

**TOWN COUNCIL
MEETING MINUTES
SEPTEMBER 5, 2023**

The Town Council met in regular session on Tuesday, September 5, 2023 at 6:00 p.m. at 372 Town Place, Fairview, Texas.

Those present were Mayor Henry Lessner, Mayor Pro Tem John Hubbard, and Councilmembers Rich Connelly, Gregg Custer, Ricardo Doi, Larry Little and Ken Logsdon.

Staff present included Town Manager, Julie Couch; Assistant Town Manager Adam Wilbourn; Town Attorney Clark McCoy; Town Engineer, James Chancellor; Planning Manager, Israel Roberts; HR Director, Whitney Casey; Interim EDC Manager, Dave Quinn; Fire Chief, Jeff Bell; Interim Police Chief, Sid Fuller; CFO, Steven Ventura; Communications and Marketing Manager, Karin Anderson; and Town Secretary Joshua Stevenson.

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 adjourned into executive session regarding a consultation with legal counsel on authorized executive session matters.

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.

PROCLAMATION: Mayor Lessner introduced agenda item 4(A), Proclamation declaring the first full week of September as National Payroll Week in the Town of Fairview.

CITIZENS INPUT: No one approached 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.

Councilmember Logsdon requested Consent Agenda item 6(M), Accept a Warranty Deed for dedication of right of way for the extension of Sharon Road, be considered separately.

Councilmember Connelly motioned to approve Consent items 6(A) – 6(L). Councilmember Custer seconded and the motion passed unanimously.

The following Consent items were approved:

A) Approve the minutes of the July 27, 2023 Special Council meeting; B) Approve the minutes of the August 1, 2023 Regular Council meeting; C) Approve the minutes of the August 22, 2023 Special Council meeting; D) Approve the minutes of the August 22, 2023 Special Council meeting; E) Approve the minutes of the August 28, 2023 Special Council meeting; F) Authorize the Town Manager, subject to legal form, to enter into an Interlocal Agreement with Collin County regarding dispatch services; G) Authorize the Town Manager, subject to legal form, to enter into an Interlocal Agreement with Collin County regarding jail services; H) Authorize the

Town Manager to enter into an Interlocal Agreement with Collin County regarding animal control services; I) Authorize the Town Manager to enter into an Interlocal Agreement with Collin County regarding animal shelter services; J) Approve Interlocal Agreement with the City of Wylie regarding dispatch services; K) Approve an ordinance approving a negotiated settlement with Atmos Energy Corp., Mid-Tex Division regarding the company's 2023 Rate Review Mechanism Filing; L) Approve resolution ratifying an appointment to the position of Town Secretary.

Councilmember Logsdon made the motion to take no action on Consent Agenda item 6(M). The motion was seconded by Mayor Pro Tem Hubbard and the motion passed unanimously.

REPORTS FROM STAFF:

Mr. Ventura reviewed the monthly financial report.

Police Chief Fuller reviewed the monthly police report.

Fire Chief Bell reviewed the monthly fire report.

Mr. Chancellor provided a Town construction projects update.

PUBLIC HEARING – CONDITIONAL USE PERMIT FOR AN ACCESSORY

STRUCTURE AT 1221 RED OAK TRAIL: Mayor Lessner introduced Agenda item 8(A), Hold a public hearing to consider approval on an ordinance for a Conditional Use Permit (CUP) for an accessory structure (greenhouse). The 4.2-acre lot is located at 1221 Red Oak Trail and is zoned for the (RE-2) Two-acre Ranch Estate District.

Mr. Roberts presented the item. Mr. Roberts reminded the Council that applicants are required to receive a Conditional Use Permit for greenhouses, regardless of size. He stated that the applicants are requesting the CUP for a 300 sq. ft. green house and that the location of the greenhouse is within all setbacks required by the Town. The town has received two letters of support and the Planning & Zoning Board offered approval.

The Council and staff had discussion related to this item.

Mayor Lessner opened the public hearing.

No one came forward to speak.

Mayor Lessner closed the public hearing.

Councilmember Logsdon made a motion to approve the CUP requested. Councilmember Connelly seconded and the motion passed unanimously.

DISCUSSION – EMS FEES AND CHARGES: Mayor Lessner introduced agenda item 9(I), Consider, discuss, and take any action necessary on current EMS fees and charges.

Chief Bell spoke regarding this item. Mr. Bell stated that EMS fees have not been update since 2016. Mr. Bell informed the Council of new state law, Texas Senate Bill 2476, that will be in effect in January 2024 that is prompting this change. Mr. Bell explained the changes that staff is recommending and how that will affect citizens.

Mr. Bell requested direction from Council on how staff should proceed and bring back recommended changes.

The Council and staff had a discussion related to changes.

Council gave staff direction, and no action was taken.

DISCUSSION – LIMITED TAX NOTE SERIES 2023: Mayor Lessner introduced Agenda item 9(A), Consider, discuss, and take any necessary action on an ordinance authorizing the issuance and sale of Town of Fairview, Limited Tax Note Series 2023; levying an annual ad valorem tax and providing for the security for and payment of the note; providing an effective date; and enacting other provisions relating to the subject.

Ms. Couch introduced the item. She stated that Council approved the issuance of tax notes and received a bid for them. Ms. Couch noted that the interest rate was higher than before at 4.7%. The Town will be using the funds for repairing the Air Conditioning system at Fire Station #2, the purchase of a new ambulance, and park trail improvements. The total of the projects funded will be \$1.425 million, including the issuance fees. Ms. Couch introduced Marty Shoe from Hilltop Securities. Ms. Shoe represents the Town of Fairview for the tax notes.

Marty Shoe explained the process taken to sell the tax notes and expressed the current challenges seen in the financial market. Ms. Shoe stated that by approving the Ordinance, the Council would be accepting the proposal from the bank.

The Council and Ms. Shoe had a discussion related to the Tax Notes and process.

Councilmember Connelly made a motion to approve the issuance of the tax notes. Mayor Pro Tem Hubbard seconded, and the motion passed unanimously.

DISCUSSION – AWARDING A BID FOR DRAINAGE IMPROVEMENTS IN FOXGLEN SUBDIVISION: Mayor Lessner introduced Agenda item 9(B), Consider, discuss, and take any necessary action on awarding a bid for drainage improvements in Foxglen subdivision.

Mr. Chancellor stated that the Town received four bids for the project and GROD Construction submitted the lowest bid of \$971,199.50.

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

Councilmember Doi made a motion to authorize the Town Manager to sign a contract with GROD Construction in the amount of \$971,199.50 for the Foxglen drainage improvements. Mayor Lessner seconded and the motion passed unanimously.

DISCUSSION – REGULATION RELATED TO DONATION AND OTHER COLLECTION BINS: Mayor Lessner introduced Agenda item 9(C), Consider, discuss, and take any necessary action on an ordinance regulating donation and other collection bins in town.

Ms. Couch spoke regarding this item. Ms. Couch stated that Council asked for staff to present an ordinance regarding donation and collection bins.

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

Councilmember Doi made a motion to approve the ordinance regulating donation and other collection bins. Councilmember Connelly seconded and the motion passed unanimously.

Councilmember Logsdon left the meeting at 8:35 p.m. and returned at 8:37 p.m.

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

DISCUSSION – DCTA PUBLIC TRANSIT SERVICES: Mayor Lessner introduced agenda item 9(E), Consider and discuss DCTA transportation program and take any necessary action on an agreement.

Ms. Couch spoke regarding both item 9(D) and 9(E) this item. She stated that DART will discontinue service to Fairview. In a combined effort, the North Texas Council of Governments (NTCOG) and DART Staff reached out to other transit service providers. DCTA responded and agreed to start a program for public transit services. DCTA stated that they will need four months to begin service and requested DART to continue service until then. DART approved the four-month extension. DCTA would begin to provide service in February 2024. Ms. Couch stated that the two contracts for consideration are to approve a four-month extension with DART and a contract with DCTA to continue the service for the rest of the year. The DCTA contract is for a two-year period with the option to extend it to three years.

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

Councilmember Doi made a motion to approve an interlocal agreement for public transit service with Dallas Area Rapid Transit (DART) Authority for four months (October 1, 2023 – January 31, 2024). Councilmember Logsdon seconded and the motion passed unanimously.

Councilmember Doi made a motion to approve an interlocal agreement with Denton County Transit Authority (DCTA) for providing public transit services. Mayor Lessner seconded, and the motion passed unanimously.

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

Ms. Couch spoke regarding this item. She stated that the regular Council meeting of October typically occurs on the same night as National Night Out. Staff recommends the Council to move the meeting to the following week so that Council can participate in events.

Chief Fuller spoke regarding this item.

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

Councilmember Logsdon made a motion to move the October 3rd regular meeting to October 10th. Mayor Pro Tem Hubbard seconded, and the motion passed unanimously.

The October meeting of the Town of Fairview Council will meet at Town Hall on October 10, 2023, at 6:00 for closed session and at 7:30 for the regular meeting.

DISCUSSION – SPECIAL MEETINGS: Mayor Lessner introduced agenda item 9(G), Consider, discuss, and take any action necessary on upcoming special meetings.

Ms. Couch spoke regarding this item. Ms. Couch requested each Council member to email their schedules for the next three months to schedule special meetings.

No action was taken.

DISCUSSION – USE OF HOTEL TAXES FOR THE ARTS AND OTHER RELATED PURPOSES: Mayor Lessner introduced agenda item 9(H), Consider, discuss, and take any action necessary on use of hotel taxes for the arts and other related purposes.

Ms. Couch spoke regarding this item. Ms. Couch gave general explanations of how the funds can be used.

Mayor Lessner made comments regarding this issue.

No action was taken.

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

Mayor Lessner made the motion to reappoint Carlo Strippoli to the EDC/CDC Board; reappoint Mary Price to the Zoning Board of Adjustments; appoint Renee Powell as the chair for the Parks & Recreation Advisory Board; reappoint Paul Myers to the Technology Advisory Committee; and appoint Tom Lester to a one-year term on the Technology Advisory Committee.

Councilmember Logsdon seconded, and the motion passed unanimously.

Carlo Strippoli's term on the EDC/CDC Board will run from August 1, 2023 to August 1, 2025.

Mary Price's term on the Zoning Board of Adjustments will run from August 1, 2023 to August 1, 2025.

Paul Myers' term on the Technology Advisory Committee will run from August 1, 2023 to August 1, 2025.

Tom Lester's term on the Technology Advisory Committee will run from August 1, 2023 to August 1, 2024.

Renee Powell will serve as the chair of the Parks and Recreation Advisory Board until August 1, 2024.

Mayor Lessner called for the Council to adjourn into executive session regarding a consultation with legal counsel on authorized executive session matters regarding Consent item 6(M), Accept

a Warranty Deed for dedication of right of way for the extension of Sharon Road.

The Council adjourned into executive session at 9:02 p.m.

Mayor Lessner called the regular meeting back at 9:11 p.m.

ACTIONS FROM EXECUTIVE SESSION:

Councilmember Custer moved to take action on Consent item 6(M), Accept a Warranty Deed for dedication of right of way for the extension of Sharon Road. Seconded by Council member Little and the motion passed unanimously.

Councilmember Doi made the following motion:

“I move that the Town of Fairview Town Council approve item 6(M) on the consent agenda to conditionally accept a Warranty Deed for dedication of right of way for the extension of Sharon Road. Acceptance of the Warranty Deed is strictly conditional on the occurrence of all of the following:

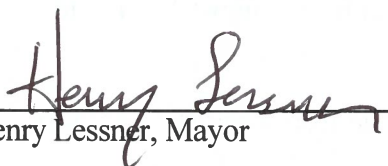
1. Declarants of the Declarants of Restrictions recorded in the Collin County Official Records as Document number 2023000024727 deliver a fully executed additional Declaration of Restrictions to restrict certain property to single family use to the Town;
2. The Warranty Deed and said additional declarations are approved as to legal form by the Town Attorney; and
3. Said additional declarations are subsequently recorded in the Collin County Official Records.

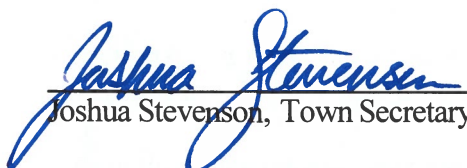
Acceptance of such Warranty Deed will be deemed to have occurred only upon completion of all of the conditions included in this motion. The Warranty Deed shall not be accepted or recorded in the Collin County Official Records unless said conditions are fully satisfied in the opinion of the Town Attorney.”

Councilmember Logsdon seconded and the motion passed unanimously.

Mayor Lessner adjourned the meeting at 9:15 p.m.

These minutes were approved by the Town Council on October 10, 2023.


Henry Lessner, Mayor


Joshua Stevenson, Town Secretary
Town of Fairview, Texas

