Mr. Chancellor introduced this item stating that this project will replace the existing two lane asphalt roadway that currently has no drainage with concrete roadways with underground drainage as well as a sidewalk on the south side of the road. Mr. Chancellor stated the road will consist of two 12' lanes with a 6' wide bike trail. Mr. Chancellor stated that the current engineer's estimate is \$3.5 million, which does not include detailed landscaping. Mr. Chancellor stated that they are ready to bid out so that approval for the bid can be awarded at the April council meeting.

Mayor Israeloff asked if there would be an elevation change to the road. Mr. Chancellor responded that they it will be lowered three feet, which will improve the site distance. Councilwoman Sommers asked if the 12' wide lanes are standard in size. Mr. Chancellor stated that it is a standard size and wider than the current width of Stacy road.

Councilman Kasian made a motion to approve advertising for bids for improvements to East Stacy Road. Seconded by Councilwoman Sommers, with all in favor.

RESOLUTION FUNDING NEW FIRE ENGINE AND TOWN HALL: Approve a Resolution expressing official intent to reimburse costs of projects funding the new fire engine and town hall.

Mr. Godwin introduced this item stating that council previously approved two purchases from the bond sale for a new fire engine and to construct a new town hall. Mr. Godwin stated that the passing of this resolution will allow the council to legally spend the funds to pay these items from existing town surpluses and then once bonds are sold, the town will re-pay the respective funds from bond proceeds.

Mayor Israeloff asked what the maximum principle amount was to be listed within the resolution. Mr. Godwin responded the maximum principle amount is not to exceed \$3.4 million.

Councilwoman Price made a motion to approve the Resolution expressing official intent to reimburse costs of projects funding the new fire engine and town hall. Seconded by Councilman Kasian, with all in favor.

POLICE REPORT: Receive annual Police report.

Chief Tolliver compared the 2008 statistics versus 2009. Chief Tolliver stated that there has been an increase in actual calls for service. Chief Tolliver stated that there has been more traffic stops and with the addition of the mall, there has also been an increase in shoplifters. Chief Tolliver stated that they have seen a 72.7% increase in custody arrests comparing the 22 arrests in 2008 versus the 38 in 2009. Chief Tolliver stated that they still have the SRO officer at Sloan Creek Middle School and have also added a civilian warrant officer. Since adding the warrant officer, she has been able to collect \$25,349.50. Chief Tolliver stated that during 2009 a total of 529 warrants were cleared and 480 new ones issued. Chief Tolliver stated that he is also required each year to do a racial profile to make sure there are no red flags. Chief Tolliver stated that last year's traffic-related data revealed that there were 68% Caucasian, 18% Hispanic, 3% African, and 1.5% Asian.

Mayor Israeloff asked what the procedure was for shoplifting. Chief Tolliver responded that JC Penny has a loss prevention department and they only need one set of eyes and document occurrences, but Macy's needs two people to witness the act and that the person will physically exit the building before they are brought back in, identified and then detained. Chief Tolliver stated that thefts still occur, but will continue to see an increase in activity.

Councilman Kasian asked what the largest numbers of animal complaints are. Chief Tolliver responded that most of them come from residents who see a mountain lion, bobcat or some form of wildlife. Chief Tolliver stated that they will do what they can to help the resident and often times will respond. Mayor Israeloff asked if there is an official response on coyotes, bobcats, etc. Chief Tolliver responded that if the resident wants to trap them, it is up to the resident, but they look at whether or not the animal is damaging their property, but animal control will not respond to a wild animal call.

Councilman Kasian asked what was included within the 16 fraud reports. Chief Tolliver responded that mostly the fraud reports are victims who lost their check book or have had a financial fraud occur.

REVENUE REPORT: Receive Revenue report.

Mr. Donnell introduced this item stating that utility revenues came close to budgeted amount, but was still roughly \$100,000 over budget. Mr. Godwin added that utility revenues are down primarily due to the wet winter and lost utility funds and will continue to fluctuate.

Mr. Dunlap stated that in regards to sales tax, the town as of this year has collected \$352,000 and budgeted for \$568,000. Mr. Dunlap stated that if no more stores open this year, than the town will look to collect over a million dollars in sales tax and if new stores open, then the town will be \$520,000 ± ahead before the end of the year.

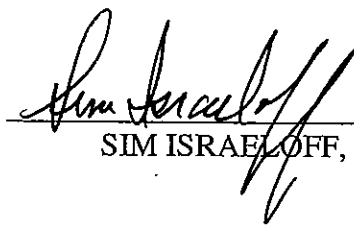
EXECUTIVE SESSION: Take action on matter discussed in executive session, if necessary.

No action taken.

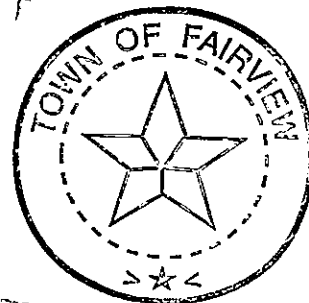
CITIZENS INPUT:

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 8:38 p.m.

ATTEST:


SIM ISRAELOFF, MAYOR


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
April 6, 2010**

The Town Council met in regular session on Tuesday, April 6, 2010 at 6:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Jim Cunningham, Council Members Ron Kasian, Anton Mattli, and Mary Price; Town Manager John Godwin; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Council members Carolyn Sommers and Michael Pezzulli were absent.

Mayor Israeloff called the meeting to order at 6:35 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:43 p.m. Mayor Israeloff reconvened back into regular session and requested 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 March 2, 2010 regular council meeting. B) Award Bid for the East Stacy Road reconstruction project. C) Cancel the 2010 May Town Council election. D) Approve a resolution calling for the sunset of the Texas Public Utilities Commission. E) Adopt a proclamation recognizing the Arbor Day 2010.

Councilman Mattli requested to pull item B.

Councilwoman Price made a motion to approve items A, C, D and E. Seconded by Councilman Kasian, with all in favor.

Councilman Mattli asked in regards to the Stacy Road project if the asphalt overlay on the east side of Heritage Ranch was to be included in the bid or is on top of price. Mr. Godwin responded that it will be on top of the price. Mr. Chancellor stated that due to the heavy traffic on the road, the staff didn't want to have to close off any lanes, so there will be no lane closures. Mayor Pro Tem Cunningham asked if LH Lacy has done any other work within the town. Mr. Chancellor responded that they have not, but are very well known throughout the metroplex and have done various other jobs.

Councilman Mattli made a motion to approve item B. Seconded by Councilman Kasian. The motion passes with a 4-1 vote.

ALLIED WASTE ANNUAL REPORT: Annual report from Allied Waste.

Ms. Brenda Lalonde introduced this item stating that in 2009 they generated 1927 tons of solid waste, 837 tons of recycling, and 931 tons of bulk waste.

Councilman Kasian asked what is the breakdown of recycling materials. Ms. Lalonde responded that 60% are paper products, which saved 8537 trees and 1657 cubic yards of landfill space. Mayor Pro Tem Cunningham asked what the per capita ratio is in recycling. Ms. Lalonde responded that there's been a 66% participation rate, collecting about 18 pounds per set out, which totals roughly 60 pounds per month.

Councilman Kasian asked how they determine the generated amount if residents are not recycling. Ms. Lalonde replied that once the waste is returned to the plant, they still have the availability to separate items as much as they can before it hits the landfill.

Ms. Lalonde commented that the benefits to recycling are: it takes less energy to make products from recycled material versus virgin materials, keeps the water and air cleaner, and keeps it out of the landfill.

Ms. Lalonde stated that the times for some items to decompose in a landfill are astonishing. Ms. Lalonde commented that it takes a banana peel 3-4 weeks, aluminum cans 200-500 years, but if recycled can be reused within 6 weeks, disposable diapers 550 years, plastic jugs one million years, Styrofoam one million plus years.

Ms. Lalonde stated in customer service calls received in 2009, they received 111 calls dealing with missed trash, recycle, and bulk and received 56 miscellaneous calls dealing with repairs, replaced, general information and paid bulk.

Ms. Lalonde added that commercial services are also available.

Henry Lessner, 5133 Pond Crest Trail, asked if she does HOA presentations and if smaller trash carts are available. Ms. Lalonde responded that she can do HOA presentations and the carts sizes are 65 and 95 gal. carts.

Councilman Mattli stated that he recently did an organized tour of the recycling facility for school. Ms. Lalonde commented that she encourages residents to visit the facility and to see the process and stages once waste arrives to the facility.

ANNUAL RATE ADJUSTMENT ALLIED WASTE: Consider annual rate adjustment by Allied Waste.

Mr. Godwin stated that Allied Waste is requesting their yearly increase, which is built into the current contract. Mr. Godwin stated that the increase equals to .24 cents per

month totally \$2.88 per year and a 1.75% increase. Mr. Godwin stated that the automatic adjustment will be effective May 1st.

Mayor Pro Tem Cunningham made a motion to approve the annual rate adjustment. Seconded by Councilwoman Price, with all in favor

TECHNOLOGY COMMISSION PRESENTATION: Presentation by Technology Committee Chairman John Adler.

Mr. Adler, Chair of the Technology Advisory Committee stated that Google offered communities to answer questions and submit various information regarding their city and/or town for an opportunity to bring fiber optic cables into their city and/or town and if chosen, Google would provide internet access speed that is one hundred times faster than what is currently being used.

Mr. Adler stated with the help of Wedge Green, Gil Stevens, whom also serve on the Technology Committee, the mayor and other town staff have spent many hours answering and compiling information about the town. Mr. Adler stated they conducted an online survey with residents to receive additional feedback and the top three requests that they continue to see and hear are a demand for faster speed, more reliable companies and more choices.

Mr. Adler stated in addition to the survey, they were able to join into partnerships with Lovejoy ISD, SMU, UNT, OnCor, and GCEC and with the help of Councilman Kasian who was able to get Allen Presbyterian Hospital and JCPenny to partner as well. Mr. Adler stated that the idea behind this is to encourage support and the need to be considered. Mr. Adler stated a lot of communities changed their name or basically brought attention to them so that Google would take a look at them, so we did compile videos and placed them on the internet along with our submission.

Mr. Adler stated that over 1100 communities responded and Google is stating that they should announce finalists this year. Mr. Adler stated that there is still a chance that they could pull back from this, but they continue to check on the status and Google keeps reaffirming that they will know something later this year.

ANNUAL PLANNING REPORT:

Mr. Efrussy made a presentation outlining the progress of the Planning Department in the last fiscal year. Mr. Efrussy highlighted the following:

- Collected \$28,757.00 in fees.
- Completed Year Three of the Three Year Annexation Plan.

- Zoning Cases
- Updated the Comprehensive Plan.
- Updating the Park Plan.
- Advanced Land Uses.
- Amended the Accessory Building Ordinance
- Housing, Population, and Employment Projections for NCTCOG's Regional and Planning Studies.
- Updated Masonry Requirements within the Commercial Planned Development District.

Councilman Kasian thanked Mr. Efrussy for his continuous service to the town and asked to expand on the Telecommunication Towers as part of the Comprehensive Plan. Mr. Efrussy responded that the idea is to incorporate Telecommunication Towers as part of the Master Plan as a land use. Mr. Efrussy stated that the FCC has specific requirements, but would essentially provide specific locations and/or placement of towers within the town. Mr. Adler added that this is actually a very good idea and prohibits companies from coming into the town and placing the towers anywhere they choose.

MASTER PLAN FOR CYPRESS PARK: Consider approval of a master plan for Cypress Park.

Mr. Godwin introduced this item stating that the Park Board approved plans at their March meeting and will build the park in two phases. Mr. Godwin stated that the plan was created with input from neighbors on either side of the park.

Councilwoman Price asked if more monies were being added to both phases. Mr. Godwin responded that no additional funds were added and they have looked into using an artificial grass that has a natural feel in lieu of mulch. Councilwoman Price stated if the \$58,000 only covers Phase I, then what would be the cost on Phase II? Councilwoman Price stated that she seems to recall that they added an additional \$25,000 to both park projects, which would increase them to \$75,000 each park. Mr. Godwin responded that he doesn't recall if this was agreed upon or not. Ms. Lewis Sirianni stated that she remembers them adding the \$25,000 to each park, but will check the minutes to verify.

Mayor Pro Tem Cunningham asked what the cost would be to dig up a tree and relocate it. Mr. Godwin stated he knows that it depends on the species and size of the tree, but doesn't know specific costs. Mayor Pro Tem Cunningham stated that if someone would be relocating them, may be an idea to relocate to the parks.

Councilman Kasian made a motion to approve a master plan for Cypress Park. Seconded by Councilwoman Price, with all in favor.

SIGN ORDINANCE CHANGES: Discuss possible changes to the sign ordinance.

Mr. Godwin introduced this item stating that the current ordinance is a little confusing in regards to the allowable size of letters. Mr. Godwin stated that for example, it states that a single line of channel letters shall not exceed 30 inches or 37.5% of the façade, but it does not include language like “whichever is greater” or “whichever is smaller”. Mr. Godwin stated that it is not clear on the intent and would like direction from council to clarify the ordinance.

Wedge Green, 1461 Meandro Ria, stated that he remembers when this was created and that the intent was that the façade is a percentage and moved to the maximum size on the letters.

Mayor Israeloff asked council to give direction on amending the ordinance and possibly adding language inches or % or whichever is less. Mayor Israeloff stated that the interpretation of façade for him means wall space above architectural features and up; not the door or window. Councilman Kasian suggested adding the language “not to exceed”. Councilman Mattli stated that he believes it’s very important to define the word façade. Councilman Mattli stated that the definition means whole face front.

Council directed staff to revise ordinance with recommendations listed.

AMEND PEDDLERS’ ORDINANCE: Consider an amendment to the peddlers’ ordinance.

Mr. Godwin introduced this item by stating that due to recent inquiries regarding the peddlers’ ordinance and religious affiliations has caused staff to revisit the ordinance. Mr. Godwin stated that after consulting with Mr. McCoy, the town attorney, he suggested it would be a good idea to rewrite the ordinance and bring it up to date.

Mr. McCoy stated that he rewrote the ordinance and it is lengthy, but comprehensive. Mr. McCoy stated that the main purpose is residential safety and consumer protection. Mr. McCoy stated that he also outlined exemptions better based on recent case laws for further clarification. Mr. McCoy stated that residents can post a “no solicitation” sign as an enforcement mechanism as well as he’s added more requirements to the application process and background checks are performed on each applicant.

Councilwoman Price asked how religious organizations are defined. Mr. McCoy responded that they have to be an established organization. Mr. McCoy stated that everyone will be required to carry a permit unless they are exempt as defined in the ordinance.

Councilman Kasian asked how in depth are the background checks. Chief Tolliver responded stating that he typically will check for any outstanding warrants, prior criminal history and will check their driver's licenses.

Councilman Mattli asked why real estate agents were exempt. Mr. McCoy responded that they are permitted by state and they are pre-empted based on their occupation since they have to provide the state with so many documents before receiving license, but have to prove to the town that they are state licensed.

Councilwoman Price asked why the permits are limited to persons less than 13 years of age and asked in reference to younger children who go door to door for various fundraisers. Mr. McCoy responded that the ordinance exempts persons under the age of 13 that are related to activities such as Girl Scouts, Boy Scouts, etc. Mr. McCoy stated that the person could be 14-18 without an adult present.

Councilwoman Price made a motion to approve the amended peddlers' ordinance. Seconded by Mayor Pro Tem Cunningham, with all in favor.

EXECUTIVE SESSION: Take action on items discussed in executive session, if necessary.

No Action Taken.

CITIZENS INPUT:

Wedge Green, 1461 Meandro Ria, asked council and staff to look at utility easements within private properties and what the utility companies can and cannot do. Mr. Green stated that his concern is the utility companies are tearing up residents' properties without permission. Mayor Israeloff responded that they can't prevent a company from getting into an easement, but the issue may be more of the designation of a sub-contractor and can always call the police if there is an issue.

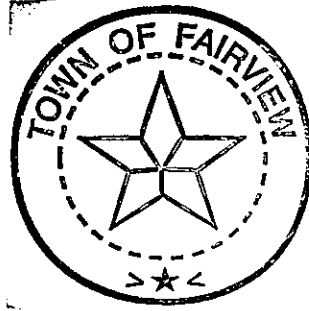
John Adler, 980 Country Trail, asked if pictures were being taken of the new town hall to see progression. Mr. Chancellor responded that thousands of pictures are being taken and will have pictures of each floor plan.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 9:25 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
May 4, 2010**

The Town Council met in regular session on Tuesday, May 4, 2010 at 7:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Jim Cunningham, Council Members Carolyn Sommers and Mary Price; Town Manager John Godwin; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; Community Development Manager, Ray Dunlap; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Council members Ron Kasian, Anton Mattli, and Michael Pezzulli were absent.

Mayor Israeloff called the meeting to order at 7:38 p.m. and declared a quorum was present and requested 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 April 6, 2010 regular council meeting. B) Award Bid Ranchette Estates water line replacement project. C) Award bid SH5 16" water line project. D) Approve amendments to the sign ordinance.

Councilwoman Price asked to pull items A and B.

Councilwoman Sommers made a motion to approve items C and D. Seconded by Mayor Pro Tem Cunningham, with all in favor.

Councilwoman Price requested in regards to item A that on page four of the minutes under Master Plan for Cypress Park, that the word 'phases' be changed to 'park projects'. Mayor Israeloff added that on page six within the second paragraph that the word 'pre-exempt' should be 'pre-empted' and also on page six that under Citizens Input, that Mr. Adler was referring to the new town hall and not the commercial development.

Councilwoman Price made a motion to approve the minutes as amended. Seconded by Mayor Pro Tem Cunningham, with all in favor. Councilwoman Sommers abstained from the vote.

Councilwoman Price asked in regards to item B if there are plans to notify the residents and if any streets will be closed during the project. Mr. Chancellor responded that the town staff is having a meeting with the residents in this area to answer any questions.

Councilwoman Price asked if staff could still send something out in writing to the residents in case they are unable to attend the meeting.

Mayor Pro Tem Cunningham asked if they were repairing one street or all. Mr. Chancellor stated all streets need replaced and will be working on drainage, asphalt and replacing a water line.

Mayor Pro Cunningham made a motion to approve item B. Seconded by Councilwoman Sommers, with all in favor.

SPECIAL USE PERMIT PROPOSED BEACH VOLLEYBALL AND COMMUNITY GARDEN WITHIN VILLAGE AT FAIRVIEW: Conduct a public hearing and take action regarding a Special Use Permit (SUP) for a temporary use for a proposed beach volleyball facility and a community garden within the Village At Fairview, located within the Commercial Planned Development District (CPDD), Zone K.

No action taken.

REVISED FINAL SITE PLAN PHASE I: VILLAGE AT FAIRVIEW: Conduct a public hearing and take action regarding a Revised Final Site Plan for Phase I of the Village At Fairview, regarding a proposed temporary use for a beach volleyball facility and a community garden. Said subject property is located within the Commercial Planned Development District (CPDD), Zone K.

No action taken.

Councilwoman Sommers asked if Mr. Godwin could provide a brief update in regards to the proposed project within the Village At Fairview. Mr. Godwin responded that MG Herring is looking for a temporary use until the office buildings are complete. Their proposal has a community garden on the east side and a beach volleyball court on the west side. Mr. Godwin stated that plans were submitted and town staff responded, but no other revisions have been turned into staff. Mr. Godwin stated that at this point, it will not go to the Planning and Zoning Commission until June.

CONDITIONAL USE PERMIT 91 SEATTLE SLEW: Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for an accessory building proposed to be located at 91 Seattle Slew, said lot comprising 3.535± acres.

Councilman Cunningham excused himself and left the room as he is the owner of this property.

Mr. Efrussy introduced this item stating that this subject property is 3.535± acres and the proposed accessory building is 1,080 square feet and will be located behind their garage and used for personal storage and a media room. Mr. Efrussy stated that the materials will match existing primary residence and given the lot size of this property and the allowable size for accessory buildings for this size of property, staff recommends approval. Mr. Efrussy added that their neighbor spoke in favor of the project at the Planning and Zoning Commission meeting and no one opposed. Mr. Efrussy stated that Mrs. Cunningham is present to answer any questions that council may have.

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

Mayor Israeloff opened discussion to council. Councilwoman Sommers asked if the building is over 84 square feet since the maximum allowable square footage for an accessory building in a RE-3 zoning district is 2,100. Mr. Efrussy responded that since the property is over three acres, then they are right on target with their building being 2,184 square feet.

Councilwoman Price made a motion to approve the Conditional Use Permit (CUP) for an accessory building proposed to be located at 91 Seattle Slew, said lot comprising 3.535± acres. Seconded by Councilwoman Sommers, with all in favor.

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

No Action Taken.

COMMUNITY DEVELOPMENT ANNUAL REPORT:

No report given; passed over until next month.

BUDGET REVENUE REPORT:

Mr. Wilbourn discussed the following items in regards to the budget revenue.

- Ad Valorem, basic operational costs, and debt service.
- Sales/Use Tax: town has had a conservative approach; 1.9 million based on businesses that are currently opened.
- Franchise Fees: slightly higher than last year; predicting an overall surplus.
- Permits/Utilities: similar trend to last year; permits are down, but water/sewer sales are slightly higher.
- TMRS
- Misc. Income: land sale proceeds.
- Investments: TX Pool- interest rates extremely low and not generating a lot of income due to variable rate.
- Expenditure(s): Fire is over due to new furniture, fixtures, equipment for new Fire Station #2; Public Works has had significant street maintenance; Utilities fund is considerably higher in sewer costs, which public works is investigating.
- Surplus in Police Department reflects unfilled budgeted positions.

Councilman Cunningham asked if the town should invest in more state funds. Mr. Godwin responded that the town would need an active treasury management and currently does not have an individual certified in this area.

Councilwoman Sommers asked the town engineer to review the original priority list of street improvements so that the town could review the storm water charge to residents and if it could possibly be lowered.

Mayor Israeloff commented that he appreciates the conservative budget and asked if the town foresees coming in on track or with a surplus. Mr. Wilbourn responded that he predicts that there will be a slight surplus.

CITIZENS INPUT:

Mayor Israeloff mentioned the pothole at St James and Hart Road.

No other comments were made.

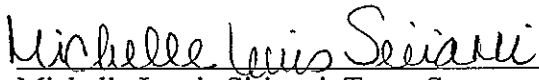
EXECUTIVE SESSION: Discuss possible litigation regarding Fairview Acres.

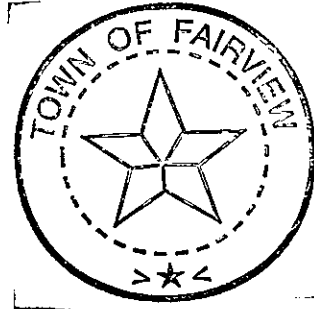
The council adjourned into executive session.

At 8:45 p.m. Mayor Israeloff reconvened back into regular session and being that there are no other items for discussion, Mayor Israeloff adjourned the meeting at 9:07 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**SPECIAL JOINT
MEETING MINUTES
TOWN COUNCIL AND
PLANNING AND ZONING COMMISSION
May 11, 2010**

The Town Council and Planning and Zoning Commission met in special session on Tuesday, May 11, 2010 at 6:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Jim Cunningham, Council Members Carolyn Sommers, Anton Mattli, Henry Lessner, and Mary Price; Planning and Zoning Commission members present were Chairman Brayton Campbell, Renee Powell, Brad Northcutt, Darion Culbertson, Ricardo Doi, and Tom Supan; Town Manager John Godwin; Planning Director, Alan Efrussy; Community Development Manager, Ray Dunlap; Assistant to the Town Manager, Matt Donnell and Management Intern, Adam Wilbourn. Council member Ron Kasian and Planning and Zoning Commissioner Paul Hendricks were absent.

Mayor Israeloff and Chairman Campbell called the meeting to order at 6:37 p.m. and declared a quorum was present.

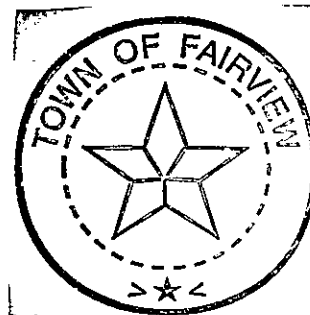
Town Council and the Planning and Zoning Commission discussed various planning, zoning, and development issues and opportunities.

The meeting was adjourned at 8:51 p.m.

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

Sim Israeloff
SIM ISRAELOFF, MAYOR



**TOWN COUNCIL
MEETING MINUTES
June 1, 2010**

The Town Council met in regular session on Tuesday, June 1, 2010 at 6:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Jim Cunningham, Carolyn Sommers Erickson, Ron Kasian, Henry Lessner, Anton Mattli and Mary Price; Town Manager John Godwin; Assistant to the Town Manager; Matt Donnell; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; Community Development Manage, Ray Dunlap; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present.

NEWLY ELECTED OATHS: Ms. Lewis Sirianni administered oaths to the newly elected officials from the May 2010 uncontested election.

Jim Cunningham, Place 2
Henry Lessner, Place 4
Mary Price, Place 6

The council then adjourned into executive session.

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

PRESENTATION FIRE DEPT. Fire Chief Price introduced the new full time firefighters:

Jeff Choquette, Nathan White, Ted Fritzler, and Travis Green.

MAYOR PRO TEM: Select a mayor pro tempore for 2010-11.

Councilman Kasian nominated Carolyn Sommers Erickson with no other nominations.

Councilman Cunningham made a motion to approve Councilwoman Sommers Erickson as mayor pro tem. Seconded by Councilman Lessner, with all in favor.

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 4, 2010 regular council meeting. B) Approve minutes of the May 11, 2010 special joint meeting.

Councilman Kasian made a motion to approve items A and B. Seconded by Councilman Mattli, with all in favor.

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

Ms. Lewis Sirianni introduced this item stating that she had spoken to two board members since the last meeting, Michael Smith who serves on the Technology committee and Sharon Feldt, who has resigned from the Parks and Recreation Board due to moving. Ms. Lewis Sirianni stated that she spoke to Mr. Smith over the phone and he expressed that he would like to continue serving, but due to his job he is simply not able to make the evening meetings and preferred the morning meetings, but understands if he cannot continue serving at this time.

Mayor Pro Tem Sommers Erickson nominated Kevin McCarthy for Parks and Recreation Board. Seconded by Councilwoman Price, with all in favor.

Councilwoman Price made a motion to reappoint Dick Anthony, John Brown, and Brian Kasper to the Parks and Recreation Board with notation that Sharon Feldt may attend the joint meeting with council. Seconded by Councilman Kasian with all in favor.

No other appointments were made.

COMMUNITY DEVELOPMENT ANNUAL REPORT: Receive the Community Development annual report.

Mr. Dunlap gave an overview of the following items within his department:

- Utility billing has increased their customer service and being proactive with residents that are in danger of being cut off as well as if abnormal water usage is detected.
- The permit department has had an overall reduction in new residential building but a slight increase in remodels/additions, so seems that residents are making

improvements to their homes. Health inspector is out and regulating restaurants and helping them stay in compliance.

- Community Outreach – new town hall groundbreaking, meetings with residents when big projects occur, i.e. Seattle Slew drainage project, logo contest with Lovejoy ISD students and the Lake Lavon project, and Allen Community Outreach will have a 5K fun run within Fairview.
- Economic Development- monthly luncheons with guest speakers and monthly spotlight of a business within newsletter.
- Current projects include acquiring a full page ad within Texas Monthly with the MG Herring Group, new brochure that will be featured at welcome centers, businesses etc., free website that will be free for one year and give businesses an opportunity to add their website links for promotion and doing a feasibility study for a new sports complex.

THE MEADOWS PARK: Consider approval of a master plan for The Meadows Park.

Mr. Dunlap introduced this item stating that John Brown, park board member and owner of a landscaping company volunteered to put this plan together. Mr. Dunlap stated that the park board met several times and heard from residents as well as Grenadier Homes. Mr. Dunlap stated that based on input received, the amenities were placed to maximize use of the park. Mr. Dunlap stated that the amenities include swings and full size sports court, pavilion and additional landscaping.

Mayor Pro Tem Sommers Erickson stated that she would like to see more details on the amenities and know how the town determined what the park needed. Mr. Dunlap responded that the park board chose what was consistent in other parks while also allowing for open space. Mayor Pro Tem Sommers Erickson asked what the average age of the children is and is there a climbing area or equipment suitable for the children's ages.

Mr. Dunlap stated that the full size basketball court and swings have already been approved by town council.

Councilwoman Price asked if there were more amenities to add in this area and place the additional landscaping in Phase II. Councilwoman Price stated that she would like to see more monies on equipment than landscaping. Councilwoman Price also stated that she would like to have the plan labeled with details.

Mayor Israeloff stated that if the plan is approved, the town can get firm prices on the court and swings and if there is extra money, the town staff can go back to the park board to get details on additional structures. Councilman Kasian asked what was included in each phase and would also like to see the plan labeled with a legend notating their elements and/or components.

Mayor Israeloff stated that council is being asked to approve the plan not with details, but seems that council desires to see details as the park moves forward. Mayor Israeloff commented that council can approve with the provision regarding the equipment selection and cost so that it is brought back to council for review.

Councilman Mattli made a motion to approve the master plan for The Meadows Park. Seconded by Councilman Lessner, with all in favor.

Town Council requested town staff to bring detailed construction plan and pricing to the joint meeting between council and the park board scheduled for later this month.

THE VILLAGE GREEN PARK: Consider approval of a master plan for The Village Green Park.

Mr. Dunlap stated that the park board has been working with the MG Herring Group to present a park plan that will meet the spirit of the original plan.

Mr. Gallo, Development Manager for MG Herring, introduced this item stating that this park is 10± acres and received direction from the park board in regards to the park. As a result, there will be additional landscape that will include 185 trees in addition to a double row of trees along Fairview Parkway already in place, plus a mixture of grass, trees, and open field space.

Mayor Israeloff asked if the open field space was large enough for a Frisbee course. Gar Herring, President of MG Herring, responded that it would be possible, but would be all you could do since you cannot cross with other activities.

In regards to dogs, there will be two dog waste stations and a drinking fountain with doggie drinking bowls and will follow town's ordinance in regards to the leash law and picking up after the animal.

Councilwoman Price asked if there would be picnic tables or benches within the gazebo. Mr. Gallo responded that there are 6 picnic tables and 6 park benches.

Councilwoman Price made a motion to approve the master plan for The Village Green Park. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

DANGEROUS BUILDING CODE: Consider amending the Dangerous Building Code.

Mr. Godwin introduced this item stating that the existing ordinance is outdated and needs revised. Mr. Godwin added that the ordinance is designed to protect structures and also for safety purposes. Mr. Godwin stated that the old gas station located on SH5 is closed and secure and people cannot get inside, but the town has to be able to prove the structure dangerous in order to pursue condemnation. Mr. Godwin stated that another structure is the old haunted house that belongs to Mr. Lawler. Mr. Godwin stated that this structure has fallen in several times and could possibly be one the town looks to tear down completely. Mayor Israeloff mentioned the house that was struck by lightning that burned and has had no repairs done to it.

Mr. McCoy, town attorney, stated the ordinance is similar to other cities', but is customized for Fairview. Mr. McCoy stated the ordinance is written to reflect that the Board of Adjustments doubles as the decision making body, but this is essentially a policy issue and council can determine which body makes the final determination. Mr. McCoy stated that the definitions of what constitutes a dangerous building are more specific as well as the procedures set forth within the ordinance.

Councilman Cunningham asked if the Board of Adjustments makes determination council cannot overrule decision? Mr. McCoy responded that is correct. Mr. McCoy stated that they could add a provision, but if town council makes the final decision that can overlap procedures. Mr. McCoy added that if a structure whether it is a portion of it or the whole structure is deemed dangerous, it is the owner's burden to repair or demolish and bring the structure up to code and council can decide the time frame for the repairs.

Councilman Mattli made a motion to approve the amended dangerous buildings code ordinance as written. Seconded by Councilman Lessner.

Ordinance passed with a 4-3 Vote.

MARKETING/PROMOTIONS IN FAIRVIEW: Discuss and consider marketing and promotions of activities and businesses in Fairview.

Mayor Pro Tem Sommers Erickson stated that she would like to discuss how to create awareness at the Village At Fairview and in her opinion is needed until the project is fully built out. Mayor Pro Tem Sommers Erickson suggested sending something out to residents whether it was e-mail or something else, but was open to ideas.

Mr. Dunlap stated that the town staff is currently advertising in magazines, brochures and featuring a business each month in the newsletter. Mr. Dunlap added that he is currently working on the website shopfairviewtexas.com that will allow businesses to promote themselves and offer discounts for residents, but will take a few months to have ready.

Mayor Pro Tem Sommers Erickson asked if it was possible to place the link in the newsletter each month and asked how the business is selected for the newsletter. Mr. Dunlap stated that it is done randomly.

Councilman Mattli suggested a neutral site with a link on the town's website to invite businesses to place on site and do a formal invite out to residents. Councilman Lessner commented that you don't want to impose on residents with Spam e-mails and that the town has placed temporary signs on site at the Village At Fairview, which goes against the town code and suggested that the Village At Fairview sends out information often regarding businesses, etc., and is a good way for people to be informed, but they have to want to know about what's going on in order to seek out the information.

Mayor Israeloff asked council and town staff to continue to brainstorm and think outside the box for new ways to promote businesses.

ART WORK FOR NEW TOWN HALL AND FIRE STATION: Discuss and take possible action on art work for the new town hall and fire station.

Mr. Dunlap introduced this item stating that nothing has really changed and that Ms. Karnuta is willing to do something for either building, but would like to have the community participate in both. Ms. Karnuta offered to do the Fire Station #2 now and the new town hall later when she is able to see it.

Councilwoman Price suggested that they see what the Fire Department would like to have and if the town is not in a hurry that they keep it on-going to collect ideas. Mayor Israeloff suggested exploring options and possibly asking consultants to help out with the art work.

MCKINNEY AIRPORT: Discuss and take possible action on the McKinney airport.

Mayor Pro Tem Sommers Erickson stated that there is currently earthwork being done and urges the town to watch and/or monitor progress and if there is anything done against the FAA to have it reported. Mayor Pro Tem Sommers Erickson asked if there were a staff member(s) or people willing to take on that responsibility or possibly volunteers.

Mr. Godwin responded that he would designate a staff member to check on progress.

IMPACT OF HEAVY TRUCKS ON EAST STACY ROAD: Discuss and take possible action regarding the impact of heavy trucks on East Stacy Road.

Councilman Mattli introduced this item stating that he wanted to discuss the heavy sludge trucks that have been traveling on East Stacy Rd. Councilman Mattli stated that this road was not designed for the use of these heavy trucks and is also now generating more traffic.

A resident commented that she sees the trucks daily and they are traveling this road as early as 6 am through 10 pm at night would guess that there is a minimum of two dozen or more trucks a day traveling on the road.

Mayor Israeloff asked if the town can regulate load requirements. Mr. Godwin responded that historically, this is a problem because it's the only route for North Texas Municipal Water District but they have never offered to help and we tried to negotiate with them to help pay for damages, but since we get our water from them, it proves difficult.

Mayor Pro Tem Sommers Erickson asked if a weight limit sign could be posted or if the town could establish weight limits within an ordinance. Mayor Israeloff stated that the town should explore options and gather more data through weight tickets and proceed from there.

RESOLUTION AUTHORIZING SUIT AGAINST JAMES F. LUNSFORD: Discuss and take possible action regarding a resolution authorizing suit against James F. Lunsford and authorizing and approving an associated compromise settlement agreement regarding Fairview Acres.

Councilman Cunningham made a motion to approve a resolution authorizing suit against James F. Lunsford and authorizing and approving an associated compromise settlement agreement regarding Fairview Acres. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

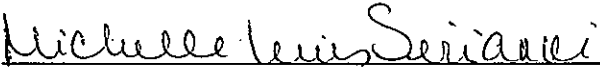
CITIZENS INPUT:

Sean Dunne, CWD, stated that he recognized that the town's contract with Allied Waste expires in November 2010, and would like the town to consider CWD for their services and believes that CWD could provide the town with great service.

Mayor Israeloff adjourned the meeting at 10:30 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
July 6, 2010**

The Town Council met in regular session on Tuesday, July 6, 2010 at 7:15 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Jim Cunningham, Carolyn Sommers Erickson, Ron Kasian, Henry Lessner, Anton Mattli and Mary Price; Town Manager John Godwin; Assistant to the Town Manager; Matt Donnell; Planning Director, Alan Efrussy; Community Development Manager, Ray Dunlap; Budget and Management Analyst, Adam Wilbourn; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 7:15 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 requested 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 June 1, 2010 regular council meeting. B) Appoint a new municipal court judge and associate judge. C) Approve a 30 mph construction zone speed limit for East Stacy Road. D) Approve ordinance amending the 2009-10 budget. E) Approve speed zone ordinance for US 75. F) Approve speed zone ordinance for Stacy Road, FM 2786.

Councilman Kasian requested to pull items E and F.

Councilman Cunningham made a motion to approve items A, B, C, and D. Seconded by Councilman Kasian, with all in favor.

Councilman Kasian asked in regards to item E if there is an exhibit and also that the ordinance stated North Texas Tolling Authority versus Tollway Authority. Councilman Kasian stated that in regards to item F he has the same comments regarding NTTA and the exhibit does not indicate where County Club Road is located. Councilman Kasian asked if there was a non-construction ordinance since this speed zone did not pertain to a construction area. Mr. Godwin responded that TXDOT provided these and the council does not have to approve them if they do not feel comfortable, but they are using TXDOT's version since they've had a history of not approving ordinances that staff has

amended. Councilman Lessner commented that the City of Allen has passed their ordinance.

Commissioner Lessner made a motion to approve items E and F as submitted with noting that the ordinance should state North Texas Tollway Authority and would like Exhibit A to item F label Country Club Road on graphic. Seconded by Councilman Cunningham, with all in favor.

FINAL PLAT, VILLAS IN THE PARK PHASE II: Conduct a public hearing and take action regarding a Final Plat for a portion of Phase II, of the Villas in the Park Subdivision, consisting of five townhome lots.

Mr. Donnell introduced this item stating that this portion of Phase II shows five lots to be platted, which is one building. Mr. Donnell stated that Grenadier adjusted the elevations from two stories to one story units, which has attracted more buyers and they are ready to begin a portion of Phase II. Mr. Donnell stated that the Planning and Zoning Commission recommended approval and there were no other comments made at the commission meeting.

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.

Councilman Kasian made a motion to approve the Final Plat for a portion of Phase II, of the Villas in the Park Subdivision, consisting of five townhome lots. Seconded by Councilman Mattli, with all in favor.

SPECIAL USE PERMIT (SUP) BEACH VOLLEYBALL/COMMUNITY GARDEN: Conduct a public hearing and take action regarding a Special Use Permit (SUP) for a temporary use for a proposed beach volleyball facility and a community garden within the Village At Fairview, located within the Commercial Planned Development District (CPDD), Zone K.

Mr. Donnell introduced this item stating that the MG Herring Group is requesting a Special Use Permit for a beach volleyball and community garden. Mr. Donnell stated that a Special Use Permit is typically based on the relationship and impact of the request to existing and proposed uses within the environs of the SUP and in relation to future plans for the subject area. Hence, the granting of a SUP is historically contingent upon a site specific analysis. Mr. Donnell stated that town staff recommends denial without prejudice and believes that the proposed items could be done at a different location. Mr. Donnell stated that the Planning and Zoning Commission approved this proposal with a

6-1 vote at the last commission meeting with conditions as outlined in memo, but staff stands by its recommendation.

Gar Herring, President MG Herring Group, stated that with this area being the center or 'hub' of activity and it would be several years before the office buildings would be occurring, they wanted to find something unique for this empty space. Mr. Herring stated that the main goal is to maximize sales and generate some activity from a marketing perspective and find a temporary use until something better comes along.

Mr. Herring stated that in regards to the community garden, it will be comprised of 77 4x20 and 20x20 plots and will also include fruit trees, unloading area, and garden shed with lock. Mr. Herring stated that from their research, they are self governing and usually maintain themselves. Mr. Herring stated in regards to the beach volleyball, it will have an area for washers, horseshoes, play area, sand box, a retail merchandising unit, dog park and four volleyball courts. Mr. Herring stated that they have received support from adjacent restaurants.

Mrs. Norine Bowen touched on the Code of Conduct that will be enforced by the management and security staff. Ms. Bowen stated that the code addressed no alcohol, appropriate clothing, noise, and hours of operation. Ms. Bowen stated that the code applies across the entire center.

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

Mayor Israeloff opened discussion to council.

Mayor Israeloff asked the MG Herring Group to address the lighting concerns as well as how do they adjust with other events i.e. movie nights. Matt Gallo, Project Manager, stated that in regards to the lighting that there are two types of lighting: standard and recreational. Mr. Gallo stated that the standard lighting meets the dark skies requirements and the recreational lighting will only be turned on during activity and will be turned off thirty minutes after events. Mr. Gallo stated that they wanted to use five regular light poles, but the town ordinance has a 4' candle boundary and the highest theirs will be are 4.5'. Mr. Gallo stated that it is a very small overage and is hard to see by the visual eye and they have added trees to help mitigate the lighting. Mr. Gallo stated in regards to the other events, the management staff will co-ordinate so that they will not conflict.

Mayor Israeloff asked the applicant to address the compost pile. Mr. Gallo stated there are two 3x9 bins and if done correctly with the right mix, it will not smell and they set it back as far north as possible to keep away from remaining activities.

Mayor Israeloff stated that there is no adjacent parking and asked if there is enough in that area to support the proposed activities. Mr. Gallo responded that they have looked at the parking and have calculated a scenario of the busiest day with everyone having their own car, etc. that there would still be ample parking.

Mayor Israeloff asked if the uses are cancelled, are they prepared for the possibilities of changing something that's there and if successful will they seek re-approval in five years. Mr. Godwin commented that it is a temporary use and it expires on its own. Mr. Herring commented that they are willing to find an alternate location if it is successful, but they are communicating with everyone upfront whether it's through signage or verbally that it's temporary. Mr. Herring stated that they understand the risks, but it's meant to be temporary.

Councilman Kasian stated the many issues were discussed and dissected with the Planning and Zoning Commission and seems that most of everything was resolved. Councilman Kasian stated that this is not a typical land use and seems that the dog park is a selling point for the apartments, but questioned if there's a clause in the lease stating it's not permanent. Councilman Kasian stated that the Planning and Zoning Commission brought up concerns that included the garden shed, noise, scheduling and hours of operation etc. Councilman Kasian stated he believes there are valued arguments and appreciates the input by town staff, but it is a Special Use Permit, and the MG Herring Group seems cooperative and if it doesn't work, they can pull it whether it's a few weeks or months, but it will be eliminated. Councilman Kasian asked if there was any recourse if it only lasted a few weeks or months. Mr. Efrussy responded that within the requirements of a Special Use Permit, the Director of Planning has the authority to cease the use if requirements are not met and the town can step in if it endangers the public health, welfare or safety.

Councilman Mattli asked if it was a controlled access area or can people just stroll into the area and how do they plan to maintain the volleyball courts that sit in what appears to be a large sandbox. Councilman Mattli stated that it seems that it would be a complete maintenance nightmare and not a very hygienic place. Mr. Herring responded that the areas are open to the public and will have the same hours of operation, which are Monday thru Saturday 10 am to 9 pm and Sunday 11 am to 6 pm. Mr. Herring stated that they are using different sand and it will not be covered, but don't foresee it being a problem.

Councilman Cunningham stated that he was hesitant a few months ago and has studied problematic areas and seems like the surrounding businesses will dictate the outcome, especially within these economic times. Councilman Cunningham stated that the MG Herring Group has invested over \$200,000 for a five year temporary use where additional revenue could be lost and if they are willing to invest in something temporary then he's in favor.

Councilwoman Price asked if people will have to bring their own washers/horseshoes or will they be sitting out. Mr. Herring responded that they will not leave them out all the time and will either take them in and out every night like the chess pieces or people will be able to check them in and out through guest services. Councilwoman Price also asked about the play area and fountain area in regards to smaller children. Councilwoman Price stated that children like to throw things and run around and is concerned that they may run out in front of cars. Mr. Herring responded that the play area will be separated by a

boardwalk and they believe the area is isolated enough and that the streets near the fountain area were designed to be more narrow and bumpy and are used as a calming device to slow people down and it will ultimately be the parents also who will need to watch their children. Councilwoman Price asked if the volleyball courts are open or will they be reserved for leagues and how do they define appropriate clothing. Mr. Herring responded that it will be a first come first serve basis and usually the winner stays. Mr. Herring stated that they have discussed doing leagues and would reserve times and use a sign up of some sort if leagues occurred. Mr. Herring stated the Code of Conduct addresses the clothing.

Mayor Pro Tem Sommers Erickson stated that if they leave the area as is then nothing is going to happen, but would rather communicate to people that the uses are temporary and see the volleyball go away in five years versus the cinema, shops, etc. Mayor Pro Tem Sommers Erickson stated that they need to keep the Village alive in these economic times.

Mr. Efrussy recommended that the motion address the time frame (five years) with the option to extend conditioned upon a recommendation and action by the planning and zoning commission and town council.

Councilman Cunningham made a motion to approve the Special Use Permit (SUP) for a temporary use for a proposed beach volleyball facility and a community garden within the Village At Fairview, located within the Commercial Planned Development District (CPDD), Zone K for five years conditioned upon the option to extend with a recommendation and action by the planning and zoning commission and town council. Seconded by Councilman Kasian, will all in favor.

REVISED FINAL SITE PLAN VILLAGE AT FAIRVIEW PHASE I: Conduct a public hearing and take action regarding a Revised Final Site Plan for Phase I of the Village At Fairview, regarding a proposed temporary use for a beach volleyball facility and a community garden. Said subject property is located within the Commercial Planned Development District (CPDD), Zone K.

Mr. Efrussy introduced this item stating that the Revised Final Site Plan provides an overall site plan for the development that allows you to observe the relationship, impacts, and review of the individual project site. Mr. Efrussy stated that since the Special Use Permit was approved then the Revised Final Site Plan must be approved. Mr. Efrussy stated that all concerns that were noted in the council's memo have been eliminated.

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 Sommers Erickson made a motion to approve the Revised Final Site Plan for Phase I of the Village At Fairview, regarding a proposed temporary use for a beach volleyball facility and a community garden. Said subject property is located within the Commercial Planned Development District (CPDD), Zone K. Seconded by Councilwoman Price, with all in favor.

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

Councilwoman Price asked if they could place in the newsletter the need for alternates on the Board of Adjustments to obtain some possible candidates.

Mayor Pro Tem Sommers Erickson stated that she'd like to resign from the EDC Board and nominate Councilwoman Price.

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

Planning and Zoning: Councilman Kasian made a motion to re-appoint Darion Culbertson, Tom Supan and Paul Hendricks. Seconded by Councilwoman Price, with all in favor.

Economic Development Committee: Councilman Kasian made a motion to re-appoint Gene Byrne, Chuck Williams and Sim Israeloff. Seconded by Councilwoman Price, with all in favor and Mayor Israeloff abstained.

Technology Advisory Board: Councilman Lessner made a motion to re-appoint John Adler and Neal Pappion. Seconded by Councilman Mattli, with all in favor.

Board of Adjustments: Councilwoman Price made a motion to re-appoint L. Michael Mints and Jim Helbig. Seconded by Councilman Cunningham, with all in favor.

Environmental Committee: Councilman Lessner made a motion to re-appoint Paul Westbrook and Neal Pappion. Seconded by Councilwoman Price, with all in favor.

ENVIRONMENTAL COMMITTEE: Consider and take possible action on amending the resolution creating the Environmental Management Advisory Committee.

Councilman Mattli made a motion to amend the resolution creating the Environmental Management Advisory Committee. Seconded by Councilwoman Price, with all in favor.

2010-2011 BUDGET CALENDAR: Discuss the 2010-2011 budget calendar.

Mr. Godwin introduced this item stating that there are four extra meetings and requested council to check their calendars so that any changes can be made. Mr. Godwin noted that the August 17th meeting is in the am and the July 29th is a work session and can move this meeting if council desires to a later date. Many council members suggested moving this to a date in late August, but no date tentatively set.

CERTIFICATES OF OBLIGATION: Consider and take action on a resolution directing publication of notice of intention to issue certificates of obligation; and resolving other matters relating to the subject.

Mr. Godwin introduced this item stating that they are starting the bond process. Mr. Godwin commented that the bonds are being used for the fire engine and new town hall, which have already been authorized by council.

Councilman Kasian 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 Mattli, with all in favor.

ANIMAL WASTE ORDINANCE: Consider an animal waste ordinance.

Mr. Godwin introduced this item stating that he has recently been getting complaints about people letting dogs and cats go to the bathroom in neighbor's yards. Mr. Godwin stated the town currently has a leash law and logically the pet owners should take care of this type of incidents but some are not.

Mayor Pro Tem Sommers Erickson asked how do you control this issue. Councilman Lessner asked how do you prove. Councilman Kasian stated if passed who monitors and would staff write citations. Mr. Godwin stated that council can choose to approve or not, and the ordinance is only a recommendation due to recent complaints.

No action taken.

THE ARTS OF COLLIN COUNTY: Discuss and take possible action regarding The Arts of Collin County.

Mayor Israeloff stated that he asked to place this on the agenda and wanted to inform council that he recently went to a joint meeting regarding the Arts of Collin County. Mayor Israeloff stated that the City of Frisco is divided and has no money in their budget,

and the City of Allen and Plano would like to move forward now. Mayor Israeloff stated that the City of Melissa and the town are considered member cities and it seems that there will be no ground breaking in the next two budget years since there is no money in Frisco to issue bonds.

SLOAN CREEK PARKWAY EXTENSION: Discuss and take possible action regarding Sloan Creek Parkway Extension.

Councilman Lessner stated that he asked this item to be placed on the agenda and is concerned that this will be turned into a major thoroughfare. Councilman Lessner stated that he has support of the neighbors and they would like to see the road go away and would like to see the traffic routed around exterior areas of town than going through the neighborhood. Councilman Lessner stated that he requests that they remove the extension from Hart Road to Sloan Creek Parkway.

Councilwoman Price asked if the trail is still planned to go across this area and would be concerned of diverting traffic off of FM 1378 and that it would be turned into a short cut and how that would impact several neighborhoods. Mr. Godwin responded that they are keeping the trail.

Mayor Pro Tem Sommers Erickson stated that she would like to see it go away and goes against the 'Keeping It Country' clause. Mayor Pro Tem Sommers Erickson stated that she believes the extension was added on the Comprehensive Plan after Sloan Creek was approved.

Mayor Israeloff stated the plan was adopted by town council and is mixed on the question concerning the roads, neighborhood, etc. and then changing the plan now. Mayor Israeloff asked what was on the plat.

Mayor Pro Tem Sommers Erickson made a motion to start the process of updating the Master Thoroughfare Plan to remove the extension. Seconded by Councilman Kasian, with all in favor.

FAIRVIEW FARMS HOA: Discuss and take possible action regarding street lights in Fairview Farms HOA.

Councilman Cunningham introduced this item stating that the Fairview Farms HOA is being disbanded and will have approximately \$12,000 remaining funds. Councilman Cunningham stated that there were thoughts of giving it to charity, but the idea was brought up concerning the street lights and the possibility of offering funds to the town to take over the light as well as contingent on additional street lighting to the four entrances.

Mayor Israeloff stated that usually a subdivision or HOA pays the light bills. Mayor Israeloff asked if they do this for one area, will they have to do it in another, how important are lights and would the town pay for the monthly light bills.

Councilwoman Price stated that lights are expensive and doesn't think the money would go very far, but questioned if they would be setting a precedent. Councilman Mattli commented that they may face the same situation with other HOA's.

Mr. McCoy stated that sometimes when HOA's disband that towns can use a public improvement district. Mr. McCoy stated that this would create a district where lot owners would pay for the service and operating costs, but would go through the public hearing process to adopt an ordinance. Mr. McCoy stated another option would be to adopt a hybrid, which pays a certain percentage, and the district pays the remaining, but the town council remains the governing authority.

Mayor Israeloff asked staff to investigate options with the public improvement district, cost of lights etc., as well as research what other communities are doing, who pays etc.

PUBLIC ART TOWN HALL AND FIRE STATION #2: Discuss and take action regarding public art at town hall and fire station #2.

Council passed over this item.

ATTENDANCE/PARTICIPATION IN MEETINGS: Discuss and consider council attendance at and participation in meetings of citizen boards and commissions.

Mayor Israeloff stated that he wanted to discuss this with council and thought that there was a policy amongst them that they would not attend other meetings and let the boards be independent. Mayor Israeloff stated that they have every right to attend public hearings, but should exercise discretion and not attend. Mayor Israeloff asked council to consider getting a consensus on not attending meetings.

Councilwoman Price stated that she didn't think that they were attending other meetings on a regular basis, but if there was an item that they wanted more information on, that maybe they ask for a work session.

Mayor Pro Tem Sommers Erickson stated that she doesn't remember promising not to attend other meetings and doesn't want to sway other boards, but questions how going keeps the board from being independent. Mayor Israeloff commented that their presence at a meeting is seen as being a council member not a citizen.

Councilman Kasian stated that he's attended two to three meetings to observe performance and wants to be able to see other discussions as they can be revealing. Councilman Kasian stated that he doesn't recall agreeing to not attending meetings and doesn't agree with proposal. Councilman Kasian stated that they are there to gather information. Councilman Kasian stated that the boards are professional and felt they would not be intimidated by his presence.

Mr. McCoy stated the legal concern with the open meetings act is that no more than two can attend a meeting where an item that eventually goes to council. Mr. McCoy stated the risk to the Attorney General is that it can become a walking quorum (3 people) and when comments are made and then are discussed with another person equaling four people, that then it could constitute a walking quorum. Mr. McCoy stated the concern is not members attending, but the number of people who attend.

Councilman Cunningham stated that he attended the Planning and Zoning Commission meeting, but never asked for their opinion(s), but only made one comment regarding alcohol and the hours of operation.

Councilman Mattli stated they have a right to go and as long as the law is not being breached and are careful not to influence decision of board members, then doesn't see an issue.

FAIRVIEW ACRES: Discuss and take possible action regarding a compromise settlement agreement with James F. Lunsford regarding Fairview Acres.

No action taken.

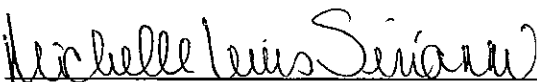
CITIZENS INPUT:

No comments were made.

Mayor Israeloff adjourned the meeting at 10:34 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
August 3, 2010**

The Town Council met in regular session on Tuesday, August 3, 2010 at 7:15 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Jim Cunningham, Ron Kasian, and Henry Lessner; Town Manager John Godwin; Assistant to the Town Manager; Matt Donnell; Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; and Town Attorney, Clark McCoy. Council members Carolyn Erickson Sommers, Anton Mattli and Mary Price were absent.

Mayor Israeloff called the meeting to order at 7:15 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:55 p.m. Mayor Israeloff reconvened back into regular session and requested 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 July 6, 2010 regular council meeting.

Councilman Kasian requested a correction on page ten.

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

COLLINWOOD ACRES AND COLLINWOOD ACRES NORTH: Conduct a public hearing and take action regarding zoning Collinwood Acres and Collinwood Acres North Subdivisions to the Planned Center Zone (PC).

Mr. Efrussy introduced this item stating that these two subdivisions have several different lot sizes, setbacks, and land uses, etc. Mr. Efrussy stated that the most appropriate zoning is the Planned Center (PC) zoning district, which would allow all the lots to be legal conforming uses. Mr. Efrussy stated that at the July 8, 2010 public hearing, there were three citizens who asked questions and no one who spoke either in favor or opposition to

this project. Mr. Efrussy stated that the commission unanimously recommended approval conditioned upon adding the ratio reduction for accessory buildings and setbacks and that the existing uses be legal conforming uses.

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

Mayor Israeloff opened discussion to the council. Councilman Cunningham asked if the property owners would be able to divide their lots if they chose to at a later date. Mr. Efrussy responded that any increase or decrease in lot sizes will have to go through the public hearing process, but would allow them to request the replat of their lot.

Councilman Kasian made a motion to approve the zoning of Collinwood Acres and Collinwood Acres North Subdivisions to the Planned Center Zone (PC). Seconded by Councilman Lessner, with all in favor.

FAIRFIELD RESIDENTIAL APARTMENTS SITE PLAN: Conduct a public hearing and take action regarding Revised elevations for the Site Plan for the Fairfield Residential apartments located within the CPDD, Zone K.

Mr. Donnell introduced this item stating that within the CPDD, Exhibit B, it is a law that all utilities have to be screened from view, which includes satellite dishes. Mr. Donnell stated that each building is wired to serve all units within each building and will reduce the aesthetics of having multiple dishes on balconies. Mr. Donnell stated that the commission unanimously recommended approval and town staff supports this recommendation and believes this plan is the most feasible way to provide residents with another choice in service.

Mayor Israeloff opened the public hearing. Larry Lee, Fairfield Residential, stated that the plan was very well received at the commission meeting and added that currently 92% of apartments over retail are leased and 58% of the garden apartments are leased. Mr. Lee added that they are also doing additional landscaping and believes that this plan will be a solution from individual dishes being on each balcony.

Councilman Kasian asked if the residents are aware of this option and will they have the provider of choice or will they be restricted through their lease. Mr. Lee responded that the dishes are not installed and that they wanted to get approval before moving forward. Mr. Lee stated that they will explain to residents upon signing of their choices.

Councilman Cunningham asked what their restrictions and/or options are. Mr. Lee responded that there is currently no option and residents will be able to sign up for satellite service or regular cable.

Mayor Israeloff asked if the proposed elevation would be in violation. Mr. Godwin responded that it would not be if approved since it will be part of the Planned Development (PD). Mayor Israeloff asked if the residents would be charged a mark up fee. Mr. Lee responded that there are no additional fees or profit made. Councilman Lessner asked how they will handle the existing residents who have service and may already have an agreement with a service provider. Mr. Lee responded that they will work with each resident individually and would try to provide some incentive. Mr. Godwin added that the town could also write tickets since they are in violation.

Mayor Israeloff closed the public hearing and opened discussion to council. No additional comments were made.

Councilman Lessner made a motion to approve the revised elevations for the Site Plan for the Fairfield Residential apartments located within the CPDD, Zone K. Seconded by Councilman Kasian, with all in favor.

FINAL PLAT VILLAS IN THE PARK: Conduct a public hearing and take action regarding a final plat for phase II of the Villas in the Park subdivision.

Mr. Donnell introduced this item stating that this is the Final Plat for Phase II of the Villas in the Park. Mr. Donnell stated that the plat meets all code and regulations and has been unanimously recommended by the commission and town staff supports their recommendation. Mr. Donnell stated that Anthony Natale of Grenadier homes is present to answer any further questions.

Mayor Israeloff opened the public hearing. Anthony Natale, President of Grenadier Homes, stated that he is happy to be back to submit the Final Plat. Mr. Natale stated that they've recently changed the size of the townhomes from two story to one story based on the request of the buyers and the market demand. Mr. Natale commented that they are selling four to five a month, which has exceeded their expectations. Mr. Natale stated that they have done extensive landscaping and have kept with the architectural standards and/or guidelines.

Councilman Kasian asked if the square footage of the townhomes has been reduced. Mr. Natale responded that they are about the same or bigger, but the lot sizes have been enlarged. Mr. Natale added that there is also a floor plan that has the option to have a second story game room.

Mayor Israeloff asked who their lifestyle buyers are. Mr. Natale responded that the buyers are mostly single with no kids or are older individuals. Mr. Natale stated that there may be one or two kids throughout the whole neighborhood, but are older kids that will be off to college in a few years. Mr. Natale stated that the appeal is that everything is maintained for them and they don't have to worry about maintenance issues.

Councilman Cunningham asked if they had to drop units to build the single story units. Mr. Natale stated that they lost about 20% of the lots, but increased the price due to the increase in the lot sizes, but received no complaints. Mr. Natale commented that they are building less, but have increased the standard amenities within each home and the lifestyle center nearby has been helpful in selling the units.

Councilman Cunningham made a motion to approve the Final Plat for Phase II of the Villas in the Park subdivision. Seconded by Councilman Lessner, with all in favor.

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

Councilman Lessner nominated Gregg Custer for Board of Adjustments and Stephen Davis for the Environmental Committee. Seconded by Councilman Kasian, will all in favor.

ANNUAL ENGINEERING REPORT: Receive annual Engineering report.

Mr. Chancellor highlighted the following within the engineering department.

- Water System- line upgrades and new elevated storage tank.
- Sewer System – sewer line to Fairview Retail and 7-11.
- Public Buildings – new town hall and Fire Station #2.
- Road and Trail Projects – Meandering Way, East Stacy Road, Creekwood North emergency access.
- Drainage Projects
- Private Development Construction Projects – Cortona apartments, Whole Foods, and Boy Scouts.
- TxDOT Projects/Coordination – Stacy Road from SH5 to FM1378, permits in TxDOT right-of-way, and FM 1378 widening.
- Stormwater Quality – annual report filed with TCEQ, samplings, updates through website and newsletter articles, and draft ordinances.
- Building Inspection – 75 buildings being inspected for code compliance, inspector has CSI certification and plumbing inspector's license, and working towards backflow prevention.
- IT/Phones

EAST STACY ROAD CONSTRUCTION: Discuss and take action regarding East Stacy Road construction, and related sidewalks and landscaping.

Passed over until September.

STORMWATER UTILITY PROJETS AND BUDGET: Receive report on stormwater utility projects and budget.

Passed over until September.

EMERGENCY ACCESS EASEMENT/ MEANDERING WAY: Discuss and take action on emergency access easement at Meandering Way and Creekwood Drive North.

Mr. Chancellor introduced this item stating that town staff is recommending removal of a piece of trail now on the ground, using the private driveway as part of the town's public safety access, and constructing the remainder of the work previously approved from the new driveway east to Creekwood. Mr. Chancellor stated that this will reduce the overall cost and still adhere to the public safety access and being ADA compliant.

Councilman Kasian made a motion to approve the emergency access easement at Meandering Way and Creekwood Drive North. Seconded by Councilman Lessner, with all in favor.

PUBLIC ART AT TOWN HALL & FIRE STATION #2: Discuss and take action regarding public art at town hall and fire station #2.

Mr. Godwin introduced this item stating that the fire station required public art and need to plan for the art work in town hall. Mr. Godwin stated that one thought was to prepare a list of approved art that could be donated by businesses or individuals. Mr. Godwin stated that town council can also create a committee to review and approve the public art or can itself be the art committee per the current ordinance to aid in process.

Consensus of council was to spend no monies, but bring two to three art consultants to the September meeting.

BUDGET REPORT: Receive quarterly budget report.

Mr. Wilbourn introduced this item stating that town staff maintains that it will have a balanced budget as the fiscal year 2009-2010 comes to a close. The following are notable comments made during the 3rd quarter fiscal report given to the town council.

Revenues

- Town staff projects no deficits in revenue sources, except that we may incur a slight deficit in water sales if we have heavy rains in August and September. The 4th quarter is the town's most profitable quarter in regards to water sales.

Expenditures

Town staff estimates that the following departments will have expenditures exceeding their adopted budget:

- **Fire Department-** Will exceed their adopted budget due to start up costs for the new fire station, and the transition from part-time firefighters to full-time.
- **Sewer-** The possibility of overpaying for sewer is currently under investigation, and should clear up any possibility of overspending.

2010-2011 BUDGET: Discuss the 2010-2011 budget.

Council agreed that no separate work session was needed.

FAIRVIEW ACRES: Discuss and take action to adopt a resolution: (1) rescinding Resolution N. 2010-6-1R regarding a proposed agreement with landlord of Fairview Acres; (2) withdrawing associated offer(s); and (3) authorizing legal proceeding(s) to enforce Board of Adjustment Order 2004-8-23-1 and pursuit of related legal and equitable remedies.

Councilman Kasian made a motion to adopt a resolution rescinding Resolution 2010-6-1R regarding a proposed agreement with landlord of Fairview Acres. Seconded by Councilman Lessner, 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.

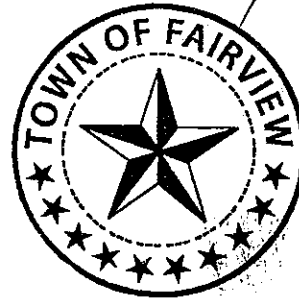
- Veterans' celebration and park dedication on November 13, 2010.

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

ATTEST:


Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary


SIM ISRAELOFF, MAYOR



**TOWN COUNCIL SPECIAL
MEETING MINUTES
August 17, 2010**

The Town Council met in special session on Tuesday, August 17, 2010 at 7:00 A.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Council Members Jim Cunningham, Anton Mattli, Carolyn Sommers Erickson, Mary Price and Henry Lessner; and Town Manager John Godwin. Mayor Sim Israeloff and Council Member Ron Kasian were absent.

Mayor Pro Tem Carolyn Sommers Erickson called the meeting to order at 7:02 a.m. and declared a quorum was present.

2010-2011 AD VALOREM TAX RATE: Consider and file motion approving proposed ad valorem tax rates for 2010-11.

Mr. Godwin introduced this item stating that proposed rates for this year include the proposed I&S rate of 18.884 and the proposed M&O rate of 17.616 making the tax rate 36.500 per \$100.

Councilman Lessner made a motion to approve the tentative tax rate of 36.5 cents per \$100 valuation. Seconded by Councilwoman Price, with all in favor.

PUBLIC HEARING ON AD VALOREM TAX RATES: Consider and file motion setting public hearings on the proposed ad valorem tax rates, for September 7 and September 14.

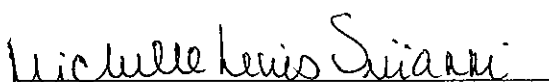
Mr. Godwin stated that the public hearings are set for September 7th at 7:30 pm, which is the regular council meeting and September 14th at 7 pm to be held at Town Hall in Fairview.

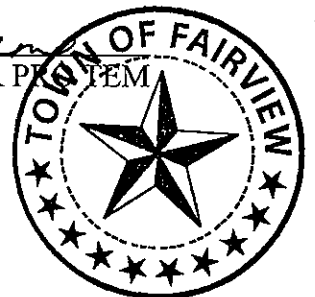
Councilwoman Price made a motion to approve the public hearings for the proposed ad valorem tax rate for September 7th at 7:30 pm and September 14th at 7 pm to be held at Town Hall in Fairview. Seconded by Councilman Mattli, with all in favor.

There being no other items for discussion, Mayor Pro Tem Sommers Erickson adjourned the meeting at 7:07 a.m.


CAROLYN SOMMERS ERICKSON, MAYOR PRO TEM

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
September 7, 2010**

The Town Council met in regular session on Tuesday, September 7, 2010 at 7:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Carolyn Sommers Erickson, Jim Cunningham, Ron Kasian, Anton Mattli, Henry Lessner, and Mary Price; Town Manager John Godwin; Assistant to the Town Manager; Matt Donnell; Planning Director, Alan Efrussy; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Budget and Management Analyst, Adam Wilbourn; Town Secretary, Michelle Lewis Sirianni, and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 7:30 p.m. and declared a quorum was present and then requested 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 3, 2010 regular council meeting. B) Approve minutes of the August 17, 2010 special council meeting. C) Approve Atmos rate case settlement.

Councilman Lessner made a motion to approve item A. Seconded by Councilman Cunningham, with all in favor. Council members Sommers Erickson, Mattli, and Price abstained.

Councilwoman Price made a motion to approve item B. Seconded by Councilman Mattli, with all in favor. Council members Israeloff and Kasian abstained.

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

2010-11 AD VALOREM TAX: Conduct a public hearing on the 2010-11 ad valorem tax rate.

Mr. Godwin introduced this item stating that the tentative tax rate is 36.5 per \$100 valuation, which remains the same. Mr. Godwin stated that this includes a slight increase in the M&O rate and a slight decrease in the I&S rate, but is a balanced budget.

Mayor Israeloff opened the public hearing. Randy Smith, 691 Foxdale asked what the rate was last year. Mr. Godwin responded that it remains the same at \$0.365. Mayor Israeloff commented that taxes may go up based on the appraised values, but the rate stays the same.

Public hearing remains open.

2010-11 BUDGET: Conduct a public hearing on the 2010-11 budget.

Mr. Godwin introduced this item stating that he is recommending a reduction in storm water fees from \$7.75 to \$5.00 for residential houses; the commercial rate stays the same and for an increase in water and sewer rates that would be effective January 1st. Mr. Godwin stated that this is the first increase since 2000 and is essentially to help cover the continuing annual price increase from NTMWD.

Mayor Israeloff opened the public hearing. Randy Smith, 691 Foxdale, asked what the storm water fee covers. Mr. Godwin responded that the fee covers items dealing with drainage. For example, equipment and materials that deals with drainage projects, as well as part of the town engineer's salary. Mr. Godwin stated that the money goes into a separate fund that is used on projects as they are needed.

Leland Payne, 398 Parkvillage, asked how much the total debt service is. Mr. Godwin responded that the total in this budget is \$2.2 million with total debt equaling a little over eleven million, which includes the new town hall, fire station #2, Stacy Road improvements and the new water tower. Mr. Godwin stated that the town issues CO's and GO's to use for these projects. Mr. Smith asked when they are scheduled to be paid off. Mr. Godwin responded that they have payments coming due each year, but they are typically twenty year notes.

Ed Hayes, 445 Sloan Creek Parkway, stated that it seems that the debt service is 18-19% and if that's accurate, is this rate considered low, high or average for a town of our size. Mr. Godwin responded that it is a typical number for a growing town of our size of roughly 8-9,000 people. Mr. Godwin added that the town bond rating was recently evaluated again and has been increased.

John Brightwell, 5583 Emerson Ct, asked if additional staff would be hired upon the completion of the new town hall. Mr. Godwin responded that no additional staff will be hired other than a few police officers, one public works employee and three half time fire fighters that have been budgeted.

Public hearing remains open.

CONCRETE/ASPHALT BATCH PLANTS: Conduct a public hearing and take action regarding modifications to the requirements for temporary use for concrete batch plants and asphalt batch plants.

Mr. Efrussy introduced this item stating that the purpose of this request is to broaden the use of temporary concrete and asphalt batch plants to all zoning districts. Mr. Efrussy stated that this could save the town and developer money as well as the ability to have access to a batch plant on or near a project site, which would provide more efficient work levels. Mr. Efrussy stated at the Planning and Zoning Commission meeting, no one spoke in favor or opposition to this recommendation. Mr. Efrussy stated the consensus of the commissioners regarding this project was to have the town staff review an application and then a subcommittee would provide final approval. The commissioners also requested that surrounding residents be notified. Mr. Efrussy stated that town staff supports their recommendation and recommends approval of these modifications.

Mayor Israeloff asked if there was a time limit or is it based on each applicant? Mr. Efrussy responded that the time period is based on the construction time frame.

Mayor Israeloff opened the public hearing. Randy Smith, 691 Foxdale, asked if the people that were notified would have a chance to protest if they chose.

Matt Faulkner, 425 Plumwood, stated that he lived near a plant in Frisco, which is one of the reasons they moved to Fairview, but it was the smell of the asphalt that was bothersome, not the concrete. Mr. Chancellor responded that as a temporary use, they will come and go with the project. Mr. Chancellor stated the advantage to an on-site plant is there are fewer trucks and traffic issues.

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

Councilman Kasian asked if 500' for notification is typical and suggested that the word 'property owners' be used consistently versus 'citizens', and how can they validate the subject site being returned to its preceding condition. Mr. Efrussy stated that it is normal statute for a public hearing process. Mr. Efrussy commented that they can modify that number if they choose and can use an aerial photograph with a date for the validation of the site.

Mayor Pro Tem Sommers Erickson stated her concern is the impact on the neighborhoods and would suggest notifying all adjacent neighborhoods. Mayor Pro Tem Sommers Erickson asked how many residential areas are undeveloped. Mr. Efrussy responded roughly 30% east of Highway 5. Mayor Pro Tem Sommers Erickson responded that opening up one area for one project is a concern and especially the impact it will have and believes that all the planning and zoning commission members should approve the project and not just a sub-committee. Mayor Pro Tem Sommers Erickson also stated that she would recommend striking asphalt batch plants altogether from the ordinance.

Councilman Cunningham asked if there was an option to use space farther out of the town's ETJ and would like to see town council have final approval versus the planning and zoning commission.

Councilman Mattli stated that he shares the same views of everyone and feels that the town does not need a new ordinance. Councilman Mattli stated that the impact on the residential areas is huge and would like to see town council have final approval as well.

Councilwoman Price stated that she doesn't care for the idea of having a batch plant in a residential area. Mayor Israeloff agreed and suggested modifying ordinance to delete asphalt from the ordinance, but add that a public hearing and notification of 500' and adjacent neighborhoods that would be affected is added to the ordinance with town council having final approval. Mr. Godwin added that if they are not satisfied with the ordinance they may pass over and come back next month and that this is not meant to be a shortcut for any contractors.

Mayor Pro Tem Sommers Erickson made a motion to deny modifications to the requirements for temporary use for concrete batch plants and asphalt batch plants. Seconded by Councilman Mattli, with all in favor.

MASTER THOROUGHFARE PLAN: Conduct a public hearing and take action regarding modification to the Master Thoroughfare Plan.

Mr. Chancellor introduced this item stating that the last update was in 2008 and due to traffic conditions changing and a community and/or town's goals change, the plan should be updated. Mr. Chancellor stated that the proposed changes are to remove the connection from Hart Road to Sloan Creek Parkway, remove Hart Road and Stoddard Road, and to remove the internal streets in the Village at Fairview including Murray Farm Road, Indian Springs Road, and Convention Center Drive. Mr. Chancellor stated that the Planning and Zoning Commission unanimously approved these changes and residents from the Sloan Creek subdivision were in attendance at this meeting and expressed their concerns over cut through traffic.

Mayor Israeloff opened the public hearing. Ed Hayes, 445 Sloan Creek Parkway, stated that the residents in the subdivision would like to see this extension removed. Mr. Hayes stated they feel the road was not built for heavier traffic.

Leland Payne, 398 Parkvillage, asked if the town is eliminating a road connector out of Sloan Creek. Mr. Chancellor responded that if this approved, then there would be no road. Mr. Payne stated that he thought each subdivision needed two points of access. Mayor Pro Tem Sommers Erickson responded that this subdivision was built prior to this requirement and was approved since it has a divided entryway. Mr. Payne asked if the private streets within the Village At Fairview would restrict residents from using them or

having public access. Mr. Chancellor responded that the town would still have access to public access easements so it would not restrict residents.

Mayor Israeloff closed the public hearing and opened discussion to the council. No additional comments were made.

Councilman Lessner made a motion to approve the modifications to the Master Thoroughfare Plan. Seconded by Councilwoman Price, with all in favor.

CUP 511 STONEBROOK DRIVE: Conduct a public hearing and take action regarding a Conditional Use Permit for a proposed accessory building located at 511 Stonebrook Drive.

Mr. Donnell introduced this item stating that the proposed building is to construct a detached garage and a detached storage building for lawn equipment etc. Mr. Donnell stated that the property to the south is currently vacant and the lot that would be most affected by this building; therefore, town staff has asked the applicant to add additional landscaping and the applicant have agreed. Mr. Donnell added that the building material will be the same as the primary structure. Mr. Donnell stated that the planning and zoning commission unanimously recommended approval and no one spoke in favor or opposition to this request.

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 Conditional Use Permit for an accessory building located at 511 Stonebrook Drive. Seconded by Councilman Mattli, with all in favor.

MASTER PARKS AND RECREATION PLAN: Conduct a public hearing and take action regarding an update of the Master Parks and Recreation Plan.

Mr. Dunlap introduced this item stating that town staff has updated the parks and recreation plan within the Comprehensive Plan as well as the maps. Mr. Dunlap stated that the Park and Recreation Board unanimously approved the plan.

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

Mayor Israeloff opened discussion to council. Councilwoman Price asked if listing the golf course at Heritage Ranch and the Heard Museum within the plan would cause problems in the future when applying for grants since they are not technically Fairview parks. Mr. Godwin responded that it's hard to predict when applying for grants if this would cause problems. Mr. Godwin stated that they are very subjective, but as a personal preference having them listed in the plan shows what is available to the public. Mayor Israeloff agreed.

Councilwoman Price asked if the map illustrating the emergency access within the pedestrian connector trail can to be removed from the map. Mayor Pro Tem Sommers Erickson asked to strike the word 'lighted' under future community parks and to add the following language on page 59 under the section labeled 'Potential Pedestrian Connector Trail': 'will not use emergency access or any other easement other than a trail as a neighborhood connector'.

No action was taken.

PUBLIC ART TOWN HALL/FIRESTATION #2: Discuss and take action regarding public art at town hall and fire station #2.

Paul Adelson, local artist, stated that he has worked for over 24 years with public spaces and is currently working with five municipalities. Mr. Adelson stated that he likes to get thoughts from the council and understand their budget so that he may design something to their appeal. Mr. Adelson invited the council to visit his gallery so that they may have an idea of his portfolio.

No action was taken.

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

No action was taken.

EAST STACY ROAD CONSTRUCTION: Discuss and take action regarding East Stacy Road construction, and related sidewalks and landscaping.

Passed over until October.

STORMWATER UTILITY PROJETS AND BUDGET: Receive report on stormwater utility projects and budget.

Passed over until October.

K2: Consider adopting an ordinance prohibiting the sale, possession, or use of K2.

Mr. Godwin introduced this item stating that many municipalities are passing ordinances to enforce prohibiting the sale and possession of K2. Mr. Godwin stated that if the ordinance is passed that this will discourage individuals and businesses from bringing it into the town.

Councilwoman Price made a motion to approve the ordinance prohibiting the sale, possession or use of K2. Seconded by councilman Mattli, with all in favor.

STREET LIGHTS: Discuss and take action regarding the town paying for certain street lights.

Mr. Godwin introduced this item stating that Fairview Farms HOA has asked the town to take over some streets lights since their HOA is disbanding. Mr. Godwin stated that there are a total of 212 lights, but most of these (185) are within subdivisions. Mr. Godwin recommended only taking over the remainder which includes the nine on SH5, eight on FM 1378, six on Stacy Road and four on Meandering Way.

Councilman Cunningham stated the HOA has agreed to donate the remaining funds to the town to take over the lights. Councilman Cunningham stated that their utility bill is roughly \$17 and would be \$50 for four plus or minus. Councilman Cunningham stated that if the town decides not to take over lights, then there will not be any lights on there and suggested using the donated money to put up new street lights.

Mayor Israeloff suggested taking over the lights at the main intersections/corners and not all the interior street lights as recommended by town staff.

Councilman Cunningham made a motion to accept funds from the Fairview Farms HOA and to use the funds to purchase four street lights to be used conforming Stacy Road and to use the Master Thoroughfare Plan as a threshold and that the town will take over the maintenance of these lights. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

ANNUAL FIRE REPORT: Receive annual Fire report and discuss and take possible action regarding the light and siren policy.

Chief Price made a presentation regarding the department's goals, staffing, equipment, future plans, and comparisons from this year and last year regarding calls and response times.

Chief Price stated that now that Fire Station #2 is open and functioning would like council to provide any feedback in regards to the sirens and lights. Mayor Pro Tem Sommers Erickson stated that the outside lighting is an issue and suggested one light on each side of the entrance.

Mayor Pro Tem Sommers Erickson asked if the berms and landscaping that was in place was what they approved. Mr. Greg Cunningham, 560 Cambridge, commented that he lives right next door to the fire station and wanted to thank the town for working with him and surrounding residents. Mr. Cunningham stated that the berms are actually taller than initially agreed on and a second one was added; he doesn't normally hear the sirens and the lighting has been toned down as requested.

FURNITURE NEW TOWN HALL: Discuss and take action regarding furniture for public spaces in the new town hall.

Mr. Godwin showed council possible selections of furniture for the public areas within the new town hall, which were agreed to.

IMPACT HEAVY TRUCKS ON EAST STACY ROAD: Discuss and take possible action regarding the impact of heavy trucks on East Stacy Road.

Mr. Godwin introduced this item stating that council discussed last month the load rating on East Stacy Road and the town could possibly pass an ordinance or instruct the town attorney to write an ordinance on the weight limitations. Mr. Godwin stated that the county is the only one able to write tickets and seems unlikely that NTMWD could resist a local restriction that is no more strenuous than the state limitations.

Councilman Mattli stated that the trucks are destroying the road and the town is not being sufficiently compensated for the damage. Councilman Mattli stated his main concern is how the town can approach the water district.

Councilman Cunningham asked if the town agreed to allow the trucks or is it an agreement with the county and if so, do they have the right to resend it. Mr. Godwin responded it is an interlocal agreement with the county and they can resend it.

Council requested that the town attorney prepare an ordinance.

CERTIFICATES OF OBLIGATION: Consider adoption of an ordinance authorizing the issuance and sale of Town of Fairview, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2010; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject.

Councilman Kasian made a motion to table and reschedule adoption of the ordinance authorizing the issuance of the certificates of obligation to the Town Council meeting to be held September 14, scheduled to begin at 7:00 pm. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

REDISTRICTING COUNTY LINES: Consider approval of a resolution supporting state and federal redistricting along county lines.

Mr. Godwin introduced this item stating that the county has requested support by adopting a resolution to encourage redistricting in a manner that will not split Collin County into multiple districts.

Councilman Lessner commented that it is their objective to get Collin County by district with one person versus multiple.

Councilman Lessner made a motion to approve a resolution supporting state and federal redistricting along county lines. Seconded by Councilman Mattli, 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.

- Special council meeting will be September 22nd to adopt budget and tax rate.

- Regular council meeting will be October 12th due to conflict with National Night Out on October 5th.
- Taste of Watters Creek.
- Acquiring sponsorship for fireworks for the Veterans Day Park celebration.
- October 23rd Allen Community Outreach and Village At Fairview hosting a 5K fun run/walk.
- October 1-3rd is Texas/OU weekend; A live radio broadcast will be hosted in the Village At Fairview with ticket give-a-ways and local businesses advertised.

Mayor Israeloff adjourned the meeting at 11:30 p.m.

Sim Israeloff
 SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni
 Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL SPECIAL
MEETING MINUTES
September 14, 2010**

The Town Council met in special session on Tuesday, September 14, 2010 at 7:00 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Jim Cunningham, Anton Mattli, Carolyn Sommers Erickson, Mary Price and Henry Lessner; and Town Manager John Godwin. Council Members Ron Kasian and Carolyn Sommers Erickson were absent.

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

2010-2011 AD VALOREM TAX RATE: Conduct a public hearing on the proposed 2010-11 ad valorem tax rate.

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

PUBLIC HEARING BUDGET: Conduct a public hearing on the proposed 2010-11 budget.

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

CERTIFICATES OF OBLIGATION: Consider adoption of an ordinance authorizing the issuance and sale of Town of Fairview, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2010; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject.

Boyd London, First Southwest presented a report of the bond sale.

Councilman Mattli made a motion to approve the ordinance authorizing the issuance and sale of Town of Fairview, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2010; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject. Seconded by Councilwoman Price, with all in favor.

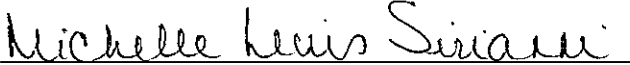
PUBLIC ART: TOWN HALL & FIRE STATION #2: Discuss and take action regarding public art at town hall and fire station #2.

Richard Oldham of the City of Frisco made a presentation regarding artwork for the new town hall and fire station #2.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 8:20 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL
MEETING MINUTES
September 22, 2010**

The Town Council met in special session on Wednesday, September 22, 2010 at 7:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Pro Tem Carolyn Sommers Erickson, Jim Cunningham, Ron Kasian, Henry Lessner, and Mary Price; Town Manager John Godwin and Budget and Management Analyst, Adam Wilbourn. Council Members Ron Kasian and Mayor Sim Israeloff were absent.

Mayor Pro Tem Sommers Erickson called the meeting to order at 7:35 p.m. and declared a quorum was present.

2010-11 AD VALOREM TAX: Consider and take action on the 2010-11 ad valorem tax rate.

Mr. Godwin stated that the proposed tax rate is .36500 per \$100 valuation.

Councilmen Lessner made a motion to approve the 2010-11 ad valorem tax rate of .36500 per \$100 valuation. Seconded by Councilwoman Price, with all in favor.

2010-11 BUDGET: Consider and take action on the 2010-11 budget.

Councilwoman Price made a motion to approve the 2010-11 budget. Seconded by Councilman Kasian, with all in favor.

PROPERTY TAX RATE: Consider and take action ratifying the 2010-11 property tax rate.

Councilman Lessner made a motion to ratify the 2010-11 property tax rate. Seconded by Councilwoman Price, with all in favor.

MEANDERING WAY IMPROVEMENTS: Award bid for paving and drainage improvements on Meandering Way at SH5.

Councilman Lessner made a motion to award bid to Quality Excavation, LTD for drainage improvements on Meandering Way at SH 5. Seconded by Councilman Cunningham, with all in favor.

Council members requested town staff to bring back at the October 12, 2010 council meeting a timeline for completion and safety regarding road closures.

PUBLIC ART TOWN HALL/FIRE STATION #2: Discuss and take action regarding public art at town hall and fire station #2.

Councilwoman Price suggested that the fire station have a sculpture and no additional committee would be necessary to pick the art. Mayor Pro Tem Sommers Erickson and Councilman Cunningham suggested that a committee would be a good idea and that they should advertise in the town newsletter for committee members.

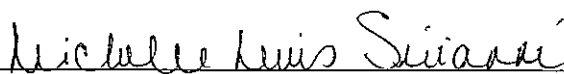
Mr. Godwin stated that he will advertise in the October newsletter and place on the October council agenda.

Mayor Pre Tem Sommers Erickson adjourned the meeting at 8:42 p.m.


 CAROLYN SOMMERS ERICKSON, MAYOR PRO TEM

ATTEST:




 Michelle Lewis Sirianni, Town Secretary

**TOWN COUNCIL
MEETING MINUTES
October 12, 2010**

The Town Council met in regular session on Tuesday, October 12, 2010 at 6:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Carolyn Sommers Erickson, Jim Cunningham, Anton Mattli, Henry Lessner, and Mary Price; Town Manager John Godwin; Assistant to the Town Manager; Matt Donnell; Planning Director, Alan Efrussy; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Budget and Management Analyst, Adam Wilbourn; Town Secretary, Michelle Lewis Sirianni, and Town Attorney, Pete Eckert. Councilman Ron Kasian was absent.

Mayor Israeloff called the meeting to order at 7:30 p.m. and declared a quorum was present and then requested 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 September 7, 2010 regular council meeting. B) Approve minutes of the September 14, 2010 special council meeting. C) Approve minutes of the September 22, 2010 special council meeting. D) Approved amended Plat for the Hawkswood subdivision. E) Approve abandoning a portion of Frisco Road.

Councilwoman Price requested to pull item A.

Councilman Lessner made a motion to approve items B, C, D, and E. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

Councilwoman Price requested to modify a paragraph under the Master Parks Section of the minutes. Mr. Godwin responded that this has been changed.

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

REVISED FINAL SITE PLAN FAIRVIEW APTS: Conduct a public hearing and take action regarding a Revised Final Site Plan for the Davis Development Fairview Apartments, comprised of approximately 12.2± acres generally located south of and adjacent to Fairview Parkway, west of Highway 5, east of Watertower Way, and north of Indian Springs Rd. within the Commercial Planned Development District, (CPDD).

Mr. Donnell introduced this item stating that this project does not require a new Site Plan since the Davis Development consists of the same number of units, height, etc. Mr. Donnell stated that the elevations are different by offering a higher percentage of masonry and masonry materials and the average square footage of the units are larger. Mr. Donnell stated that the planning and zoning commission unanimously recommended approval and town staff recommends approval with the condition of changing the S2 plat page to reflect 256 versus 676 dwellings.

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

Mayor Israeloff opened discussion to council. Councilwoman Price asked how the square footage of the units increased if the buildings did not or is the overall footprint of the building larger and if the color selection was their final choice. Mr. Donnell responded that the footprint is slightly larger due to the addition of the masonry materials; therefore, the average square footage was increased.

Jeff Greene, Vice President of TX Morrow, responded that the colors were picked from the guidelines, but the computer software doesn't accurately reflect them well and are not as dark as shown, but are more neutral in color.

Mayor Israeloff asked if they had a name for the complex and when they may start construction. Mr. Greene replied that they do not have a name and they are hoping to start construction by the first quarter of next year.

Councilman Mattli made a motion to approve the Revised Final Site Plan for the Davis Development Fairview Apartments, comprised of approximately 12.2± acres generally located south of and adjacent to Fairview Parkway, west of Highway 5, east of Watertower Way, and north of Indian Springs Rd. within the Commercial Planned Development District, (CPDD). Seconded by Councilwoman Price, with all in favor.

MASTER PARKS AND RECREATION PLAN: Conduct a public hearing and take action regarding an update of the Master Parks and Recreation Plan.

Mr. Dunlap introduced this item stating that the maps have been updated as requested and changed the language on page 59 to reflect that the town has no responsibility for those properties not owned by the town; therefore staff recommends approval.

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.

Councilman Lessner made a motion to approve the update of the Master Parks and Recreation Plan. Seconded by Councilman Mattli, with all in favor.

TOWN'S DEPOSITORY SERVICES: Consider and take action regarding the town's depository services.

Mr. Wilbourn introduced this item stating that the town received and reviewed four out of the six proposals that were sent out to banking institutions for depository services. Mr. Wilbourn stated he looked at the banks' interest rates, cost of services, availability and safety and credit worthiness. Mr. Wilbourn stated out of those four, Wells Fargo meets all of these criteria and more over the current institution.

Mayor Israeloff asked if the town would see any change in the budget interest earnings. Mr. Wilbourn responded that they will see a change with higher interest rates and cost of services being lowered.

Councilman Lessner asked who the requests for proposals were sent to. Mr. Wilbourn responded that the four who responded were BB&T, Chase, American National and Wells Fargo and the two that withdrew were Regions and Comerica.

Councilman Cunningham asked how long the contract is. Mr. Wilbourn responded that it is a two year contract with an option to have two one year extensions.

Councilman Cunningham made a motion to approve Wells Fargo for the town's depository services. Seconded by Councilwoman Price, with all in favor.

TOWN'S ETJ: Adjusting the town's extraterritorial jurisdiction.

Mr. Godwin stated that they had received a request from the City of Lucas asking the town to adjust the ETJ line to the north to place all of the NTMWD property inside of Lucas's ETJ. Mr. Godwin stated that this wouldn't affect the taxes or future development, but if the town agrees, a 30 foot wide trail easement along the northern boundary could move into Lucas's ETJ.

Mayor Israeloff stated that he wouldn't want to give up the trail easement. Mayor Pro Tem Sommers Erickson stated that she would like to see the City of Lucas's plan.

Councilwoman Price stated her concern would be them using the town's services. Councilman Mattli asked why they want it and unless there was a reasonable cause, then didn't see why they should accept.

Councilwoman Price made a motion to deny the request by the City of Lucas regarding the town's extraterritorial jurisdiction. Seconded by Councilman Mattli, with all in favor.

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

Ms. Lewis Sirianni stated that there are still currently three alternate positions open on the Board of Adjustments and since the last meeting have only received a few new applications, which are included in their packet.

Mayor Pro Tem Sommers Erickson nominated Donna Cunningham. Seconded by Councilwoman Price, with all in favor. Councilman Cunningham abstained from the vote.

Mayor Pro Tem Sommers Erickson nominated Ed Hayes. Seconded by Councilwoman Price, with all in favor.

PUBLIC ARTS COMMITTEE: Consider appointment of individuals to the public arts committee.

No action taken.

GOLF CARTS ON PUBLIC STREETS: Discuss a possible ordinance allowing the use of golf carts on public streets.

Mr. Godwin introduced this item stating that currently many Fairview residents own and operate golf carts. Mr. Godwin stated that he recently received a request to consider an ordinance that would allow the use of golf carts on public streets within certain parameters.

Richard Light, 445 S State Hwy 5, stated that his concern is that the state does not register the carts and are considered legal if they go less than 38 MPH on street, but they must meet TXDOT requirements. Mr. Light stated that there should be limitations, for example, requiring a valid driver's license, an age limit, etc. Mr. Light stated his concern

is that they make street legal carts; therefore, he'd like to see the town issue an ordinance making motorized carts illegal.

Gay Kiser, 100 Man-O-War Lane, stated that her concerns are the speed limit and traffic. Mrs. Kiser stated that Heritage Ranch is a gated community and is isolated, but wouldn't want to see them on regular streets.

Mayor Israeloff asked council if they should explore and/or acquire more information regarding this topic. Councilman Price responded yes. Councilman Mattli responded yes. Councilman Lessner responded that he was okay with exploring it further. Councilman Cunningham replied no and Mayor Pro Tem Sommers Erickson responded yes.

MEANDERING WAY: Discuss and take action regarding the reconstruction of Meandering Way.

Mr. Chancellor introduced this item stating that bid was awarded to Quality Excavation and that they have indicated that they can reduce construction time by fifteen working days if Meandering Way is closed completely. Mr. Chancellor stated that staff would like council to instruct staff in regards to permitting partial or full road closure.

Mayor Pro Tem Sommers Erickson responded to close the road completely. Council members Lessner, Price, Mattli were in agreement, especially if it would lessen completion time. Councilman Cunningham asked if there was a penalty clause in the contract and what would happen if they don't finish in less time as indicated. Mr. Chancellor responded that they can add a penalty clause lessening the days of completion from 120 to 105 days.

Consensus of Council was to completely shut down the road and add penalty clause to the contract.

EAST STACY ROAD CONSTRUCTION: Discuss and take action regarding East Stacy Road construction, and related sidewalks and landscaping.

Mr. Chancellor introduced this item stating that he recently received a draft layout of sidewalks and landscaping, which would include irrigation and the hike/bike trail on the south side. Mr. Chancellor stated that they can amend the current contract or go out for bids.

Consensus of council was to seek bids for the sidewalks and landscaping.

Mr. Chancellor provided a brief update on the project and council recommended having Mr. Godwin or Mayor Israeloff talk to the CEO of Lacy Construction regarding the project and its progress.

STORMWATER UTILITY PROJETS AND BUDGET: Receive report on stormwater utility projects and budget.

Mr. Chancellor outlined some of the town's previous, current, and future drainage projects.

Mr. Chancellor stated that he continues to monitor storm water testing and regulating its quality. Mr. Chancellor stated that he's put up official signs indicating where testing is being done. Mr. Chancellor commented that the town will also be lowering residential fees from \$7.75 per month to \$5.75. Councilwoman Price asked when the fee decrease will occur. Mr. Godwin responded January 1, 2011.

IMPACT HEAVY TRUCKS ON EAST STACY ROAD: Consider an ordinance restricting the weight of motor vehicles on Stacy Road.

Mr. Godwin introduced this item stating that the weight restrictions on Stacy Road are consistent with weight limits already in place on that portion of Stacy Road operated and maintained by TXDOT. Mr. Godwin stated if the ordinance is adopted the town will notify NTWMD and begin working with Collin County and the DPS towards its enforcement. Mr. Godwin stated that the council also has the option of delaying the effective date of the ordinance.

Mayor Pro Tem Sommers Erickson stated that she'd like to delay the effective date by thirty days.

Councilwoman Price asked how you know the weight of the truck(s). Mr. Godwin responded that Collin County and DPS can do it with their weights and measures units.

Councilman Cunningham stated that he doesn't feel they should pass an ordinance that will not be enforced, but understands the state's position on this item. Councilman Mattli added that his main concern also is that passing the ordinance will not resolve the main problems, which are the damaged roads and them not compensating the town for this. Councilman Mattli stated that the biggest issue is the infrastructure and the City of Lucas not letting the drivers use their roads.

Mayor Pro Tem Sommers Erickson stated that an option is to make Stacy Road uninviting by adding speed bumps to possibly deter the drivers from using the road.

Mayor Israeloff agreed that the ordinance is a tool but doesn't stop the trucks and the town will remain to keep getting damaged roads.

Councilwoman Price asked if an engineering study could be done and if this would be helpful. Councilman Mattli stated that he believes at this point it's a political issue and should make an effort to discuss the problem with the City of Lucas and NTMWD to try to find a solution.

Consensus of the council was to not take any action.

TEXAS RECREATION AND PARKS SOCIETY: Consider a resolution by the Texas Recreation and Parks Society's (TRAPS) Legislative Committee supporting the Texas Parks and Wildlife Department.

Mr. Dunlap introduced this item stating that this resolution is to encourage the funding of grants for the Texas Recreation and Parks Society. Mr. Dunlap stated that since Fairview is a member and have received various grants for town parks, town staff recommends approval.

Mayor Pro Tem Sommers Erickson made a motion to approve a resolution by the Texas Recreation and Parks Society's (TRAPS) Legislative Committee supporting the Texas Parks and Wildlife Department. Seconded by Councilman Mattli, with all in favor.

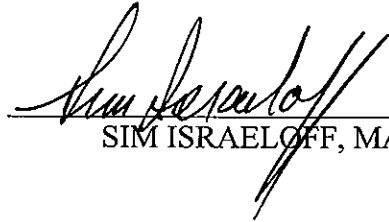
CITIZENS INPUT:

No comments were made.

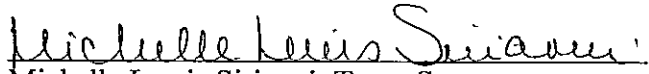
REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

- Veterans Day Park celebration is November 13th.
- October 23rd Allen Community Outreach and Village At Fairview hosting a 5K fun run/walk.
- Town's Holiday Parade is December 11th.

Mayor Israeloff adjourned the meeting at 9:11 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
November 2, 2010**

The Town Council met in regular session on Tuesday, November 2, 2010 at 7:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Carolyn Sommers Erickson, Jim Cunningham, Ron Kasian, Anton Mattli, and Henry Lessner. Town Manager John Godwin; Assistant to the Town Manager; Matt Donnell; Planning Director, Alan Efrussy; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Budget and Management Analyst, Adam Wilbourn; Town Secretary, Michelle Lewis Sirianni, and Town Attorney, Clark McCoy. Councilwoman Mary Price was absent.

Mayor Israeloff called the meeting to order at 7:32 p.m. and declared a quorum was present and then requested everyone to stand for the Pledge of Allegiance.

Mayor Israeloff presented a proclamation to Scott Owens, longest standing volunteer with the Fire Department.

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 12, 2010 regular council meeting. B) Approve a resolution accepting the tax roll for the Fiscal Year 2010-11. C) Consider an ordinance updating Texas Municipal Retirement System service credits.

Mayor Pro Tem Sommers Erickson made a motion to approve items A, B, and C. Seconded by Councilman Lessner, with all in favor.

SPECIAL USE PERMIT MOTHERS DAY OUT PROGRAM: Conduct a public hearing and take action regarding a Special Use Permit for Mothers Day Out Program located within the Mosaic Christian Fellowship Church, which is located east of and adjacent to Highway 5, north of Lakeridge Drive, south of Plumwood Way, and west of Meandering Way, within the CPDD, Zone N.

Mr. Donnell introduced this item stating that the program proposed will only be on Tuesdays and Thursdays and the hours will not conflict with Lovejoy or McKinney ISD buses and school timing. Mr. Donnell stated that at the October 14th commission meeting, the commissioners recommended approval with the conditions that the program will allow up to 25 children and up to four days a week with an annual review; therefore, staff recommends approval with the conditions set by the Planning and Zoning Committee.

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.

Councilman Lessner made a motion to approve the Special Use Permit for Mothers Day Out Program located within the Mosaic Christian Fellowship Church. Seconded by Councilman Kasian, with all in favor.

SPECIAL USE PERMIT SPLITSVILLE: Conduct a public hearing and take action regarding a Special Use Permit for Splitsville, a bowling alley, located within the Commercial Planned Development District (CPDD), Zone K.

Mr. Dunlap introduced this item stating that Splitsville Lanes is an upscale restaurant, bar and bowling alley set to open within the Village At Fairview. Mr. Dunlap stated that in order for the bowling to occur, a Special Use Permit must be granted. Mr. Dunlap stated that the planning and zoning commission unanimously recommended approval; therefore, staff is recommending approval.

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.

Councilman Cunningham made a motion to approve the Special Use Permit for a bowling alley located within Splitsville. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

BOARDS/COMMISSIONS: Consider the appointment of individuals to serve on the Board of Adjustments and Technology Committee.

Ms. Lewis Sirianni stated that there is currently one alternate positions open on the Board of Adjustment and that she recently received a resignation letter from a member, which leaves a position open for a regular member. Ms. Lewis Sirianni stated that Mr. Davis

has expressed an interest to serve on the Technology Committee, which also has an opening.

Mayor Pro Tem Sommers Erickson made a motion to move Donna Cunningham from an alternate position to a regular position on the Board of Adjustment. Seconded by Councilman Lessner, with all in favor. Councilman Cunningham abstained from the vote.

Mayor Pro Tem Sommers Erickson made a motion to nominate Glenn Messner as an alternate to the Board of Adjustments. Seconded by Councilman Lessner, with all in favor.

Councilman Lessner made a motion to nominate Stephen Davis to the Technology Committee. Seconded by Councilman Cunningham, with all in favor.

PUBLIC ARTS COMMITTEE: Consider appointment of individuals to the public arts committee.

Councilman Lessner made a motion to nominate Anita Scott, Jodi Hodak, and Angela Poen to the Public Arts Committee. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

UTILITY AND STORMWATER RATES: Consider an ordinance amending utility and stormwater utility rates.

Mr. Godwin introduced this item stating that the town is suggesting a 5% increase in both water and sewer rates to help cover the increases in water rates that NTMWD has been increasing since 2000 and a new ozone treatment process they have implemented. Mr. Godwin stated that this would be the first rate increase since 2001-2002. Mr. Godwin stated that the town is also suggesting a reduction in the residential stormwater drainage fee that is currently \$7.75 to \$5.75 due to now having new commercial development that has helped cover drainage fees.

Councilman Kasian made a motion to approve an ordinance amending the utility and stormwater utility rates with the addition of adding 'per 1,000 gallons' next to the rate(s). Seconded by Councilman Lessner, with all in favor.

GOLF CARTS ON PUBLIC STREETS: Discuss a possible ordinance allowing the use of golf carts on public streets.

Mr. Wilbourn introduced this item stating that he researched four other local cities, which included Frisco, Port Aransas, Galveston, and Nassau Bay to find out their current requirements/policies on golf carts. Mr. Wilbourn stated that per state law, Texas Department of Motor Vehicles classifies a golf cart as having no less than three wheels, a normal maximum speed of 15-25 mph, and is manufactured primarily for operation on golf courses. Mr. Wilbourn stated that registration is not required and a city/town may pass an ordinance as long as the roads are within the boundaries of the city/town and with a speed limit of 35 mph or lower. Mr. Wilbourn stated that the golf cart must be insured and have headlamps, tail lamps, reflectors, parking brakes, mirrors, and a slow-moving vehicle emblem. Mr. Wilbourn added that his findings on each city were included within their packet and various requirements and/or standards varied including seat belts, fines/penalties and registering their cart with their city/town.

Mr. Richard Light, 445 S. Highway 5, stated that there are manufactures to choose from and that seat belts can be added, but there are concerns that the frames and holding a person in the cart would hurt more lives than saved. Mr. Light stated that the town could have the resident register their cart with the town and require them to have a dealer certificate or proof of sale. Mr. Light added that he understands the use of the cart within a neighborhood and not allowing on sidewalks, but pointed out that the security for the Village at Fairview and Allen drives their security cart on the sidewalks and that they would need to be informed if an ordinance is passed.

Mayor Pro Tem Sommers Erickson stated that she believes it would be in good practice for the town to place an ordinance addressing this issue.

Mayor Israeloff asked if it would be likely that the town would place a fee to register with the town. Mr. Godwin responded that it would make sense to set a minimal fee. Councilman Cunningham asked if the fee would vary based on whether or not they had the carts inspected. Mr. Godwin responded that they could vary the fee from \$25 -\$50 or set a suitable rate based on what the town would require and to cover administrative fees.

The consensus of the council was to have town staff draft an ordinance outlining requirements and policies and to also address electric versus gas carts.

TOWN'S INVESTMENT POLICY: Discuss and take possible action regarding the town's investment policy.

Mr. Wilbourn introduced this item stating that there have been no changes to the policy and are updating some of the language used in the policy to comply with the PFIA. Mr.

Wilbourn stated that the updated language was highlighted on their copy with their packet.

Councilman Cunningham asked who the town is currently using for their depository services and who makes the investment decisions. Mr. Godwin responded that the council at the last meeting approved Wells Fargo for the depository services and that Adam and Brenda, the town's accounting manager make the investment decisions. Mr. Wilbourn added that the town has two investment pools: TX Pool and Lonestar.

Councilman Cunningham asked if the town has an investment review committee or an outside advisor. Mr. Godwin responded that town staff reviews all investments, but can seek advisement from First Southwest. Mayor Israeloff asked if the town has internal controls. Mr. Godwin responded that there are controls and is checked yearly by the auditor.

Councilman Mattli made a motion to approve the town's investment policy. Seconded by Councilman Kasian, with all in favor.

PUBLIC WORKS ANNUAL REPORT: Receive public works annual report and discuss possible temporary closure of a portion of Frisco Road.

Mr. Godwin introduced this item stating that the town would like to possibly close a portion of Frisco Road located by Medical Center Drive and Frontage Road. Mr. Godwin stated that a new piece of road was put into the McKinney side, but still leaves a bad portion of the road open that will torn out within a few years. Mr. Godwin stated that the town is suggesting closing down a piece of the road for a year or two, but would do some minor repairs to the road in the meantime.

Mayor Pro Tem Sommers asked to ensure that the home located on that road has normal access in and out of their driveway. Mr. Godwin responded that they will use a temporary barricade and can move it if necessary.

The consensus of the council was to temporarily close down a portion of Frisco Road and evaluate if any feedback is received from residents.

CITIZENS INPUT:

Richard Light, 445 S. Hwy 5, asked if the town was aware of the hydrant and the water usage at the new town hall and asked if there was a way to sequence the stop lights on Stacy Road since it makes it difficult to cross the street. Mr. Godwin responded that they are filling the pond for the first time at the new town hall and the City of Allen is

responsible for the lights and the town has expressed to them before the light sequencing, but will send another request.

Council members expressed their concern with the backup on Stacy Road and if TXDOT could reduce turn lanes to one versus two, placing an "exit only" sign at 7-Eleven and the misleading signage on US 75 regarding the exit for Stacy Road. Mr. Godwin responded that these are all TXDOT issues, but will notify them with their concerns.

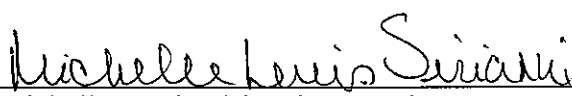
REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

- Veterans Day Park celebration is November 13th.
- Whole Foods opened November 1st and the Village Beach and Garden are now open.
- Town's Holiday Parade is December 11th.

Mayor Israeloff adjourned the meeting at 8:33 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
December 7, 2010**

The Town Council met in regular session on Tuesday, December 7, 2010, at 7:00 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Carolyn Sommers Erickson, Jim Cunningham, Ron Kasian, Anton Mattli, Henry Lessner, and Mary Price. Town Manager John Godwin; Assistant to the Town Manager; Matt Donnell; Planning Director, Alan Efrussy; Community Development Manager, Ray Dunlap; Budget and Management Analyst, Adam Wilbourn; Town Secretary, Michelle Lewis Sirianni, and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 7:02 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:35 p.m. Mayor Israeloff reconvened back into regular session and requested 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 November 2, 2010 regular council meeting. B) Adopt a resolution to make Fairview Police a test site for a new TXDOT accident reporting system. C) Approve an inter-local agreement with the City of Allen to adjust extraterritorial jurisdiction boundaries for the annexation of certain LISD property into Fairview.

Councilman Kasian made a motion to approve items B and C. Seconded by Councilwoman Price, with all in favor.

Council Mattli made a motion to approve item A. Seconded by Councilman Kasian, with Councilwoman Price abstaining from the vote. Motion passes 6-0

HERITAGE RANCH VERTICAL STRUCTURES: Conduct a public hearing and take action regarding amending the Heritage Ranch Planned Development District regarding vertical structures within setbacks with a maximum height of 20”.

Mr. Donnell introduced this item stating that there is currently no clear definition allowing any vertical structures within the Heritage Ranch subdivision. Mr. Donnell stated that residents within this subdivision along with staff's recommendation would like to recommend an allowable limit of no larger than 20" in height for structures built within the setback(s). Mr. Donnell stated that this would allow for stone seating walls, planters etc. to be built and would also help protect residents from drop offs from their patios, which could potentially be a safety issue. Mr. Donnell stated that the planning and zoning commission unanimously recommended approval at their last commission meeting.

Mayor Israeloff asked if this item was addressing the residents' permission to build up to 20" of a structure within their setback. Mr. Donnell confirmed.

Mayor Israeloff opened the public hearing. Carol Gibson, 617 Pelican Hills asked if the existing structures were being grandfathered. Mr. Donnell replied that they are being grandfathered.

Mayor Israeloff closed the public hearing and opened discussion to council. Mayor Pro Tem Sommers Erickson stated that these structures are widely used already and believes it is a good idea bringing the remaining into compliance. Councilman Cunningham asked why 20" versus another number. Mr. Donnell replied that from what the town's building inspector and the Heritage Ranch HOA Architectural Committee have seen, a compromise was made on the height and 20" allows for protection, but will also not block neighbors' views.

Mayor Pro Tem Sommers Erickson made a motion to approve the amendment of the Heritage Ranch Planned Development District regarding vertical structures within setbacks with a maximum height of 20". Seconded by Councilman Cunningham, with all in favor.

RESTRICTING BICYCLES EAST STACY ROAD: Consider and ordinance restricting bicycles on East Stacy Road.

Mr. Godwin introduced this item stating that due to the construction on East Stacy Road, council should consider restricting bicycles from entering the construction area until completed.

Councilwoman Price asked if there would be a penalty. Mr. Godwin responded that the penalty would be up to \$200. Mayor Pro Tem Sommers Erickson requested that a sign be placed to stay off the road to alert cyclists. Councilman Cunningham added that the sign should be placed near FM 317 or the fruit stand so that cyclists would not have to turn around on Stacy Road. Councilman Kasian requested the sign to specify "from and to". Mr. McCoy responded that a sign could be placed on either end of the road where it is

applicable. Mayor Israeloff stated that the ordinance be amended to clarify to say "Orr Road and Country Club (FM 1378)."

Councilman Mattli made a motion to approve an ordinance restricting bicycles on East Stacy Road. Seconded by Councilwoman Price, with all in favor.

RESTRICTING TRUCKS EAST STACY ROAD: Consider an ordinance restricting trucks on East Stacy Road.

Mr. Godwin introduced this item stating that meetings were set up with NTWMD to try to change the trucks routes on East Stacy Road. Mr. Godwin stated that the town needs a restriction on through trucks only, thereby allowing trucks that have a specific destination within the construction area to enter. Mr. Godwin stated that such restrictions can be difficult to craft and enforce, however, there is also concern of not providing NTMWD with advanced notice.

Councilman Kasian asked if there was limited routing and suggested Forest Grove and Orr Road. Councilman Lessner stated that they could enforce reducing the weight load of the trucks, which would mean more trips. Mr. Godwin added that the City of Lucas prohibits trucks by ordinance and the proposed ordinance would not prohibit them, but rather reroute the trucks until the road is completed.

Mayor Israeloff asked if it better to enact the ordinance and continue discussions with NTMWD. Councilman Mattli stated that it gives them reason to approach Lucas. Councilman Kasian stated that he is in favor of the ordinance, but asked how the town can enforce it. Mr. Godwin responded that North Texas Municipal Water District would re-direct the trucks. Mr. Godwin stated that he does not believe that they would ignore the town and continue to drive on the road. Councilman Cunningham agrees with the ordinance and suggested making it effective fifteen days from approval. Mayor Pro Tem Sommers Erickson suggested ten days.

Councilman Cunningham made a motion to approve an ordinance restricting trucks on East Stacy Road with an effective date fifteen days from passage and between Orr Road and Country Club Road (FM 1378). Seconded by Councilman Lessner, with all in favor.

SPEED LIMIT EAST STACY ROAD: Consider an ordinance reducing speed limit on East Stacy Road.

Mr. Godwin introduced this item stating that the proposed ordinance would reduce the construction speed limit to 20 mph versus the current speed limit of 30 mph. Mr. Godwin stated that the purpose is to promote safety until the road is completed.

Mayor Pro Tem Sommers Erickson stated the 30 mph is slow and there's no need to reduce it further. Councilman Cunningham stated that he would like to see the speed limit 20-25 mph. Councilman Kasian agreed with Mayor Pro Tem Sommers Erickson and that if someone sees a speed limit of 25 mph posted, they will drive faster anyway. Mayor Israeloff stated he likes 25 mph, which is slow but doable. Councilman Lessner agreed with Mayor Israeloff. Councilman Mattli stated that he likes 30 mph. Councilwoman Price stated that the proposed ordinance states 20 mph and asked if they are amending the ordinance. Councilman Cunningham responded that 30 mph is state mandated and would not need an ordinance if they decide to keep as is.

Councilwoman Price made a motion to approve an ordinance reducing the speed limit to 25 mph. Seconded by Councilman Lessner. Motion does not pass with a 2-5 vote.

EAST STACY ROAD/LACY CONSTRUCTION: Consider and take possible action regarding East Stacy Road/Lacy Construction.

Councilman Mattli stated that he had asked for this to be placed back on the agenda. Councilman Mattli stated that this issue is a continued frustration. Councilman Mattli stated that since last May, they have communicated activity that has not happened and also went a month without any work. Councilman Mattli stated that he suggests that the town meet with the owner of Lacy and discuss what they have not done correct and to enforce fixing the problems.

Mayor Israeloff stated that he met with Lacy and expressed how upset and frustrated the community was over the road. Mr. Godwin added that they are constructing and maintaining a temporary lane while finishing the asphalt. Mr. Godwin stated that they are meeting with the construction inspector every two weeks and are demanding more than just patching the road.

Mayor Israeloff inquired if there are penalties outlined within their contract. Mr. Godwin responded that they have twelve months to finish and should finish on time with the surface being completed by April and driving on a temporary lane. Councilman Mattli asked if the contract states temporary lane and is it a suitable travel lane. Mayor Pro Tem Sommers Erickson suggested that maybe they need to take legal action or suggests that there is someone on sight daily to monitor progress. Mayor Pro Tem Sommers Erickson stated that the only recourse it seems they have is to be a nuisance to them.

Mayor Israeloff directed the town attorney to start looking at documents and whether the town has rights other than the current timeframe to complete the project.

Ron Seifert, 339 Pine Valley, stated it is the town's responsibility and that there was notice given in November to start construction, one notice in the newsletter and one from

Mr. Chancellor, the town's engineer, but no one has followed it. Mr. Seifert expressed that his concern is that no one is taking responsibility.

Guy Wormald, 926 Medinah Drive, stated that he has worked road construction and no date is ever certain, but can give milestones. Mr. Wormald stated that they need to hold them accountable.

Doyle Peterson, 454 Scenic Ranch, asked if they can do something about the temporary lane whether it's legal action or town council initiating with the contractor, but the road needs fixed.

Mike Tinghitella, 962 Winged Foot, stated that the community is frustrated and seems like the project has been longer than twelve months. Mr. Tinghitella stated that there is never anyone onsite and is concerned about the unexpected deterioration of the road, potholes, etc. Mr. Tinghitella expressed his concern of being updated with what's happening and asked if the town can re-bid or go somewhere else for non-compliance with current contractor.

Bruce Huot, 900 Sycamore, stated that his concern is putting the safety vehicles in jeopardy and that people cannot even make it down the road to make it to functions held at the country club since they do not want to travel down the road.

Councilman Mattli suggested meeting with the owner of Lacy and allowing them to see the road and hope that the owner will care enough to fix it. Councilman Cunningham added that Mr. Godwin has gone out of his way in trying to find an alternate solution and meeting with Lacy to try to reconcile the town's concerns.

REZONING HICKEY PROPERTY TO RE-1.5: Conduct a public hearing and take action regarding the rezoning of three acres commonly known as the Hickey property located south of Hart Road, north of Country Trail, west of Elm Creek Drive and east of St. James Drive from the Two Acre Residential Estate Zone (RE-2) to the One and One-half Acre Residential Ranch Estate Zone (RE-1.5).

Mr. Donnell introduced this item stating that the applicant is requesting a re-zoning of his property so that two houses can be accommodated on his land. Mr. Donnell stated that Mr. Hickey has received letters of support from his neighbors and that at the last planning and zoning commission meeting, the commissioners unanimously approved his request. Mr. Donnell stated that staff recommends the re-zoning of Mr. Hickey's property from RE-2 to RE-1.5.

Mayor Israeloff opened the public hearing. Pat Hickey, 1036 Hart Road, stated that he is the property owner and when he moved to Fairview, his property was unannexed and was not ready to build an additional home. Mr. Hickey stated since that time, his daughter is

moving back and re-zoning the property would allow him to build a house for her, which would share the same driveway off Hart Road.

Mayor Israeloff closed the public hearing and opened discussion to council. No comments were made.

Councilwoman Price made a motion to approve the rezoning of three acres commonly known as the Hickey property located south of Hart Road, north of Country Trail, west of Elm Creek Drive and east of St. James Drive from the Two Acre Residential Estate Zone (RE-2) to the One and One-half Acre Residential Ranch Estate Zone (RE-1.5). Seconded by Councilmen Lessner, with all in favor.

BOARDS/COMMISSIONS: Consider the appointment of individuals to serve on the Board of Adjustments and Public Arts Committee.

Councilwoman Price nominated Matt Faulkner to the Board of Adjustments. Seconded by Councilman Lessner, with all in favor.

Councilman Cunningham nominated Debbie Flood to the Public Arts Committee. Seconded by Councilman Kasian, with all in favor.

Councilman Mattli nominated Karen Karnuta to the Public Arts Committee. Seconded by Councilwoman Price, with all in favor.

BUSINESS SECURITY POLICE DEPARTMENT: Consider regulating business security and disclosure to the Police Department.

Chief Tolliver introduced this item stating that he has worked with the town attorney on this proposed ordinance. Chief Tolliver stated that now that the mall is up and operational, many stores have hired security/peace officers. Chief Tolliver stated that this ordinance would regulate the use of peace officers to ensure the town is aware of who is working and will allow them to coordinate services with them. Chief Tolliver stated the reasons for this include, being able to know what's going on, who's working where, if they are carrying a weapon, and safety concerns that will allow them to stay in contact with them. Chief Tolliver added that Collin County is on board with the town and believes it's a good idea.

Mayor Israeloff asked if there are other communities doing this and what is or is not preempted by the state with peace officers. Chief Tolliver responded that the Cities of Plano and McKinney have something similar and the requirement with the state is that

businesses should disclose information and that this ordinance would be specific and give fair notice.

Councilman Lessner stated that it makes sense to do, but how do you make them aware. Chief Tolliver stated that you educate them, but also put it on them to follow through.

Councilman Kasian made a motion to approve an ordinance regulating business security and disclosure to the Police Department. Seconded by Councilman Lessner, with all in favor.

Mrs. Foreman, 77 Stonehinge, asked how the town can dictate who businesses can hire. Mrs. Foreman stated that she agrees with letting the town know who is working there, but questions if they are limiting candidates this way. Mr. McCoy responded that the town cannot dictate who businesses hire privately to protect them, but can require businesses and/or owners to contact the Chief of Police and employ or obtain permission from him. Mr. McCoy stated that the ordinance does not state which individuals, but the town does have the right of refusal.

ADMINISTRATION TOWN COUNCIL & BOARD/COMMISSION MEETINGS:

Consider and take possible action regarding the administration of town council and board/commission meetings.

Councilman Mattli stated that there are currently many administrative software systems that help in administering and/or preparation of meetings. Councilman Mattli stated that many of these help in the distribution of minutes and can allow for the town to place on the website. Councilman Mattli stated that many cities video tape their meetings and allows for transparency. Councilman Mattli stated that minutes cannot describe mood or every statement that is made. Councilman Mattli stated that everyone may not be liked, but gives the public opportunity to view meetings and gives residents a tool.

Mayor Pro Tem Sommers Erickson stated that she likes the idea of transparency/accuracy and would be interested in researching.

Mayor Israeloff stated that in regards to videotaping the meetings, that there are positives and negatives and usually people like to play to the camera, especially on public comments.

Mr. Godwin stated that paperless agendas are a good idea and saves time. Mr. Godwin added that the new town hall will have monitors at their places and can be changed to laptops. Mr. Godwin stated that typically videotaping meetings will make them longer since people will tend to talk more.

Mayor Israeloff asked if there were packages available. Councilman Mattli responded that there are packages for local governments. Mayor Israeloff directed staff to explore what's available.

MISD/LISD BOUNDARIES: Discuss MISD/LISD boundaries.

Councilman Cunningham stated that there are currently school buses that take children from Fairview to McKinney for just a few houses. Councilman Cunningham suggested that the town consider a resolution reconsidering the boundary lines.

Mr. Moore stated that he petitioned in 2007 and took a petition with 99% of residents signing it to the school board asking them to expand their boundaries. Mr. Moore stated they did not want to change boundary lines.

Councilman Lessner stated that Lovejoy does not want any more schools within their boundaries. Councilman Mattli asked if the town drafts a support letter and the consequences of that area and that other neighborhoods are asking for the same what they could do next. Councilwoman Price stated that the town should ask McKinney to put a school in Fairview. The town would benefit from taxes and could help serve the east side of town.

Residents expressed their concerns about the time and location in McKinney that it takes to transport their children daily. Residents expressed the need of having another school located in the town.

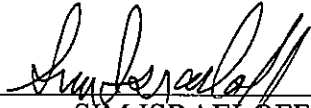
CITIZENS INPUT:

No comments were made.

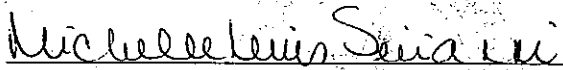
REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

- Pearl Harbor Day
- Town's Holiday Parade is Saturday, December 11th at 10:30 am with a town hall dedication at 9:30 am and open house with tours of the building after the parade.

Mayor Israeloff adjourned the meeting at 9:56 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL
MEETING MINUTES
December 21, 2010**

The Town Council met in special session on Tuesday, December 21, 2010 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Carolyn Sommers Erickson, Jim Cunningham, Ron Kasian, Anton Mattli, Henry Lessner, and Mary Price. Town Manager John Godwin and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 6:40 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:15 p.m. Mayor Israeloff reconvened back into regular session.

STACY ROAD: Discuss and take possible action regarding legal issues concerning Stacy Road Construction.

Discussion Only.

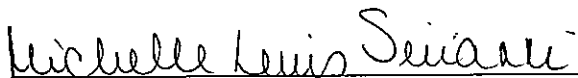
TOWN HALL SECURITY: Discuss and take possible action regarding Town Hall Personnel Security.

Discussion Only.

Mayor Israeloff adjourned the meeting at 8:56 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

