

**TOWN COUNCIL  
MEETING MINUTES  
OCTOBER 6, 2020**

The Town Council met in regular session on Tuesday, October 6, 2020 at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Henry Lessner; Councilmembers Cynthia Brugge, and Roland Feldman. Mayor Pro Tem Ricardo Doi and Councilmembers Charlie Henkle and Tony Mattei joined via teleconference. Councilmember Ken Logsdon was absent. Staff present included Town Manager, Julie Couch; Police Sergeant, Rachel Sanchez; Town Engineer, James Chancellor and Town Secretary, Tenitrus Bethel. Staff present via teleconference included: Planning Manager, Israel Roberts; CFO, Steven Ventura; Interim EDC Manager, Dave Quinn; Fire Chief, Jeff Bell; Building Official, Blake Scott; Assistant to the Town Manager, Adam Wilbourn; Baxter IT, Bill Baxter; Town Attorney, Clark McCoy and TML Attorney, Victoria Thomas.

Mayor Lessner called the meeting to order at 6:02 p.m. and declared a quorum was present.

At 6:02 p.m., the Council then adjourned into executive session regarding a consult with legal counsel.

Mayor Lessner called the regular session to order at 7:30 p.m. and invited everyone to stand for the Pledge of Allegiance and the Texas State pledge.

Ms. Thomas left the meeting.

**CITIZENS INPUT:**

John Harkins, River Oaks, express his thoughts related to Fairview Town Center.  
Ben Brown, expresses his thanks to Councilmember Tony Mattei.  
Cody Hooper, express his thoughts related to Fairview Town Center.

**PROCLAMATIONS**

Mayor Lessner presented a proclamation declaring the fifth Sunday of each month as Unity Table Sunday.

Mayor Lessner presented a proclamation declaring October 6, 2020 as Arbor Day in the Town of Fairview.

Mr. Bill Baxter with Friends of Fairview and the Fairview Rotary club presented introduced and discussed the Veterans Flag Program.

**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 August 19, 2020 Special Council meeting; B) Approve the minutes of the September 1, 2020 Regular Council meeting; C) Approve the minutes of the September 17, 2020 Joint Council EDC/CDC meeting; D) Approve the minutes of the September 29, 2020 Special Council meeting.

Councilmember Brugge 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.

Sargant Sanchez reviewed the monthly police report.

Chief Bell reviewed the monthly fire report.

Mr. Chancellor reviewed current Town construction projects.

**PUBLIC HEARING – MAJOR WARRANT-5110 POND VIEW LN:** Mayor Lessner introduced agenda item 8(a), conduct a public hearing consider approval of an ordinance on a request for a Major Warrant for an accessory structure. The subject site is located at 5110 Pond View Lane and is zoned for the (CPDD) Commercial Planned Development District with the Neighborhood Edge sub-district. Applicant: Chet Kendall, The Kendall Law Office, PLLC. representing Jacob and Lauren Stamper.

Mr. Roberts reviewed a presentation and staff report for this item. He stated the request is for a 4,000 sq. ft. metal barn style accessory structure that would be 23 feet in height. He reviewed the access points, land slope and current vegetation. He stated 99 notices were sent out to adjacent property owners; 19 letters of support were received and no letters of opposition.

Mr. Roberts indicated in the residential district accessory structures are allowed by right up to 500 sq. ft. and in the commercial district the code allows for staff to approve larger structures with a minor warrant. He stated due to the size of this accessory structure staff selected to have PZ and Council consider this request as a major warrant. He stated at the September Planning and Zoning meeting the commission recommended approval of the request.

Jacob Stamper, applicant, was present online.

The Council and Mr. Stamper had a brief discussion related to the request.

Mayor Lessner opened the public hearing.

Gregg Custer expressed his thoughts related to the request and stated the PZ recommended approval.

Mayor Lessner closed the public hearing.

The Council and staff had a general discussion related to drainage.

Councilmember Feldman made a motion to approve an ordinance on a request for a major warrant for an accessory structure located at 5110 Pond View Lane. Mayor Pro Tem Doi seconded the motion and the motion was approved unanimously.

**DISCUSSION –FS1 DESIGN ALTERNATES:** Mayor Lessner introduced agenda item 9(a), consider, discuss and take any necessary action on the approval of design alternates to the construction contract with Byrne Construction and related matters.

Chief Bell reviewed previous meeting discussion related to the generator enclosure. He stated after speaking with the architect and construction company the decision was made to increase the size of the electrical room to include the automatic transfer switch. He stated this was at a savings of \$12,000. He reviewed the options for the generator and dumpster enclosures. He stated the cost to construct the generator enclosure would be \$40,000; if Council does not approve the enclosure, he requested that a 5-foot path be poured for maintenance accessibility at a cost of \$6,000. He stated the cost to construct the dumpster enclosure would be \$33,000 and if Council does not approve the enclosure there is no alternate option and it would be viewable to the public.

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

Mayor Pro Tem Doi made a motion to approve the recommended options for the dumpster and generator enclosures. Councilmember Henkle seconded the motion and the motion was approved 5-1. Councilmember Brugge abstained.

**DISCUSSION – ADOPTION OF UPDATED BUILDING AND FIRE CODES:** Mr. James Chancellor introduced agenda item 9(b), consider, discuss and take any necessary action on ordinances adopting updated building, construction, and fire codes.

Mr. Chancellor reviewed this item and stated the Town has adopted the International Building Codes. He stated the Town updates the code periodically and is currently operating under the 2012 codes. He reviewed the code adoption cycle in further detail and discussed the North Texas Council of Governments (NTCOG) amendments. He stated what is being presented is the 2018 code as well as the recommended amendments from NTCOG.

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

Councilmember Feldman made a motion to approve the ordinances adopting the 2018 International Building, Construction and Fire codes. Councilmember Mattei seconded the motion and the motion was approved unanimously.

**DISCUSSION – COVID-19 UPDATE:** Mayor Lessner introduced agenda item 9(c), discuss COVID-19 activities and actions and take any necessary action.

Ms. Couch stated the operations at Town Hall have not changed and Town Hall remains closed to the public at this time.

Chief Bell provided an update related to the new ambulance purchased with CARES funds. He stated staff members will be leaving tomorrow to complete the final inspection of the ambulance. He indicated the Town should have possession of it by the end of the month and it will be in service by the end of November.

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

Councilmember Brugge inquired about the allocation of CARES funds. Ms. Couch reviewed how the funds were allocated.

The Council and Ms. Couch had a brief discussion related to fund allocation.

**DISCUSSION – DISASTER DECLARATION:** Mayor Lessner introduced agenda item 9(d), consider, discuss and take any necessary action on disaster declaration actions.

Councilmember Feldman discussed sunseting the current disaster declaration.

Ms. Couch stated in lieu of ending the declaration the Council may choose to have this item on the agenda monthly and take action if necessary. She indicated the state is still under a disaster declaration.

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

Councilmember Feldman made a motion to modify the disaster declaration such that amendments be presented to the Council for action and to reopen public meetings following CDC and state guidelines to minimize exposure.

The motion failed for lack of a second.

Councilmember Brugge suggested the motion be two separate motions.

Councilmember Feldman made a motion to modify the disaster declaration such that amendments to the declaration be presented to the Council for approval.

Mr. McCoy advised the Council that an ordinance has not been drafted to put these changes into effect. Ms. Couch inquired if the request could be put to a vote and staff to present an ordinance at a future meeting. Mr. McCoy stated the Council may vote to provide direction to staff related to the suggested amendments and a draft ordinance would be presented at a future meeting.

The motion failed for lack of a second.

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

Councilmember Mattei recommended tabling the item until a later date.

The Council had an extended discussion related to this item.

**DISCUSSION – COUNCIL RECORDINGS:** Mayor Lessner introduced agenda item 9(e), consider, discuss and take any necessary action on Council meeting recordings and resident access.

Councilmember Feldman inquired about adding metadata to meeting recordings posted to the Town website.

  
Tenitrus Bethel, Town Secretary

