TOWN COUNCIL
MEETING MINUTES
April 2, 2013

The Town Council met in regular session on Tuesday, April 2, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members John Fraser, Jim Cunningham, Ron Kasian, Henry Lessner, , 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 to consult with legal counsel regarding pending or contemplated litigation, real property and personnel matters.

At 7:38 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.

RECOGNITIONS: Recognize Officer Ricardo Hernandez and Officer Rachel Warner Sanchez.

Ms. Lewis Sirianni swore in Officer's Hernandez and Sanchez to the town's Police Department.

Chief Tolliver congratulated and presented the newly sworn in officers with their badges, pins, and hats.

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 be considered separately. A) Approve minutes of the March 5, 2013 regular council meeting. B) Approve a drainage easement on Lot1R, Block B of the Village at Fairview subdivision.

Councilman Culbertson made a motion to approve items A and B. Councilman Kasian seconded that motion and the motion was unanimously approved.

PRESENTATION: Hear presentation from Christian Kelly regarding Eagle Scout Project.

Christian Kelly, local Boy Scout, presented the council with a plague that goes along with a flag disposal drop box that he designed and constructed and provided to the town as part of his Eagle Scout project.

Mr. Dunlap commented that the flag disposal drop box will be located at Fire Station #1.

PRESENTATION: Hear presentation form GCEC.

Mr. Mike McGinnis, GCEC, provided council with an update regarding recent happenings as well as current activities since his last update. Mr. McGinnis provided information regarding the Parker and North Allen sub-stations including the amount of outages and cause of outages. Mr. McGinnis described certain advancements GCEC has made in their system.

Mayor Israeloff asked if they had new plans for any efficiency programs. Mr. McGinnis responded that most rebates are funded by the state, so they do not currently have a price structure for them, but they are trying a product.

CUP 530 KENTUCKY LANE: Conduct a public hearing, consider, and take any necessary action on a request for approval of an ordinance for a Conditional Use Permit (CU) Zoning in order to allow for an accessory building on a property that is zoned Planned Center (PC) and is specifically located at 530 Kentucky Lane, being Lot 21 of the Blue Grass Farms subdivision.

Mr. Schmidt stated that the subject property is 2.01 acres in size and zoned Planned Center (PC). The applicant, Mr. Schepers is requesting to build a 2,100 square foot metal barn on his property to provide for storage of his RV and a workshop. In order to construct, the applicant asked for the following variations: An encroachment into the setback of the property line, which was denied by the Zoning Board of Adjustments, exceeding the 1,800 square footprint requirement(s) for an accessory building, and providing a roof pitch that does not match the roof pitch of the primary structure. Mr. Schmidt stated that the Site Plan submitted by the applicant displays the structure to face north with additional driveway, and also adheres to the town's setback requirements. The Planning and Zoning Commission recommended approval of the reduced roof pitch and denial of the size increase. Mr. Schmidt stated the applicant communicated that he does not want to provide additional landscaping due to the financial burden and feels the structure is already substantially screened with existing vegetation. Mr. Schmidt stated that many of the Heritage Ranch subdivision had initially been opposed to request due to the landscaping and orientation of the structure. The berm that separates the subdivision with Mr. Schepers has had trees die, which have been replaced with smaller trees, but leaving spots that are less screened. Mr. Schmidt stated that the town staff recommends approval of the accessory structure with a reduced roof pitch.

Mayor Israeloff opened the public hearing.

Ron Samuels, 949 Scenic Ranch, stated that he talked with several neighbors within the Heritage Ranch subdivision and the initial opposition was due to lack of foliage along the berm. Mr. Samuels stated that the neighbors have no issue with the extra 300 square feet since it faces the applicant's house.

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

The council discussed the additional square footage requested by the applicant and location requested by applicant versus initial location and orientation of the structure. The council all agreed that the reduced roof pitch would be more appealing.

Councilman Culbertson made a motion to approve the Conditional Use Permit for the installation of an accessory structure being 2,100 square foot in size and with a reduced roof pitch. Councilman Kasian seconded that motion. The motion passed with a six to one (6-1) vote. Councilman Cunningham opposed.

REZONING 6.256 ACRES KELLY PROPERTY: Continue 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, zone 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 the subject property currently contains one single-family residence and various accessory structures at the rear of the property. The subject was voluntarily annexed in June, 2000 and was zoned Three Acre Ranch Estate (RE-3), which are a minimum of lots two acres in size or larger. Mr. Schmidt stated that the applicant, Mr. Bruce Kelly is requesting a zoning change to One and One Half Acre (RE-1.5) for 6.256± acre portion of his property, which would be to provide for four future lots, which would conform to the RE-1.5 zoning district while the remainder of the lot would conform to the RE-3 zoning district. Mr. Schmidt indicated that if the property were to redevelop, there would be no negligible impact on the existing site, and no additional right-of-way would need to be acquired. The adjacent properties are also developed in a manner that is not consistent with the current zoning prescribed for the applicant's property. Mr. Schmidt stated that the Planning and Zoning Commission recommended denial without prejudice. They expressed that the applicant's request was consistent with the zoning and existing development, but since it is not what the town's Future Land Use

Plan calls for, they were not comfortable with recommending approval of a zoning change that does not conform to the plan.

Mayor Israeloff continued the public hearing.

Bruce Kelley, applicant and property owner, stated that he feels the zoning of his property is inconsistent with what has transpired over the last thirteen years and would like council to consider the current situation. Mr. Kelley stated that he would like council to consider the request to rezone a portion of his lot to RE-1.5 in order to develop four lots.

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

Mayor Israeloff asked Mr. Kelley if he had thoughts on RE-2 zoning. Mr. Kelly responded that he feels that zoning would still be inconsistent. Mr. Kelley commented that he respects keeping low density and if the west side of Stoddard Road had developed differently he probably would be requesting something different.

Councilman Culbertson asked Mr. Kelley if he had any plans with remaining 16 acres and if he wanted to keep it zoned RE-3. Mr. Kelley stated that the advantage would be to have his whole property zoned RE-1.5, but as long as he continues to live in the residence, he will remain there and is not sure what the future will hold.

Councilman Cunningham asked if there the setback requirements are different between RE-1.5 and RE-2. Mr. Schmidt responded that they are the same.

Mayor Israeloff commented that he would be uncomfortable with going against the Future Land Use Plan, especially with the worry being future requests. Mayor Israeloff stated that he is willing to look at the Future Land Use Plan as a whole, but would be reluctant to go below RE-2 zoning. Mayor Israeloff suggested doing a review of the Future Land Use Plan and looking at a larger scale view. Councilman Kasian commented that the plan should be reevaluated before zoning Mr. Kelley's property.

Councilman Fraser made a motion to deny without prejudice the zoning change request. Councilman Kasian seconded that motion and the motion was unanimously approved.

MINOR AMENDMENT TO REMINGTON PARK DEVELOPMENT PLAN: Discuss, consider, and take any necessary action on a request for approval of a minor amendment to a Development Plan for a 33.28 acre tract of land situated in the Calvin Boles Survey, Abstract No. 28, that is zoned Planned Center (PC), and is generally located south of Stacy Road and 200 west of Orr Road.

Mr. Schmidt stated that the purpose of this minor amendment is to modify the development plan to reflect changes to the applicant's parkland dedication to the town, to establish an additional common area lot between Lots 7 & 8, and a parkland dedication at the southeast corner of the subdivision. Mr. Schmidt stated that the trail development options of using decomposed granite versus concrete went before the Park Board and they recommended the best solution was to use concrete, which would be maintained by the town and the option would be included within the Developer's Agreement.

Councilman Culbertson made a motion to approve the minor amendment as submitted with using concrete only for the trail. Councilwoman Price seconded that motion and the motion was unanimously approved.

DEVELOPER'S AGREEMENT REMINGTON PARK: Discuss, consider, and take any necessary action on a request for approval of a Developer's Agreement for a 33.28-acre tract of land situated in the Calvin Boles Survey, Abstract No. 28.

Mr. Chancellor stated that the developer's agreement will establish the developer's and town's responsibilities for the construction of this subdivision. The impact fees and park dedication requirements are included along with trail plan specifying the use of concrete for the trails. He indicated that the agreement provides for the extension of water lines to the property and an allocation of the cost. The staff also intends to bring a pro-rata ordinance to the council to provide for reimbursements of some of the town cost as private property develops adjacent to this new water main.

Mayor Pro Tem Lessner made a motion to approve the Developer's Agreement for a 33.28 acre tract of land. Councilman Fraser seconded that motion and the motion was unanimously approved.

FINAL PLAT REMINTON PARK: Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 33.28 acre tract of land situated in the Calvin Boles Survey-Abstract No. 28, that is zoned Planned Center (PC), and is generally located south of Stacy Road and 200 feet west of Orr Road.

Mr. Schmidt stated that the Final Plat application provides for 15 single-family residential lots, two common area lots, and one lot that is to be dedicated to the town in order to allow for the future extension of the town's trail plan. The addition will provide for numerous easements, two additional public streets, and the applicant is dedicating right-of-way within and adjacent to Stacy Road. Mr. Schmidt recommended approval of a Final Plat for the Remington Addition.

Councilman Kasian made a motion to approve the Final Plat for the Remington Addition. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

EMERGENCY ACCESS EASTMENT: Consider and take any necessary action regarding property owners' letter of intent concerning emergency access easement and public pedestrian access easement between Meandering Way and Creekwood North.

Mayor Israeloff stated that the town received a letter of intent regarding the public access way and are continuing the process with a town hall meeting in the future.

No action taken.

WEST NILE VIRUS PREPAREDNESS: Discuss and consider a mosquito control plan and contract and take any necessary action.

Mr. Dunlap stated that most counties and surrounding municipalities are being proactive this year. As a result, proactive programs include public education, mosquito surveillance, and larvaciding. Mr. Dunlap stated that he researched several options and the better option resulted in looking for a third party source that has expertise and could manage a program. Two companies were researched. He reported on the evaluation of services and staff recommendations to use a full service from Municipal Mosquito. Mr. Dunlap stated that the cost will be roughly $18,700. A representative from Municipal Mosquito was in attendance to answer any questions.

Councilman Culbertson asked if there was different treatment if the virus is prevalent and how is it located. Mike Swan, representative with Municipal Mosquito responded that they test various possible breeding sites until they can zero in on an area. There are different levels of treatment based on results, but they use natural/organic products such as mineral oils. Mr. Swan stated that they would treat town owned land such as ponds, storm sewers, areas with standing water, parks, creeks, etc.

Councilman Fraser asked how many confirmed cases were found last year and if there was citizen concern from the town last year regarding a push to facilitate treatment. Mrs. Couch responded that there were two confirmed cases within Fairview, but they do not know where they originated.

After considerable discussion and questions from Councilmembers Mayor Pro Tem Lessner made a motion to authorize staff to enter into an agreement with Municipal Mosquito for 2013 Mosquito testing and prevention. Councilwoman Price seconded that motion. The motion passed with a 5-2 vote. Councilmen Cunningham and Fraser were opposed.

TOWN HALL GRASS: Discuss and consider the installation of additional grass and irrigation at Town Hall and take any necessary action.

Mr. Dunlap stated that when town hall was built, grass was not put all the way to the property line. With Noah's opening in May, there will be a strip of land that has weeds and is not irrigated. Two out of the three companies asked gave the town price quotes for putting down sod and irrigating the land that is between town hall and Noah's. One quote came from Hadden Landscaping who did the original landscaping and the second quote came from Greener Pastures. Mr. Dunlap stated that Greener Pastures came in with the lowest quote per square foot at $1.030 versus $1.255 per square foot from Hadden Landscaping. Mr. Dunlap stated while this is an unbudgeted expense, the Community Development Funds can be used for this project.

Councilman Kasian made a motion to approve staff to authorize staff to enter into an agreement with Greener Pastures for landscaping and irrigation totaling $8,348.91. Councilwoman Price seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

Bruce Kelley, 800 Country Club Road, asked what the timeframe would be in updating the Future Land Use Plan. Ms. Couch responded it would be a six to nine month process starting in April-May with a completion sometime in the first quarter of next year.

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

Mr. Dunlap stated that the town's half marathon is Saturday, April 6th with almost 1,000 runners. Mayor Israeloff suggested stick signs to notify residents of event as well as an email blast.

Mrs. Couch recognized the Public Works Department for helping a lady in a wheel chair that was causing traffic issues along Highway 5 by going into incoming traffic. The department was able to secure her safety until public safety could arrive.

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

Mayor Israeloff adjourned the meeting at 10:16 p.m.

Sim Israeloff

SIM ISRAELOFF, MAYOR

ATTEST:

TOWN OF FAIRVIEW

Michelle Lewis Sirianni

Michelle Lewis Sirianni, Town Secretary