TOWN COUNCIL
MEETING MINUTES
NOVEMBER 3, 2015

The Town Council met in regular session on Tuesday, November 3, 2015 at 6 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson; Councilmembers Ron Samuels, John Adler, Henry Lessner, Paul Hendricks and Renee Powell; Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Town Engineer, James Chancellor; Economic Development Manager, Ray Dunlap; Interim Planning Manager, Robert LaCroix; Chief Financial Officer, Jason Weeks; Police Chief, Granver Tolliver; Town Secretary, Elizabeth Cappon; and Town Attorney, Clark McCoy. Councilmember Frank O'Reilly was not present.

Mayor Culbertson called the meeting to order at 6:00 p.m. and declared a quorum was present.

At 6:01 p.m., the council then adjourned into executive session to consult with legal counsel regarding pending or contemplated litigation, personnel and economic development.

At 7:30 p.m., Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

APPOINTMENTS AND REPORTS: The Council received a presentation by Ray Edwards regarding utility billing issues related to high water volumes.

Mr. Edwards gave a presentation regarding utility billing issues related to high water volumes.

Mayor Culbertson noted that many of the cities that showed lower water rates for higher use also showed higher rates for lower use, making up the difference in price. Mr. Edwards stated that he was not as concerned with the water rates for smaller lots. Mayor Culbertson stated that he understood the approach and that they would consider it with other approaches when the water rate study is complete.

Mayor Culbertson stated that the largest cost to the Town after the water is debt service. Mr Edwards, Mr. Weeks and Mayor Culbertson had a discussion regarding debt service and the water funds.

Mr. Edwards noted that a prior change to the top rate's surcharge was not posted in the Town magazine or on the Town website. Mr. Edwards discussed alternative sources of water, while noting that he believed that many options might not be practical. Mayor Culbertson stated that the rate study would consider many of his issues as well as alternative sources of water, which was one of the top initiatives for the Town in 2015.

No action was taken.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and are 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 6, 2015 council meeting. B) Approve an ordinance approving the 2015-16 fiscal year tax roll and providing an effective date. C) Rejection of merchant credit card services RFPs.

Mayor Pro Tem Lessner made a motion to approve the consent agenda. Councilmember Powell seconded the motion, and the motion was unanimously approved.

PROCLAMATIONS, RECOGNITION AND AWARDS: Mayor Darion Culbertson presented an Arbor Day Proclamation, including an Arbor Day presentation by staff to observe Fairview's commitment to preserving its trees and natural beauty.

Mr. Wilbourn gave a special Arbor Day presentation regarding the Town's Tree City USA certification and Fairview's commitment to preserving its trees and natural beauty.

Mayor Culbertson read the proclamation and declared November 3, 2015 as "Arbor Day" in the Town of Fairview.

AMENDMENT TO THE CPDD AND APPROVAL OF MAJOR WARRANTS FOR AN AGE-RESTRICTED INDEPENDENT LIVING FACILITY AT THE NORTHEAST CORNER OF CONVENTION DRIVE AND MURRAY FARM ROAD: Conduct a public hearing, consider, and take any necessary action on a request made by Greystar GP II, LLC for the approval of an amendment to the Framework Plan of the Commercial Planned Development District (CPDD) and approval of major warrants within the Urban Village Sub-District in Overlay B to add the Mixed Residential building types contained in Overlay A for an age restricted development as proposed in the application and consider approval of Major Warrants in association with a development plan related to parking requirements for the age restricted independent residential living facility on property being 5.748± acres of land more specifically described as Lot 2R-1, Block A, North Addition situated in the J. Dixon Survey, Abstract No. 276 and generally located at the northeast corner of Convention Drive and Murray Farm Road. **(MW2015-02).**

Mr. LaCroix gave a presentation on agenda item 9(a) regarding a request made by Greystar GP II, LLC for the approval of an amendment to the Framework Plan of the CPDD within the Urban Village Sub-District in Overlay B to add the Mixed Residential building types contained in Overlay A and consider approval of Major Warrants in association with a development plan for an age-restricted independent residential living facility on property generally located at the northeast corner of Convention Drive and Murray Farm Road.

John Harkins, 411 Oakridge, asked exactly where the property would be located. Mayor Culbertson stated the public hearing would be opened shortly.

Mr. LaCroix stated that of the ten notices mailed to those living within the 500-foot boundary, the Town received no statements of opposition and no statements of support.
Mr. LaCroix stated that staff recommends approval of the amendment to the Framework Plan of the CPDD and the Major Warrants which would add the multifamily use only for the proposed

age restricted development and approval of the parking plan for the development. Mr. LaCroix stated that on October 8, 2015, the Planning and Zoning Commission recommended approval of the amendment and Major Warrants with a 4-2 vote and one absent Commissioner.

Councilmember Samuels asked if the facility would be assisted living. Mr. LaCroix stated that it was not an assisted care facility.

Councilmember Adler asked if it the Park Board has seen the trail plan. Town Manager Couch stated that they have not but that it would eventually connect to the Town's trail plan. Mr. LaCroix added that the space for the dog park and the community garden would be platted into their property but open to the public.

Mayor Culbertson opened the public hearing and offered the applicant the opportunity to speak first.

The applicant, Lance Hannah gave a presentation on the Overture at Fairview, an age-restricted residential living complex. He stated his support of the amendment and Major Warrants

Councilmember Powell asked if the residents could have golf carts. Ms. Couch stated there is a process for residents to be allowed to have them.

Councilmember Samuels asked if the property was age-restricted to children along with adults. Mr. Hannah stated that they are restricted to age 55 and up, including both children and adult children. Councilmember Adler asked if the age restrictions could be changed later, if needed. Mr. Hannah responded that due to the federal guidelines they could not.

The Council had an extended discussion about the parking within the complex including information provided to the Commission, provisions for a possible future DART station across the street and shared parking within the Village.

Mayor Culbertson and Mr. Hannah discussed the unit sizes and costs. Mr. Hannah stated their properties typically ranged in price from $2.00 to $2.50 per square foot.

Councilmember Powell asked if it was MGHerring property. Ms. Couch stated that they are selling the property to Greystar.

David Stouts, Vice Chairman of MGHerring Group, the owner of The Village at Fairview, stated the Herring Group's strong support for the development.

Ray Edwards, 481 Oakwood Trail, asked what the impact would be on the existing residents and how it relates to water billing. Mr. Edwards made no formal statement for or against the amendment and Major Warrants but asked the Council to consider water concerns in all of the Council's future considerations. Mayor Culbertson stated that when the rate study is completed the Council would be considering whether the Town is charging the appropriate rates in the Commercial District, as many cities subsidize residential with higher commercial rates.

Fay Martin, 1415 Meandro Ria, asked if the residents would pay their own bills. Mr. Hannah stated that the residents would pay all their own bills including electricity and water. Ms. Martin stated that most seniors she knows want to keep both of their cars and did not feel there was adequate parking.

Mayor Culbertson closed the public hearing.

There was general discussion about the proposed development including building materials and benefits to the Village.

Mayor Pro Tem Lessner made a motion to approve a request made by Greystar GP II, LLC for the approval of an amendment to the Framework Plan of the Commercial Planned Development District (CPDD) within the Urban Village Sub-District in Overlay B to add the Mixed Residential building types contained in Overlay A related to the proposed age restricted development and consider approval of Major Warrants in association with a development plan related to parking standards for an age restricted independent residential living facility on property being 5.748± acres of land more specifically described as Lot 2R-1, Block A, North Addition situated in the J. Dixon Survey, Abstract No. 276 and generally located at the northeast corner of Convention Drive and Murray Farm Road. Councilmember Adler seconded the motion, and the motion was unanimously approved.

FINAL PLAT FOR WOODED CREEK VILLAS ADDITION, PROPOSED RESIDENTIAL NEIGHBORHOOD AT THE SOUTHEAST CORNER OF BLUEBIRD LANE AND STATE HIGHWAY 5: Consider, discuss and take any necessary action on a request by Corwin Engineering, Inc. for approval of a Final Plat for the Wooded Creek Villas Addition, a proposed residential neighborhood comprised of 10 single-family residential lots, 58 town house lots and 6 lots of common open space on a 14.160± acre tract of land situated in the John A. Taylor Survey – Abstract No. 909, Tract 24 & 45, and that is generally located at the southeast corner of Bluebird Lane and State Highway 5. The subject property is zoned Commercial Planned Development District (CPDD) and is within the Urban Transition Sub-District. **(FP2015-06).**

Mr. LaCroix gave a presentation on agenda item 10(a) regarding a request made by Corwin Engineering, Inc. for approval of a Final Plat for the Wooded Creek Villas Addition, a proposed residential neighborhood comprised of 10 single-family residential lots, 58 town house lots and 6 lots of common open space at the southeast corner of Bluebird Lane and State Highway 5. The subject property is zoned Commercial Planned Development District (CPDD) and is within the Urban Transition Sub-District.

Mr. LaCroix stated that the developer would build the public alleys to street standards and that the alleys will be dedicated to the Town. The only privately maintained street would be the access easement connecting to Bluebird Lane.

Mr. LaCroix stated the final plat meets all the technical requirements of platting and the zoning. Mr. LaCroix stated that on October 8, 2015, the Planning and Zoning Commission recommended approval of the Final Plat with a 6-0 vote and one absent Commissioner. He stated the final plat was approved with the condition that they added visibility clips to the Final Plat, which were in the Council's included Final Plat.

The Council asked for clarification on visibility clips. Ms. Couch explained that it meant nothing would be built there to allow for visibility when accessing Highway 5.

The Councilmember Adler and Councilmember Samuel had a discussion with Mr. Chancellor regarding drainage and the detention pond on the property.

Ms. Couch reiterated that this development would have a dual street system with alleys built to street standards, which is different from what they have in the Villas in the Park. Ms. Couch stated that the alleys would be dedicated to the Town.

Councilmember Hendricks observed that there were no residents from Bluebird at the meeting tonight, despite prior opposition. Mayor Culbertson stated that though it is not a Public Hearing, their lack of presence was still a testament to the work that Council and staff had done to accommodate the residents.

Councilmember Powell made a motion to approve a request by Corwin Engineering, Inc. for approval of a Final Plat for the Wooded Creek Villas Addition, a proposed residential neighborhood comprised of 10 single-family residential lots, 58 town house lots and 6 lots of common open space on a 14.160± acre tract of land situated in the John A. Taylor Survey – Abstract No. 909, Tract 24 & 45, and that is generally located at the southeast corner of Bluebird Lane and State Highway 5. The subject property is zoned Commercial Planned Development District (CPDD) and is within the Urban Transition Sub-District. Mayor Pro Tem Lessner seconded the motion, and the motion was unanimously approved.

LANDSCAPING PLAN ASSOCIATED WITH THE APPROVED CONCEPT PLAN AMENDMENT FOR RESIDENTIAL DEVELOPMENT AT THE INTERSECTION OF STATE HIGHWAY 5 AND MEANDERING WAY: Consider, and take any necessary action on a request by Kittyhawk LLC for approval of the Landscaping Plan associated with the approved Concept Plan Amendment for a proposed single family attached (townhome) residential development on a 6.5± acre tract of land that is situated in the John A. Taylor Survey, Abstract No. 909, zoned Commercial Planned Development District (CPDD), Neighborhood General Sub-District, and is generally located west of the intersection of SH 5 and Meandering Way. **(CPA2015-01)**.

Mr. LaCroix gave a presentation on agenda item 10(b) regarding a request made by Kittyhawk LLC for approval of the Landscaping Plan associated with the approved Concept Plan Amendment for a proposed townhome residential development at the intersection of SH 5 and Meandering Way.

Mr. LaCroix stated that staff recommends approval of the landscaping plan.

Councilmember Samuels asked if the HOA would be responsible for the up keep of the landscaping. Mr. LaCroix stated that the HOA would be responsible.

Councilmember Adler asked what type of fence would be used. Mr. LaCroix stated that it was a wrought iron ornamental fence.

Councilmember Hendricks commented that there were not any residents from Cypress Crossing or Ranchette Estates present at the meeting. Mayor Culbertson stated that he assumed the developer worked with the residents to resolve their issues with the landscaping.

Traci Shannon Yost Kilmer of Dowdey, Anderson and Associates at 5225 Village Creek Drive in Plano was present to represent the developer, Green Brick Partners. Mr. LaCroix stated that the residents of Ranchette Estates received a copy of the landscaping plan that morning and he received no feedback from the residents.

Councilmember Samuels made a motion to approve a request by a request by Kittyhawk LLC for approval of the Landscaping Plan associated with the approved Concept Plan Amendment for a proposed single family attached (townhome) residential development on a 6.5± acre tract of land that is situated in the John A. Taylor Survey, Abstract No. 909, zoned Commercial Planned Development District (CPDD), Neighborhood General Sub-District, and is generally located west of the intersection of SH 5 and Meandering Way. Councilmember Hendricks seconded the motion, and the motion was unanimously approved.

AGREEMENT FOR DESIGN OF A PEDESTRIAN BRIDGE: Consider approving a professional service agreement with Claymoore Engineering for the design of a pedestrian bridge connecting Chamberlain Place with the Sloan Creek Subdivision.

Mr. Chancellor gave a presentation on agenda item 10(c), entering into a professional service agreement with Claymoore Engineering for the design of a pedestrian bridge abutments connecting Chamberlain Place with the Sloan Creek Subdivision over Barksdale Creek.

Councilmember Samuels asked if the bridge would be bike friendly. Mr. Chancellor stated that it would be bike friendly as it is ADA compliant without steps.

Councilmember Adler stated that he was unhappy with where the bridge terminated in the design by Chamberlain Place. He encouraged staff not to let the designer cut costs because they are also the developer's designer. Councilmember Adler stated he would like to see the bridge connect to both the sidewalk and the street so that bikes and pedestrians can easily access either path. Mr. Chancellor stated that it would be an independent contract from the subdivision. Ms. Couch added that the bridge would be installed before any houses are built.

Councilmember Hendricks made a motion to approve a professional service agreement with Claymoore Engineering for the design of a pedestrian bridge connecting Chamberlain Place with the Sloan Creek Subdivision in an amount not to exceed $35,500. Councilmember Powell seconded the motion, and the motion was unanimously approved.

ORDINANCE AMENDING BUILDING REGULATIONS: Discuss and consider approval of an ordinance amending the building regulations of the town and take any necessary action.

Ms. Couch stated that language included on certain plats had been found to be unclear as it related to building permits within two subdivisions and town requirements and that staff wanted to adopt ordinance that would clarify the language...

Mayor Culbertson stated that he felt that much of the Council was aware of it as it relates to the Oakwood subdivision.

Mayor Pro Tem Lessner made a motion to approve an ordinance amending the building regulations of the town. Councilmember Powell seconded the motion, and the motion was approved 5-0 with Councilmember Adler abstaining.

BOARDS/COMMISSIONS: Discuss boards and commissions and take any necessary action.

Mayor Culbertson stated that those interested should apply for the current openings on the Public Art Committee, Zoning Board of Adjustments and Technology Committee.

CITIZEN INPUT:

Todd Muckleroy, 920 Patrician Court in Oakwood Estates, thanked the Council for their service. Mr. Muckleroy stated he was aware that the trail plan was being updated and he was concerned about privacy and safety as his property backs Tranquility Farms. Mr. Muckleroy stated in regards to Mr. Edwards water concerns, that his property has a well but he was told by the property's previous owner that it has gone dry twice. He stated that he wanted the Town to be aware that they do go dry and that should be a consideration when considering that as a possible future water source for the Town.

Mayor Culbertson stated that the Council understands citizen concerns about future trails and that the Council has heard many concerns particularly from those in the Oakwood Estates and Tranquility Farms neighborhoods. He stated that the Council was very cognizant of that and would be thoughtful in working with the Park board on any future trails.

In regards to the wells, Mayor Culbertson stated that consultants are studying water rates as well as water source options for the Town both for now and in the future. Ms. Couch stated that the Town should have the results within 60 days. Mayor Culbertson added that the Town would ensure the upcoming rate study results are widely publicized.

John Harkins, 411 Oakridge in River Oaks Two, asked if the Council would have a progress reports on the priorities for the town that would be published both in the Town magazine and on the website, particularly the item relating to water.

Mayor Culbertson thanked Mr. Edwards for his presentation and stated that he agreed that prior changes to the water rates and surcharges should have been clearly published for residents. Mr. Culbertson stated that it was a mistake made without any intent to deceive the residents.

Councilmember Samuels asked Mayor Culbertson to go over the grandfathered property rights in the CPDD. Mayor Culbertson discussed the negotiations with grandfathered residents to improve CPDD rules.

Mr. Harkins asked when the Town would have another opportunity to look at the plan. Mayor Culbertson stated it was just reviewed in 2014 but that the next phase of the process is for the tax increment financing (TIF) district to help pay for infrastructure changes needed within the CPDD. Mayor Culbertson stated that the Council would speak more about the TIF at the next Council meeting as well as a Capital Improvements plan that is being created now. Mayor Culbertson stated that after that phase of the plan is complete in several years, if the CPDD is still not fully developed that he would suggest then the plan should be revisited.

REPORTS FROM STAFF:

a) Council was given documents regarding the monthly financial report for the period ending September 30, 2015 by Mr. Weeks

   Mr. Weeks spoke about the nepotism agreements were being mailed to the Council and to the EDC/CDC Board as part of the audit process post fiscal year end.

   Mr. Weeks stated that regarding water billing there has been a record number of leak adjustments for the Town. Mr. Weeks added that staff would be coming back to the Council with an adjustment to the ordinance so leak adjustments can be two months rather than just one because the majority of residents do not resolve their leak until after their next month's bill has been issued. Mayor Culbertson stated he agreed that should be changed. Some additional comments were made regarding leak adjustments.

   Councilmember Adler asked how many utility bill issues were still unresolved. Mr. Weeks stated that 172 customers were addressed by staff prior to October 15 and that since he has worked with about one per week.

   Mr. Weeks stated that he has calculated the average usage for the Town's second water billing cycle with the Town's larger lot homes was 61,000 gallons for the end of July to end of August 2015, 43,000 for August to September 2015 and 28,000 for the latest cycle. Mr. Weeks stated that at the time water rates last increased the Town was under water restrictions and the average use was 10,000 gallons.

   Mr. Weeks stated that once the Capital Improvements and TIF process is complete, the rate consultant would have everything needed to complete the study. Mr. Weeks added that the consultant aware of the issues in the Town as well as across the Metroplex and would bring multiple options for the Council to consider.

b) Council was given documents regarding the quarterly investment report for the period ending September 30, 2015 by Mr. Weeks.

c) Mr. Chancellor provided an update regarding Stacy Road. He stated that at the October 20 TxDot meeting, they stated that their desired start date was November 1, but they have not yet started. Mr. Chancellor stated the utilities are making progress but that the telecommunications are not complete.

   Mayor Culbertson asked that staff create a communication plan for residents regarding road changes. Councilmember Adler stated that the meeting that staff had with the residents of Oakwood Estates regarding road changes was very helpful.

d) Town Manager Couch gave an updated on the county radio system. Ms. Couch stated that the County Commissioners approved an RFP on a radio system with a capacity to serve all the cities. Ms. Couch stated that down the road the Town would have to look at the cost of participating in the upgraded system but not for some time.

e) Ms. Couch provided an update on the development of a tax increment financing (TIF) district in the town. Ms. Couch stated that at the Special Council Meeting on Monday, November 9, staff and the TIF consultant would review the TIF schedule as well as information relating to impact fees.

Councilmember Powell stated that both McKinney and McKinney North High School advanced to the State Band Competition in San Antonio. Mayor Pro Tem Lessner stated that the Town would recognize some of those McKinney students at the next Regular Council Meeting where the Town will receive a State of the McKinney Independent School District report from McKinney ISD Superintendent, Dr. Rick McDaniel.

Mr. Dunlap invited the Council to attend the Town's Christmas Tree Lighting Ceremony on Thursday, December 3 at 6 p.m.

Mayor Culbertson adjourned the meeting at 10:20 p.m.

Darion Culberson, Mayor

Elizabeth Cappon

Elizabeth Cappon, Town Secretary