TOWN COUNCIL
MEETING MINUTES
December 3, 2013

The Town Council met in regular session on Tuesday, December 3, 2013 at 6:30 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; Management Intern, Tyler Brewer; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

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

The council then adjourned into executive session at 6:31 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, and real property.

At 7:49 p.m. Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be acted on by one motion, with no separate discussion of these items. If discussion is desired, an item may be removed from the consent agenda and be considered separately. A) Approve minutes of the October 30, 2013 special council meeting. B) Approve minutes of the November 5, 2013 regular council meeting. C) Consider and approve a resolution appointing the town's health inspector. D) Approve a license agreement with Verizon Wireless. E) Approve an agreement making TXU the town's retail electric provider. E) Approve an agreement making TXU the town's retail electric provider.

Councilwoman Price requested to pull items A and D.

Councilman Samuels made a motion to approve items B, C, and E. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

Councilwoman Price stated in regards to item A, she was not in attendance, and item D has a possible conflict of interest.

Councilman Hendricks made a motion to approve items A and D. Mayor Pro Tem Lessner seconded that motion and the motion was approved with a 6-0 vote. Councilwoman Price abstained.

The Town Secretary swore in new Police Officer, Shaun Tomlinson and Police Chief, Granver Tolliver presented him with his badge, peaked hat, and one bullet.

TOWN'S FACILITIES PLANNING: Hear presentation and consider authorizing staff to negotiate an agreement with Brinkley Sargent for the town's facilities planning and take any necessary action.

Mrs. Gina Irwin with Brinkley Sargent Architects gave council a presentation regarding the town's facilities planning study. Mrs. Irwin outlined their approach of defining the goals, needs of assessment methodology, building analysis, and site evaluation for the study process that would lead to the town's master plan. Mrs. Irwin addressed what they include in the budgeting process including buildings costs, owner costs, and indirect costs, as well as indicating that the planning would be about an eleven week process. The town would have someone from the firm in direct contact with them through the entirety of the process.

Councilman O'Reilly made a motion to authorize town staff to begin negotiations for an agreement with Brinkley Sargent Architects for the purpose of completing a Future Facilities Planning Study. Councilman Hendricks seconded that motion and the motion was unanimously approved.

STODDARD PROPERTY REZONING: Conduct a public hearing, consider an ordinance, and take any necessary action on a request to amend the land use designation and zoning for a 32.668± acre tract of land situated in the Samuel Sloan Survey, Abstract No. 791, and is generally located north of Hart Road and 500' west of Beachwood Lane, which is currently zoned Three Acre Ranch Estate (RE-3) and categorized as Residential Estate Country (REC) on the Future Land Use Plan, to the Residential Estate (RE) land use designation and the One Acre Ranch Estate (RE-1) Zoning District, generally, in order to initiate a development that would be generally comprised of twenty-five (25) single-family residential lots.

Mr. Schmidt stated that the applicant is Martin Raymond of Martin Raymond Custom Homes. Mr. Raymond is applying on behalf of current property owner's Mark and Morgan Stoddard. Mr. Schmidt stated that the purpose of the zoning change application is to amend the land use designation and zoning tract of land comprised of 32.668± acres, which is currently zoned Three Acre Ranch Estate (RE-3) and categorized as Residential Estate Country (REC) to One Acre Ranch Estate (RE-1) categorized as Residential Estate (RE) in order to develop a twenty-five (25) single-family residential lots. Mr. Schmidt stated that the applicant has revised the plan and it now reflects eighteen (18) single-family residential lots. The subject property is currently underdeveloped and contains a single-family residence and various accessory buildings. Mr. Schmidt provided the council with a brief history of this property including the initial designation when the Comprehensive Plan was initially adopted in 1995 as well as when the property was finally annexed and zoned by the town. Mr. Schmidt also noted that the northern portion of the property (~9 acres) was annexed when the town was incorporated in 1958 and the remaining 23 acres was annexed and zoned in 2007. Mr. Schmidt outlined the land use and zoning of the surrounding properties and discussed right-of-way, utilities, drainage, and landscaping.

Mr. Schmidt stated that staff received numerous letters of opposition, which included a petition from Fairview Meadows residents that included 55 signatures. Their concerns included traffic, and their desire to maintain the town's Land Use Plan. Mr. Schmidt stated that resident, Mr. Pezzulli who could not attend, wanted the council to know of his opposition to the request due to drainage concerns that directly affect his property. Mr. Schmidt stated that the Planning and Zoning Commission recommended denial without prejudice with a 6-0 vote because the proposed zoning did not conform to the town's Future Land Use Plan. Due to the commissioner's vote and the opposition from adjacent property owners, the council would require a super majority by the council in order to approve.

Mayor Culbertson opened the public hearing.

Martin Raymond, applicant stated that he is a custom home builder. Mr. Raymond stated that he has built in several neighborhoods and builds larger quality homes. Mr. Raymond stated he took the feedback from the commissioners and residents and created a different layout based on those comments. The average lot size is 1.5 acres with the lots that back up against the adjacent subdivision being close to two acres. They also created a greenbelt area and cul-de-sacs within the proposed development. The pond that currently exists would be maintained along with a common area, which backs up to Mr. Pezzulli's property and takes away the drainage concern. Mr. Raymond stated the average price point of the homes will be $800,000 to $900,000. Mr. Raymond requested council to deny in order to come back to council with a Planned Center (PC) development.

Dan Gremillion, 851 Beechwood, stated that he is the VP of the Fairview Meadows HOA. They are strongly opposed. Their concerns are high density plan, the close proximity to houses, and the current infrastructure does not support the traffic on Hart Road. Mr. Gremillion requested the council to consider something more binding for drainage and more open/green space.

Mark Stoddard, 431 Court of Pompei, Princeton, TX, property owner, stated that his dad was a founding father for the town and was initially zoned for one acre lots. The property is currently surrounded by a school and one acre lots. Mr. Stoddard asked the council to consider the history on the property and everything his family did for the town. He feels that the request fits in with surrounding properties.

Ron Kasian, 1241 Red Oak Trail, stated that the town should not change the character of the land and should keep the remaining large lots and focus on expanding the CPDD. The council does not represent the builder. He is opposed to the request and requests denial of the proposed development.

Wynn Allen, 1021 Hart Road, stated he is opposed to the request. He would like to diversity of neighborhoods and has concerns regarding traffic on Hart Road.

Elise Robinson, 821 Beechwood, urged council to deny the application and consider the impact on the school district.

Tom Greenwald, 871 Beechwood, reminded council of Mr. Kelly's property and his request of 1.5 acre lots, which was denied. Mr. Greenwald stated the property should remain RE-3.

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

Councilman Samuels stated they should give the applicant a chance to re-do the plan, but need to evaluate intensively.

Mayor Culbertson stated he is still concerned about density and that the council will be conducting meetings to evaluate the town's land use plan further. Mayor Pro Tem Lessner added that the council is working through a process, but will be addressing these issues in the upcoming months.

Mayor Pro Tem Lessner made a motion to deny without prejudice a request to amend the land use designation and zoning from Three Acre Ranch Estate (RE-3) to One Acre Ranch Estate Zoning (RE-1). Councilwoman Price seconded that motion and the motion was unanimously approved.

CONCEPT PLAN M CHRISTOPHER OFFICE DEVELOPMENT: Conduct a public hearing, consider, and take any necessary action on a request for approval of a Concept Plan for a proposed office development on a 3.4± acre tract of land situated in the John Taylor Survey – Abstract No. 909, that is zoned Commercial Planned Development District (CPDD), Zone N, and is generally located at the northeast corner of the State Highway 5 and Lakeridge Drive intersection.

Mr. Schmidt stated that the applicant is Mr. Bryon Reid, President of M. Christopher Homes. The applicant is proposing a four building office development, which is a land use that is permitted by right under the current zoning. The applicant is proposing to build two two-story buildings and two one-story buildings. M Christopher Homes intends to occupy the Phase I building. The proposed development would provide for direct access to SH 5 and also provides for secondary public and emergency access from the north through the former Cotton Concrete property, and from the south off of Lakeridge Drive.

Mr. Schmidt stated that town staff has received two responses in support and one in opposition to the request. At the November, 2013 Planning and Zoning Commission meeting, the commission recommended approval by a 5-1 vote with conditions that were provided for in the submittal council received and conforms to town requirements.

Mayor Culbertson opened the public hearing.

Bryon Reid, applicant, stated that they would like to relocate the corporate building to Fairview and service their needs/efforts within the town.

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

Councilman O'Reilly asked if they would be in building one. Mr. Reid responded that Phase I will be M. Christopher employees and the other buildings would have other tenants. Councilman O'Reilly asked Mr. Reid to consider working with EDC on the other buildings.

Mayor Pro Tem Lessner asked what kind of tenants would be the other buildings. Mr. Reid replied they would be office type.

Councilwoman Price asked if TxDot has limitations for the driveway access and if they could do a median cut on Lakeridge. Mr. Reid stated that they will submit a driveway permit application. Mr. Chancellor added that the town will look at the common areas and see who owns the median.

Councilman Hendricks made a motion to approve a Concept Plan for a proposed four building office development. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

CUP 330 KENTUCKY LANE: Conduct a public hearing, consider an ordinance, and take any necessary action on a request for approval of a Conditional Use Permit (CUP) in order to allow for an accessory structure on a 2.00± acre property that is zoned Two Acre Ranch Estate (RE-2) and is specifically located at 330 Kentucky Lane, being Lot 3 of the Roberts Addition to the Town of Fairview.

Mr. Brewer stated that the applicant and property owner is Mr. Rob Ficken. The subject property is two acres in size and zoned Two Acre Ranch Estate (RE-2). The applicant is requesting to exceed the maximum accessory building footprint by 600 SF for the subject property by building a 60' x 40' workshop/storage building and is also requesting a reduced roof pitch of 2:12. The 2400SF metal building will match the primary structure, be 17 feet in height, and be located 25' from the primary structure. Mr. Brewer stated the Planning and Zoning Commission recommended approval with the condition that the applicant provides for new landscaping on the west side of the proposed accessory building in order to provide a landscape buffer between the building and Kentucky Lane.

Mayor Culbertson opened the public hearing.

Mr. Ficken, applicant and property owner stated the building requested would give him a place to work and play. The building would also match the neighborhood as there are others that are very similar.

Commissioner Hendricks asked where Mr. Fickens house was in relation to Stacy Road. Mr. Ficken replied that they were the 3rd house in near Stacy.

Mayor Culbertson asked about the proposed landscaping. Mr. Ficken responded that he plans on placing some trees/shrubs to soften the corners of the building.

Councilman Cunningham asked what the intended use of the building was. Mr. Ficken replied that he likes to restore old cars and tractors and would like to have a place to store supplies such as lawn mower and such also. After a brief discussion regarding items the council would prefer not visible to the street, Mr. Schmidt noted that the council can place a condition within the request addressing this issue if they so wish.

Mayor Culbertson closed the public hearing and asked council if they had any further discussion. No additional comments were made.

Councilman Samuels made a motion to approve a Conditional Use Permit for the installation of a workshop conditioned upon the following: no parts of vehicles, cars or equipment to be stored outside unless they are licensed and subject to landscaping. Councilwoman Price seconded that motion and the motion was unanimously approved.

CITIZEN PERCEPTION SURVEY: Discuss the citizen perception survey and take any necessary action.

Mrs. Couch stated the survey will divided into three areas of town and will be color coded. The goal is to complete the survey prior to the next staff/council retreat so that the outcomes of the survey can be discussed in conjunction with the town's strategic plan. The survey deadline is January 14, 2014.

Council discussed the survey and possible changes or addtions to the survey. The Council was ultimately in agreement with the form of the survey and indicted staff should move forward in the process.

INTERLOCAL CITY OF SEAGOVILLE: Discuss and consider entering an Interlocal Agreement with the City of Seagoville, Texas as it relates to the purchase of goods and services, and take any necessary action.

Mr. Weeks stated that this interlocal agreement allows the town to cooperate with the City of Seagoville to purchase various goods and services commonly utilized by the participants through bids, auctions or sources in accordance with state law. The town would also be able to exchange with the City of Seagoville good or services by conveyance, sale or like-kind, and provides an opportunity to work with another city. Mr. Weeks stated the town currently has an obsolete server that the City of Seagoville can utilize and they would like to purchase it, and with this interlocal, it would allow town to sell it to them.

Mayor Pro Tem Lessner made a motion to authorize the Town Manager to enter into an Interlocal Agreement with the City of Seagoville for the purchase of goods and services. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

INTERLOCAL CITY OF ALLEN: Discuss and consider authorizing the town manager to execute an interlocal agreement with the City of Allen for future sanitary sewer discharge into Fairview, and take any necessary action.

Mr. Chancellor stated that the City of Allen in an area just SW of Ridgeview and US 75 is having a sewer problem due to the cemetery and other utility conflicts in the area. The developer of the land, along with the City of Allen has proposed an 8" gravity sewer line to cross under US 75 and tie into the existing 12" sewer line installed with the Village at Fairview mall development. The town would charge impact fees for providing the maintenance and use the interlocal agreement to outline the sewer metering requirements, maintenance responsibilities, and other requirements.

Councilman Samuels made a motion to authorize the Town Manager to negotiate and execute an interlocal agreement with the City of Allen to discharge sanitary sewer into Fairview's sewer system. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

INTERLOCAL CITY OF ALLEN: Discuss and consider authorizing the town manager to execute an interlocal agreement with the City of Allen pertaining to the completion and implementation of a traffic light timing study, and take any necessary action.

Mr. Wilbourn stated that the town has an opportunity to submit an application to the North Central Texas Council of Governments (NCTCOG) for a funded grant for transportation related projects. Mr. Wilbourn stated that the town has met with the engineering department with the City of Allen to discuss the potential for submitting jointly, which would include a traffic analysis. The analysis would be used to create models for each desired intersection. The town is looking at four intersections with a cost estimate of $5,500 per intersection totaling $22,000; however, NCTCOG pays 80% of the project cost if approved and the town would split the remaining cost with the City of Allen.

Councilman Cunningham asked what happens if the town does not receive the grant. Mr. Wilbourn stated that the town would continue efforts and talks with the City of Allen.

Councilman Hendricks asked if the light at Meandering and Stacy Road is one of the four. Mr. Wilbourn responded that it will be done later due to reconstruction of the road, but that staff would confirm that to be the case.

Councilman O'Reilly made a motion to authorize the Town Manager to execute an interlocal agreement with the City of Allen pertaining to the completion and implementation of a traffic light study of four intersections on Stacy Road and the possibility of adding traffic light at Meandering Way and Angel Pkwy. Councilman Hendricks 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 stated the town's Christmas Event is Saturday, December 7th. They will continue to monitor weather.

Town Council has a joint meeting with the Planning and Zoning Commission on Monday, December 16th. Other meeting dates have been confirmed including joint meeting with the EDC and Parks and Recreation Board, which will be after Christmas, and the council retreat slated for February.

Mayor Pro Tem Lessner stated the Allen-Philharmonic Chorus will be performing on December 20th.

Councilman Hendricks noted that the Allen Rotary Christmas Parade will be Sunday, December 8th.

Mr. Chancellor provided brief construction update on SH 5.

At 10:39 p.m. Mayor Culbertson adjourned the meeting.

DARION CULBERTSON, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary