TOWN COUNCIL
MEETING MINUTES
February 4, 2014

The Town Council met in regular session on Tuesday, February 4, 2014 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; Chief Financial Officer, Jason Weeks; 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 6:32 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, and economic development.

At 7:55 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 January 7, 2014 regular council meeting. B) Approve minutes of the January 15, 2014 special joint council, P&Z, and EDC meeting. C) Approve minutes of the January 23, 2014 special joint EDC and council meeting. D) Approve minutes of the January 28, 2014 special joint council and P&Z meeting. E) Approve a tower use license agreement with Verizon. F) Approve an ordinance calling the May 10, 2014 General Election.

Councilman Samuels asked to pull item B.

Councilman O'Reilly made a motion to approve items A, C, D, E, and F. Councilwoman Price seconded that motion and the motion was unanimously approved.

Councilman Samuels stated in regards to item B of the minutes of the January 15th meeting, it is reflected that he was present, but he was absent from this meeting.

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

CUP 431 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 the expansion of an existing accessory building on a property that is zoned Planned Center (PC) and is specifically located at 431 Kentucky Lane, being Lot 7 & 8 of the Blue Grass Farms Subdivision.

Mr. Schmidt stated that the applicant for this request is Mr. Marvin Molodow, who is also the owner of this property. The 3.468 acre subject property is zoned Planned Center; therefore, will adhere to the RE-2 zoning district guidelines for accessory buildings. Mr. Molodow currently has an existing accessory building that is 1,542 SF and proposing an addition of 450 SF. This would cause the proposed building to go the maximum 1,800 SF footprint by 192 SF. Mr. Schmidt stated the addition would not cause the building to encroach into the setbacks and is well under the maximum impervious surface limit for the property. Due to the substantial amount of trees on the property there is little to no visual impact to the adjacent property owners. Mr. Schmidt stated town staff recommends approval of this request.

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

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

Mayor Pro Tem Lessner made a motion to approve a Conditional Use Permit for the expansion of an existing accessory building at 431 Kentucky Lane. Councilman Hendricks seconded that motion and the motion was unanimously approved.

AMENDING SUBDIVISION AND BUILDING REGULATIONS ORDINANCE: Conduct a public hearing, consider, and take any necessary action on an ordinance amending the town's Subdivision Ordinance and Building Regulations in order to amend the town's policy for the continuation of streets and the provision of subdivision access to new and existing residential subdivisions.

Mr. Schmidt stated that traditionally all access point to residential neighborhoods are provided as public access points. Mr. Schmidt stated that current code provisions regarding public and emergency access points could be improved to provide for additional detail for future development. Consideration would be given to the unique characteristics of each development proposal and the impact of various right-of-way and access configurations. In addition to the proposed amendments, the required right-of-way width for residential streets would be reduced from 65' to 50', which has been the standard for new residential development for quite some time. Mr. Schmidt stated town staff recommends amending the town's ordinance for the continuation of streets and the provision of emergency access drives.

Mayor Culbertson opened the public hearing.

Carolyn Sommers Erickson, 1346 Ranch House Drive, stated that the vision when the Comprehensive Plan was initially adopted was the idea to 'know your neighbor' and to keep open spaces. Changes were made that the council at the time felt appropriate to do to accomplish future growth.
Wayne Spence, 1041 Country Trail, stated he is in favor of the amendment.

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

Council discussed keeping neighborhood roads with as little traffic as possible, and amending the ordinance would establish a default position that proposed right-of-way in new developments should connect to existing right-of-way adjacent to the proposed development, but that the Council would have discretion on whether or not emergency access only can be provided as an alternative to connecting public roads . Councilman Samuels comments that Mrs. Erickson's comments were taken carefully into account.

Councilman O'Reilly made a motion to approve amending the town's subdivision and building regulations in order to establish a policy for the continuation of streets and the provision of emergency access drives. Councilman Samuels seconded that motion and the motion was unanimously approved.

TOWN'S FACILITIES PLANNING CONTRACT: Discuss and consider a contract with Brinkley Sargent for the town's facilities planning services, and take any necessary action.

Mr. Wilbourn stated that council had authorized town staff to enter into negotiations with Brinkley Sargent Architects for their professional services in carrying out the future facilities planning study. Town staff met with the architect firm to finalize the scope, timeline, and costs for services, which came to $50,000. This cost will be funded out of the reserve fund as a one-time expenditure.

Council discussed the cost breakdown and if the costs seemed fair. Mrs. Couch stated that it is a fixed cost and is reasonable.

Councilman Cunningham made a motion to approve a contract for professional architectural services to conduct a future facilities planning study. Mayor Pro Tem Lessner seconded that motion and the motion as unanimously approved.

TOWN'S NUISANCE ORDINANCE: Discuss and consider amending the town's nuisance ordinance regarding habitual barking, and take any necessary action.

Mrs. Couch stated that the current ordinance does not provide for a detailed process when a complaint is received. Mrs. Couch stated the amended ordinance will not change how the town does things currently, but that it establishes a thirty day window on the complaint process.

Mayor Culbertson opened up comments to the public.

Joe King, 581 Country Club, stated that due to the amount of land he owns and livestock that is on the property, he had purchased a Great Pyrenees in order to keep coyotes away. The dog is brede to chase away predators and is specific in what it protects. Mr. King commented that the dog does bark, but time may range from five to thirty minutes. Mr. King asked for an exception to be made depending on situations such as his.

Leland Payne, 398 Parkvillage Ave., stated that he has a house behind his that has renters in it. They keep their dog tied to a tree and in his opinion the dog is not being cared for properly. Mr. Payne stated he is in favor of the amendment.

Elise Robinson, 821 Beechwood, stated that she has had an issue with a neighbor's dog that habitually barks and is hysterical. The animal will bark for hours at a time at three to five nights per week. She would like the ordinance to be enforceable and consistent.

Councilwoman Price asked what the penalty was for a violation. Mr. McCoy, the Town Attorney, responded that the fine is up to $500.00 depending on either a judge or jury or could pay just the window fine.

Councilman Cunningham made a motion to approve the ordinance regarding habitual barking dogs by establishing regulations. Councilwoman Price seconded that motion and the motion was unanimously approved.

COLLIN COUNTY'S MOBILITY PLAN: Discuss status of the Collin County's Mobility Plan, and take any necessary action.

Mr. Chancellor stated that it is advantageous for the local and county plans to match in order to obtain funding. Town staff had submitted requests to Collin County for them to consider based on the town's plan. Mr. Chancellor highlighted the requests made by the town including which items were accepted and those that were not, as well as, the draft thoroughfare plan that county will be discussing.

Council discussed the draft plan and roads within the town that are reflected within the town's plan and the county's draft plan. The county will be having a Mobility Plan meeting on Tuesday, February 18, 2014 and the public is invited. Councilman Cunningham suggested taking a copy of the town's plan to the meeting.

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 that staff will be requesting availability in order to have another joint meeting on Land Use.

Mr. Chancellor provided an update on Hwy 5 and TxDOT is still projecting to finish the project by the end of February. They will have more traffic interruption at the Sloan Creek entrance and the railroad.

Mr. Chancellor provided an update on Stacy Road commenting they will be working on utilities and will starting to see construction on the north side with the LDS church.

Mr. Schmidt reminded council of the joint meeting on February 11 with the tour beginning at 4 p.m. with the meeting to follow at 7 p.m.

At 9:47 p.m. Mayor Culbertson adjourned the meeting.

DARION CULBERTSON, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW