

**TOWN COUNCIL
MEETING MINUTES
OCTOBER 2, 2019**

The Town Council met in regular session on Wednesday, October 2, 2019 at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Henry Lessner; Mayor Pro Tem Ricardo Doi; Councilmembers Cynthia Brugge, Tony Mattei, Ken Logsdon, Charlie Henkle and Roland Feldman. Staff present included Town Manager, Julie Couch; Police Corporal, David Jones; Fire Chief, Jeff Bell; Town Engineer, James Chancellor; Planning Manager, Israel Roberts; CFO, Steven Ventura; Town Secretary, Tenitrus Bethel; 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. Councilmember Henkle left the meeting at the conclusion of the executive session.

At 7:40 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:

Steven Hacker, 362 Rio Bravo, expressed his thoughts related to round-a-bouts and traffic in Thompson Springs.

Leland Payne, 398 Park Village, expressed his thoughts related to the Questcare agreement.

Barbara Isaacs, 811 Beechwood, expressed her thoughts related to flood studies and development.

Marcia Muller, 423 Plumwood, expressed her thoughts related to leash laws.

Gary Isaacs, 811 Beechwood, expressed his thoughts related to Town development.

Leland Payne, 398 Park Village, expressed his thoughts related to a leash law.

Richard Robison, 662 Scenic Ranch, expressed his thoughts related to a leash law.

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 September 3, 2019 Special Council meeting; B) Approve the minutes of the September 3, 2019 Regular Council meeting; C) Approve the minutes of the September 17, 2019 Special Council meeting; D) Authorize the Town Manager, subject to legal form, to enter into an Interlocal Agreement with Collin County regarding jail services; E) Authorize the Town Manager, subject to legal form, to enter into an Interlocal Agreement with Collin County regarding dispatch services; F) Discuss and consider a contract with Questcare regarding medical control, and take any necessary action.

Mayor Lessner asked to pull consent agenda item F.

Mayor Pro Tem Doi asked to pull consent agenda item B and C.

Councilmember Doi made a motion to approve the consent agenda items A, D and E.

Councilmember Feldman seconded the motion and the motion was approved unanimously.

Mayor Pro Tem Doi noted corrections in the minutes for consent agenda item B and C.

Mayor Pro Tem Doi made a motion to approve consent agenda item B and C with noted changes. Councilmember Logsdon seconded the motion and the motion was approved unanimously.

Chief Bell discussed consent agenda item E, reviewing the agreement and experience the Town has with Questcare.

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

FAITH CHURCH FINAL PLAT: Mayor Lessner introduced agenda item 7(b), consider, discuss and take any necessary action on a request for approval of a Final Plat of the Faith Church of Collin County Addition. The 2.9-acre site is located at the southwest corner of Highway 5 and Murray Road and is zoned for the (RE-1) One-Acre Ranch Estate District. Applicant: Josh Lincoln, HP Civil Engineering, representing Faith Church of Collin County.

Mr. Roberts gave a staff report on this item.

Councilmember Brugge made a motion to approve the final plat for Faith Church of Collin County. Councilmember Feldman seconded the motion and the motion was unanimously approved.

PUBLIC HEARING – OVERTURE REPLAT: Mayor Lessner introduced agenda item 6(a), Conduct a public hearing and consider approval on a request for approval of a Replat of Lot 2R-1B, Block A of the North Addition. The 6.05-acre site is located at the northeast corner of Convention Drive and Murray Farm Road and is zoned for the (CPDD) Commercial Planned Development District with the Urban Village sub-district. Applicant: David Meyers, Kimley-Horn and Associated representing CRP-GREP Overture Fairview LP.

Mr. Roberts gave a staff report on this item. He stated this request dedicates access easements along the north side, public access easements that include the dog park and community garden as well as the trail along Murray Farm Rd. He indicated the easements were approved along with the conditional major warrants approved in 2014.

Mayor Lessner inquired if the dog park was open to the public. Mr. Roberts stated the dog park is open to the public.

Mayor Lessner opened the public hearing.

Marcia Muller, 423 Plumwood, expressed her thoughts related access to the dog park.

Mayor Lessner closed the public hearing.

Councilmember Feldman made a motion to approve the request for a replat of Lot 2R-1B, Block A of the North Addition; 6.05-acre site. Councilmember Mattei seconded the motion and the motion was unanimously approved.

PUBLIC HEARING – CUP2019-04 – 50 MAN O’ WAR: Mayor Lessner introduced agenda item 6(b), conduct a public hearing and consider approval of an ordinance on a request for approval of a Conditional Use Permit for an accessory structure. The 3.1-acre site is located at 50 Man O’ War and is zoned for the (RE-2) Two-acre Ranch Estate District. Owners/Applicant: Claude and Nancy Whitehead (CUP2019-04).

Mr. Roberts gave a staff report on this item. He stated the request is for an 1,100 sq. ft. storage barn. He indicated the RE-2 District allows for two accessory structures for a total square footage of 1,800 sq. ft. and there are currently two additional accessory structures on this site. He stated at the September meeting the PZ recommended approval.

Mayor Lessner opened the public hearing.

Nancy Whitehead, applicant, was present.

Councilmember Brugge inquired about the use of the accessory structure. Ms. Whitehead discussed the uses of the structure.

Mayor Lessner closed the public hearing.

Councilmember Brugge made a motion to approve the request for a conditional use permit for an accessory structure to be located at 50 Man O’ War. Councilmember Feldman seconded the motion and the motion was unanimously approved.

PUBLIC HEARING – ZA2019-04 – MODLOW ADDITION REZONE: Mayor Lessner introduced agenda item 6(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 reviewed the request. He stated a cul de sac within the RE-2 district is limited to twelve lots; PC zoning would allow for the additional 2-acre lot. He stated the applicant has a concept plan to present which contains adjusted setbacks as well as three common area lots. He indicated the PZ recommended approval but the commission has not reviewed the proposed changes.

The Council and Mr. Roberts had a general discussion related to setbacks.

Steve DiNapoli, applicant representative, was present. He reviewed the request and provided additional detail.

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

Mayor Lessner opened the public hearing.

Ted Puchacz, 798 Barton Springs, expressed his thoughts related to drainage.
 Robert Dodd, 715 Mustang Dr, expressed his thoughts related to drainage.
 Barbara Isaacs, 811 Beechwood, expressed her thoughts related to drainage.

Mayor Lessner proposed a 5-minute recess.

Mayor Lesser reconvened back into regular session from recess.

Mayor Pro Tem Doi made a motion to continue the public hearing to a date certain of November 5, 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 6(d), conduct 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 on this item. He stated the day school was constructed prior to the parcel being annexed; upon annexation the zoning was established as PC for the operation of the day school. He indicated there is no development associated with the request; the request is for an entitlement change. He stated twenty-one notices were mailed; he received five letters of support and five letters of opposition with one letter of opposition from within the notification area. He stated PZ recommended approval.

Michael Pezzulli, applicant, was present. He reviewed the request and provided additional detail.

Councilmember Brugge asked if the school would reopen. Mr. Pezzulli stated the intended use for the rezoned land.

Councilmember Brugge and the applicant had an extended discussion related to land use.

Councilmember Logsdon inquired about the Future Land Use Plan in relation to zoning requests. Mr. Roberts discussed requirements for zoning requests.

The Council, Mr. McCoy and staff had an extended discussion related to this matter.

Councilmember Mattei made a motion to continue the public hearing to a date certain of November 5, 2019 at 7:30 p.m. at Fairview Town Hall. Councilmember Brugge seconded the motion and the motion was unanimously approved.

PUBLIC HEARING – ZBA2019-04 – 451 OAKWOOD TR: Mayor Lessner introduced agenda item 6(e), conduct a public hearing on an appeal of a Zoning Board of Adjustments denial of an application requesting approval of a variance to the Subdivision Ordinance, Section 10.02.162(b) Lots of the Town of Fairview Code of Ordinances to allow a proposed corner lot that is not wider than the adjacent interior lot. The 2.7-acre site is located at 451 Oakwood Trail,

northwest corner of Elk Ridge and Oakwood Trail and is zoned for the (RE-1) One-Acre Ranch Estate District. Owner/applicant: Joe and Jill Luce. (ZBA2019-04).

Mr. Roberts gave a staff report on this item. He stated this request for a variance is an appeal of the Board of Adjustments denial from last month's meeting. He stated the code of ordinances states that an end lot has to be wider than the interior lot that is directly adjacent. He stated the applicant is requesting to subdivide a 2.7-acre site to create a 1.0-acre lot at the corner. He stated 46 notification letters were mailed out and to date 47 letters of support were received, 3 within the notification boundary; and 12 letters of opposition, 7 within the notification boundary.

Joe Luce, applicant, gave a presentation related to this item.

Councilmember Brugge asked Mr. McCoy about what constitutes a hardship. Mr. McCoy discussed conditions that would constitute a hardship.

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

Mayor Lessner opened the public hearing.

Richard Robison, 662 Scenic Ranch, expressed his support.
 Matthew Chambers, 430 Oakwood Trail, expressed his opposition to this request.
 Michael Mintz, 461 Oakwood Trail, expressed his opposition to the request.
 John Cocks, 820 Quail Rise, expressed his opposition to the request.
 Lewis Cook, 350 Oakwood, expressed his support of this request.
 Dewey Leggett, 391 Oakwood, expressed his support of this request.
 Scott Almy, 882 St. James, expressed his support of this request.

Mayor Lessner closed the public hearing.

Mayor Pro Tem Doi inquired about the original lot size.

The Council had a general discussion regarding this item.

Councilmember Mattei made a motion to overturn the appeal and approved the variance in the Subdivision Ordinance Sec. 10.02.62(b). Councilmember Logsdon seconded the motion and appeal was approved unanimously.

TOWN ORDINANCES RELATED TO ANIMAL CONTROL REGULATIONS: Ms. Couch introduced agenda item 7(b), consider, discuss and take any necessary action related to the Town ordinances regarding animal control regulations.

Ms. Couch stated at the last meeting Council requested for staff to gather data from surrounding cities related to their animal control policies. She stated the animal control ordinances for fourteen cities were surveyed and she reviewed the survey data. She stated with direction from the Council staff will draft a more enforceable ordinance; or staff would recommend revising the current ordinance.

Mayor Lessner expressed his thoughts related to animal control.

The Council had an extended discussion related to this matter.

Councilmember Doi made a motion to direct staff to draft a revised animal control ordinance. Councilmember Brugge seconded the motion and the motion was approved 5-1. Councilmember Feldman opposed the motion.

STACY ROAD SPEED LIMIT: Mayor Lessner introduced agenda item 7(c), consider, discuss and take any necessary action for approval of an ordinance establishing the speed limit on Stacy Road.

Mr. Chancellor gave a staff report related to this item. He stated TxDOT will not post speed limit signs until a speed study is done; the study has been completed and it was determined the speed limit would be set at 50 mph. He indicated TxDOT requires the adoption of an ordinance setting the speed limit and then signs will be posted.

Councilmember Logsdon made a motion to approve an ordinance establishing the speed limit on Stacy Road. Councilmember Mattei seconded the motion and the motion was unanimously approved.

TOWN STORM DRAINAGE PLANS: Councilmember Brugge introduced agenda item 7(d), consider and discuss the Town storm drainage plans and related matters and take any necessary action.

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

Ms. Couch recommended scheduling a work session to discuss drainage.

COMPREHENSIVE PLAN: Mayor Lessner introduced agenda item 7(e), the comprehensive plan and take any necessary action.

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 Doi made a motion to appoint Richard Robison, Geoff Sebastian, Eugene Borsattino and Jeannette Grazioli as members of the Planning and Zoning Commission; and reappoint Scott Almy, John Cox and Gregg Custer as Chairman. Councilmember Brugge seconded the motion and the motion was unanimously approved.

Councilmember Brugge made a motion to appoint Sim Israeloff, Darrell Hale with the County, Mayor Lessner as Chairman; and Councilmembers Feldman, Logsdon and Doi as members of the TIRZ Board. Councilmember Doi seconded the motion and the motion was unanimously approved.

REPORTS FROM STAFF:

Chief Bell reviewed the monthly fire report.

Mayor Lessner adjourned the meeting at 12:36 a.m.


Henry Lessner, Mayor


Tenitrus Bethel, Town Secretary

