

**TOWN COUNCIL
MEETING MINUTES
October 9, 2012**

The Town Council met in regular session on Tuesday, October 9, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Jim Cunningham, Henry Lessner, Sim Israeloff, Darion Culbertson, and Mary Price. Interim Town Manager, Julie Couch; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Planning Director, Alan Efrussy; Assistant to the Town Manager, Adam Wilbourn; Management Intern, Mauro Lopez; Senior Planner, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Council members Ron Kasian and Carolyn Sommers Erickson were absent.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:49 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be 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 considered separately. A) Approve minutes of the August 14, 2012 special council meeting. B) Approve minutes of the September 4, 2012 regular council meeting. C) Approve minutes of the September 18, 2012 special council meeting. D) Approve an ordinance abandoning R-O-W within Fairview Farms.

Councilwoman Price requested to pull items A, B, and D.

Mayor Pro Tem Lessner made a motion to approve item C. Councilman Culbertson seconded that motion and the motion was unanimously approved.

Councilwoman Price stated in regards to item A, she would like to add under the 'Community Events' that she had stated that she volunteered to provide an outline for next year's holiday parade.

Councilman Culbertson made a motion to approve item A as amended. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

Councilwoman Price stated that in regards to item B, she needed to abstain since she was not at the meeting.

Mayor Pro Tem Lessner made a motion to approve item B. Councilman Culbertson seconded that motion and the motion was approved, with all voting for except Councilwoman Price who abstained.

Councilwoman Price stated in regards to item D the agenda identified Fairview Farms rather than Tranquility Farms and asked if this would be an issue if approved. Mr. McCoy, town attorney, responded that it could be a risk if the ordinance was ever challenged or voided. Mayor Israeloff asked if they could approve the ordinance tonight if they ratified it at the next meeting. Mr. McCoy agreed this would be okay.

Mayor Pro Tem Lessner made a motion to approve item D. Councilwoman Price seconded that motion and the motion was unanimously approved.

EMERGENCY ACCESS EASEMENT: Consider and take action regarding the emergency access easement between Meandering Way and Creekwood North.

Mayor Israeloff stated that they are still working on the proposal and specifics of this item.

No action was taken.

ZONING KNAPPITSCH PROPERTY: Conduct a public hearing and take action regarding the annexed and unzoned, 27.862 acre property at 291 Country Club Road. The proposed zoning for this property would allow for 13.83 acres to be zoned One-acre Ranch Estate (RE-1), while 14.032 acres would be zoned Planned Center (PC). The subject property is generally located east of the Wellington Park Estates subdivision, north of Stacy Road (FM 2786), south of Old Stacy Road, and west of Country Club Road (FM 1378). This proposed PC zone is comprised of both existing and proposed equestrian-related uses and two proposed single-family residential lots.

Mr. Schmidt stated that the subject property is currently not platted. The property does have a small pond and is Equestrian in nature, which includes a riding arena and a dwelling unit. He identified that the town had initiated the zoning for this property, as it is not currently zoned. Mr. Schmidt added the property owner is also a Fairview resident and lives within the Wellington Estates subdivision. Mr. Schmidt stated the applicant expressed the desire to zone the property to the RE-1 zoning district, but also intends to preserve the equestrian uses and indoor riding arena. The Future Land Use Plan within the Comprehensive Plan classifies the subject property as Residential Estate, which allows for single-family detached houses. Mr. Schmidt indicated that the town felt the western portion of the subject property (13.83 acres) should be zoned RE-1 and the other portion be zoned Planned Center (PC) based on current uses and future requests for a

combination of equestrian and residential uses. The Planning and Zoning Commission approved these zoning recommendations, but had requested to restrict the number of horses on the property. He pointed out that there would be no limit if the property were zoned Agriculture (AG), but due the PC recommendation the town staff recommends 20 horses based on current configuration of the property. However, if the property owner would construct a stable, the recommendation was to increase the number to 40 based on the number of stalls that would be provided. The applicant expressed that 45 horses was preferable. Mr. Schmidt stated that the town staff recommends zoning as depicted in the Zoning Exhibit and Planned Center Development Plan dated October 3, 2012.

Council discussed the restriction of horses and as it is defined within zoning districts. The applicant was asked how many horses were currently on the property, with the response being 9 horses are currently on the property.

Mayor Israeloff opened the public hearing. Mrs. Kathy Knappitsch, 290 Hampton Court, property owner and applicant stated that the future goal is to build a house for her and her daughter on the equestrian side of the property. Mrs. Knappitsch stated that she'd prefer not to have a limitation set on the number of horses allowed as it could be bad for future business, but would be okay with a higher number around 60 or even 45.

Reed Rivas, 630 Oakmont Ct, agreed with Ms. Knappitsch that there should not be a limit on the horses set on the property. Mr. Rivas stated that the property is well maintained and managed and a family investment.

Mayor Israeloff closed the public hearing and opened discussion to council.

Councilwoman Price asked if other limitations had been set with other horse properties within town. Mr. Schmidt replied that there is one property off of Hart Road that is zoned Agriculture, which has no restrictions with the number of animals they can have.

Mayor Israeloff stated that he liked the recommended zoning proposal and his only concern was the number of horses. Mayor Israeloff stated that he doesn't know what the correct number is, but the council should protect the surrounding homeowners. Mayor Israeloff suggested setting the limit to 45 maximum horses.

Mayor Pro Tem Lessner stated that he agrees with setting a maximum number of horses to the property, but is okay with a higher number such as 60. Councilman Culbertson agreed as did Councilwoman Price.

Councilwoman Price made a motion to approve zoning 13.83 acres to the RE-1 zoning district and 14.032 to the Planned Center zoning district (PC), with a maximum number of horses set at 60. Councilman Culbertson seconded that motion and the motion was unanimously approved.

AMENDED PLAT WILLOW POINT ESTATES: Consider and take action regarding an Amended Plat for the Willow Point Estates subdivision, which is generally located east of the Oakwood Estates subdivision, north of the Stone Creek Estates subdivision, south of, and adjacent to Hart Road, and west of Country Club Road (FM 1378).

Mr. Lopez stated that the preliminary plat was approved by the council on September 4th. It was requested by staff to the developer to link a new water main to the existing water main in the adjacent Willow Point Estates subdivision. Linking the water would reduce maintenance requirements for the Fire Department and will also provide the subdivision with an additional water sources during emergency events. Mr. Lopez stated that the 20' utility easement would run along lot 6 within the subdivision.

Mayor Pro Tem Lessner made a motion to approve the Willow Point Estates Amended Plat. Councilman Culbertson seconded that motion and the motion was unanimously approved.

FINAL PLAT FAIRVIEW RANCH ESTATES PHASE II: Consider and take action regarding a Final Plat for a proposed subdivision generally located west of and adjacent to Country Club Road (FM 1378), south of Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision. The proposed Final Plat is composed of two, One-and-One-half-Acre Ranch Estate (RE-1.5) lots that are 1.530 and 1.504 acres in size, and three, One-Acre Ranch Estate (RE-1) lots, one of which is 1.153 acres in size, one lot that is 1.10 acres in size, and one lot that is 1.083 acres in size.

Mr. Schmidt stated that the subject properties were recently re-zoned. The staff within its review had required the addition of utility and drainage easements and the installation of three fire hydrants along the new public right-of-way that is being proposed for this subdivision. Mr. Schmidt stated that the Park and Recreation Advisory Board unanimously recommended that the town request cash in lieu of land in order to fulfill the developer's parkland conveyance requirements in the amount of \$7,753. Mr. Schmidt stated that since the Final Plat meets all of the town's subdivision requirements, staff recommends approval of the Final Plat for Phase II of the Fairview Ranch Estates subdivision as submitted and dated September 18, 2012.

Councilman Culbertson made a motion to approve the Final Plat for Phase II of the Fairview Ranch Estates subdivision as submitted and dated September 18, 2012. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

SUMMER HILL FARMS PARK AGREEMENT: Consider an agreement with Summer Hill Farms and the town regarding a park property agreement and take any necessary action.

Mr. Wilbourn stated that the council recently discussed the possibility of the town taking over maintenance of green spaced owned by the town within the Summer Hill Farms subdivision. The Summer Hill Farms HOA currently is responsible for the maintenance and irrigation of the green space. Town staff has met with their HOA president and drafted an agreement on what each party would be responsible in maintaining. Mr. Wilbourn stated that the HOA representatives have since conveyed that the residents of the subdivision would like more time to read the agreement and provide feedback.

Councilman Culbertson asked if staff knew what their main concerns are.

Craig Stephens, 241 Wyndham Court, stated that they have not had adequate time to review. He stated that there are no major concerns, but would like the resident to view the document and provide any feedback.

Council took no action.

Councilman Cunningham joined the meeting.

OPTICOM POLICY: Consider a policy regarding emergency response traffic control and use of Opticoms and take any necessary action.

Ms. Couch stated that this policy would address the process of installing traffic controlled devices (Opticoms) on signals within the town. Currently, all but one traffic signal contains these devices with the possibility of a few future locations.

Mayor Pro Tem Lessner made a motion to approve a resolution establishing a policy regarding Opticom devices. Councilman Culbertson seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

No comments were made.

REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Ms. Couch stated the town's ½ marathon is October 13th and the TML conference is in November this year and encouraged council with an interest in attending to notify the Town Secretary or her.

Down Under Pub is opening the weekend of October 13/14th.

At 8:38 p.m. Mayor Israeloff adjourned the council back into executive session.

At 10:19 p.m. Mayor Israeloff reconvened back into regular session.

TOWN COUNCIL MEMBER RESIGNATION: Consider and take action regarding resignation of Town Council member.

Mayor Israeloff expressed his thanks and appreciation to Carolyn for her advice, counsel, and history with the town, as well as being the longest serving member on the Town Council.

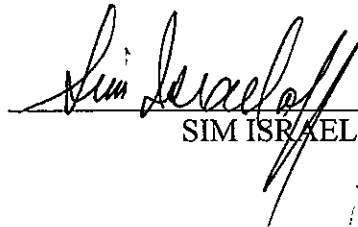
Councilman Culbertson made a motion to accept the resignation of councilwoman Sommers Erickson. Councilwoman Price seconded that motion and the motion was unanimously approved.

APPOINTMENT OF NEW TOWN COUNCIL MEMBER: Consider and take action on appointment of a new Town Council member to fill vacant position.

Councilman Cunningham nominated John Fraser to fill the vacancy of seat one for the remainder of the term. Councilman Cunningham stated that Mr. Fraser has served several years on the Planning and Zoning Commission and Town Council and has knowledge of the town.

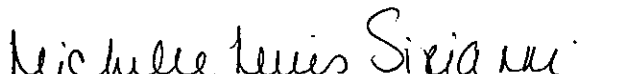
Mayor Pro Tem Lessner seconded that nomination and the council approved unanimously.

Mayor Israeloff adjourned the meeting at 10:22 p.m.



SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

