TOWN COUNCIL
MEETING MINUTES
March 4, 2014

The Town Council met in regular session on Tuesday, March 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; Engineer in Training, Danielle Gregory; 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 6:31 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, and economic development.

At 7:31 p.m. Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

MCKINNEY NATIONAL AIRPORT UPDATE:

Mr. John Wroten, McKinney Airport Development Corporation Chairman and Mr. Kenneth Wiegand, Executive Director of the McKinney National Airport provided an update regarding the McKinney National Airport. Mr. Wroten gave a brief history regarding the airport and how they were able to change the name and become a national airport. Mr. Wroten and Wiegand both spoke about the approved Master Plan and projects currently underway. They commented that no big projects were planned and focused on bringing in more general aviation. The council asked questions and discussed topics including flight schools, freight traffic, noise abatement, proposed runway expansion and the hours of operation of the airport tower with the airport representatives.

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 February 4, 2014 regular council meeting. B) Approve minutes of the February 11, 2014 special joint Council, P&Z, and EDC meeting. C) Approve minutes of the February 20, 2014 special joint Council, P&Z and EDC meeting. D) Approve an Amending Plat for Lots 7R and 20R, Block U, Phase 3A of the Heritage Ranch Addition.

Councilman Samuels made a motion to approve items A, B, C, and D. Councilwoman Price seconded that motion and the motion was unanimously approved.

QUESTCARE CONTRACT: Discuss and consider a contract with Questcare regarding medical control, and take any necessary action.

Chief Price stated that the town has had a contract with Biocare to provide Medical Control and EMS Continuing Education Services. The town was notified in late 2013 that they would not be renewing our contract, which expires on September 30, 2014 as they had decided to cease providing this service to all of their customers. Chief Price stated once they were notified they began conducting a search of various organizations in order to find a replacement at the same rate, but also delivering a quality level of service. Questcare was chosen under the guidance of Dr. Eric Pearlman. Questcare is currently contracted with other fire departments and the contract will perform all of the same functions as the Biocare contract. In addition, the town will receive the ability to actively practice clinical procedures in the ER and OR of the Medical Center of McKinney or any of their affiliated facilities as well as periodic clinical experience in their cadaver lab. Chief Price requested council to authorize the Town Manager to execute the contract with Questcare effective April 1, 2014. Mrs. Couch added that the Town Attorney is still reviewing the contract, so if authorized to add the approval subject to legal form.

Councilman Hendricks made a motion to authorize the Town Manager to execute the contract with Questcare effective April 1, 2014 subject to legal form. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

CUP 470 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 construction of an accessory building on a property that is zoned Planned Center (PC) and is specifically located at 470 Kentucky Lane, being Lot 25 of the Blue Grass Farms subdivision.

Mr. Schmidt stated that the applicant and property owner is Mr. Dan Miller. The purpose of the CUP is to allow for the construction of a 900 SF accessory building. The subject property is 3.001 acres in size and zoned Planned Center (PC); therefore, the RE-2 standards are applied. The property owner currently has an existing accessory building that is 1,120 SF, and the requested accessory building is 900 SF, with the total exceeding the maximum building area by 220 SF. Mr. Schmidt stated due to the size and shallow rear yard, the applicant is also requesting to encroach into the building setback and a reduced roof pitch in order to provide a 2.4:12 pitch in order to prevent the removal and pruning of additional trees. Mr. Schmidt stated the town received two letters of support and zero in opposition to the request. The Planning and Zoning Commission unanimously recommended approval at their February meeting; therefore, staff recommends approval as submitted.

Mr. Miller, applicant and property owner stated that he has asked permission from his neighbors and no one had any objections to his request.

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

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

Councilman Hendricks made a motion to approve the Conditional Use Permit for 470 Kentucky Lane as submitted. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

SITE PLAN JACKSON ESTATES: Conduct a public hearing, consider, and take any necessary action on a request to approve a Site Plan for a 9.73± acres tract of land that is zoned Commercial Planned Development District (CPDD) – Zone L (6.55± acres) and One-Acre Ranch Estate (RE-1) (3.18± acres), and is situated in the Samuel Sloan Survey, Abstract No. 791, and is generally located at the eastern terminus of Pond View Lane and east of the Sloan Creek Estates – Phase III Addition, generally, in order to allow for a development comprised of three (3) single-family residential lots.

Mr. Schmidt stated that this introduction would also apply to the next agenda item, the Final Plat for Jackson Estates. The applicant is Mr. Justin Lamothe of Morgan Madison Homes who is applying on behalf of the property owner, Tim Jackson. The purpose is to provide for a subdivision comprised of three single-family detached homes that will contain a cul-de-sac. The applicant property is 9.731 acres in size and has a mixed zoning classification. Of the 9.731 acres, 6.55 acres is zoned CPDD, Zone L and 3.18 acres is zoned RE-1. Mr. Schmidt stated the proposed subdivision would have a public access point and required 50' right-of-way dedication. Due to the subdivision having a cul-de-sac area within the CPDD zoned area, design guidelines usually call for cul-de-sacs to have a motor court design with parking and landscaped common area. However, the subject property has more of an Estate Residential urban design context and would not need parking. Mr. Schmidt stated that since there is also no HOA, the residents would have to agree to provide the maintenance and installation cost for the common areas. Mr. Schmidt discussed other site improvements, utilities, parkland dedication, and landscaping. In regards to the request, town staff has received five letters of support and zero in opposition to the request. At the February Planning and Zoning Commission meeting, one person spoke in support of and no one spoke in opposition to the application. The commission unanimously recommended approval as submitted with recommendations in favor of the applicant's request to not provide for a landscape median in the new cul-de-sac, and the commission did not recommend in favor of the applicant's request to provide for driveway carriage lights in lieu of the proposed street light. Mr. Schmidt stated town staff recommends approval of the Site Plan and Final Plat.

Councilman Cunningham asked if there will be any expense to the town to extend the sewage. Mr. Schmidt replied that the applicant will be extending, so there is no cost to the town.

Mayor Pro Tem Lessner stated that the Sloan Creek neighborhood is very pleased with this request.

Mayor Culbertson opened the public hearing. Mr. Lamothe, applicant, stated that they will try to keep it as quiet as possible through the construction process.

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

Mayor Pro Tem Lessner made a motion to approve a Site Plan for Jackson Estates as submitted. Councilman Samuels seconded that motion and the motion was unanimously approved.

FINAL PLAT JACKSON ESTATES: Discuss and consider a Final Plat for a proposed subdivision generally comprised of three (3) single-family residential lots on a 9.73± acres tract of land that is zoned Commercial Planned Development District and One-Acre Ranch Estate, and take any necessary action.

Mayor Pro Tem Lessner made a motion to approve a Final Plat for Jackson Estates. Councilman Samuels seconded that motion and the motion was unanimously approved.

FINAL PLAT LDS CHURCH: Discuss and consider a Final Plat for a religious institution on a 5.818± acres property known as the LDS church, and take any necessary action.

Mr. Schmidt stated the applicant for this Final Plat is Mr. Don Vandiver of Vandiver Associates. Mr. Vandiver is applying on behalf of Church of Jesus Christ of Latter-day Saints. The subject property is zoned RE-1, and a Conditional Use Permit (CUP) was approved for a religious institution in July, 2013. As part of the CUP approval, the applicant was required to submit a traffic study with this plat application. Mr. Schmidt stated the traffic study indicated that the proposed access was appropriate and no extra deceleration lanes were required. Mr. Schmidt also discusses access and right-of-way, utilities, and the landscaping and screening. At the February Planning and Zoning Commission meeting, the commission unanimously recommended approval. The staff and commission requested that the applicant submit an alternative landscape plan for the rear portion of the property in the event that the property owner of Lot 7 elects to construct a privacy fence; therefore, recommends approval as submitted.

Mr. Vandiver addressed the time frame of the construction and completion in comparison to the timing of the Stacy Road project completion time frame. Mr. Vandiver also stated that they will have a sign, but will not be lit and will be in conformance to the zoning requirements.

Councilman Cunningham made a motion to approve a Final Plat for a religious institution as submitted, with the inclusion of the alternative landscaping plan. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

NATIVE GRASS ORDINANCE AMENDMENT: Discuss and consider an ordinance amending Ordinance No. 98-336 Health and Sanitation: Article 6.04 Weeds, Rubbish, and other Unsightly or Unsanitary Conditions regarding Native Grass exemptions, and take any necessary action.

Mr. Wilbourn stated that the exemption within the current ordinance is vague and does not ensure that exemptions to the 12 inch maximum are awarded only to true native grass areas. The current ordinance also calls for approved native grass area to be "orderly, planned, and intentional", but does not provide a general framework for what this stipulation means. This also makes it difficult for the town's Code Enforcement officer to enforce. Mr. Wilbourn stated the proposed amended ordinance addresses two exemptions. The first being allowing grass being used for a decorative purpose and that is part of a planned and orderly landscaping improvement to a property to exceed the permitted height maximum. The second exemption is a modified and expanded version of the original native grass area exemption. The town's Environmental Management Committee has reviewed the proposed ordinance amendment and unanimously recommended approval at their February meeting. Town staff recommends approval as submitted.

Councilwoman Price made a motion to approve an amendment to an ordinance regarding native grass exemption(s). Councilman O'Reilly seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

No comments were made.

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

Mr. Chancellor provided an update on State Highway 5 road project as well as the NTMWD 42" water line project on Stacy Road and their 54" water pipeline project. Mr. Chancellor stated town intends to keep residents, businesses, and those affected notified of project progress and/or changes. Mrs. Couch added that there is a NTMWD meeting at the end of March that will include a discussion on the possibility of moving to Stage four watering.

Mrs. Couch reminded council of their joint meeting on Thursday, March 13 and Wednesday, March 26. The council retreat will be in May with the possibility of around the 16th or 17th.

Mr. Dunlap stated the circus will be in town from March 7-9. The Four Seasons Market will be returning March 22, and Congressman Sam Johnson will be speaking at the EDC luncheon on March 21, which will be located at Noah's of Fairview.

At 9:26 p.m. Mayor Culbertson adjourned the meeting.

DARION CULBERTSON, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW