

**TOWN COUNCIL
MEETING MINUTES
MARCH 5, 2024**

The Town Council met in regular session on Tuesday, March 5, 2024, at 6:00 p.m. at 372 Town Place, Fairview, Texas.

Council Present: Mayor Henry Lessner, Mayor Pro Tem John Hubbard, and Councilmembers Rich Connelly, Gregg Custer, Larry Little, and Ken Logsdon.

Council Absent: Councilmember Ricardo Doi

Planning & Zoning Commissioners Present: Eugene Borsattino.

Staff present included Town Manager, Julie Couch; Assistant Town Manager Adam Wilbourn; Town Attorney, Clark McCoy; Town Engineer, James Chancellor; Planning Manager, Israel Roberts; Fire Chief, Jeff Bell; Police Chief, Chris Chandler; CFO Steven Ventura; HR Director Whitney Casey; Communications and Marketing Manager, Karin Anderson; Economic Development Manager, Dave Quinn; and Town Secretary, Joshua Stevenson.

Mayor Lessner called the meeting to order at 6:00 p.m. and declared a quorum was present.

Councilmembers Logsdon was not present when the meeting was called to order. The Councilmember joined the meeting during executive session.

At 6:01 p.m., the Council adjourned into executive session in accordance with the Texas Government Code:

- A. **Section 551.071 – to consult with legal counsel** regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code including CPDD development improvements, ordinances, agreements and financing; contracts for services; town property and infrastructure; administrative matters; drainage matters; town regulations; transportation matters; state law review and compliance.
- B. **Section 551.072** - discuss or deliberate the purchase, exchange, sale, lease, or value of real property, acquisition of right-of-way, easements, or land.
- C. **Section 551.074 Personnel** - appointment of members of all non-advisory boards and commissions.
- D. **Section 551.087 – to discuss or deliberate Economic Development Negotiations:** (1) To discuss or deliberate regarding commercial or financial information that the Town of Fairview has received from a business prospect that the Town seeks to have locate, stay, or expand in or near the territory of the Town of Fairview and with which the Town is conducting economic development negotiations; or (2) To deliberate the offer of a financial

or other incentive to a business prospect described by subdivision (1). Proposed commercial/retail developments.

Mayor Lessner called the regular session to order at 7:33 p.m. and invited everyone to stand for the Pledge of Allegiance and the Texas State pledge led by Cornerstone Ranch.

There were approximately sixty-six (66) members of the public present in the audience when the meeting was called to order.

PROCLAMATION – DEVELOPMENT DISABILITY MONTH:

Mayor Lessner called for the Proclamation declaring the month of March 2024 as Developmental Disability Month in the Town of Fairview.

CITIZEN COMMENT:

Mayor Lessner called for Citizen's Comments.

Dana Cook, 589 Chardonnay, spoke regarding a proposed subdivision at the corner of Highway 5 and Meandering Way.

Mark Hawes, 725 Hammond Street, Coppell, TX, spoke regarding a proposed subdivision at the corner of Highway 5 and Meandering Way.

Mayor Lessner closed citizen comments.

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.

Councilmember Custer motioned to approve the Consent agenda. Councilmember Connelly seconded, and the motion passed unanimously by the Council present.

The following Consent items were approved: 5(A) Approve the minutes of the February 6, 2024, Regular Council meeting; 5(B) Approve resolution authorizing all agreements and actions to provide for possession and use and ownership of certain real property to TxDOT; 5(C) Approve an ordinance cancelling the May 4, 2024 General Election of the Town of Fairview; 5(D) Approve a resolution authorizing continued participation with the Atmos Energy Corp. Steering Committee and payment of assessed dues for 2024; 5(E) Approve the abandonment of a utility easement in the Hickey Addition; 5(F) Approve an Interlocal Agreement for automatic aid between the Town of Fairview Fire Department and the City of Lucas Fire Department.

REPORTS FROM STAFF:

Mr. Ventura reviewed the monthly financial report for the period ending January 31, 2024. Police Chief Chandler reviewed the monthly police report for the month of February 2024. Fire Chief Bell reviewed the monthly fire report for the month of February 2024. Mr. Chancellor provided an update on Town construction projects.

PUBLIC HEARING – MAJOR WARRANTS FOR PROJECT LOCAED AT HWY 5 AND MEANDERING WAY:

Mayor Lessner introduced agenda item 7(A), Conduct a public hearing to consider, discuss, and take any necessary action on a request for approval of various Major Warrants for a proposed single-family residential subdivision. The 7.3-acre site is located at the northeast corner of Highway 5 and Meandering Way, and is zoned for the (CPDD) Commercial Planned Development District with the Urban Transition sub-district. Applicant: Jason Rose, J. Rose Architects and Planners, representing owners Kharrat Family, LP.

Mr. Roberts spoke regarding the item.

The applicant spoke regarding this item.

The Council, staff, and the applicant had discussion related to this item.

Mayor Lessner opened the public hearing.

Mauricio Dardano, 770 Meandering Way, Fairview, TX, spoke in opposition.

Randy Smith, 5145 Pond Springs Circle, Fairview, TX, spoke in favor.

Felix Gelinas, 634 Cabernet Court, Fairview, TX, spoke in opposition.

Windy Steward, 640 Cabernet Court, Fairview, TX, spoke in opposition.

Susan Wiggum, 640 Merot Court, Fairview, TX, spoke in opposition.

Ian McClain, 1104 S. Tennessee Street, McKinney, TX, in favor.

Scott Wiggum, 640 Merot Court, Fairview, TX, spoke in opposition.

Onshel Gremion, [no address given] McKinney, TX, spoke in favor.

Brian Duval, 632 Cabernet Court, Fairview, TX, spoke in opposition.

Danny Owens, 420 Rosemont Lane, Fairview, TX, spoke in opposition.

George Parker, 780 Meandering Way, Fairview, TX, spoke in opposition.

Bill Hetchpeft, 417 Rosemont, Fairview, TX, spoke in opposition.

Dick Price, 579 Meandering Way, Fairview, TX, spoke in opposition.

David Dietz, 5136 Pond Springs Circle, Fairview, TX, spoke in opposition.

Jim Rushing, 421 Varnum Way, Fairview, TX, spoke in opposition.

Donna Bell, 405 Varnum Way, Fairview, TX, spoke in opposition.

Nate McCawley, 414 Rosemont Lane, Fairview, TX, spoke in opposition.

Mayor Lessner closed the public hearing.

The Council continued discussion regarding this item.

Councilmember Custer made a motion to deny the major warrants without prejudice for a proposed single-family residential subdivision located at the northeast corner of Highway 5 and Meandering Way. Councilmember Logsdon seconded, and the motion passed unanimously by Council present.

PUBLIC HEARING – CUP FOR ACCESSORY STRUCTURE AT 1010 YOUNG TRAIL:

Mayor Lessner introduced agenda item 7(B), Conduct a public hearing to consider, discuss, and take any necessary action on a request of an ordinance granting approval of a Conditional Use Permit (CUP) for an accessory structure. The 0.88-acre lot is located at 1010 Young Trail and is zoned for a (PC) Planned Center District. Owner/Applicant: Guy Quota.

Mr. Roberts spoke regarding the item. Staff and the Planning & Zoning Commission recommended approval.

The Council and staff had discussion related to this item.

The applicant spoke regarding this item.

Mayor Lessner opened the public hearing.

No one wished to speak.

Mayor Lessner closed the public hearing.

Councilmember Little made a motion to approve the conditional use permit for an accessory structure on the subject property as presented. Councilmember Custer seconded, and the motion passed unanimously by Council present.

PUBLIC HEARING – MAJOR WARRANT – OAK STREET NURSERY:

Mayor Lessner introduced agenda item 8(C), Conduct a public hearing to consider, discuss, and take any necessary action on a request for approval of an ordinance granting a Major Warrant for the continual operation and expansion of the Oak Street Nursery. The 7.14 acre tract of land is located at 1030-1040 Hwy 5, on the east side of Hwy 5, north of Country Club and is zoned for the (CPDD) Commercial Planned Development District with the Urban Village Sub-district. Applicant: Don Paschal, Paschal Consulting representing owners CAAG Land Co, LLC (Oak Street Nursey).

Mr. Roberts spoke regarding the item. Staff and the Planning & Zoning Commission recommended approval.

The Council and staff had discussion related to this item.

The applicant spoke regarding the item.

Mayor Lessner opened the public hearing.

No one wished to speak.

Mayor Lessner closed the public hearing.

Councilmember Connelly made a motion to approve the ordinance granting the major warrant for the continual operation and expansion of the Oak Street Nursery. Councilmember Logsdon seconded, and the motion passed unanimously by Council present.

COUNCIL ACTION – PRELIMINARY REPLAT OF THE CREEKWOOD ADDITION:

Mayor Lessner recused himself from this item and did not participate in the discussion or vote.

Mayor Pro Tem Hubbard introduced agenda item 8(A), Consider, discuss and take necessary action on a request for approval of a Preliminary Replat of the Creekwood Addition. The 28.4-acre tract of land is located at the southwest corner of Stacy Road and Country Club road and is zoned for the (RE-1) One-acre Ranch Estate District. Applicant: Brock Corbett, Kimley-Horn & Associates, representing owners Creekwood United Methodist Church.

The applicant spoke regarding this item.

Mr. Roberts spoke regarding the item. Staff and the Planning & Zoning Commission recommended approval.

The Council and staff had discussion related to this item.

Councilmember Custer made a motion to approve the preliminary replat of the Creekwood Addition. Councilmember Connelly seconded, and the motion passed unanimously by Council present 5-0.

COUNCIL ACTION – BOARDS AND COMMISSION APPOINTMENT:

Mayor Lessner introduced agenda item 8(B), Consider, discuss, and take any necessary action on Board & Commission Appointments.

The Council and staff had discussion related to this item.

No action was taken.

UPDATES FROM COUNCIL AND STAFF:

Mayor Lessner called for any updates from staff or Council regarding items of community interest.

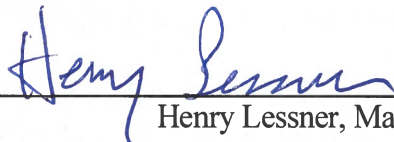
Mayor Lessner spoke regarding the Rotary Club.

ADJOURNMENT:


Mayor Lessner adjourned the meeting at 10:21 p.m.

These minutes were approved by the Town Council on April 2, 2024.

APPROVED:


Henry Lessner, Mayor

ATTEST:


Joshua Stevenson, Town Secretary
Town of Fairview, Texas