TOWN COUNCIL
MEETING MINUTES
March 5, 2013

The Town Council met in regular session on Tuesday, March 5, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Council Members John Fraser, Jim Cunningham, Ron Kasian, Henry Lessner, Sim Israeloff, Darion Culbertson, and Mary Price. Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer In Training, Danielle Gregory; Community Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

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 7:42 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance and Pledge to the Texas State Flag.

PRESENTATION: Receive presentation for the State Fire Marshal regarding the town's ISO rating.

Jesse Williams from the Texas State Fire Marshal's office awarded the town for their recently acquired class two rating and acknowledged what an accomplishment it is for the town to receive and the hard work done by the various departments of the town that went into receiving the new classification rating.

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 February 5, 2013 regular council meeting. B) Approve an amending Plat for Lot 17R, Block P, Phase 7 of the Heritage Ranch subdivision. C) Approve an interlocal agreement and resolution for purchasing with TCPN.

Councilwoman Price requested to pull item A. Councilman Fraser requested to pull item B.

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

Councilwoman Price made a correction to page three of the minutes. Councilman Price made a motion to approve item A as amended. Councilman Culbertson seconded that motion and the motion was approved with a 6-0 vote. Councilman Fraser abstained from the vote.

Councilman Fraser asked in regards to item B is there a lot dedicated to open space. Mr. Schmidt responded that there is dedicated open space.

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

EMERGENCY ACCESS EASEMENT: Consider and take action regarding an agreement with property owners concerning emergency access easement and easement between Meandering Way and Creekwood North.

Mayor Israeloff stated that the council's subcommittee has been in discussion with the lot owner and they were working toward a solution that could include a possible public easement. Councilman Kasian made a motion to authorize the council subcommittee to schedule a public town hall meeting should a signed commitment be reached with the land owner. Councilman Fraser seconded that motion and the motion was unanimously approved.

VILLAGES OF FAIRVIEW PARKING: Hear presentation from Villages of Fairview regarding parking and traffic issues and take any necessary action.

Mrs. Couch stated that town staff met with homeowners of the Villages of Fairview to discuss the narrow streets and the ongoing problem with on-street parking, as well as issues with emergency vehicles. She indicated that the town actively enforces the 'no parking' signs that are currently within the neighborhood. The homeowners would like to explore and evaluate option(s) with the council in order to find additional parking in phase II and resolve the ongoing issues.

Councilwoman Price stated that due to living in the neighborhood, she will not participate in the discussion and abstain from any voting.

Mr. Ricardo Doi, 561 Spring Meadow Drive, and Mel Chapman, 5608 Emerson Court, reviewed the history of the parking issues in the neighborhood and outlined the results of a survey taken of the residents and their concerns. Mr. Doi explained the concerns of the homeowners which include safety, life restriction issues, and the possibility of affecting their property values.

Mr. Doi and Chapman stated their request is for the town to help with alternate parking by assisting with the design, materials, labor and construction, while the HOA would provide any adjustments to the landscaping. Mr. Doi and Chapman requested council to consider contributing financially to this plan for providing additional parking within their neighborhood.

Council discussed reasoning behind the parking situation within the neighborhood and the need to find a solution. Council discussed the addition of parking spaces and how many would make sense, as well as the use of the 'no parking' signs. The council expressed their concern regarding public safety and that improving the problem was a valid town expense. The council also discussed the possibility of a Public Improvement District (PID), but came to an agreement that it was unfair to pass the cost along to the homeowners within this neighborhood. It was pointed out that the HOA would have to dedicate easements to the town in order for any off street parking to be added.

Councilman Fraser made a motion requesting town staff to prepare a parking and traffic design working with the HOA to maximize the number of spaces that could be added, in accordance with the concepts discussed, with the understanding that the town would bear the expense of constructing the parking; to include striping the no parking areas in red to indicate where parking is not allowed and shifting no parking areas to gain additional spaces; and to consider the addition of 'no outlet' signs if appropriate. Councilman Cunningham seconded that motion, and the motion passes with a 6-0 vote. Councilwoman Price abstained.

CUP 833 DEWBERRY LANE: Conduct a public hearing and take any necessary action on a request for approval of an ordinance granting Conditional Use Permit (CU) Zoning in order to allow for a sports court on a property that is zoned One-acre Ranch Estate (RE-1) and is specifically located at 833 Dewberry Lane, being Lot 3, Block B of the Tranquility Farms subdivision.

Mr. Schmidt stated that the subject property is 1.054 acres in size and currently zoned One-Acre Ranch Estate (RE-1). The subject property is within the Tranquility Farms subdivision. Mr. Schmidt stated the applicant, Mr. Greg Alford is applying on behalf of the homeowners and is requesting to construct a sports court that is 27'x55' and will have one basketball hoop, no lighting, and evergreen in color. The construction of the sports court will not exceed the town's impervious surface requirements of 25%. Mr. Schmidt stated that at the January Planning and Zoning Commission meeting, the commissioners requested a line-of-sight analysis for additional screening. The applicant performed the requested analysis and was able to demonstrate that the screening hedge would provide adequate screening. Town staff received five letters in support and four in opposition to this request. The Heritage Ranch HOA requested additional landscaping and a removable basketball hoop. Mr. Schmidt recommended approval for the construction of a sports court as submitted.

Greg Alford, applicant, stated that they have met all requirements by the town, received approval from the neighbors, and the Planning and Zoning Commission. Mr. Alford requested approval as submitted.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to council. Councilwoman Price asked what size the court will be and if it is standard size. Mr. Schmidt replied that it is not a full size sports court; it will be approximately 1500 square feet, which is half of the size of a regulation court.

Councilwoman Price made a motion to approve the Conditional Use Permit for construction of a sports court as submitted. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

REZONING 6.256 ACRES STODDARD/FM 1378: Conduct a public hearing, consider, and take any necessary action on a request for approval of an ordinance granting One-and One Half-acre Ranch Estate (RE-1.5) Zoning for a 6.256-acre portion of a tract of land that is approximately 22.928 acres, zoned Three-acre Ranch Estate (RE-3) and is generally located at the southeast corner of Stoddard Road and Country Club Road.

Mr. Schmidt stated that due to a scheduling conflict, Mr. Kelly could not be in attendance and has requested that the review of this item be postponed to the April council meeting. Mr. Schmidt requested council to open the public hearing and leave the hearing open until the next regular meeting in April.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was left open.

Councilman Kasian made a motion to continue the public hearing of this rezoning request until the next regular meeting. Councilman Fraser seconded that motion and the motion was unanimously approved.

AVERAGE DENSITY PLANNED CENTER DEVELOPMENT POLICY: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02, Division 11 (Planned Center Zone), in order to establish additional requirements and guidelines for Planned Center (PC) zoning requests.

Mr. Schmidt stated that the Planning and Zoning Commission and council have both reviewed and provided input for this policy. Mr. Schmidt stated that at the February, 2013 commission meeting, the commissioner's recommended approval without any conditions. Therefore, staff recommends approval as submitted.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to council. Councilman Kasian stated that is the ordinance was very well put together, that it has safeguards in place to help regulate the uses and that he was in favor of the change.

Councilman Fraser stated that it maintains the vision of the town while allowing flexibility; therefore, he was in favor.

Mayor Pro Tem Lessner stated that his concern all long was maintaining the same lot density while allowing flexibility and that he was also in favor of the change.

Councilman Culbertson agreed with Council members Fraser and Lessner and asked if there were any parcels of property within the town where this change would be applicable. Mr. Schmidt responded that there are a few undeveloped tracts left within the town where this amendment could be considered in the development of those parcels.

Councilman Kasian requested to include the word 'maintaining' under section 14.02.459 (c)(1), so that is reads 'installing/constructing/establishing/maintaining'.

Councilman Kasian made a motion to approve amending the Planned Center (PC) zoning district in order to establish the town's Average Density (AD) development policy and to include the word 'maintaining' under section 14.02.459 (c)(1), so that is reads 'installing/constructing/establishing/maintaining'. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

AVERAGE DENSITY POLICY PLANNED DEVELOPMENT: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02, Division 13 (Planned Development Zone), in order to establish additional requirements and guidelines for Planned Development (PD) zoning requests.

Mr. Schmidt indicated that this request is the same as the previous item and would amend the Planned District (PD) zoning district. The PD district is differentiated from the PC district in that there is a minimum area requirement that ranges from 250 to 500 acres in areas of low-density residential development. He indicated that while it is unlikely to be used given the state of development in the town, the amendment would provide consistency in the town's policy.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to the council. No comments were made.

Councilman Fraser made a motion to approve amending the Planned Development (PD) zoning district in order to establish the town's Average Density (AD) development policy and to include the word 'maintaining' under section 14.02.625 (c)(1), so that is reads 'installing/constructing/establishing/maintaining'. Councilwoman Price seconded that motion and the motion was unanimously approved.

DEVELOPER'S AGREEMENT ROBERTS SECOND ADDITION: Discuss, consider, and take any necessary action on a request for approval of a Developer's Agreement governing the development of a 5.09 acre tract of land situated in the Calvin Boles Survey – Abstract No. 28, that is zoned Two-acre Ranch Estate (RE-2) and is generally located north of Stacy Road and 2,000 feet west of Orr Road.

Mr. Schmidt stated that this developer's agreement is necessary due to development issues that exist on this property. Some of the acknowledgements/requirements within the proposed agreement include an acknowledgement and agreement by the applicant that until improvements are made to the water system the applicant may not hold the town responsible for any property damage; requirements to acquire all necessary easements and dedication of required ROW; requirements to construct an emergency access drive and installation of a fire hydrant; and, requirements to install sprinkler systems to serve each primary residential structure. Mr. Schmidt stated that while there is minor risk associated with the development of this property, staff is confident that the provisions of the developer's agreement mitigate that risk. Therefore, recommend approval as submitted.

Councilman Kasian made a motion to approve the Developer's Agreement for the Roberts Second Addition. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

FINAL PLAT ROBERTS SECOND ADDITION: Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 5.09 acre tract of land situated in the Calvin Boles Survey – Abstract No. 28, that is zoned Two-acre Ranch Estate (RE-2) and is generally located north of Stacy Road and 2,000 feet west of Orr Road.

Mr. Schmidt stated that the owner of this subject property is proposing to create two lots that fully conform to the RE-2 Zoning District. This subdivision will create a 2.287 acre lot, a 2.789 acre lot, and 0.018 acres of public ROW adjacent to Stacy Road. Mr. Schmidt stated that with the approval of the Developer's Agreement, the applicant has acknowledged the emergency services and water utility provision issues that exist on the property. Upon staff's request, the applicant has submitted construction plans the depict location of the required emergency access drive and water utility infrastructure, as well as a landscape plan that has no additional conditions placed on the applicant. Upon the recommendation from the Parks Advisory Board, the applicant will be submitting cash in lieu of land for the park dedication requirements in the amount of $2,244. Mr. Schmidt stated the Planning and Zoning

Commission unanimously recommended approval. Therefore, staff recommends approval of this Final Plat.

Councilman Cunningham made a motion to approve a Final Plat for the Roberts Second Addition. Councilman Culbertson seconded that motion and the motion was unanimously approved.

FINAL PLAT FAIRVIEW RANCH ESTATES: Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 16.835 acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, that is zoned Planned Center (PC), and is generally located at the southwest corner of Hart Road and Country Club Road.

Mr. Schmidt stated that this Final Plat for the proposed development will provide for two additional public streets, as well as linking an 8" water main to eliminate maintenance issues. A tree removal plan has been submitted that identifies existing trees that would need to be removed. The applicant has located the lots, pad sites, ROW, and easements in a manner that seeks to preserve trees, but due to a few lots being heavily treed, some trees will need to be removed in order to build. Mr. Schmidt stated that the applicant also submitted a sign plan for town monument signs. The signs will have no lighting, but the staff's concern is the landscaping associated with the signs. The applicant desires not to pass on maintenance cost to the HOA and is requesting that no landscaping be required with the signs, but staff recommends that there should be landscaping included. Upon recommendation of the Parks Advisory Board, the applicant will pay cash in lieu of land for the park dedication requirements. Mr. Schmidt stated that town staff recommends approval of the Final plat for Fairview Ranch Estates conditioned upon the adoption of council recommendations for the subdivision entryway features.

Council discussed various options regarding the landscaping to the monument signs. The council requested staff to work with the developer and to place a note on the Landscape Plan that if vegetation dies that it must be replaced.

Council member Price made a motion to approve a Final Plat for the Fairview Ranch Estates Addition with the provision that town staff approve a landscape plan with the median signage with provisions added to the landscape plan that the median would be maintained by the HOA; and that necessary documents be provided, to be approved by the town attorney, ensuring such action. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

TOWN'S STRATEGIC PLAN: Discuss and consider draft Town Strategic Plan and take any necessary action.

Mrs. Couch stated that council received a draft of the 2013 Strategic Plan with the initiatives as discussed at the retreat. The initiatives are broken down into six Focus

Areas and outline items including the CIP and Planning updates. Some of these initiatives will be achievable in a short time frame, while others will take some time to complete. Mrs. Couch recommended council to approve or amend the plan as presented.

Councilman Culbertson made a motion to approve the 2013 Strategic Plan as submitted. Councilman Fraser seconded that motion and the motion was unanimously approved.

LOT COVERAGE REQUIREMENTS: Discuss and consider recommendations regarding the town's current lot coverage requirements for residential under the zoning ordinance and take any necessary action.

Ms. Gregory stated that the town currently does not require permits for flat work, but that a driveway and other flat work is included within the town's 25% impervious cover requirement. Upon researching other cities, the majority of other cities only consider buildings and/or structures within their lot coverage calculation and only one out of nine added driveways into their calculation. Ms. Gregory stated that the town has the option to begin permitting flat work, but that it would require educating the public, could result in a potential increase in staff since the town would be responsible for inspections and permitting, and the engineering/surveying fees would be added to construction costs for residents. Ms. Gregory asked council to consider leaving the 25% impervious cover for buildings/structures only and to remove flatwork for the total lot coverage percentage.

The council discussed ways this would and would not be abused and if adjusting the percentage would seem sensible...

Mayor Israeloff suggested increasing the maximum amount to 40%, which would include flatwork. Staff agreed that 40-45 % would be appropriate.

The consensus of council was to leave the impervious cover requirement as is within the town's ordinance, but changing the One-Acre Ranch Estate lots (RE-1) to 45% and the Two-Acre Ranch Estate lots (RE-2) to 40%. Staff will proceed with amendments to the zoning ordinance.

BUDGET UPDATE:

Mr. Wilbourn presented the council with a mid-fiscal year budget report. The report touched on the town's revenues and expenditures. Revenues are projected to stay within the current budget and expenditures are projected to stay within budget at the conclusion of the second quarter.

POLICE DEPARTMENT ANNUAL REPORT:

Chief Tolliver presented his annual overview of the department including the state-required racial profiling report. Chief Tolliver indicated that the data for the racial profiling report was compiled from traffic stops made between January 1, 2012 and December 31, 2012. The final analysis reveals no concern of racial profiling action on the part of the Fairview Police Department officers.

Chief Tolliver also provided comparisons from 2011 to 2012. The police incident activity reflects a 3.2% increase in actual calls for police service; less than 1% increase in citations issued; and an increase in custody arrests by 8.5%. The town continues to provide an SRO officer at Sloan Creek Middle School during the school year, which shares the cost with LISD. Chief Tolliver also indicated that the town's warrant officer has been able to collect additional monies for the town by clearing a total of 610 warrants in 2012 resulting in a grand total of $137,660.00 monies collected.

TOWN ELECTION UPDATE:

Mrs. Couch provided council with an update regarding election dates relevant to council. Mrs. Couch indicated that once the election is held and the council can canvass; it only requires two people. If the council desires to have a special meeting they may do so or designate two to three people.

Councilman Kasian, Fraser, and Lessner volunteered to meet to canvass the election once the election is final.

BOARDS/COMMISSIONS: Discuss Boards and Commissions and take any necessary action.

Mayor Pro Tem Lessner stated that due to the Technology Advisory Committee having difficulty getting a quorum due to vacancies, the subcommittee has reviewed applications of residents who have expressed interest in serving on this board.

Mayor Pro Tem Lessner nominated Roger Boivin and Darryl Besemer to the Technology Advisory Committee with their terms expiring in 2014. Councilwoman Price seconded the nomination and it 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.

Mrs. Couch stated that council will receive an updated project tracking report at their next meeting.

Council requested staff to research other municipalities and their placement of citizens input section(s) in the council meeting agendas.

Mayor Pro Tem Lessner stated the Allen Philharmonic Chorus will be performing on April 27th at the Performing Arts Center at the Allen High School.

Mayor Israeloff adjourned the meeting at 10:55 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW