

**TOWN COUNCIL
MEETING MINUTES
APRIL 5, 2016**

The Town Council met in regular session on Tuesday, April 5, 2016 at 6 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson; Mayor Pro Tem Henry Lessner; Councilmembers Ron Samuels, John Adler, Frank O'Reilly, Paul Hendricks and Renee Powell; Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Israel Roberts; Town Engineer, James Chancellor; Chief Financial Officer, Jason Weeks; Economic Development Manager, Ray Dunlap; Police Chief, Granver Toliver; Interim Fire Chief, Jeff Bell; Town Secretary, Elizabeth Cappon; and Town Attorney, Clark McCoy.

Mayor Culbertson called the meeting to order at 6:00 p.m. and declared a quorum was present. At 6:01 p.m., the council then adjourned into executive session regarding a consult with legal counsel, property acquisition, personnel and economic development negotiations.

At 7:33 p.m., Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

APPOINTMENTS AND REPORTS: Villages of Fairview resident, Charley Murray, 371 Parkvillage Ave, spoke to the Council regarding parking in the Villages of Fairview subdivision. Ms. Murray stated her appreciation to the Council for their fast progress on the parking issues in the Villages of Fairview. Ms. Murray stated she had some suggestions regarding Staff's plan regarding permitting issuance. Ms. Murray stated that she would like the homeowner to be able to acquire the parking permit for the contractors and asked for the \$75 fee to be lower.

Town Manager Couch stated that the fee is based on the amount of staff time utilized for parking inspection and permit issuance. Ms. Murray stated that as the Town caused the parking issue with the emergency lane striping, she felt the fee should be lowered for the affected residents. Mr. Chancellor explained the permitting process that staff planned with Police Chief Toliver.

Mayor Pro Tem Lessner stated that he would like a permit that could be checked in and out of Town Hall, similar to what Heritage Ranch does. Councilmember Hendricks agreed with Ms. Murray and stated that he was on the Planning and Zoning Commission when the Town approved the Villages of Fairview. He stated that the Town caused some of the issues and the fee was too high. Mayor Pro Tem Lessner suggested the Town start without a fee. Mayor Culbertson stated the Town should review again in six months if a fee is needed.

Leland Payne, 398 Parkvillage Ave, asked where the temporary parking permit would be allowed. Mr. Chancellor stated that it would only apply anywhere there is no parking on both sides of the road due to the long islands.

Ricardo Doi, 361 Spring Meadow Drive, suggested consulting with the local HOA regarding the process used for permit issuance.

PROCLAMATIONS, RECOGNITION AND AWARDS: The Mayor and Council honored Keleigh Axelrod, winner of Miss Fairview's Outstanding Teen.

Mayor Darion Culbertson read a proclamation and declared April 2016 to April 2017, the year of Collin McKinney's 250th birthday, or sestercentennial, as the year of Collin McKinney.

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. A) Approve minutes of the February 25, 2016 special Town Council meeting. B) Approve minutes of the March 1, 2016 regular Town Council meeting. C) Authorize the Town Manager to renew an agreement with Municipal Mosquito regarding mosquito management services. D) Approve a resolution expressing official intent to reimburse costs of Fire Apparatus.

Mayor Pro Tem Lessner requested the Council remove item C from the Consent Agenda. Councilmember Powell made a motion to approve items A, B and D of the Consent Agenda. Councilmember O'Reilly seconded the motion and the motion was unanimously approved.

Mayor Pro Tem Lessner asked Mr. Chancellor to confirm that the culvert on Farmstead with standing water would be filled halfway with concrete to decrease the mosquito problem. Mr. Chancellor agreed that would be done. Mayor Pro Tem Lessner made a motion to approve item C of the Consent Agenda. Councilmember O'Reilly seconded the motion and the motion was unanimously approved.

M CHRISTOPHER CUSTOM HOMES REZONING 44.069 ACRES FROM FH TO RE-2:

Continue a public hearing, consider, and take any necessary action on an Ordinance granting a request by M. Christopher, Custom Homes, to rezone a portion of a 44.069 acre tract of land situated in the Robert Fitzhugh Survey, Abstract No. 317 and the Samuel Sloan Survey, Abstract No. 791 in the Town of Fairview, Collin County, Texas and being generally located adjacent to and east of Country Club Road (FM 1378) and north of Farmstead Street from Open Space and Flood Hazard (FH) Zone to Two-Acre Ranch Estate (RE-2) Zone. (ZA2015-14).

Mayor Culbertson moved up the public hearing and asked that the Council continue agenda item 9(c) due to ongoing developer's agreement negotiations.

Mayor Culbertson reopened the public hearing. Councilmember O'Reilly made a motion to continue the public hearing on an ordinance granting a request by M. Christopher, Custom Homes, to rezone a portion of a 44.069 acre tract of land situated in the Robert Fitzhugh Survey, Abstract No. 317 and the Samuel Sloan Survey, Abstract No. 791 in the Town of Fairview, Collin County, Texas and being generally located adjacent to and east of Country Club Road (FM 1378) and north of Farmstead Street from Open Space and Flood Hazard (FH) Zone to Two-Acre Ranch Estate (RE-2) Zone until the May 3, 2016 regular Town Council meeting at 7:30 p.m. in Fairview Town Hall Council Chambers. Councilmember Powell seconded the motion and the motion was unanimously approved.

CONDITIONAL USE PERMIT FOR ACCESSORY BUILDING AT 3410 ORR ROAD:

Conduct a public hearing, consider, and take any necessary action on a request by Tallent Roofing, for approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building on a property that is zoned Two-Acre Ranch Estate (RE-2) and is specifically located at 3410 Orr Rd, being a 8.550 acre tract of land situated in the Calvin Boles Survey, Abstract No. 28, Sheet 2, Tract 140, Town of Fairview, Collin County Texas. (ZA2016-03).

Mr. Roberts gave a presentation on agenda item 9(a), a request by Tallent Roofing, for approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building on a property located at 3410 Orr Rd.

Mr. Roberts stated that as the 8.5 acre tract of land is zoned RE-2, it is limited to up to two accessory buildings totaling 1800 square feet in size. Mr. Roberts stated the applicant was requesting to build a 3480 square feet workshop, 1680 square feet larger than the maximum allowed.

Mr. Roberts stated staff received no correspondence from any residents living within the 500-foot notification boundary. Mr. Roberts stated that staff recommends approval of the CUP.

Councilmember Hendricks asked if the building would be inhabited. Mr. Roberts stated that it was just a workshop.

Councilmember O'Reilly asked if an HOA was involved with this property. Mr. Roberts stated there was not.

Councilmember Samuels stated this was the property where a permanent residence had to be built before a workshop could be approved.

Mayor Culbertson opened the public hearing.

The applicant, Gerald Taylor, 3410 Orr Road, stated the home on this property is almost complete. Mr. Taylor stated that the actual enclosed building is only 2400 square feet, the remaining square footage being a porch overhang. Mr. Taylor stated the property backs up to the North Texas Municipal Water District treatment plant and the Core of Engineers property.

Councilmember Powell asked the applicant about screening from the road. Mr. Taylor stated it was screened. He added that the property slopes down and that the building is about a quarter mile from the front gate. Councilmember Samuels added that you could barely see the home itself from the road.

Councilmember Samuels asked if the building was in the floodplain. Mr. Taylor stated that while some of the front land is in the floodplain that is not the area where he was building.

Mayor Culbertson closed the public hearing.

Councilmember Adler made a motion to approve a request by Tallent Roofing, for approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building on a property that is zoned Two-Acre Ranch Estate (RE-2) and is specifically located at 3410 Orr Rd, being a 8.550 acre tract of land situated in the Calvin Boles Survey, Abstract No. 28, Sheet 2, Tract 140, Town of Fairview, Collin County Texas. Councilmember Samuels seconded the motion and the motion was unanimously approved.

CONDITIONAL USE PERMIT FOR ACCESSORY BUILDING AT 706 BENDING OAK TRAIL: Conduct a public hearing, consider, and take any necessary action on a request by the applicant, Tim Jackson with Tim Jackson Custom Homes, for approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 706 Bending Oak Trail, being Lot 17, Block A, Tranquility Farms, Town of Fairview, Collin County Texas. (ZA2016-04).

Mr. Roberts gave a presentation on agenda item 9(b), a request by Tallent Roofing, for approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building on a property that is located at 706 Bending Oak Trail.

Mr. Roberts stated that as the 2.5 acre tract of land is zoned RE-1, it is limited to up to two accessory buildings totaling 900 square feet in size. Mr. Roberts stated the applicant was requesting to build an 1189 square-foot pool cabana, exceeding the maximum accessory building square footage by 289 square feet.

Mr. Roberts stated that of the 17 notices mailed to those living within the 500-foot boundary, the Town received one statement of opposition and one statement of support from adjacent property owners. Mr. Roberts stated that staff recommends approval of the CUP.

Councilmember Hendricks asked if the building would be inhabited as the Town prohibits secondary living dwellings. Mr. Roberts stated that as he understood, it was a cabana for the pool but that might be a better question for the applicant.

Councilmember Adler asked if the property was in the floodplain. Mr. Roberts stated it was not.

Mayor Pro Tem Lessner asked if the Town had a trail easement on the back of the property. Mr. Chancellor stated that there is a trail easement.

Mayor Culbertson opened the public hearing.

Tim Jackson of Tim Jackson Custom Homes, 650 Maple Creek Drive, stated that the cabana building would be in similar design to match the existing structure. He stated that the building would be used as an office and would not be inhabited. Mr. Jackson added that the lot is 2.5 acres and even with this structure, the property will have 0.16 impervious surface coverage, which is well below the Town requirements.

Mayor Culbertson closed the public hearing.

Mayor Pro Tem Lessner made a motion to approve a request by the applicant, Tim Jackson with Tim Jackson Custom Homes, for approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 706 Bending Oak Trail, being Lot 17, Block A, Tranquility Farms, Town of Fairview, Collin County Texas. Councilmember Hendricks seconded the motion and the motion was unanimously approved.

ENGINEERING REPORT RELATED TO FIRE STATION 1: Consider, discuss and take any necessary action on the engineering report related to Fire Station 1.

Ms. Couch gave an update to the Council on agenda item 10(a), regarding the engineering report related to Fire Station 1.

Ms. Couch stated Fire Chief Bell researched temporary building costs and found leasing to be the most cost effective method.

Fire Chief Bell spoke to the Council regarding leasing a temporary building to replace the Fire Station 1 laundry, kitchen and storage facilities. Chief Bell stated that after much research he found a leasable custom modular building with a three-week set-up time. Chief Bell presented the modular building layout to the Council. He stated the building would have a three-year lease with an option to go month-to-month after that, if needed. Chief Bell stated the cost was approximately \$48,000 for all three years including set-up and dismantle fees.

Mayor Culbertson asked about concerns regarding wind and weather in the building. Chief Bell stated the building would have tie-downs for wind but he was not sure yet if the building was rated for wind as he is still acquiring all the building specifications. Chief Bell added it would not be a sleeping space.

Councilmember Powell asked if the restroom would still be too close to the kitchen in this space. Chief Bell stated he would look at the floorplan layout options but it would be better than how it is now.

Mayor Pro Tem Lessner and Mr. Chancellor discussed temporary and long-term sewer line options for the building.

Councilmember Hendricks asked if this building was truly adequate to the Fire Rescue team's needs. Chief Bell stated that this would resolve the safety concerns regarding the roof sagging in the kitchen. Chief Bell added that the smallest possible temporary building was still larger than the space they are replacing.

Chief Bell added that he is additionally looking at the exhaust system options.

Councilmember O'Reilly made a motion to authorize the Town Manager to spend no more than \$50,000 on lease of a modular building for three years to house temporarily Fire Station 1. Councilmember Adler seconded and the motion was unanimously approved.

Mayor Culbertson stated to the audience that this is a temporary solution and that more information would come later regarding a potential bond package in the future to rebuild Fire Station 1.

INCLEMENT WEATHER PREPAREDNESS: Hear an update from staff regarding inclement weather preparedness, general preparedness and public education; consider, discuss and take any necessary action.

Mr. Wilbourn gave a presentation to the Council on agenda item 10(b), inclement weather preparedness, general preparedness and public education. Mr. Wilbourn discussed communication methods including the Town website, the Town magazine, the Nixle Notification system for SMS and email alerts.

Mr. Wilbourn stated that the Town adopted the Collin County Emergency Management Plan in the late 1990s. He added that the plan assigns primary and secondary during an emergency.

Mr. Wilbourn stated that due to the over 400-page length of the Collin County plan, the Town adopted its own basic emergency management plan in June 2012. Mr. Wilbourn stated it was a condensed, Fairview-specific 31-page version of the Collin County plan. Mr. Wilbourn stated that this plan is reviewed by staff annually for updating. He added that the Council and staff needed to meet to conduct tabletop exercises of different scenarios.

Mayor Culbertson asked that the Town evaluate the need to update the Town's plan and the use of drills to exercise the plan. Mr. Wilbourn stated that he would provide the Council with a copy of the Fairview plan. Councilmember Samuels stated his support for holding a drill. Mr. Wilbourn explained that the tabletop exercises would function as a drill. Mayor Culbertson added he would like to ensure the plan is the most efficient possible before they practice it.

Ms. Couch stated that staff would begin analysis of the Town's plan in comparison to other plans and develop a timeline for exercising the plan.

ADDITIONAL MEETING PLANNING: Discuss setting additional meeting dates related to capital improvements planning and other items, and take any necessary action.

The Council discussed agenda item 10(c) with Ms. Couch regarding setting additional meeting dates related to capital improvements planning.

Mayor Culbertson stated that a Town Hall meeting on the Capital Improvements Plan would be held for the residents in early summer 2016.

Ms. Couch stated she anticipated holding one to two more special meetings in regards to capital improvements planning. The Council and staff discussed potential dates for meetings; the Council canceled the previously scheduled April 13 date in favor of Monday, May 9 at 6 p.m.

BOARDS/COMMISSIONS: Discuss boards and-commissions and take any necessary action.

Councilmember Samuels stated he felt that only residents of the Town should be allowed to serve on a Board or Commission. Ms. Couch stated it was an ordinance requirement of some Committees, but it is not a charter requirement. Mr. Adler stated he would like to have input from Committee Chairs if a Committee has multiple applicants for one spot.

CITIZEN INPUT:

Robin Dillard, 329 Murray Farm Road #1229, in the Cortana Apartments, stated that her 18-year-old son grew up on The Village at Fairview's temporary-use sand volleyball courts. Ms. Dillard stated she lives in Fairview because that sense of community and safety she felt she had. Ms. Dillard stated that on the Change.org online petition they were able to garner 2800 signatures and hundreds of comments. Ms. Dillard requested the volleyball courts be relocated to a central location.

Mayor Culbertson stated that the Town was concerned when the mall originally made the temporary-use courts that this might happen. He added that the Council has had discussion regarding possible locations but that they are not able to make any promises at this time.

Ms. Couch stated that the volleyball courts are all on private property and the developer has provided the equipment to Cottonwood Church in Allen with a plan to rebuild it for free public use. Ms. Couch added they are looking for volunteers to help in the construction and fundraising for this project. Ms. Dillard stated her dissatisfaction with it being relocated to Allen.

Miguel Delatorre, 5552 Emerson Court, stated his agreement with Ms. Dillard and that he hoped something new would be built in that area.

Israel Perez, Lowry Crossing, stated that their idea was to build four volleyball courts with lockers, volleyball rental and food/drink sales, which could help assist in maintenance costs.

Chris Garcia, McKinney, stated his additional support for the volleyball courts.

Madison Vickroy, McKinney, stated her additional support for the volleyball courts. She added it was a positive place for local kids to make diverse friends.

Leland Payne, 398 Parkvillage Ave, stated he felt Meadows Park in the Villages of Fairview had a large grassy area that could be utilized for a volleyball court but that it would have a parking problem.

Mr. Payne also stated his dissatisfaction with the current McKinney Independent School District bond issue. Mr. Payne stated he does not feel it is right that Fairview contributes taxes from the

Village at Fairview shopping center but are unable to get a school while they work to build a \$50 million dollar football stadium.

Councilmember Adler stated that the Parks and Recreation Advisory Board is currently updated the Town's parks and trails plan and suggested the residents sign up for eBlasts of Parks and Recreation agendas.

Councilmember Samuels stated that he knows matching grants are available through the County through Commissioner Hill. He added that while the property was not owned by the Town, it was a good sense of community for the area.

Roy Serpa, 412 Saddleback Drive, stated his appreciation for the work of Mayor Pro Tem Lessner as he reaches his term limit in May 2016.

REPORTS FROM STAFF:

Mr. Chancellor provided a report on agenda item 12(b) regarding an update on Stacy Road construction. The Council and Mr. Chancellor discussed the Stacy Road construction. Mr. Chancellor stated construction was about to begin on the north side but are awaiting traffic signal realignment.

Ms. Couch provided a report on agenda items 12 (c) regarding the water and sewer rate study. Ms. Couch stated that Town staff should receive the report and begin reviewing it in May. She added that the Council might want to consider holding a Special Meeting to review it. Ms. Couch stated that new water rates would be scheduled for the next fiscal year. Mayor Culbertson suggested staff begin communicating about summer water conservation to residents.

Councilmember Powell asked for an update regarding the water billing at the Villas. Ms. Couch stated that is something that will also be considered with the rate study.

Mr. Weeks provided a report on agenda item 12(a) regarding an update on monthly financial report. Mr. Weeks stated that next month's report would reflect the positive effects of this year's warrant round up. Mr. Weeks stated that there are water increases and they are being proactive in reaching out to those needing leak investigations. Mr. Weeks added there is already water information on the website, in the magazine as well as sent to the HOAs.

Ms. Couch stated that the Town has seen lessened revenue from traffic fines due to the state combining the inspection and registration stickers. Mr. Weeks added that an increase in property tax revenues due to a one-time rollback has temporarily helped to make up for that. Mayor Pro Tem Lessner mentioned the Spring Pancake Breakfast for Fairview Fire Rescue on April 23.

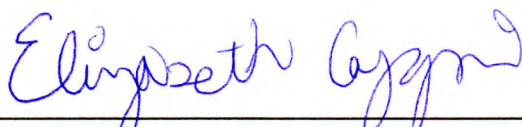
Councilmember Adler mentioned that the Inaugural Town of Fairview Art Show would be held at the end of April.

Mr. Dunlap provided an update on the Fairview Half Marathon to be held April 9, stating it will be the largest turnout the Town has seen to date.

Mayor Culbertson adjourned the meeting at 9:12 p.m.



Darion Culbertson, Mayor



Elizabeth Cappon, Town Secretary