

**TOWN COUNCIL
MEETING MINUTES
DECEMBER 3, 2019**

The Town Council met in regular session on Tuesday, December 3, 2019 at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Henry Lessner; Mayor Pro Tem Ricardo Doi; Councilmembers Charlie Henkle, Cynthia Brugge, Tony Mattei, Ken Logsdon and Roland Feldman. Staff present included Town Manager, Julie Couch; Police Chief, Granver Tolliver; Fire Chief, Jeff Bell; Town Engineer, James Chancellor; Planning Manager, Israel Roberts; CFO, Steven Ventura; Town Secretary, Tenitrus Bethel; Events Coordinator, Shannon Craft; Assistant to the Town Manager, Adam Wilbourn, and Town Attorney, Clark McCoy.

Mayor Lessner 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 regarding a consult with legal counsel, property acquisition, personnel and economic development negotiations.

At 7:37 p.m., Mayor Lessner reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance and the Texas State pledge.

PROCLAMATIONS: Mayor Lessner presented a proclamation declaring the December 3, 2019 as Arbor Day in the Town of Fairview.

CITIZENS INPUT:

- Marcia Muller, 431 Plumwood Way, expressed her thoughts related to animal control.
Christie Johnson, Lincoln Properties, expressed her thoughts related to local option election petition.
Barbara Isaacs, 811 Beechwood, expressed her thoughts related to drainage and the open meetings act.
Leland Payne, 398 Park Village, expressed his thoughts related to the local option election petition.
Roy Serpa, 412 Saddleback, expressed his thoughts related to the EDC/CDC.
Tina Hardison, 1280 Camino Real, expressed her thoughts related to drainage.
John Harkins, 411 Oak Ridge, expressed his thoughts related to drainage and citizen input.
Jeff Marlow, 1270 Camino Real, expressed his thoughts related to drainage.
Jay Ebersol, 1050 Hart Rd, expressed his thoughts related to water and water well site restrictions.
Ben White, 531 Michelle Way, expressed his thoughts related to water wells.
Joe Hall, 1470 Meandro Ria, expressed his thoughts related to flooding.
Alfred Smith, expressed his thoughts related to drainage and flooding.

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 the minutes of the November 5, 2019 Regular Council meeting; B) Approve the minutes of the November 18, 2019 Special Council meeting.

Mayor Pro Tem Doi made a motion to the approve consent agenda. Councilmember Feldman seconded the motion and the motion was approved unanimously.

REPORTS FROM STAFF:

Mr. Ventura reviewed the monthly financial report.

Chief Bell reviewed the monthly fire report.

Chief Tolliver reviewed the monthly police report.

Mr. Chancellor discussed the current town construction projects.

PUBLIC HEARING – DETACHED GARAGE: Mayor Lessner introduced agenda item 8(a), Conduct a public hearing and consider approval of a Conditional Use Permit for an accessory structure (detached garage). The 1.09-acre site is located at 1770 Ridgemoore Drive and is zoned for the (RE-1) One-acre Ranch Estate District. Owners/Applicant: Michael and Tracy Raybon (CUP2019-05).

Mr. Roberts gave a staff report on this item. He stated the request for a 1,500 sq. ft., 2 story detached garage. He stated this request meets all design standards except for the total square footage; it exceeds the total square footage allotment by 794 sq. ft. He stated notices were sent out and 3 letters of support were received. He stated the PZ recommended approval at the October meeting.

Mayor Lessner opened the public hearing.

Michael Raybon, applicant, was present and briefly spoke about the use of the accessory structure.

Mayor Lessner closed the public hearing.

The Council had a general discussion related to this item.

Mayor Pro Tem Doi made a motion to approve the request for a conditional use permit for a detached garage for the 1.09-acre site located at 1770 Ridgemoore Drive. Councilmember Brugge seconded the motion and the motion was unanimously approved.

PUBLIC HEARING – COLLINWOOD ACRES ADDITION: Mayor Lessner introduced agenda item 8(b), continue a public hearing and consider approval of an ordinance on a request to amend the zoning to reflect a revised development plan for a portion of the Collinwood Acres Addition. The 11.79-acre site is located on the west side of County Club Drive, north of Old Stacy Road and is zoned for the (PC) Planned Center District. Owners/Applicant: Jay Jones and Vicki Johnston.

Mr. Roberts gave a staff report on this item. He stated this site is currently zoned PC with development criteria. He indicated the most recent ordinance adopting development criteria was approved in 2013; which adopted the original plat as the development plan for all of Collinwood. He indicated that within the ordinance a major amendment is triggered by an increase in the

number of lots that is greater than the number of lots originally approved in the development plan. He reviewed the history of the property. He stated notices were sent out and to date no correspondence has been received. He stated the PZ recommended approval at the October meeting.

Jay Jones, applicant, spoke and provided additional information related to his request.

Mayor Lessner opened the public hearing.

Barbara Isaacs, 811 Beechwood, inquired about the driveway orientation.

Tina Hardison, 1280 Camino Real, expressed her thoughts related to drainage.

The Council, staff and the applicant had an extended discussion related to zoning.

Barbara Isaacs, 811 Beechwood, inquired about additional lots.

Jay Jones, applicant, discussed the use of the land.

Mayor Lessner closed the public hearing.

Mayor Pro Tem Doi asked Mr. McCoy about postponing the public hearing. Mr. McCoy discussed the postponing of the public hearings.

The Council had a general discussion related to postponing public hearings.

Councilmember Feldman made a motion to reopen the public hearing. Councilmember Logsdon seconded the motion and the motion was approved unanimously.

Mayor Lessner reopened the public hearing.

Alfred Smith expressed his thoughts related to drainage.

Jay Jones, applicant, expressed his thoughts related a drainage study.

The Council had a general discussion related to this topic.

Mayor Lessner closed the public hearing.

The Council had an extended discussion related to zoning.

Councilmember Feldman made a motion to continue the public hearing to a date certain of February 4, 2020 at 7:30 p.m. at Fairview Town Hall. Councilmember Brugge seconded the motion and the motion.

Mayor Pro Tem Doi inquired as to the reason for the continuation.

The Council and Mr. McCoy had an extended discussion related to continuing the public hearing.

The motion passed 4-3. Mayor Lessner and Councilmembers Doi and Logsdon opposed the motion.

Mayor Lessner took a brief recess.

Mayor Lessner reconvened the meeting.

PUBLIC HEARING – ZA2019-04 – MODLOW ADDITION REZONE: Mayor Lessner introduced agenda item 8(c), continue a public hearing and consider approval of an ordinance on a request to rezone a 28+/- acre tract of land from the (AG) Agriculture District to a (PC) Planned Center District with the (RE-2) Two-acre Ranch Estate District design standards. The site is located on the north side of Stacy Road, west of Kentucky Lane. Applicant: Stephen DiNapoli, DiNapoli Development representing owners Marvin and Arleen Molodow. (ZA2019-04).

Mr. Roberts gave a staff report and reviewed the request. He reviewed revisions to the plan which include reduced landscape buffers along Stacy Rd to keep the lots to a minimum of 2 acres and extending the common area along the western property line to connect into the back of Sloan Creek Middle School to put in a sidewalk for pedestrian access.

Steve DiNapoli, applicant, was present and spoke to the request.

The Council and Mr. DiNapoli had an extended discussion related to drainage.

Mayor Lessner opened the public hearing.

Marcia Muller, 431 Plumwood Way, expressed her thoughts related to development and drainage.

Ben White, 531 Michelle Way, expressed his thoughts related to drainage.

Roy Serpa, 412 Saddleback Dr, expressed his thoughts related to drainage.

Justin Jinright, 571 Kentucky, expressed his thoughts related to drainage and flooding.

Tina Hardison, 1280 Camino Real, expressed her thoughts related to a flood study.

Charles McKissick, Molodow representative, expressed his thoughts related to the zoning request.

Ben White, 531 Michelle Way, expressed his thoughts related to zoning.

Mayor Lessner closed the public hearing.

The Council and staff had an extended discussion related to drainage.

Councilmember Feldman made a motion to continue the public hearing to a date certain of February 4, 2020 at 7:30 p.m. at Fairview Town Hall. Councilmember Mattei seconded the motion. The motion was approved 6-1. Councilmember Brugge opposed.

DISCUSSION - TOWN ORDINANCES RELATED TO ANIMAL CONTROL

REGULATIONS: Ms. Couch introduced agenda item 9(a), consider, discuss and take any necessary action related to the Town ordinances regarding animal control regulations.

Ms. Couch stated at last month’s meeting Council provided additional revisions to the draft ordinance, including non-regulation of cats, additional detail related to fencing, and the first offense will be recognized as a warning.

Mayor Pro Tem Doi made a motion to approve the ordinance regulating animal control. Councilmember Henkle seconded the motion and the motion was approved 6-1. Councilmember Feldman opposed.

DISCUSSION - EXPRESSVOTE UNIVERSAL VOTING SYSTEM: Mayor Lessner introduced agenda item 9(b), consider, discuss and take any necessary action related to a resolution adopting the Express Vote Universal Voting System through Collin County Elections.

Mr. Wilbourn gave a staff report related to this item.

Councilmember Doi made a motion to approve a resolution adopting the ExpressVote Universal Voting System for future elections contracted through Collin County Elections. Councilmember Feldman seconded the motion and the motion was unanimously approved.

DISCUSSION – CCAD NOMINATIONS: Ms. Couch introduced agenda item 9(c), consider, discuss and take any necessary action related to a resolution casting Town of Fairview ballots for nomination to the Board of Directors of the Collin County Central Appraisal District.

Ms. Couch stated at last month’s meeting the Council requested additional information related to the nominees for the appraisal board and staff provided that information for review.

Councilmember Brugge made a motion to cast the 11 votes for the nomination of Gary Rodenbaugh. Mayor Pro Tem Doi seconded the motion and the motion was unanimously approved.

DISCUSSION – TOWN DRAINAGE: Mayor Lessner introduced agenda item 9(d), consider, discuss and take any necessary action related to drainage.

The Council had an extended discussion related to this item.

Mayor Lessner asked if an RFP was required for the selection of a firm. Ms. Couch stated an RFP is not required if the Council has selected an engineering firm; at which point the scope of work should be defined.

Mayor Lessner suggested for Mayor Pro Tem Doi and Mr. Chancellor to meet and recommend an engineering firm to perform the study.

The Council and staff had an extended discussion related to this item.

Mayor Pro Tem Doi recommended soliciting a third-party consultant to conduct a peer review of the Huitt-Zollars study of Sloan Creek.

Mr. Chancellor discussed the Huitt-Zollars studies completed related to Sloan Creek.

The Council and staff then had an extended discussion related to the Huitt-Zollars study and the consensus of the council was to request that Huitt-Zollars complete an update to the study completed in 2016 addressing the topics raised by the council, to be articulated by Mayor Pro Tem Doi. Mayor Pro Tem Doi confirmed with the council that they were agreeable to having the additional work done by Huitt-Zollars with the scope being outlined by Mayor Pro Tem Doi.

BOARDS & COMMISSIONS: Mayor Lessner introduced agenda item 7(f), discuss boards & commissions and take any necessary.

Mayor Pro Tem Doi made a motion to reappoint Ken Drew and David Logan to the Zoning Board of Adjustments; appoint Mary Price and Donna Pekarek as active members and Debbie Malafsky as an alternate; and to appoint Ronny Frame, Ryan Riyad, and Tim Borck to the Public Art Committee. Councilmember Brugge seconded the motion and the motion was unanimously approved.

Mayor Pro Tem Doi noted the Zoning Board of Adjustments appointments will become effective January 1, 2020.

Mayor Lessner adjourned the meeting at 12:31 a.m.


Henry Lessner, Mayor


Tenitrus Bethel, Town Secretary

