TOWN COUNCIL
MEETING MINUTES
November 5, 2013

The Town Council met in regular session on Tuesday, November 5, 2013 at 5:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Ron Samuels, Jim Cunningham, Frank O'Reilly, Henry Lessner, Paul Hendricks and Mary Price; Town Manager, Julie Couch; Town Engineer, James Chancellor; Economic Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Engineer in Training, Danielle Gregory; Chief Financial Officer, Jason Weeks; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

Mayor Culbertson called the meeting to order at 5:31 p.m. and declared a quorum was present.

The council then adjourned into executive session at 5:32 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, and real property.

At 7:43 p.m. Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

<u>CONSENT AGENDA</u>: 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 be considered separately. A) Approve minutes of the October 1, 2013 regular council meeting. B) Approve minutes of the October 22, 2013 special council meeting. C) Approve minutes of the October 24, 2013 joint council and planning and zoning commission meeting. D) Consider an ordinance approving the 2013-14 fiscal year tax roll. E) Approve a resolution amending authorized representatives with Texpool. F) Approve an agreement with Wells Fargo renewing the town's depository services. G) Approve an interlocal agreement with Collin County regarding the widening of Stacy Road.

Councilman Cunningham asked to pull items E and F.

Councilwoman Price made a motion to approve items A, B, C, D and G. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

Councilman Cunningham stated that he understood the change was to account for new staff, but asked for accounting principles should there be two signatures. Mr. Weeks replied that the Texpool account are for wire transfers only and has dual controls in place and the Wells Fargo account currently requires two signatures.

Councilman Cunningham made a motion to approve items E and F. Councilman Samuels seconded that motion and the motion was unanimously approved.

ENVIRONMENTAL COMMITTEE: Receive a report from the Environmental Committee and take any necessary action.

Paul Westbrook the Chairman for the Environmental Committee provided a committee report highlighting their past year with the following:

- Plans included reviewing existing ordinances and environmental codes, proposing new programs to town council, monitoring data, and educating through environmental and town newsletters.

- Progress included updating storm water ordinance, recommended additional protected trees, reviewed gas drilling ordinance, and lighting ordinance. Proposed and implemented the electric vehicle charging stations, and discussed options for bulk tree trimming.

- Reviewed and discussed the town's water use and waste management data.

- Discussed and proposed educating residents regarding the Dark Skies Ordinance and how to bring everyone into compliance. The committee proposed recommendations and solutions to council to help further educate.

Council agreed that furthering educating residents and entities within the town should continue through working with the HOA's, the companies themselves, and town newsletters.

CUP CHASE OAKS CHURCH: Conduct a public hearing, consider, and take any necessary action on an ordinance for approval of a Conditional Use Permit (CUP) in order to allow for a religious institution on a 10.672± acre property located within the John A. Taylor Survey – ABS No. 909, that is zoned One-Acre Ranch Estate (RE-1) and is generally located north of Stacy Road and 1,400 feet west of Meandering Way.

Mr. Schmidt stated that Mr. Glen Brechner is the applicant and Executive Director of Chase Oaks Church. The purpose of this application is to allow for a religious institution. Chase Oaks has currently been leasing Sloan Creek Intermediate School in order to hold two Sunday services each week. The proposed facility would be comprised of a 37,000 SF worship center and education building, and a 3,000 SF recreation building. The proposed worship center would provide for a 500 seat sanctuary, classrooms, administrative offices, common area/event space, and a café. Mr. Schmidt stated that the applicant intends to utilize the proposed facility during the week for various group activities, but not for any educational, daycare, or other accessory or non-accessory uses.

Mr. Schmidt stated the subject property is currently undeveloped and zoned One-Acre Ranch Estate (RE-1). The surrounding properties were identified along with their land use and zoning districts. Mr. Schmidt also discussed vehicle access, utilities, parking, landscaping, and the building façade associated with this development. Mr. Schmidt stated that the staff received three letters in opposition and two letters of support from those who received the public notice. Staff also received multiple letters of support from Chase Oaks members. The Planning and Zoning Commission unanimously recommended approval of this CUP application with the conditions recommended by staff. The commission also requested that the applicant look for opportunities to enhance landscaping at the southern and northern property boundaries, while also looking to move the fire land further away from the northern property boundary. Mr. Schmidt stated town staff recommends approval with conditions as outlined within their memo as well as requests by the P&Z commission.

Councilwoman Price asked for clarification on the number of parking spaces, the detention pond area, and if any feedback was included within the letters of opposition staff had received. Mr. Schmidt responded that 167 parking spaces being provided is based on one spot per three sanctuary seats; therefore the applicant conforms to the requirement. The detention pond is a site amenity and gathering space only and there were no specifics within the letter of opposition received.

Mayor Culbertson opened the public hearing.

Glen Brechner, 420 Fox Trail, stated that the church is trying to find a permanent home. They have used Sloan Creek Intermediate School for two and ½ years and would like to hopefully make Fairview their permanent home.

Stephen Pickard, Architect for Good Fulton & Farrell, stated that they have been working with staff and they feel they have a design that meets or exceeds the town's development requirements. Mr. Pickard stated in regards to the buffering to the North, it is their intent to create a necessary buffer.

Mike Burkhart, 620 Forest Oaks, requested additional landscaping and a berm since his property backs up to subject property along with asking about the fire lane.

Bob Scott, 640 Forest Oaks, stated his concerns are the fire lane, the outdoor seating and/or detention pond area turning into an amphitheater, and the lighting. Mr. Brechner addressed the detention pond use by stating that the intent is to make it a nice open green space area where people can gather. There is no intent to turn into an outdoor amphitheater or any related uses of that nature.

JP Bains, 600 Forest Oaks, stated his objection is on principle. Mr. Bains stated that in his opinion due diligence was not done and issues not discussed at the P&Z meeting. Mr. Bains would in favor of this request if there was a buffer zone.

Russ Monroe, 630 Maple Creek, stated that he believes this will be a minimal impact to the community, and is in support of the request.

Dave Davenport, 651 Lakeridge Drive, stated that he has been a member of the project development team for this project and believes they are building a quality building. He is in favor of the request.

John Goodman, 571 Stacy Road, property owner, stated that his family fielded various purchasing offers and believes that a church would be a good memorial to his family as well as good neighbors to the community. He is in favor of the request.

Bourdon Barfield, 791 Creekwood Drive North, supports this CUP request.

Dewey Leggett, 391 Oakwood Trail, stated that he understands traffic concerns, but believes friendships with the church are something the town should support.

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

Councilman Hendricks asked if there have been conversations between the neighbors. Mr. Brechner replied no, but would be happy to discuss with the neighbors.

The council discussed possible buffer solutions between the residential properties and the church.

Councilman O'Reilly made a motion to approve a Conditional Use Permit (CUP) for the provision of a religious institution with the conditions as outlined in the ordinance including the condition that the applicant provides for the construction of a berm at the northern property boundary, in accordance with town standards and best engineering practices. Councilwoman Price seconded that motion and the motion was unanimously approved.

REZONING TOLLE/MOLODOW PROPERTIES: Continue a public hearing, consider, and take any necessary action on a request to adopt an ordinance amending the land use designation and zoning for three tracts of land comprised of 57.018± acres and situated in the Robert Fitzhugh Survey, Abstract No. 317, and generally located north of Stacy Road and 450' west of Kentucky Lane, which are currently zoned Agriculture (AG) and categorized as Residential Estate Country (REC) on the Future Land Use Plan, to the Residential Estate (RE) land use designation and the Planned Center (PC) Zoning District, generally, in order to initiate a development comprised of thirty-four (34) single-family residential lots.

Mr. Schmidt stated that the applicant is Mr. Michael Dewers and is applying on behalf of the current property owners Marilyn Tolle and Marvin Molodow. The request for this application is to amend the land use designation and zoning for three tracts of land comprised of 57.018 acres, which are currently zoned Agricultural (AG) to Residential Estate (RE) and Planned Center (PC) Zoning District. The proposed development was initially proposed as a development comprised of 34 single-family residential lots that are at least 1.5 acres in size or greater. The applicant has since reduced their lot yield to 32 single-family lots with a price point at $700,000. Mr. Schmidt outlined the land use and zoning of surrounding properties and indicated that the Park and Recreation Board have recommended cash in lieu of land for the park land dedication. Mr. Schmidt also discussed right-of-way, utilities, and landscaping. The staff has received two letters of support and eleven letters of opposition including all of Countryside. The Planning and Zoning Commission recommended to deny without prejudice being that the proposed development did not conform to the town's Future Land Use Plan. Mr. Schmidt stated if council wished to approve, a supermajority of consenting votes will be required.

Mayor Culbertson opened the public hearing.

Jim Riley, K. Hovnanian, stated that they reduced the lot size by two lots which increased the average lot size to 1.62 acres and increased side yard setbacks from 25' to 35'.
Mayor Pro Tem Lessner asked if there were issues on connection to Farmstead being public versus private. Mr. Riley responded that they are willing to do on whatever the town decides.

Jake Seale, 480 Homeplace, stated his concern is the access through Farmstead. Mr. Seale stated there is currently a Knox box there and sees no reason to move it and would like the gate to remain there to protect it from being a cut through.

Chris Smith, 470 Country Club, stated that people wanted RE-2 versus RE-1.5 zoning, and unless a gate stays at Farmstead, he believes it will create a lot of traffic. Mr. Smith stated that he is not against the development of the property, but would rather see two acre lots there.

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

Councilman O'Reilly asked if the developer agreed to have a gate on Farmstead and if so, what type of gate would it be. Chief Price addressed the public safety concern and options for property solutions. Chief Price stated grass-crete would be their preference and would be a good solution for residents of Countryside. There would also be signage indicating that it is for public safety vehicles only and that it would be monitored.

Councilman O'Reilly and Samuels liked the idea of a gate.

Councilman Cunningham stated that the council agreed to stay with two acre lots on the east side of town and he would not be in favor of anything less than that. Councilman Samuels commented that the council also discussed handling each case individually based on the property.

Mayor Pro Tem Lessner made a motion to approve an amendment to the land use designation and zoning for three tracts of land from Agricultural and categorized as Residential Estate Country (REC) to the Residential Estate (RE) land use designation and the Planned Center (PC) Zoning District with the condition that an emergency access easement with restricted access at Farmstead. Councilman O'Reilly seconded that motion.

Councilwoman Price commented that there are no special existing amenities on this land and the average density is still not two acres.

Council voted 4-3 with council members Cunningham, Culbertson, and Price opposed; therefore, due to there not being a super majority, the vote did not pass.

CUP 261 WYNDHAM COURT: Conduct a public hearing, consider, and take any necessary action on an ordinance for approval of a Conditional Use Permit (CUP) in order to allow for an accessory building on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 261 Wyndham Court, being Lot 14, Block 3 of the Summer Hill Farms subdivision.

Mr. Schmidt stated that the applicant and property owner, Mr. Pavelock is requesting to construct a detached garage for hobby and storage use. The proposed accessory building footprint is 1,240 SF and therefore would exceed the permitted accessory building footprint area by 340 SF. Other than the size the structure conforms to the towns requirements and he recommended approval.

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

Mayor Culbertson opened discussion to the council. No comments were made.

Councilman Hendricks made a motion to approve a Conditional Use Permit (CUP) for the construction of a detached garage at 261 Wyndham Court. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

CUP 1011 YOUNG TRAIL: Conduct a public hearing, consider, and take any necessary action on an ordinance for approval of a Conditional Use Permit in order to allow for an accessory structure on a property that is zoned Planned Center (PC) and is specifically located at 1011 Young Trail, being Lot 12 of the Collinwood Acres subdivision.

Mr. Schmidt stated that the applicant and property owner is Mr. David Holloway. Mr. Holloway is requesting to construct a building a workshop and additional storage accessory building. The proposed building is 1,170 SF metal building with a 780 SF attached carport, which would occupy a combined accessory building footprint of 1,950 SF. The accessory building is twice what is permitted by right. Mr. Holloway is also requesting a reduction in the side and rear yard setbacks from 30' to 15'. Mr. Schmidt stated that this structure is similar in stature with others in this subdivision and would not stick out. His neighbors are in support of his request. The Planning and Zoning Commission recommended approval at their October meeting. Mr. Schmidt stated that town staff recommends approval as submitted.

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

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

Councilman Hendricks made a motion to approve a Conditional Use Permit (CUP) for the construction of a metal building with attached carport in order to exceed the accessory building area and setback requirements. Councilman Samuels seconded that motion and the motion was unanimously approved.

FINAL PLAT MEANDERING WAY ESTATES: Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 2.00± acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, that is zoned One-Acre Ranch Estate (RE-1) and is generally located east of the Shady Brook Lane and Meandering Way intersection.

Mr. Schmidt stated the 2.0 acre subject property is undeveloped and the property owner is proposing to subdivide the property for two 0.82 acre lots in order to provide for two single family residences. The town has asked for right-of-way in order to maintain the roadways. Mr. Schmidt stated that the proposed subdivision creates fewer than four new lots and does not create any new public streets. The applicant will also be submitting cash in lieu of land for the parkland dedication fees. Mr. Schmidt stated that since this plat conforms to the town's zoning requirements and subdivision regulations, the town recommends approval.

Councilman Cunningham made a motion to approve a Final Plat for the Meandering Way Estates Addition. Councilman Hendricks seconded that motion and the motion was unanimously approved.

CITIZEN PERCEPTION SURVEY: Receive a presentation from Ray Turco regarding the citizen perception survey and take any necessary action.

Mrs. Couch stated at the council retreat, the council expressed their desire to conduct a town wide survey. This survey would provide valuable data related to current services offered and provided by the town and it can also be used to gauge the level of support of lack thereof for a number of items.

Mr. Ray Turco from Raymond Turco and Associates gave a presentation to council regarding the types of surveys they have conducted and their methodology in constructing a survey. Mr. Turco described types of surveys that can be used whether they are telephone, self-administered direct mail, or internet-based surveys and how accuracy is related to each one, as well as the advantages and disadvantages to each one. Mr. Turco provided the council with a timetable and cost depending on which type of survey they choose.

Mrs. Couch commented that her target goal would be to send out in December and have council assist in formulating questions.

The council consensus was to conduct a mail survey and have a draft of questions brought back to the December council meeting for review.

TOWN'S NEWSLETTER: Discuss the town's newsletter and proposed contract and take any necessary action.

Ms. Nancy Pacheco from the Community News Connection is the publishing company that will be producing the town's new newsletter. The contract if approved would begin in January.

Councilman O'Reilly made a motion to approve the agreement with Community News Connection subject to legal review . Councilman Samuels seconded that motion and the motion was unanimously approved.

AD HOC COMMITTEE ON SPECIAL EVENTS: Discuss and consider an amendment to resolution 2013-9-3R1 regarding an Ad Hoc Committee on Special Events, and take any necessary action.

Mrs. Couch stated that the resolution currently designates the committee with up to seven members. The council can consider changing this number based on the number of individuals they wish to appoint to the committee.
Mayor Pro Tem Lessner stated that they would like to add more than the seven.

Mayor Pro Tem Lessner made a motion to increase the committee members from seven to twelve. Councilwoman Price seconded that motion and the motion was unanimously approved.

BOARDS/COMMISSIONS: Discuss appointments to Boards and Commission and take any necessary action.

Mayor Pro Tem Lessner made a motion to nominate and appoint Clayton Barnes, Jonathan Cocks, Brenda Fakheri, Dottie Gandy, Artie Goldman, Stace Hunt, Nancy Lewis, and Frank Moore to the Special Events Ad Hoc Committee. Councilwoman Price seconded that motion and the motion was unanimously approved.

CCAD BOARD: Discuss the Central Appraisal Board Elections, and take any necessary action.

Mrs. Couch stated the town has thirteen votes to cast for the CCAD Board. The City of Allen has requested the town to support Gary Rodenbaugh. The council may cast all thirteen votes to one candidate or distribute the votes amongst the candidates listed.

Mayor Pro Tem Lessner made a motion to cast the town's thirteen votes to Gary Rodenbaugh. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

STAGE 3 WATERING: Receive an update regarding water conservation efforts and Stage 3 watering restrictions, and take any necessary action.

Mrs. Couch stated that the town has met and exceeded the goals set by North Texas Municipal Water District. The town continues to be active in educating and getting information out to the public. Beginning November 1st, the town officially started Stage 3 seasonal water restrictions. The only difference between seasonal and non-seasonal is that customers will be restricted to watering once every other week instead of once every week. Mrs. Couch stated the town plans to keep the same day of the week that residents currently water and will continue to push the information out to residents.

TOWN HALL CHRISTMAS EVENT: Discuss the upcoming Town Hall Christmas Event, and take any necessary action.

Mr. Dunlap stated the town's Christmas event will take place Saturday, December 7th and will be filled with a variety of activities including an ice skating rink, children's activities, and local choirs. The event will conclude with the lighting of the Christmas tree.

TOWN'S FINANCIAL POLICIES: Discuss the town's financial policies and take any necessary action.

Mr. Weeks stated that the adoption of the GASB 54 changes how the fund balances are reported. Another aspect includes clarifying the existing governmental fund type definitions to improve the comparability of financial statements and help users to better understand the purposes which governments have chosen to use particular funds. Mr. Weeks stated that governments are also required to disclose more information in the notes to the financial statements about amounts reported in fund balancing. Mr. Weeks stated that council had agreed to consider amending the current fund balance policy to provide for the shifting of a portion of unallocated fund balance into a fund that would expressly used for capital and one-time expenses. The current fund balance portion(s) of the town's financial policies have been revised to reflect this request.

Councilman Samuels made a motion to approve amending the town's Fund Balance Policy. Councilman Cunningham seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

No comments were made.

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

Mrs. Couch commented that the Volunteer Clean-Up Event on October 26th was successful and had a great turnout. On November 9th the Village will be hosting a Fine Arts event along with the Farmer's Market, and on November 16th Lovejoy with be having an electronics recycling event.

At 11:52 p.m. Mayor Culbertson adjourned the meeting.

DARION CULBERTSON, MAYOR

ATTEST:

Michelle Lewis Sirianni

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW