



**NOTICE OF A  
MEETING OF THE  
FAIRVIEW TOWN COUNCIL  
TOWN HALL COUNCIL CHAMBERS  
372 TOWN PLACE, FAIRVIEW, TEXAS  
TUESDAY, NOVEMBER 5, 2019  
7:30 P.M.  
AGENDA  
**\*\*RESULTS\*\*****

1. Call to Order **7:37 p.m.**
2. Pledge of Allegiance.
3. Texas Pledge
4. Citizen's Comment **Discussion Only**  
*At this time, any person may address the Council regarding an item on this meeting agenda that is not scheduled for public hearing. Also, at this time, any person may address the Council regarding an item that is not on this meeting agenda. Each person will have up to five minutes. No discussion or action may be taken at this meeting on items not listed on this agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.*
5. Appointments **Discussion Only**
  - a. Suddenlink regarding internet service in the Town.
6. Proclamations
  - a. Mayor Henry Lessner to present a proclamation declaring the week of November 17 – 25, 2019 as Homelessness Awareness Week in the Town of Fairview.
7. Consent Agenda **Approved A-D, E held over to December Council meeting**
  - a. Approve the minutes of the October 2, 2019 Regular Council meeting.
  - b. Approve the minutes of the October 23, 2019 EDC/CDC Joint meeting.
  - c. Approve an agreement with the Fulton County Volunteer Fire Department for the sale of a surplus fire engine.
  - d. Approve an ordinance approving the 2019 Tax Roll as submitted by the Collin County Tax Assessor.
  - e. Approve a resolution casting Town of Fairview ballots for nomination to the Board of Directors of the Collin County Central Appraisal District.

*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.*

8. Public Hearings

- a. Conduct a public hearing and consider approval of a request for approval of a Replat of Lot of Lot 33, Block A of the Oakwood Estates Addition, Phase 1 into two (2) lots. The 2.7-acre site is located at 451 Oakwood Trail and is zoned for the (RE-1) One-Acre Ranch Estate District. Owner/applicant: Joe and Jill Luce. **Approved**
- b. Continue a public hearing and consider approval of an ordinance on a request to rezone a 28+/- acre tract of land from the (AG) Agriculture District to a (PC) Planned Center District with the (RE-2) Two-acre Ranch Estate District design standards. The site is located on the north side of Stacy Road, west of Kentucky Lane. Applicant: Stephen DiNapoli, DiNapoli Development representing owners Marvin and Arleen Molodow. (ZA2019-04). **Continued to December regular meeting**
- c. Continue a public hearing and consider approval of an ordinance on a request to rezone an 8.2-acre site, formerly the Fairview Country Day School, from the (PC) Planned Center District to the (RE-1.5) One-and-one Half acre Ranch Estate District. The site is located at 885 Hart Road, on the north side of Hart Road, east of Stoddard Road. Applicant/Owner: Michael Pezzulli (ZA2019-05). **Denied**

9. Action/Discussion Items

- a. Consider, discuss and take any necessary action related to the Town ordinances regarding animal control regulations. **Discussion Only**
- b. Consider, discuss and take any necessary action on the approval of an ordinance related to tree pruning. **Approved**
- c. Consider, discuss and take any necessary action regarding citizen's comment. **Discussion Only**
- d. Consider, discuss and take any necessary action regarding staff reports. **Discussion Only**
- e. Discuss Boards & Commissions and take any necessary action. **Discussion Only**
- f. Consider, discuss and take any necessary action for the approval of an amendment to the Town alcohol ordinances. **Approved**

10. Reports from Staff, including any updates on project tracking reports and department activities **Discussion Only**

- a. Monthly Financial Report – Period ending September 30, 2019
- b. Quarterly Investment Report – Period ending September 30, 2019
- c. Town construction projects
- d. Fire Report

11. Receive reports from staff or the Town Council about items of community interest.

*Items of community interest include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen (but not including a change in status of a person's public office or public employment); a reminder about an upcoming event organized or sponsored by the governing body; information regarding a*

*social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.*

CLOSED SESSION (EXCEPTIONS) Under Tex. Gov't Code Chapter 551, the Town Council may enter closed session to discuss any items listed or referenced on a posted agenda notice for this meeting as necessary under the following exceptions to the Open Meetings Act under Texas Government Code:

**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; town contracts for services; Robert Bruce Kelly and Shannon Shirey Kelly vs. Town of Fairview, Case No. 380-04945-2018 in the 380<sup>th</sup> Judicial District, Collin County, Texas; Mark Edward Stoddard and Bertel Morgan Stoddard vs. Town of Fairview, Case No. 296-04944-2018 in the 296<sup>th</sup> Judicial District, Collin County, Texas.

**Section 551.072** - discuss or deliberate the purchase, exchange, sale, lease, or value of real property; acquisition of right-of-way, easements, or land.

**Section 551.074 Personnel** - appointment of members of all non-advisory boards and commissions.

**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.

*The council further reserves the right to enter into executive session at any time throughout any duly noticed meeting under any applicable exception to the Open Meetings Act.*

12. Adjourn **11:59 p.m.**

I, Tenitrus Bethel, Town Secretary, hereby certify that notice of the above-named meeting was posted on the bulletin board of the Town Hall of the Town of Fairview, Texas, a place readily accessible to the public at all times, on the 1<sup>st</sup> day of November, 2019 at or before 5:00 p.m. and will remain continuously posted for at least 72 hours immediately preceding said meeting.

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Tenitrus Bethel, Town Secretary

**NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:**

The Town of Fairview Council Chambers is wheelchair accessible. Access to the building and special parking is available at the primary southwest and northwest entrance into the Town Hall parking lot. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, or readers, are requested to contact the Town Secretary's office at 972-562-0522, Ext 4234 or by fax at 972-886-4203.