TOWN COUNCIL
MEETING MINUTES
APRIL 5, 2022

The Town Council met in regular session on Tuesday, April 5, 2022, at 7:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Henry Lessner; Mayor Pro Tem Ricardo Doi; Councilmembers Rich Connelly, Gregg Custer, Ken Logsdon and John Hubbard. Councilmember Larry Little was absent. Staff present included Town Manager, Julie Couch; Planning Manager, Israel Roberts; Police Chief, Granver Tolliver; Fire Chief, Jeff Bell; Town Engineer, James Chancellor; CFO, Steven Ventura; Interim EDC Manager, Dave Quinn; Assistant to the Town Manager, Adam Wilbourn; 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 6:01p.m., the Council then adjourned into executive session regarding a consult with legal counsel.

Mayor Lessner called the regular session to order at 7:31 p.m. and invited everyone to stand for the Pledge of Allegiance and the Texas State pledge.

PROCLAMATIONS

Mayor Lessner presented a proclamation to The Turning Point Center in recognition of Annual Start By Believing Day.

Mayor Lessner presented a proclamation to Miguel De La Torre for measures taken to save the life of his neighbor.

PRESENTATIONS

Steven Ventura introduced Claire Wooten, with Weaver and Tidwell, presented the results of the annual independent audit for fiscal year ending September 30, 2021.

The Council and Ms. Wooten had discussion related to the annual audit.

Mayor Pro Tem Doi made a motion to accept the annual independent audit report for fiscal year ending September 30, 2021. Councilmember Connelly seconded the motion and the motion passed unanimously.

CITIZENS INPUT

Cynthia Brugge, ,960 Patrician, expressed her thoughts related to homelessness, COVID and Hart Rd.
Justin Jinright, 571 Kentucky, expressed his thoughts related to Harper Landing.
Lynn Stevens, 1437 Cattle Barron, inquired about an added turn lane on Hart Rd.

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 February 22, 2022 Special Council meeting; B) Approve the minutes of the March 1, 2022 Regular Council meeting; C) Approve the minutes of the March 22, 2022 Special

Council meeting; D) Approve the contract renewal of the 2022 Municipal Mosquito contract for mosquito management services; E) Consider a request for approval of an Amending Plat of Lots 1, 2 and 3 of the Shackelford Estates Addition. The 8.2-acre tract of land is located at the northwest corner of E. Stacy Road and Orr Road (FM 317) and is zoned for the (RE-2) Two-Acre Ranch Estate District. Owner/Applicant: Kelly and Karen Shackelford.
Councilmember Connelly noted a correction on the March 1, 2022 meeting minutes.

Councilmember Logsdon made a motion to approve the consent agenda with noted corrections. Councilmember Hubbard seconded and the motion passed unanimously.

REPORTS FROM STAFF:
Mr. Ventura reviewed the monthly financial report.

Chief Tolliver reviewed the monthly police report and annual racial profiling report.

Chief Bell reviewed the monthly fire report.

Mr. Chancellor provided a construction update.

PUBLIC HEARING – BLUE GRASS FARMS REPLAT: Mayor Lessner introduced agenda item 9(a), hold a public hearing and consider approval on a request for approval of a replat of a portion of the Blue Grass Farms Addition into three (3) lots. The 6.4-acre site is located at 431 and 451 Kentucky Lane and is zoned for the (PC) Planned Center District. Applicant: JDRP Kentucky, LLC representing owners Marvin Molodow and JDRP Kentucky, LLC.

Mr. Roberts gave a staff report on this item. He stated the original request was to revise the development plan to replat 2 lots into 3 and the request was approved. He indicated this replat formally creates the 3 lots. He stated the PZ recommended approval and the park fee has been received.

Mayor Lessner opened the public hearing.

No one came forward to speak.

Mayor Lessner closed the public hearing.

The Council and staff had discussion related to water services.

Councilmember Logsdon motioned to approve the replate of the Blue Grass Farms Addition. Councilmember Connelly seconded the motion and the motion passed unanimously.

PUBLIC HEARING – HARPER LANDING REPLAT: Mayor Lessner introduced agenda item 9(b), Hold a public hearing to consider approval on a request of a replat of Lots 17, 18, 19, 20 and 21, Block A of the Harper Landing Addition. The 15.05-acre site is located at 501 Michelle Way; 1181, 1191, 1201 and 1211 Harper Landing and is zoned for the (RE-2) Two-acre Ranch Estate District. Applicant: Gabriela Bell, PE of Huitt-Zollars, INC. representing the owner, Salim Family Enterprises, LTD.

Mr. Roberts reviewed the staff report for this item. He stated the sole owner of the 5 lots is requesting to replat 5 lots into 4; and he reviewed the new layout of the lots. He stated there would be no park fee due to this request is a reduction in lots; PZ recommended approval of the replat as presented.

Mr. Chancellor addressed the Council and reviewed the drainage.
The Council and staff had a discussion related to drainage.

The Council and staff had a discussion related to drainage and the detention pond.

Chuck Branch, applicant representative, addressed the Council and addressed the detention pond.

The Council, staff and applicant had a discussion related to the easement along lot 5.

Mayor Lessner opened the public hearing.

Cynthia Brugge, 960 Patrician, expressed her thoughts related to flooding.

Justin Jinright, 571 Kentucky, expressed his thoughts related to Harper Landing development.

Mike Salim, applicant, addressed the Council regarding the request.

Gabrielle Bell, applicant representative, spoke to the drainage for this property.

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

Mayor Lessner closed the public hearing.

The Council, applicant and staff had an extended discussion regarding the design of the replat.

Councilmember Connelly motioned to approve the replat of lots 17, 18, 19, 20, and 21 Block A of the Harper Landing Addition. Councilmember Hubbard seconded and the motion passed unanimously.

PUBLIC HEARIING – CUP – 500 HOME PL: Mayor Lessner introduced agenda item 9(c), Hold a public hearing and consider approval of an ordinance of a Conditional Use Permit (CUP) for an accessory structure. The 2.09-acre lot is located at 500 Home Place and is zoned for the (RE-2) Two-acre Ranch estate District. Applicant: Brandon Johnson.

Mr. Roberts reviewed the staff report for this item.

The Council had an extended discussion related to the structure size.

Mayor Lessner opened the public hearing.

Cynthia Brugge, 960 Patrician, expressed thoughts related to the request.

Holly Parsons, 480 Home Pl, expressed her support for the request.

Mayor Lessner suggested continuing the public hearing to a date certain of May 3, 2022 at 7:30 p.m.

Brandon Johnson, applicant, addressed the council regarding the structure use and purpose.

The Council had a discussion related to the structure size.

Holly Parsons, 480 Home Pl, expressed her thoughts related to the lot size.

The Council and staff discussed the CUP process and the structure size.

Mayor Pro Tem Doi made a motion to approve the request with the following conditions: no business or residential use permitted, and the existing 586 sq ft barn must be removed.

Mayor Lessner closed the public hearing.

Mayor Pro Tem Doi made a motion to approve the ordinance for a CUP with the following conditions: structure cannot be used for business or residential use; 20 ft setbacks; and the existing 586 sq ft barn must be removed. Councilmember Custer seconded and the motion passed 5-1. Councilmember Connelly opposed.

DICUSSION – SANITARY SEWER: Mayor Lessner introduced agenda item 10(a), Discuss and consider authorizing the Town Manager to negotiate and execute an agreement with the City of Allen for repair costs on a shared sanitary sewer line.

Mr. Chancellor reviewed the agreement between the Town and Allen related to the shared sanitary sewer. He stated the maintenance is a shared cost between the entities at a 55/45 percent split. He discussed the necessity of the project; due to stagnant sewer H_2S gas is produced and it has caused a deterioration of twelve manhole covers located in Allen. He stated the City of Allen solicited bids for the project and the selected bidder proposed a bid of $586,803.00 with the Town's portion at $322,742.00, pending the Town's approval of the bidder. He stated as this was not a budgeted expense, he met with Allen engineering department and proposed extending the Town's payment over two years; half paid FY 2023 and half paid FY 2024. This was acceptable to the City of Allen. Mr Chancellor also indicated that the approved amount should include a 10% contingency.

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

Mayor Pro Tem Doi made a motion to authorize the Town Manager to execute an agreement with the City of Allen for repair costs on a shared sanity sewer line as outlined by staff. Councilmember Connelly seconded and the motion passed unanimously.

DISCUSSION – ZIP CODE: Mayor Lessner introduced agenda item 10(b), Discussion on status of Town efforts related to a local zip code and take any necessary action.

Mr. Wilbourn reviewed the status of the issue and stated staff received a denial request in January.

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

Staff will formally submit an appeal to the denial.

DISCUSSION – COVID 19 UPDATE: Ms. Couch introduced agenda item 10(c), discuss COVID-19 activities and actions and take any necessary action.

Ms. Couch stated at the last meeting Council approved the selection of the consulting firm to assist with the administering and tracking of the American Rescue Funds; and she reviewed the next steps.

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

Ms. Couch reminded Council of the joint meeting with PZ will be April 19 at 6:30 p.m.

Mayor Lessner adjourned the meeting at 11:15 p.m.

Tenitrus Bethel, Town Secretary

Henry Lessner, Mayor

TOWN OF FAIRVIEW