

**TOWN COUNCIL
MEETING MINUTES
SEPTEMBER 6, 2022**

The Town Council met in regular session on Tuesday, September 6, 2022, at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Henry Lessner; Councilmembers Rich Connelly, Ken Logsdon and John Hubbard. Mayor Pro Tem Ricardo Doi and Councilmember Gregg Custer attended via RingCentral. Councilmember Larry Little was absent. Staff present included Town Manager, Julie Couch; Police Chief, Granver Tolliver; Fire Chief, Jeff Bell; CFO, Steven Ventura; Planning Manager, Israel Roberts; Town Engineer, James Chancellor; Town Attorney Clark McCoy; Town Secretary, Tenitrus Bethel; and Assistant to the Town Manager, Adam Wilbourn.

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.

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.

CITIZENS INPUT

No one came forward to speak.

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 July 28, 2022 Council Work Session; B) Approve the minutes of the August 2, 2022 Regular Council meeting; C) Approve the minutes of the August 18, 2022 Special Council meeting; D) Approve the minutes of the August 25, 2022 Special Council meeting; E) Authorize the Town Manager, subject to legal form, to enter into an Interlocal Agreement with Collin County regarding dispatch services; F) Authorize the Town Manager, subject to legal form, to enter into an Interlocal Agreement with Collin County regarding jail services; G) Authorize the Town Manager to enter into an Interlocal Agreement with Collin County regarding animal control services and animal shelter services; H) Approve a resolution approving the Town's written investment policy; and I) Approve the First Amendment to the water tower use agreement with Verizon.

Councilmember Connelly asked to pull consent agenda items D and H.

Councilmember Logsdon made a motion to approve consent agenda items A-C, E-G, and I. Councilmember Connelly seconded and the motion passed unanimously.

The Council and staff had a discussion related to consent agenda item H.

Councilmembers Doi and Custer joined the meeting.

Councilmember Logsdon made a motion to approve consent agenda item D. Councilmember Hubbard seconded and the motion passed 5-1. Councilmember Connelly abstained.

Councilmember Connelly made a motion to approve consent agenda item H. Councilmember Logsdon seconded and the motion passed unanimously.

Councilmember Connelly made a motion to approve the consent agenda. Mayor Pro Tem Doi seconded, and the motion passed unanimously.

REPORTS FROM STAFF:

Mr. Ventura reviewed the monthly financial report.

Chief Tolliver reviewed the monthly police report.

Chief Bell reviewed the monthly fire report.

Mr. Chancellor provided a construction update.

Mayor Lessner stated public hearing items 8a and 8b would be moved to the end of the public hearing discussion as the two hearings relate to the first discussion item regarding smoking establishments.

PUBLIC HEARING – J. HANCOCK ADDITION: Mayor Lessner introduced agenda item 8(c), Hold a public hearing and consider approval on a request for approval of the J. Hancock Addition. The total 33.78-acre site area includes Lot 2 of the Haines Addition and 23.78-acres of unplatted property at 4558 and 4600 County Road 317, partially located within the Town of Fairview (22.786-acres) and 10.994-acres of land within the Town of Fairview ETJ.

Mr. Roberts stated gave a staff report on this item. He stated the request is to plat the land for a future subdivision. He indicated the property is located within the Town limits as well as the ETJ and as such the subdivision enforcement rights occur only within the town limits. He stated PZ recommended approval.

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

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 of the J. Hancock Addition. Councilmember Logsdon seconded and the motion passed unanimously.

PUBLIC HEARING – CUP – NATURE SCHOOL: Mayor Lessner introduced agenda item 8(d), Hold a public hearing and consider approval on a request for a Conditional Use Permit (CUP) to accommodate an expansion to the Nature School of Fairview. The 3.5-acre site is located at 340 Country Club Drive and is zoned for a (PC) Planned Center District.

Mr. Roberts reviewed the history of the site and reviewed the request. He stated the applicant plans to construct a 2-story 10,000 sq ft structure with additional parking, a new cul de sac and a

private drive off of Country Club. He reviewed the landscape plan, building features and building height limits. He reviewed the TXDOT roadway impact study and the reconstruction of Country Club. He stated there is a maximum student limit of 210 children and he indicated a certificate of occupancy would not be released until the road striping has been completed. He stated 19 notices were sent out and 8 letters of support have been received. He stated PZ recommended approval.

The Council and staff had an extended discussion related to parking and landscaping.

Applicants were present.

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 conditional use permit to accommodate the expansion of the Nature School of Fairview subject to the replacement of the landscape buffer. Councilmember Hubbard seconded and the motion passed unanimously.

PUBLIC HEARING – SPORT COURT REGULATION: Mayor Lessner introduced agenda item 8(e), Hold a public hearing and consider approval on a Town initiated text amendment to Section 14.02.024 the Town of Fairview Zoning Ordinance regarding the regulation of sport courts.

Mr. Roberts gave a staff report on this item. He reviewed the process and steps taken to date. He reviewed the proposed amendments which included: additional design standards/regulations, setbacks, landscaping, exclusions and violations.

The Council and staff had an extended discussion related to the proposed amendments.

Mayor Lessner opened the public hearing.

Eugene Borsattino, 5134 Pond View, expressed his thoughts related to requirements and regulation of sport courts as it relates to swimming pools.

Dave Hanson, 530 Cottonwood, expressed his thoughts related to the process.

Mayor Lessner closed the public hearing.

Mayor Pro Tem Doi made a motion to approve the zoning text amendment regarding the regulation of sport courts subject to the proposed changes to Design Standards Section C (7), to read "Applications for a sport court with an impervious surface, at minimum, shall include a drainage and/or grading plan as required by the Town Engineer.". Councilmember Connelly seconded and the motion passed 5-1. Councilmember Logsdon opposed.

PUBLIC HEARING – CUP – 901 BARKSDALE: Mayor Lessner introduced agenda item 8(f), Hold a public hearing and consider approval of a request for a Conditional Use Permit (CUP) for a multi-use sports court. The 2.3-acre site is located at 901 Barksdale Creek Lane and is zoned for the (RE-1) One-acre Ranch Estate District.

Mr. Roberts gave a staff report and reviewed the site layout. He stated the request is for a 2,400 sq. ft. sport court that would include fencing, additional screening and a 25-ft side yard setback. He stated 1 letter of support from an adjacent neighbor was received and PZ recommended approval.

The Council and staff had a discussion related to this item

Mayor Lessner opened the public hearing.

Camille Jensen, applicant, spoke to the council regarding the request.

Mayor Lessner closed the public hearing.

Councilmember Custer made a motion to approve the request for a conditional use permit for a multi-use sports court. Councilmember Hubbard seconded and the motion passed unanimously.

PUBLIC HEARING – CUP – 530 COTTONWOOD: Mayor Lessner introduced agenda item 8(g), Hold a public hearing and consider approval of a request for a Conditional Use Permit (CUP) for a multi-use sports court. The 1.09-acre site is located at 530 Cottonwood Place and is zoned for the (RE-1) One-acre Ranch Estate District.

Mr. Roberts gave a staff report related to this item. He stated the request is for a 1,800 sq. ft. multi-use sport court, a reduced side yard setback of 15 feet and a 10-foot ball containment netting. He stated 29 notices were sent out and 5 letters of support have been received. He stated PZ recommended approval.

Mayor Lessner opened the public hearing.

Dave Hansen, applicant, addressed the council regarding the request.

Mayor Lessner closed the public hearing.

Councilmember Connelly made a motion to approve the request for a conditional use permit for a multi-use sport court. Councilmember Hubbard seconded and the motion passed unanimously.

DISCUSSION – SMOKING ESTABLISHMENTS: Mayor Lessner introduced agenda item 9(a), Consider, discuss and take any necessary action on a request to amend Article 6.03 Tobacco Products of the Code of Ordinances.

Mr. Roberts reviewed the current ordinance related to smoking and the proposed amendments and provisions.

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

Councilmember Logsdon made a motion to approve the amendments to Article 6.03 Tobacco Products of the Code of Ordinances. Councilmember Hubbard seconded the motion; those in favor 3; those against 3. The motion failed for lack of a majority vote.

DISCUSSION – DART RIDES PROGRAM: Mayor Lessner introduced agenda item 9(b), Consider, discuss and take any necessary action on the DART Collin County Rides Program.

Mr. Wilbourn gave a staff report on this item and stated staff recommends approval.

Mayor Pro Tem Doi made a motion to approve the interlocal agreement with DART for public transit service. Councilmember Connelly seconded and the motion passed unanimously.

DISCUSSION – NATIONAL NIGHT OUT: Mayor Lessner introduced agenda item 9(c), Consider, discuss and take any necessary action regarding a possible move of the regular October Council meeting date due to National Night Out.

Chief Tolliver addressed the Council regarding this item and stated there has been no public interest in the event this year. He recommended not rescheduling the October meeting for the event.

The Council and staff had a discussion related to this item. No action was taken.

PUBLIC HEARING – SMOKING ESTABLISHMENTS AND MW FOR SMOKING ESTABLISHMENT:

Counsel McCoy advised the Council that although agenda item 9a, consider, discuss and take any necessary action on a request to amend Article 6.03 Tobacco Products of the Code of Ordinances, failed for lack of a majority vote which invalidated agenda items 8a and 8b, a vote is necessary for those items.

Councilmember Connelly made a motion to take no action on agenda items 8a, Hold a public hearing to consider approval on a request for a text amendment to the (CPDD) Commercial Planned Development District regarding smoking establishments, and 8b, Hold a public hearing and consider approval on a request for a Major Warrant for a smoking establishment/cigar lounge. The site is located within the Fairview Town Center at 352 Town Place and is zoned for the (CPDD) Commercial Planned Development District with the Urban Village sub-district. Councilmember Hubbard seconded and the motion passed unanimously.

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

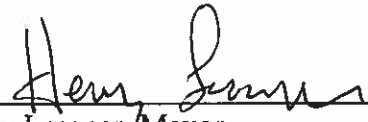
No discussion or action was taken.

DISCUSSION – BOARDS & COMMISSIONS: Mayor Lessner introduced agenda item 9(e), discuss Boards & Commissions and take any necessary action.

Mayor Pro Tem Doi made a motion to reappoint Debbie Malafsky and to promote Renee Powell from alternate to board member to the Zoning Board of Adjustments. Councilmember Logsdon seconded and the motion passed unanimously.

Mayor Lessner adjourned the meeting at 9:58 p.m.


Tenitrus Bethel, Town Secretary


Henry Lessner, Mayor

