

**TOWN COUNCIL
MEETING MINUTES
NOVEMBER 5, 2019**

The Town Council met in regular session on Tuesday, November 5, 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; and Town Attorney, Clark McCoy.

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

At 6:00 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.

CITIZENS INPUT:

Marcia Muller, 423 Plumwood Way, expressed her thoughts related to a leash law.
James Muller, 423 Plumwood Way, expressed his thoughts related to a leash law.
Rich Connelly, 980 Foxdale, expressed his thoughts related to severe weather alerts.
Barbara Isaacs, 811 Beechwood, expressed her thoughts related to a leash laws and development.
Diane Hastings, 880 Beechwood, expressed her thoughts related to rezoning.
Roy Serpa, 412 Saddleback, expressed his thoughts related to the EDC-CDC.
Leland Payne, 398 Park Village, expressed his thoughts related to citizen input.
Ted Puchacz, 798 Barton Springs, expressed his thoughts related to flooding.
Resident, 5871 Butterfly Way, expressed his thanks to the Council.
Clay Hastings, 880 Beechwood, expressed his thoughts related to rezoning.

APPOINTMENTS: Mr. Mike Petty, Suddenlink Regional VP, addressed citizen concerns related to internet service. Mr Petty agreed to provide information back to the Town Council related to customer service.

PROCLAMATIONS: Mayor Lessner presented a proclamation declaring the week of November 17 – 25, 2019 as Homelessness Awareness Week in the Town of Fairview.

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 October 2, 2019 Regular Council meeting; B) Approve the minutes of the October 23, 2019 Special Council meeting; C) Approve an agreement with the Fulton County Volunteer Fire Department for the sale of a surplus fire engine; D) Approve an ordinance approving the 2019 Tax Roll as submitted by the Collin County Tax Assessor; E) Approve a resolution casting Town of Fairview ballots for nomination to the Board of Directors of the Collin County Central Appraisal District.

Mayor Lessner asked to pull consent item A.

Councilmember Feldman asked to pull consent items C and E.

Councilmember Logsdon and Doi noted revisions to consent item A.

Councilmember Doi made a motion to approve consent agenda item A with noted changes. Councilmember Mattei seconded the motion and the motion was approved unanimously.

Councilmember Feldman asked Chief Bell to discuss consent agenda item C. Chief Bell discussed the sale of the surplus fire engine.

Councilmember Logsdon made a motion to approve consent agenda item C. Councilmember Feldman seconded the motion and the motion was approved unanimously.

Councilmember Feldman asked Ms. Couch to discuss consent item E. Ms. Couch discussed consent agenda item E. The Council had a general discussion and requested more information related to this item.

Councilmember Feldman made a motion to move this item to the December regular meeting. Councilmember Brugge seconded the motion and the motion was unanimously approved.

PUBLIC HEARING – LUCE REPLAT: Mayor Lessner introduced agenda item 8(a), Conduct a public hearing and consider approval of a request for approval of a replat of Lot 33, Block A of the Oakwood Estates Addition, Phase 1 into two (2) lots. The 2.7-acre site is located at 451 Oakwood Trail and is zoned for the (RE-1) One-Acre Ranch Estate District. Owner/applicant: Joe and Jill Luce.

Mr. Roberts gave a staff report on this item. He stated at last month's regular meeting Council reversed the decision of the ZBA and approved the replat. He stated the PZ recommended approval of the plat as presented at the October meeting. He stated the plat is in conformance with the subdivision ordinance.

Mayor Lessner opened the public hearing.

No one came forward to speak.

Mayor Lessner closed the public hearing.

Mayor Pro Tem Doi made a motion to approve the request for a replat of Lot 33, Block A of the Oakwood Estates Addition, Phase 1 into two (2) lots. Councilmember Mattei seconded the motion and the motion was unanimously approved.

PUBLIC HEARING – ZA2019-04 – MODLOW ADDITION REZONE: Mayor Lessner introduced agenda item 8(b), 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 additional information related to surface drainage across Stacy Road.

Mr. Chancellor discussed surface water flow solutions for Stacy and addressed additional drainage concerns.

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

Steve DiNappoli, applicant, was present for questions.

Mayor Lessner opened the public hearing.

Barbara Isaacs, 811 Beechwood, expressed her thoughts related to flooding.
 Ted Puchacz, 798 Barton Springs, expressed his thoughts related to flooding.
 Roy Serpa, 412 Saddleback, expressed his thoughts related to flooding.
 Justin Jinright, 571 Kentucky, expressed his thoughts related to flooding.

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

Ms. Couch recommended continuing this item until after the Council holds the drainage work session on November 18.

Councilmember Doi made a motion to continue the public hearing to a date certain of December 3, 2019 at 7:30 p.m. at Fairview Town Hall. Councilmember Mattei seconded the motion and the motion was unanimously approved.

PUBLIC HEARING – ZA2019-05 – REZONE FAIRVIEW COUNTRY DAY SCHOOL:

Mayor Lessner introduced agenda item 8(c), continue a public hearing and consider approval of an ordinance on a request to rezone an 8.2-acre site, formerly the Fairview Country Day School, from the (PC) Planned Center District to the (RE-1.5) One-and-one Half acre Ranch Estate District. The site is located at 885 Hart Road, on the north side of Hart Road, east of Stoddard Road. Applicant/Owner: Michael Pezzulli (ZA2019-05).

Mr. Roberts gave a staff report and reviewed this item. He stated there have been no changes to the application since last month. He indicated there was 1 letter of opposition within the notification area received.

Michael Pezzulli, applicant representative, was present.

Mayor Lessner opened the public hearing.

Barbara Isaacs, 811 Beechwood, expressed her thoughts related to zoning.
 Steve DiNappoli, 1104 Wimbledon Ln, expressed his thoughts related to zoning.
 Diane Hastings, 880 Beechwood, expressed her thoughts related to zoning.

Mayor Lessner closed the public hearing.

The Council had an extended discussion related to this item.

Councilmember Brugge made a motion to deny the request to rezone. Councilmember Feldman seconded the motion and the motion was approved with 6 voting for the motion and Mayor Lessner abstaining.

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 reviewed the discussion from last month's regular meeting related to parameters for amending the current animal control ordinance. She stated there were concerns with enforceability of the current ordinance as it relates to at large animals either off premise or on premise. She reviewed the provisions of the draft ordinance including defining what conditions would constitute at large for animals that were off premise and on premise.

Mayor Lessner outlined two items that still needed to be addressed related to cats and the addition of a warning in the penalty section of the ordinance. Ms. Couch indicated the ordinance would be further revised and brought back at the December meeting.

TOWN ORDINANCE RELATED TO TREE PRUNING: Ms. Couch introduced agenda item 9(b), consider, discuss and take any necessary action on the approval of an ordinance related to tree pruning. She stated the purpose of this to consolidate the requirements to one section and to ensure there were no gaps; it does not change any current regulations or standards.

The Council and Ms. Couch had a general discussion related to this item.

Councilmember Feldman made a motion to approve an ordinance establishing tree pruning regulations. Councilmember Mattei seconded the motion and the motion was unanimously approved.

DISCUSSION – CITIZENS COMMENT: Councilmember Brugge introduced agenda item 9(c), consider, discuss and take any necessary action regarding citizen's comment.

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

DISCUSSION – STAFF REPORTS: Mayor Lessner introduced agenda item 9(d), consider, discuss and take any necessary action regarding staff reports.

The Council had an extended discussion related to this item.

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

Mayor Pro Tem stated the subcommittee will be meeting to review applicants for EDC/CDC and Board of Adjustments.

TOWN ALCOHOL ORDINANCE AMENDMENT: Ms. Couch introduced agenda item 9(f), consider, discuss and take any necessary action for the approval of an amendment to the Town alcohol ordinances.

Ms. Couch stated the Town received a request for a brewery to open in the town however due to the language of the current alcohol ordinance staff would be unable to certify that the request is not in violation of the ordinance. She reviewed the current ordinance and indicated the recommended section to be repealed does not alter the authorizations citizens voted on in the 2004 local option election, it would provide the opportunity for the TABC to rule on the legal standing of an application under state law.

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

Councilmember Logsdon made a motion to approve the amended ordinance related to alcohol. Councilmember Feldman seconded the motion.

Councilmember Brugge requested the Mayor read the ordinance as amended. The Council and Ms. Couch had an extended discussion related to this item.

The motion was approved unanimously.

REPORTS FROM STAFF:

Mr. Ventura reviewed the monthly and quarterly financial reports.

Mr. Chancellor discussed the current town construction projects.

Chief Bell reviewed the monthly fire report.

Chief Tolliver reviewed the monthly police report.

Mayor Lessner adjourned the meeting at 11:59 a.m.


Henry Lessner, Mayor


Tenitrus Bethel, Town Secretary

