TOWN COUNCIL
MEETING MINUTES
February 3, 2015

The Town Council met in regular session on Tuesday, February 3, 2015 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson; Council Members John Adler, Frank O'Reilly, Paul Hendricks, Ron Samuels and Renee Powell; Town Manager, Julie Couch; Planning Manager, Ken Schmidt; Town Engineer, James Chancellor; Chief Financial Officer, Jason Weeks; Police Chief, Granver Tolliver; Fire Chief, Dick Price; Town Attorney, Clark McCoy; and Town Secretary/Public Relations Coordinator, Caitlin Scalley. Council Member Henry Lessner was absent.

Mayor Culbertson called the meeting to order at 6:31 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. The council discussed land acquisition for town facilities and economic development negotiations.

Mayor Culbertson reconvened back into regular session at 7:33 p.m. and invited everyone to stand for the Pledge of Allegiance. Pastor David Lessner led the invocation.

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 6, 2015 regular council meeting. B) Approve an ordinance calling the May 9, 2015 General Election and authorize the town manager to execute a joint agreement with Collin County for the provision of election services. C) Approve an ordinance amending the fee schedule of the town in order to establish emergency medical services billing and collection fees.

Councilmember Samuels requested item B be removed from the consent agenda. Councilmember O'Reilly made a motion to approve items A and C on the consent agenda. Councilmember Powell seconded the motion, and the motion was unanimously approved.

Councilmember Samuels asked for clarification regarding item B, specifically the location of the Election Day polling places. Ms. Scalley indicated the election services contract reflected the correct location. Councilmember Samuels made a motion to approve item B on the consent agenda. Councilmember Hendricks seconded the motion, and the motion was unanimously approved.

CUP – 638 MERLOT COURT: Conduct a public hearing, consider, and take any necessary action on a request by Mr. David Keith, 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 One-Acre

Ranch Estate (RE-1) and is specifically located at 638 Merlot Court, being Lot 16 of the Vineyards at Fairview Addition to the Town of Fairview. **(ZA2014-22)**

Mr. Schmidt gave a presentation regarding an application for a Conditional Use Permit (CUP) in order to allow for the construction of a 950 square foot accessory building on the subject property. Mr. Schmidt stated the subject property is zoned One-Acre Ranch Estate, and the property owner is permitted by right to have up to two accessory buildings with a combined building footprint not to exceed 900 square foot. Mr. Schmidt stated the applicant has an existing 750 square foot shed and is requesting to install a 950 square foot gazebo. Mr. Schmidt stated the applicant is requesting a CUP in order to exceed the maximum accessory building area by 800 square foot. He stated the proposed structure conforms to all other accessory building requirements and is consistent with the residential character of the subdivision. Mr. Schmidt presented the proposed site plan and new structure renderings.

Mr. Schmidt stated twenty-nine (29) property owners were notified in accordance with town and state law. Town staff received four (4) statements of support and no statements of opposition. Mr. Schmidt stated the Planning and Zoning Commission recommended approval of the request as submitted. He stated town staff recommends approval of the request as submitted.

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

Mayor Culbertson closed the public hearing.

Councilmember Powell made a motion to approve the Conditional Use Permit for 638 Merlot Court. Councilmember O'Reilly seconded the motion, and the motion was unanimously approved.

REZONE 17.529± ACRE SEGMENT OF LOT 1, BLOCK A OF THE WARD ADDITION: Conduct a public hearing, consider, and take any necessary action on a request by Mr. Sam Price to approve an ordinance rezoning a 17.529± acre segment of Lot 1, Block A of the Ward Addition to the Town of Fairview, from the Agricultural (AG) zoning district to the One-Acre Ranch Estate (RE-1) zoning district. **(ZA2014-23)**

Mr. Schmidt gave a presentation regarding a request to rezone the subject property from Agricultural (AG) to One-Acre Ranch Estate (RE-1). Mr. Schmidt stated the subject property is a portion of the property included in planning case ZA2014-18 that was denied by the Town Council at the December 2, 2014 Town Council meeting. Mr. Schmidt stated the proposed zoning is consistent with or less intense than surrounding existing and projected development. He stated the proposed zoning designation conforms to the town's Future Land Use Plan.

Mr. Schmidt stated the site currently has one point of access to Stoddard Road and would likely need a second point of access through the Williams property. He stated the requested density would have a marginal impact on Stoddard Road. Mr. Schmidt stated the requested density would have a marginal impact on the town's utility infrastructure, and the future development of the site would be served by an existing waterline and future water infrastructure on an adjacent property.

The council had a discussion regarding a second point of access.

Mr. Schmidt stated property owners were notified in accordance with town and state law. Town staff received one (1) statement of support and no statements of opposition. Mr. Schmidt stated the Planning and Zoning Commission recommended approval of the request with a 5-1 vote. Mr. Schmidt stated town staff recommends approval of the request as submitted.

Mayor Culbertson opened the public hearing.

Doug Mousel, on behalf of the property owners, stated the request conforms to the Future Land Use Plan and requested the council approve the application.

Mayor Culbertson closed the public hearing.

Councilmember Samuels made a motion to approve the request to rezone the subject property from AG to RE-1. Councilmember Adler seconded the motion, and the motion was unanimously approved.

FACILITIES AGREEMENT WITH DD FAIRVIEW II LLC: Discuss and consider a request to execute a facilities agreement with DD Fairview II LLC regarding the construction of public open space improvements for a proposed multi-family residential development that is generally located west of SH 5 and north of Meandering Way, and take any necessary action.

There was no discussion. Councilmember O'Reilly made a motion to table the request to execute a facilities agreement with DD Fairview II LLC and to table planning case FP2014-04 to a date certain of March 3, 2015. Councilmember Hendricks seconded the motion, and the motion was unanimously approved.

FINAL PLAT – TXMORROW CONSTRUCTION: Discuss and consider a request by TxMorrow Construction to approve a Final Plat for a proposed multi-family residential development on a 24.40± acre tract of land that is zoned Commercial Planned Development (CPDD) District, Urban Village Sub-District, and is generally located west of SH 5 and north of Meandering Way, and take any necessary action. **(FP2014-04)**

The council tabled the request to approve the Final Plat to a date certain of March 3, 2015.

FEDERAL TAX CREDIT PROGRAM – ANTHEM BUILDERS: Hear presentation, discuss and consider a resolution of support for a request from Anthem Builders regarding a proposed veteran focused townhome project, Warrington Station, to be funded through the federal tax credit program, and take any necessary action.

Megan Lasch, on behalf of Anthem Builders, gave a presentation regarding a proposed veteran focused townhome project. She stated the goal is to serve veterans, and the development is designed to assist working class individuals in saving money. She stated the tax credit financing program that will be utilized for this project will make the housing affordable. Ms. Lasch provided a list of veteran focused organizations that are aware of the project and in support of the development. She stated a resolution of support from the Town Council is needed in order to be successful in the regional funding process. She stated the projected project completion is 2017 and will include approximately 90 townhomes.

The council had a discussion regarding projected rent and length of leases.

Mayor Culbertson opened the floor to residents in attendance to ask questions and voice their concerns.

Shanna Green, 5393 Conestoga, asked questions regarding potential impact on property values and veteran occupancy. Ms. Lasch stated the development would not be able to deny qualifying families, but the development is able to give veterans preference in the application process.

The council had a discussion with Mr. Chancellor regarding traffic impact.

Fay Martin, 1415 Meandro Ria, asked questions regarding occupancy per townhome and availability of handicap units. Ms. Lasch stated the development will exceed American with Disabilities Act (ADA) requirements.

Terry Jenkins, 491 Plumwood Way, stated his concern regarding veterans not receiving priority and the lack of medical facilities for veterans in the area. Ms. Lasch stated the development will be built and marketed to attract veterans.

Ms. Green, 5393 Conestoga, requested clarification regarding median income.

Roy Serpa, 412 Saddleback Drive, stated he had heard the presentation twice and believes the development fits into the town's Future Land Use Plan. He stated his support for the project.

Ted Puchacz, 798 Barton Springs, requested clarification on potential rent and income requirements.

Mayor Culbertson stated the request is for a resolution of support, and the project would be required to go through the normal development process and meet town requirements.

Helen Williams, a resident of Cypress Crossing, requested clarification regarding property along Highway 5 designated for commercial use.

The council had a discussion regarding the desire to support veterans and the developer's previous success.

Councilmember Powell made a motion to approve the resolution of support. Councilmember Hendricks seconded the motion, and the motion was unanimously approved.

2015 TOWN PRIORITIES: Discuss the town's priorities for 2015, and take any necessary action.

Mrs. Couch stated the council had a round table for potential initiatives for 2015 at the January 6, 2015 Town Council meeting. She stated Mayor Culbertson has identified the council's top five (5) initiatives based on that discussion.

Mayor Culbertson presented the council's initiatives, including: improving communication tools in order to promote increased transparency, completing the 5-year Capital Improvement Plan, continuing to focus on the Commercial Planned Development District (CPDD), determining the viability of pursuing alternative sources of water and working with Parks and Recreation Advisory Board to update the town's Park and Trail Plan. He stated the list would be published in the March Town Hall newsletter.

Councilmember Adler stated the desire to continue working with McKinney ISD to develop a school in this area. Councilmember Hendricks stated the council must give consideration to a balanced budget and remain respective of the tax impact when pursuing these initiatives.

CITIZEN'S INPUT:
Roy Serpa, 412 Saddleback Drive, stated he was impressed with the council's priorities for 2015 and request the council determine tentative deadlines for each priority.

STAFF REPORTS:
Mrs. Couch stated the council would be contacted regarding the scheduling of the next facilities planning meeting.

The council had a discussion with Mr. Weeks regarding the quarterly investment report for the period ending December 31, 2014.

The council had a discussion regarding promoting the Gus Macker 3-on-3 Charity Basketball Tournament.

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

DARION CULBERTSON, MAYOR

ATTEST:

Caitlin Scalley, Town Secretary

TOWN OF FAIRVIEW