TOWN COUNCIL
MEETING MINUTES
August 6, 2013

The Town Council met in regular session on Tuesday, August 6, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Ron Samuels, Jim Cunningham, Frank O'Reilly, Henry Lessner, Paul Hendricks and Mary Price; Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer In Training, Danielle Gregory; Economic 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 Culbertson called the meeting to order at 6:30 p.m. and declared a quorum was present.

The council then adjourned into executive session at 6:31 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, and real property.

At 8:10 p.m. Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

ELECTING MAYOR PRO TEM:

Councilman O'Reilly nominated Henry Lessner. No further nominations were made.

Councilman O'Reilly made a motion to appoint Henry Lessner to Mayor Pro Tem. Councilman Samuels seconded that motion and the motion was unanimously approved. Mayor Pro Tem Lessner abstained from the vote.

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 July 2, 2013 regular council meeting.

Councilman Hendricks made a motion to approve item A. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

430 S. HWY 5 – AMEND PC DISTRICT: Conduct a public hearing, consider, and take any necessary action on an ordinance amending the Planned Center Zoning District for 430 S. State Highway 5, a 0.5-acre property specifically defined as Lot 1, LA Caldwells Dreamland Addition – 1st Installment, in order to add boutique retail as a permitted use.

Mr. Schmidt stated that Mr. Robert Camacho is applying for Kim-Loan McDuffie, current Fairview resident. The purpose of this application is to amend the permitted uses and update the development plan and development standards for the existing Planned Center Zoning District. Mr. Schmidt stated that the applicant is proposing to utilize the existing structure on the subject property in order to provide office space for client-based clothing and accessories business and a sales office for a custom made-to-order furnishings business. Mrs. McDuffie would utilize 40% of the 1,700 SF building for her clothing and accessories business. The business caters to clients who do not have time to shop; therefore, Mrs. McDuffie's work is done primarily offsite and appointment-based. She takes her goods to clients, thereby will minimize the amount of traffic generated. The remaining 60% of the existing structure would be used as a sales office for a custom made-to-order furnishings business. The space is primarily used as a pick-up point for local customers and a place to conduct transactions; therefore, again, the traffic generated would be minimal. Mr. Schmidt stated the applicant has met all the requirements for this request including parking spaces and landscaping. Mr. Schmidt stated that he received four responses with three opposing and one in favor of this request. The Planning and Zoning Commission unanimously recommended approval at their July meeting. Staff recommends approval.

Mayor Culbertson opened the public hearing.

Mrs. McDuffie, owner, stated that she needed a small place to put her business and this was a perfect location. She stated that everything will be in compliance with the town's requirements.

Robert Camacho, applicant, stated that since April 2013, he has received various inquiries regarding this property with proposals to use this space as a band rehearsal space, a candy store, daycare, a restaurant, a church, a landscape/flooring/roofing company, and a medical facility. Mr. Camacho stated that his client's proposed use is low impact and the use will be invisible to residents. Mr. Camacho added that his clients have a strong willingness to meet the town's requirements.

Leland Payne, 398 Park Village, stated that his concern his if the use would change overtime and if there are signage restrictions. Mr. Schmidt responded that the signage requirements will be the same as in the Commercial Planned Development District.

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

Councilman Samuels and Mayor Pro Tem Lessner believe that the paved surface area should be minimized.

Councilman Samuels made a motion to approve an ordinance amending the 430 S. State Hwy 5 Planned Center District in order to add boutique retail as a permitted use and update the development plan and development standards for the district conditioned upon staff working with the applicant to meet the minimum parking space while minimizing the use of the paved surface area. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

AMENDING TREE BOARD REQUIREMENTS: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 3 (Building Regulations), Article 3.15 (Natural Resources Management and Tree Protection), Section 3.15.104 (Tree Board) in order to amend the meeting requirements for the Tree Board.

Mr. Schmidt stated that the town's Tree Board is currently served by the members of the Planning and Zoning Commission. The Tree Board is currently required by ordinance to meet four times annually. When tree protection issues do come up, the landscape administrator, commission, or town council could then request the tree board to address those issues accordingly. As a result, staff is requesting that the meeting schedule be amended to require at least one meeting per calendar year, with any additional meetings at the request of the landscape administrator.

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

Mayor Culbertson opened discussion to council. No comments were made.

Councilman Hendricks made a motion to approvethe ordinance reducing the number of mandatory tree board meetings. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

PRELIMINARY PLAT 1036 HART ROAD: Discuss, consider, and take any necessary action on a request for approval of a Preliminary Plat for a 3.00± acre tract of land situated in the Samuel Sloan Survey- Abstract No. 28, that is zoned One-and-One-Half- Acre Ranch Estate (RE-1.5) and is generally located 1,600 feet south of Hart Road and east of the Oakwood Estates subdivision.

Mr. Schmidt stated the owner and applicant is Mr. Pat Hickey. Mr. Hickey would like to subdivide his 3.0 acre property into two 1.5 acre lots. The property is currently zoned RE-1.5; therefore the lots would conform to the use and are requirements of the RE-1.5 zoning district. Mr. Hickey would like to subdivide his property in order to build a house for his daughter. Mr. Schmidt indicated that due to access and water utility issues on the property, the subject property does not conform to the subdivision regulations or zoning ordinance. Mr. Schmidt stated that much like other properties the council has seen in recent months having similar emergency access and water utility shortcomings, the town will require Mr. Hickey to enter into a developer's agreement with the town in order to mitigate the risk associated with these conditions, and will continue to work with the applicant in regards to the developer's agreement; staff recommends approval.

Mr. Hickey, applicant and owner stated his only request is that council provides latitude if anything changes down the road within the developer's agreement.

Councilwoman Price made a motion to approve a Preliminary Plat for a 3.0 acre tract of land known as the Hickey addition. Councilman Cunningham seconded that motion. The motion passes with a 6-1 vote. Councilman O'Reilly opposed.

CONCEPT/PRELIMINARY PLANS: Receive a report from staff on the status of existing Concept Plans and Preliminary Development Plans throughout the town.

Mr. Schmidt updated the council on the following plans addressing the property history, the current expiration date, and feasibility of each plan.

- Fairview Concept Plan – initially approved in January, 2003 and expiring in January, 2015 consisting of 224 acres for multi-family units, office and retail space, 20 acres of open public space, and DART transit station. The plan is currently being marketed to developers.
- Sakar Concept Plan – initially approved in March, 2005 and expiring in March, 2017 consisting of 11.39 acres for mixed-use structures that consist of office, retail, and townhome uses. The plan is currently being marketed to developers and applications. .

- Kharrat Concept Plan – initially approved in September, 2004 and expiring in September, 2016 with an SUP existing until revoked by the town. The plan consists of 7.39 acres for mixed-use structures that consist of office, retail, and townhome uses. The SUP approved a 1.5 acre tree farm/greenhouse complex in the NE corner of the land. The plan is currently being marketed to developers and applications.

- CW Kendall Concept Plan – initially approved in November, 2001 and expiring in October, 2015. A Major Amendment was approved in October, 2009 and a Minor Amendment in May, 2012. The plan accommodates for 36 townhomes on a 6.5 acre tract.

- Residence Inn Concept Plan – initially approved in June, 2013 and expiring in June, 2016. The plan consists of 2.76 acres and accommodates for a 119 room extended stay hotel. The developer intends to construct this facility in 2016.

- Davis Development Concept Plan – initially approved in July, 2013 and expiring in July, 2016. The plan consists of 24.4 acres and accommodates for 267 multi-family units. The developer intends to begin construction in early 2014.

STREET IMPROVEMENT PROGRAM: Discuss street improvement program, including Town's participation in Stacy Road widening and take any necessary action.

Mr. Chancellor presented council with options in terms of funding for the road projects. He indicated that staff is asking council to provide direction as to the level of street improvements to be funded.

The council discussed the package options provided by staff including life expectancy once the improvements are done, maintenance on the streets, the asphalt versus concrete streets, and affect concerning the interest rates, as well as the impact on the water rates.

Mayor Pro Tem Lessner made a motion to approve the complete bid package cost of 3.7 million, which includes street improvements and the town's participation in the Stacy Road widening. Councilman Samuels seconded that motion, and the motion was unanimously approved.

CERTIFICATES OF OBLIGATION: Consider a resolution directing publication of notice of intention to issue certificates of obligation; and resolving other matters relating to the subject.

Mrs. Couch stated that once initiated, the debt will be issued in October. She indicated that staff was recommending that the debt be issued over a 15 year period.

Mayor Pro Tem Lessner made a motion to approve a resolution directing publication of notice of intent to issue certificates of obligation. Councilman Samuels seconded that motion, and the motion was unanimously approved.

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

No action taken.

COMMUNITY EVENTS COMMITTEE: Discuss creating an ad hoc committee to create community event(s), and take any necessary action.

Mrs. Couch stated that the council had requested discussing the creation of an ad hoc committee to create community events. Mrs. Couch suggested council consider the scope of the committee, what they will develop, placing a time certain for completion of the scope of work, and number of members that should be on the committee.

Mayor Culbertson stated his thoughts were that the committee would be resident led with council providing direction for them with staff recommendations. Starting around September or October and finishing up by March or April of next year.

Councilman Samuels stated that in his opinion, assigning tasks will not work, and that they need to find ways to generate more traffic into the center.

Councilman O'Reilly suggested using members of the subdivision HOA boards as participants.

Councilwoman Price stated they should get the word out to see who is interested.

The council asked staff to bring back a resolution creating the committee at the next meeting. No formal action taken.

2013-2014 ANNUAL BUDGET: Discuss 2013-2014 annual budget and take any necessary action.

Mrs. Couch provided council with an update along with the revisions based on council's feedback from the budget worksession in order to confirm all changes had been made as requested.

CITIZENS INPUT:

No comments were made.

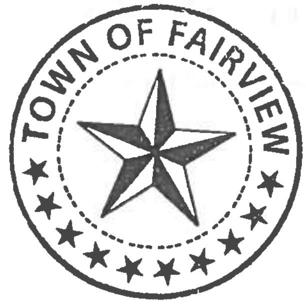
REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Mr. Dunlap stated there is a social run on Thursday, August 8th at 7:00 p.m. meeting at Fairview Down Under since there is a P&Z meeting that night in Town Hall.

Mayor Culbertson adjourned the meeting at 11:06 p.m.

DARION CULBERTSON, MAYOR

ATTEST:



Michelle Lewis Sirianni, Town Secretary