

**TOWN COUNCIL
MEETING MINUTES
JULY 5, 2017**

The Town Council met in regular session on Wednesday, July 5, 2017 at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson; Mayor Pro Tem John Adler as well as Councilmembers Bill Nicol, Pam Little, Paul Hendricks and Renee Powell. Staff present included Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Chief Financial Officer, Jason Weeks; Planning Manager, Israel Roberts; Economic Development Manager, Ray Dunlap; Town Engineer, James Chancellor; Police Chief, Granver Toliver; Town Secretary, Elizabeth Cappon; and Town Attorney, Clark McCoy. Councilmember Henry Lessner was absent.

Mayor Culbertson called the meeting to order at 6:04 p.m. and declared a quorum was present. At 6:05 p.m., the council then adjourned into executive session regarding Section 551.071: consult with legal counsel, Section 551.072: property acquisition, Section 551.074: personnel and Section 551.087: economic development negotiations.

At 7:41 p.m., Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

APPOINTMENTS AND REPORTS: Mayor Culbertson spoke regarding the Town being recognized as one of the top neighborhoods in Dallas by D Magazine as well as the fourth Safest City in Texas by The National Council for Home Safety and Security. Mayor Culbertson thanked the Staff and rest of the Council for their contributions to the Town.

The Council heard a presentation from Paul Westbrook, Chairman of the Environmental Management Advisory Committee regarding recommended changes to Town lighting standards.

The Council, Mr. Westbrook and Mr. Wilbourn discussed Section A of the Committee's recommended changes, which would be the minimum standard for the Town to become Dark Sky Certified Town by the International Dark Skies Association (IDA). Mr. Westbrook stated that the Town should become the sixteenth ever community to be a Certified IDA International Dark Sky Community, if the Section A changes were made to the Ordinance.

The Council, Mr. Westbrook and Mr. Wilbourn discussed Section B of the Committee's recommended changes, which would simplify the ordinance by rearranging the sections to the appropriate areas of the ordinance, making all light shields full cutoff, update lighting technologies due to the ordinance's age and other rule updates.

Mayor Culbertson stated he had no opposition to the Section A changes. Councilmember Nicol noted a typo for correction. Mr. Wilbourn stated that if the Council would provide guidance on which changes to make, then Staff would go back and review the ordinance for any needed changes to bring in an amendment to the ordinance for approval.

Councilmember Little asked if any changes would affect Fairview Town Center. Mr. Wilbourn stated that unshielded lighting already is not allowed in the commercial district without a minor warrant, so the only affect would be the change in allowed lumens for lighting, which he found to have no adverse impact on the commercial district.

Councilmember Nicol asked about Section B. Mayor Culbertson asked Mr. Westbrook about how existing carriage lights in the Town would be impacted by switching to full cutoff light shielding. Mr. Westbrook stated that most of the changes were recommended rather than requirements. Mr. Westbrook added that the focus would be to stop installing problematic lights on future projects and replace existing lights with the correct fixtures as they break over time, rather than forcing people to convert all their lighting, which he stated was technically already in the ordinance but not enforced.

Mayor Culbertson stated concerns regarding resident safety and falls in Heritage Ranch. Mr. Westbrook explained why carriage lights and other older unshielded lights actually impair visibility for safety. Mr. Westbrook offered to show Mayor Culbertson both cutoff lights and not cutoff. Councilmember Little expressed safety issues regarding driving in Heritage Ranch. Mr. Wilbourn stated that in Heritage Ranch they are IDA compliant. Mayor Culbertson stated that he was hoping there might be a solution with technology to provide better light for residents without more up lighting. Mayor Pro Tem Adler stated he felt lights should be replaced at the end of their usable life rather than by a certain time. He also agreed that the shielded lights actually provide better light, as he has seen in Oakwood Estates. Ms. Couch stated that since she has come to Fairview, Staff has not enforced the ordinance provision for retrofitting existing fixtures. She added that they had no intention to do so and not enough staff to do so. Mayor Culbertson agreed with Mr. Westbrook that new developers should be complying with the rules. Councilmember Powell stated that she has had a difficult time seeing to drive in certain parts of Town and would like to see an educational article in the Town magazine regarding lighting. Councilmember Hendricks and Mr. Westbrook discussed the allotted lumens allowed by the ordinance.

Mayor Culbertson stated that he was not prepared to act on Section B yet and would like to find a balanced approach to some of the recommended changes. Councilmember Powell made a motion to approve the Environmental Management Advisory Committee's update to their IDA application with the suggested changes to the Town's lighting standards as presented in Section A. Councilmember Nicol seconded the motion and the motion was unanimously approved.

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 the minutes of the May 2, 2017, regular Council meeting. B) Approve the minutes of the May 17, 2017, special Council meeting. C) Approve an ordinance amending the solid waste ordinance regarding section 12.02.034 on collection and disposal. D) Approve a resolution denying Oncor Electric Delivery Company, LLC's application to change rates within the Town of Fairview.

Councilmember Powell asked to pull agenda item C. Councilmember Little made a motion to approve agenda items A, B and D of the consent agenda. Councilmember Powell seconded the motion and the motion was unanimously approved.

Councilmember Powell stated that she did not feel bulk should be due outside so soon, in order to allow residents time on the weekend to do yardwork.

Ms. Couch stated that this was not an ordinance change, but the addition of text that was previously left out. Ms. Couch recommended reworking item C and bringing it back to the next Council meeting.

FINAL PLAT - KINGDOM ESTATES ADDITION: Mr. Roberts gave a presentation on agenda item 5(a), a request for approval of a final plat for the Kingdom States Addition. The 28.2-acre tract of land is located south of Hart Road, between the Oakwood Estates Addition and the Stone Creek Estates Addition and is zoned for the (RE-2) two-acre Ranch Estate District. Applicant: Brandon Bush; Custom Homes on Texas. (FP2017-2).

Mr. Roberts stated that the development would have 12 lots and a common area as an emergency access to Oakwood Estates. Mr. Roberts explained changes to the plat since the Council reviewed the preliminary plat including a flip to the gate design and changes to the amount of grasscrete used. Mr. Roberts stated that the bollard was removed from the pedestrian gate opening for the six-foot wide trail. He added the pedestrian gate opening was also reduced to 46 inches. Councilmember Powell stated that this is narrower than a golf cart. Ms. Couch stated this prevented golf carts from using the trail to travel between Oakwood and Kingdom Estates.

Mayor Pro Tem Adler stated he wanted to be sure that lots two and three could get a developable acre out of the floodplain. Mr. Roberts stated that there was no floodplain reclamation on lots two and three but he was not sure that it was exactly a full acre. Mr. Roberts stated that both lots are able to fit a 7,000 square foot foundation three foot above the floodplain with a septic system.

The applicant, Brandon Bush, Custom Homes on Texas, had no comments.

Randy Cooper, 711 Maple Creek Drive, stated that he was a Board member of the Stone Creek Estates HOA and described issues with the development regarding construction traffic issues. Mr. Cooper wanted to ensure there would be compensation to the HOA for any potential damage to common areas from the construction traffic.

Mr. Bush stated that he has tried to work with both neighborhoods and had agreed to split evenly between the two construction entrances as much as possible.

Mayor Culbertson stated there is nothing the Council could legally do to make the developer use a certain street and that it would be unenforceable to have approval conditions regarding traffic. Mayor Culbertson stated he had spoken with Mr. Bush and received assurances that the traffic would be split fairly. Mr. Chancellor added that he works with developers all the time regarding making repairs and that he has ways to ensure that repairs are made.

Mr. Bush stated that he has an incentive to keep the entrance nice, as it is also the entrance to his development.

Jeff McFadden, 1091 Elm Creek Drive, Stone Creek Estates, requested an agreement be put in place between Mr. Bush, Stone Creek Estates and Oakwood Estates to ensure repayment for damages due to their narrow subdivision entrance. Mr. McFadden stated his disappointment with the pedestrian gate being too small for a golf cart. Mr. McFadden stated that children often drive the golf carts between the different neighborhoods and they now have to cross FM-1378 in order to get to Oakwood Estates.

Councilmember Powell asked about the Town's golf cart regulations. Mr. Dunlap stated that golf carts are supposed to have a permit on file with the Town and that they are not allowed on certain streets or any trails.

Councilmember Hendricks stated that he is concerned about children on golf carts but that he also agreed with Mr. McFadden about access between the neighborhoods. The Council discussed the liability of using a bollard. Ms. Couch stated the entrance can be the width of the trail but the narrowing was done in response to Oakwood Estates' concerns regarding golf carts illegally using trails. Councilmember Hendricks stated that it was a good point that golf carts technically are not allowed on the trails. Councilmember Powell stated that bicycles and strollers would still fit through the 46-inch opening. Ms. Couch agreed.

Richard Connelly, 980 Fox Dale, President of the Oakwood HOA, stated that his HOA never objected to sharing the traffic and he thought this issue was already resolved. Mr. Connelly stated that the HOA has no position on the golf cart issue as the community is split evenly regarding opinions on them. He stated that several residents on Country Trail have expressed safety concerns about children driving golf carts. Mayor Culbertson stated his surprise that Stone Creek Estates would want golf cart access due to the large number of golf carts in Oakwood Estates. Councilmember Little stated she supported keeping golf carts off the trails for the safety of pedestrian traffic. Mayor Culbertson stated that a person breaking the rules is an unavoidable reality but the Town does not need to encourage lawbreaking. Mayor Pro Tem Adler agreed.

Councilmember Hendricks asked about the construction traffic issue. Mayor Culbertson stated the Town could not regulate what roads people choose to use so it would be between the HOAs and the developer if they want to formalize an agreement.

Councilmember Nicol made a motion to approve a final plat for the Kingdom Estates Addition. Mayor Pro Tem Adler seconded the motion and the motion was unanimously approved.

FINAL PLAT – HARPER LANDING ADDITION: Mr. Roberts gave a presentation on agenda item 5(b), a final plat for the Harper Landing Addition

Mr. Roberts described the changes that included removal of trail signage and access easements as well as a revision to the floodplain line

Mr. Chancellor gave a presentation to the Council regarding the history and different iterations of the drainage plan. Mr. Chancellor stated that the revised drainage study and swale is wider than originally planned, providing a better improvement to the Camino Real drainage than previously planned. Mr. Chancellor discussed the floodplain improvement with the Council.

Mr. Chancellor described the issues since the M. Christopher bankruptcy including the removal of 16 additional trees on the north side of the property, which was a ticketed violation of the Town's tree ordinance. Mr. Chancellor stated that the current developer would have to pay the maximum \$8,000 fine as well as providing tree mitigation with trees with an equivalent caliper size. Mr. Chancellor described the quality and number of trees that would be used for mitigation.

Mr. Chancellor stated that the developer also wanted to remove the natural pond, which previously would have been kept. Mr. Chancellor stated that the pond provides no benefit from a floodplain standpoint due to the bypass channel on Kentucky Lane.

Councilmember Powell asked about the maintenance of the new swale design. Mr. Chancellor stated that the wider swale would be easier to mow, as it would be less steep. He added that they asked them to user easier to maintain grasses.

Councilmember Little stated that she felt the swale was now perpendicular to homes on Camino Real. Mr. Chancellor stated that Mr. Wilcox is opening it up and angling it still. Mr. Chancellor stated that he felt it would be worse for the Camino Real residents to open the swale further as it would require removing large trees that are helping to stabilize the creek bank. Mr. Chancellor stated where the swale comes in that the Creek is already starting to turn, so it is not a 90-degree angle. Mr. Chancellor stated that as Sloan Creek is the main body of water unless there is significant rainfall, so the hydrologics would merge any water from the swale. Mr. Chancellor added that the swale will come with a two-year warranty bond, so if there were any issue, modifications would be made by the developer.

Dave Wilcox, Wilco Partners LLC, representing Liberty Bankers Life Insurance Company, 1605 Lyndon B. Johnson Freeway Suite 710 in Dallas, discussed the incorrect tree removal with the Council. Mr. Wilcox stated that he felt the approved plans from October 2016 showed for their removal due to the ground elevations listed that would not be possible without their removal. Mr. Wilcox stated that it was a miscommunication due to inheriting the project from someone else being present in the original development meetings. Mr. Wilcox stated a tree removal plan was never submitted by the prior developer, despite it being required for platting. Mr. Wilcox stated that he submitted a tree removal plan in May showing those 16 trees as removed. Mr. Wilcox stated that older trees are seen as a positive by developers as they sell houses. Mr. Wilcox stated that the new swale design would look more attractive with a better slope for maintenance that should move water slower.

Mayor Culbertson stated that he felt the punishment was not severe enough for removal of irreplaceable older trees, regardless of how it occurred. Mayor Culbertson asked Staff to revise the natural resource and tree mitigation ordinances to increase the penalty on future tree fines. Mayor Culbertson asked about the maintenance of the new replacement trees until the lots are sold. Mr. Wilcox stated that he discussed it with Staff and there would be a warranty from the provider and maintenance is required as part of that warranty. Mayor Culbertson asked that the existing developer's agreement be modified to include that maintenance is required by the end user until the lots are sold or October 30, 2017.

Councilmember Powell asked about the tree removal plan submitted by Mr. Wilcox in May. Mr. Chancellor stated that he told Mr. Wilcox at that time that the updated tree removal plan would need to go back to Council with the revised drainage plan. Mr. Wilcox reiterated that he is playing catchup and he thought the tree removal was previously approved. Councilmember Little asked if he was the person who gave the direction regarding which trees to remove. Mr. Wilcox stated that he was as his tree plan showed them being removed.

Mayor Pro Tem Adler asked about the developer's agreement. Mr. Wilcox stated that the developer's agreement would need an amendment for swale changes but he would review it for any additional changes for accuracy.

Rich Hickman, 1220 Camino Real, stated that he lives on the north side of creek and was concerned that a shallower swale would build silt faster. Mr. Hickman stated that the residents of Camino Real are looking to Staff and the Council to ensure enforcement of ordinances and that the development is built as agreed, but the Town does not seem to have the manpower to do so.

Ms. Couch stated that there is a detailed developer's agreement with provisions to enforce the maintenance of the swale.

Justin Jinright, 571 Kentucky Lane, stated that while he supported the initial project but as it changed, he became opposed. Mr. Jinright stated that the bank is moving as fast as possible to mitigate their losses. Mr. Jinright added that the situation has gone on so long that now even opposed residents are ready for the development to just be finished. Mr. Jinright stated his disappointment regarding damages to his and his neighbors' property. Mr. Jinright described the previous Council tour of his property as well as the flooding on his property. Mr. Jinright stated his concern that the Bank was allowed to do any work before coming back to the Council regarding their requested changes. Mr. Jinright described the fill permit requirements from the Town code and stated that he felt they were operating in violation and he stated that the code states that this would be grounds for disapproval of a final plat. Mr. Jinright stated that he agreed that the fine was not sufficient. Mr. Jinright requested that the developer go back through the Planning and Zoning Commission and Council process with their requested changes. Mr. Jinright stated that he felt the developers should have to follow Town ordinances just as residents do.

Mayor Culbertson asked Mr. Jinright what was his recommendation for the Council's next action. Mr. Jinright stated that he felt the plat could be denied as the ordinance stated and that he felt the town residents would support their decision to follow the ordinances, even if that came with repercussions. Mr. Jinright stated that he is not against development, he just expects developers to follow the rules.

Tina Hardison, 1280 Camino Real, stated her concerns with the speed the developer is moving at and the violations of ordinances. Ms. Hardison described two incidences of chlorinated water left running all night into Sloan Creek. Ms. Hardison stated that it was her understanding that to do this without erosion controls would be illegal. Ms. Hardison stated that she felt the tree removal was not necessarily an accident due to where it occurred. Ms. Hardison stated she also would like the developer to have start the Planning and Zoning process over from the beginning to avoid mistakes that since as the developer said, he is playing catch up.

Ms. Hardison added that the only properties helped by the swale are west of her property and to the east is still not improved. Ms. Hardison stated her concern that the changes will increase the flooding on her property as well as 1270 Camino Real. Ms. Hardison stated her doubts regarding the developer's flood study.

Mr. Chancellor stated that the studies are done by a third party. Ms. Hardison asked Mr. Chancellor if he was aware of where water is coming in across from 1250 Camino Real. Ms. Hardison stated that it appears the swale is not working as expected and the Town needs to slow the progress of the development. Mayor Culbertson asked if she was suggesting another hydrologist's report. Ms. Hardison stated she would feel better and would like them to resubmit due to all their changes. Mayor Culbertson stated that many of the changes were expected and some were recommended by the Town. Ms. Hardison asked for more oversight. Mayor Culbertson described the improvements to the swale. Ms. Hardison stated no swale would help her property.

Jeff Marler, 1270 Camino Real, stated that it seems the developer keeps going forward and apologizing instead of following procedures and that the residents were counting on the Town to make sure everything is done properly. Mr. Marler discussed the issues with Wilson Creek requiring clearing. Mr. Marler stated that he had photos of the chlorinated water draining into the Creek overnight near 1250 Camino Real.

Mr. Chancellor stated that the Texas Commission on Environmental Quality (TCEQ) requires flushing of water lines with chlorinated water for bug and dirt removal. Mr. Chancellor stated that the water mains are then flushed. Mr. Jinright stated he was not concerned about the chlorinated water but the sediment from it, which could be removed by utilizing a retention pool and then draining it. Mayor Culbertson stated that the Town would soon have some news to share regarding the Town's progress on getting Wilson Creek cleaned out.

Mayor Culbertson consulted Mr. McCoy regarding whether the process could start over as well as the Town's legal responsibilities and obligations. Mr. McCoy stated disapproval of the final plat would be allowed if a compliant tree removal plan was not included but it was his understanding that the currently submitted plan was compliant. Mr. McCoy stated that if the plat is compliant then the Town has a ministerial duty under state law to approve the plat and if it is not approved by the Council, it could be deemed approved under state law as part of the 30-day time requirement of action on a plat. Mr. McCoy stated that disapproval of the plat as a punishment is not allowed under state law; if it is compliant with the Town regulations then it must be approved.

Mayor Culbertson asked how the Town could ensure that the developer of this tract follows all the Town's ordinances in all their future actions, since there have been so many problems so far. Mr. Chancellor stated that if the changes to the plan were approved, Staff would ensure the work is completed correctly. Mr. Chancellor stated that he felt in hindsight the only action he could have performed differently in this case was not to allow the prior developer to do any work once he submitted his updated drainage plan to go before the Council, but as the developer was removing dirt from the floodplain, he did not see it as a problem. Mr. Chancellor stated that the current developer staked the 100-year floodplain line in order to place dirt in the proper spots out of the floodplain. Mr. Chancellor stated that if the Council approves this plan, Staff would ensure

that is what is built and that the replacement trees would be properly maintained by using oversight and as-built surveying. Mayor Culbertson asked about the roads and other infrastructure. Mr. Chancellor stated that the Inspector never assumes that developers will build things properly. Mr. Chancellor added that Staff looks at all streets built in Town and drives all the streets on a regular basis. Mr. Chancellor stated that the developer would also have to submit amended floodplain maps to FEMA. Mr. Chancellor stated nothing additional should need to be done for these reasons as well as every subdivision being reviewed and inspected throughout the building process. Mr. Chancellor stated that if the Council would like additional measures taken, he would be happy to enforce them.

Mayor Pro Tem Adler asked Mr. McCoy about the developer agreement amendments required. Mr. McCoy stated that Staff would review all changes and planned to add a bond-posting requirement for the additional tree costs and tree maintenance funds until a homebuyer purchases each lot. Mayor Pro Tem Adler expressed concerns that the developer has not finished reviewing it yet. Mr. Wilcox stated he had reviewed it but wanted to double-check it for accuracy beyond the changes discussed regarding the drainage and tree plan. Mr. McCoy asked Mr. Wilcox to confirm for the Council that he was okay with the terms he stated. Mr. Wilcox stated they were fine, he just needed to see the legal document to review. Mr. McCoy stated that Staff would draft an amended developer's agreement.

Councilmember Powell asked Mr. Chancellor to watch this project carefully as the Council and residents no longer have any trust with the developer. Mr. Chancellor stated that Staff is frequently onsite including the day the incorrect trees were removed. Mr. Chancellor stated the inspector had been onsite just a few hours before but the removal happened too quickly to be stopped. Mr. Chancellor stated that Staff would continue to monitor the development regularly. Mr. Chancellor stated that he has had constant communication with Mr. Wilcox regarding the development and the changes to be approved. Mr. Chancellor stated his only disappointment in the new developer has been the incorrect tree removal, but after speaking to Mr. Wilcox, he believes that to be a misunderstanding of the prior developer's drawings.

Councilmember Powell asked whether Mr. Wilcox had been provided the original tree plan. Mr. Chancellor stated that he received a copy of the originally approved item packet, which would have included it. Councilmember Little asked how the prior developer was able to approve a final plat without a tree plan. Mr. Roberts stated that a tree plan was submitted with the previously approved plat but it was not accurate.

Mayor Culbertson reiterated that if the Council does not take action on the plat, the plat would automatically be approved in 30 days. Councilmember Hendricks stated that he agreed with Councilmember Powell. Councilmember Hendricks added that while it seems like the process is moving quickly, he does not see what could have been done differently to resolve the issues. Mayor Culbertson stated that he would like to see staff add measurements and a project plan to the developer's agreement as well as to the Code of Ordinances for future projects.

Councilmember Little stated that she felt conflicted as she did not want the Council to be in violation of the law with their action on the plat. Mayor Culbertson stated that while he is not an attorney, he did not feel it violates the law but it would be approved automatically anyway in 30

days. Mayor Culbertson stated it would be unreasonable to proceed with the Planning and Zoning preliminary plat process within 30 days.

Mr. Jinright stated that the developer is allowed to relinquish their right to a 30-day automatic approval. Mr. Jinright suggested Mr. Wilcox do so as a showing of good faith. Mr. McCoy stated that the applicant is allowed to request the item be tabled until the next meeting without the 30-day rule applying. Mayor Culbertson asked Mr. McCoy would could be done over 30 days. Mr. McCoy stated that the developer's agreement would be amended for Council approval with the plat. Mr. McCoy stated that the developer has said he would like to ensure that the plat matches the developer's agreement, so he does have the option to go on record to withdraw consideration of the item and tabling it until the next regular Council meeting. Mayor Culbertson reiterated that this would not start the process over but would just allow a month for the developer's agreement to be amended. Councilmember Little stated that at that time the Council would have a signed finalized amendment to the developer's agreement. Mr. McCoy stated that would be the goal. Mayor Culbertson added that the developer's agreement is filed with the final plat. Mr. McCoy stated that it would be more desirable for the developer to table the item so that he can agree to all the amendments to the developer's agreement in advance of it being approved.

Mr. Wilcox stated that one of the citizen comments had falsely accused him of the crime of not having Stormwater Pollution Prevention Plan (SW3P). Mr. Wilcox added that the TCEQ was called to the development by Mr. Jinright due to floodwater damage and told Mr. Wilcox that there was no damage. Mr. Wilcox stated that he provided their SW3P number in the name of their excavator to the TCEQ at that time, so it is not true that he does not have one. Mr. Wilcox added that Mr. Jinright called out agents from the U.S. Fish and Wildlife Service due to the destruction of habitat of endangered species and the Service stated that he did not find any. Mr. Wilcox stated that Mr. Chancellor properly corrected the explanation of the chlorinated water issue. Mr. Wilcox stated that he felt the prior two accusations were made in retaliation to the developer for declining to respond to Mr. Jinright's request to buy some of their property for a very low price. Mayor Culbertson stated that has nothing to do with the Council proceeding. Mr. Wilcox stated that his organization was not interested in waving their 30-day state law right to final plat approval.

Mr. Jinright stated that he had just received an email in response to his formal complaint and corresponding investigation with the TCEQ at 5 p.m. that day. Mr. Jinright stated that the email said that Liberty Bankers Life Insurance Company had been informed by the TCEQ that the prior developer's stormwater authorization was non-transferable, meaning they are working without authorization and are non-compliant with Title 30 § 281.25a4 of the Texas Administrative Code. Mr. Jinright stated that he is no longer interested in purchasing the property. Mayor Culbertson reiterated that has nothing to do with the Council proceeding.

Mayor Culbertson stated as Mr. Wilcox has chosen to retain his right to the 30-day approval rule, he did not see any other option of resolution for the Council. Councilmember Little asked Mr. McCoy how the 30-day approval would work if the item were not approved by Council. Mr. McCoy stated that there would need to be legal proceedings filed at a district court, which would expose the Town to certain fees. Mayor Culbertson stated that he was more concerned about the precedent it sets with future developers than the fees.

Rick Zampino, 590 N. Meandering Way Drive, stated that as an arborist, he has worked with city governments and it is usually thought not practical to build in the floodplain. Mayor Culbertson stated that it was not building in the floodplain but floodplain reclamation. Mr. Zampino stated that in his experience, building in the floodplain is not a good thing and leads to consequences. Mr. Zampino stated that he felt the Town should learn from this process and not build in the floodplain in the future. Mayor Culbertson stated that most of the Town has had some floodplain reclamation. Mr. Zampino added that the American Association of Consulting Arborists has third-party consultants available regarding the appraisals, mitigation and project management of the trees.

Mayor Culbertson asked if there was a motion to approve, no motion was made. Mayor Culbertson asked if there was a motion to deny the final plat. Councilmember Hendricks made a motion to deny a request for approval of a revised final plat for the Harper Landing Addition. The 72.9-acre site is located on the east side of Country Club Drive, between Farmstead Street and Camino Real and is zoned for the (RE-2) Two-acre Ranch Estate District. Applicant: Dave Wilcox: Wilco Partners LLC, representing Liberty Bank Life Insurance (FP2016-04). Councilmember Little seconded the motion and the item was unanimously denied.

ADVERTISE BIDS FOR STACY ROAD RECONSTRUCTION: Mr. Chancellor gave a presentation on agenda item 5(c), authorizing the Town to advertise for bids on the Stacy Road reconstruction project.

Mr. Chancellor stated that after the community meetings, now the plans for the East Stacy Road reconstruction at Orr Road are almost 100 percent complete with just one purchase of right-of-way remaining. Mr. Chancellor stated that Staff wanted permission from Council to advertise for bids on the road. Mr. Chancellor stated that the contract would likely be approved at the August or September Council meeting and work would likely begin 30 days later.

Mr. Chancellor stated that previously the North Texas Municipal Water District (NTMWD) agreed to provide \$2.2 million toward the previously estimated cost of \$3.5 million but since there has been an increase in the cost estimate for construction to \$4.5 million. Ms. Couch stated the Town would have extra funds if needed now that the State has agreed to take on more of the cost of rebuilding the Ridgeview overpass. Ms. Couch asked that the Council be okay with the Town renegotiating an increase to the NTMWD's contribution once bids are received. Ms. Couch stated there is no escalator clause in the current agreement so it may delay the project slightly but she did not think they would be unreasonable.

Councilmember Powell made a motion to authorize the Town to advertise for bids on the Stacy Road reconstruction project from Stone Hinge Drive to Orr Road. Councilmember Little seconded the motion and the motion was unanimously approved.

CDC FUNDING SIGNAGE FOR FYT: Mr. Dunlap gave a presentation on agenda item 5(d) regarding the CDC recommendation to fund signage for the Fairview Youth Theatre.

Mr. Dunlap stated that the CDC had authorized issuing \$13,000 from their budget to the Theatre with the two caveats that the Theatre extend their current naming rights agreement with the Town and that the funds only be used at the Fairview Theatre location.

Councilmember Hendricks made a motion to authorize the Community Development Corporation to fund signage for Fairview Youth Theatre. Councilmember Little seconded the motion and the motion was unanimously approved.

ORDINANCES ON TELECOM AND PUBLIC ROW: Mr. Wilbourn gave a presentation on agenda item 5(e) regarding ordinances pertaining to telecommunications and the use of public right-of-way.

Mr. Wilbourn, Mayor Pro Tem Adler and the Council discussed the recently passed State Legislation to allow 5G cellular nodes on Town light poles. Mr. Wilbourn stated that drafting changes to the Town's ordinances would update them to work within the new laws.

Mayor Pro Tem stated that he felt the systems that hang on powerlines are currently ugly and he suggested the Technology Advisory Committee be involved to see what other Towns are doing. Mr. Wilbourn stated the updated ordinances would need to be approved before the State laws go into effect on September 1. Ms. Couch stated that Staff is researching historic and design district exemptions to see how the Town could fit.

Councilmember Powell made a motion to authorize Town Staff to draft a right-of-way usage ordinance as well as an amendment to the Town's current telecommunications towers and antennas ordinance, subject to final form by Town legal counsel. Mayor Pro Tem Adler seconded the motion and the motion was unanimously approved.

POLICE SERVICES FOR LUCAS: Ms. Couch gave a presentation on agenda item 5(f) regarding providing police services to the City of Lucas.

Ms. Couch, Chief Toliver and the Council continued their discussion regarding police services for the City of Lucas including liability, indirect costs in projections, the long-term plans for Lucas, the contract length and the benefits to Fairview.

Mayor Culbertson stated that he was not in support of the proposition at this time and he felt the Town needed to focus on the bond package for the Town's first responders. Mayor Culbertson added that he was afraid it could cause a distraction during the election.

Mayor Pro Tem Adler stated that while he likes the good neighbor quality he does not see the tangible benefits to the Town residents. Councilmember Little stated her agreement.

FY 2017-18 BUDGET PRIORITIES: Ms. Couch gave a presentation and discussed with the Council regarding agenda item 5(g) on the upcoming fiscal year 2017-18 budget priorities.

FUTURE WORK SESSION DATES: Ms. Couch discussed agenda item 5(h), the upcoming future Council worksessions regarding the budget and capital improvements committee process.

BOARDS/COMMISSIONS: Discuss boards and commissions and take any necessary action. Mayor Culbertson stated that almost all of the Boards are full and the Town is accepting applications for the Public Art Committee. Ms. Couch asked the Council if they would like Staff to poll all members up for renewal in August to gauge their interest. Mayor Culbertson stated that he would like a poll.

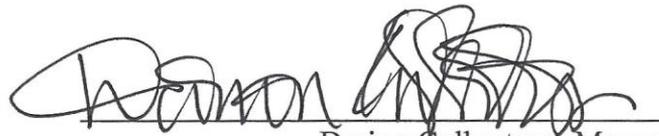
CITIZEN INPUT: Gary Carter, 1000 Timber Lane, described his concerns with the upcoming sand seal of Lakewood Drive and Timber Lane. Mr. Carter stated that he did not feel the sand seal would be sufficient.

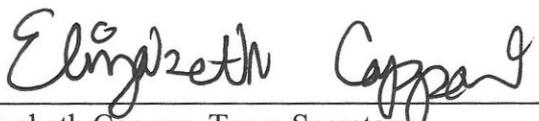
Richard Connelly, 980 Fox Dale, stated his personal concerns regarding children driving golf carts in Oakwood Estates particularly with the upcoming construction traffic in Kingdom Estates. Mr. Connelly stated that he felt that the ordinance needed changes or to have more enforcement. Chief Tolliver discussed the difficulty of catching them, recommended they follow and report the offending addresses to the Police Department so they can speak with the parents. Mayor Pro Tem Adler stated that it mainly happens between 4 and 7 p.m. Councilmember Hendricks stated that he sees it occurring all over Town and he is concerned about the liability. The Council discussed possible and prior accidents. Councilmember Hendricks suggested greater enforcement of the ordinances and permitting regulations. The Council discussed the different methods that insure golf carts. Mr. Connelly added that the lights that were shielded were only added to half of Oakwood because only Greyson Electric offered to replace them free. Mr. Connelly stated that Oncor said they would charge approximately \$1,000 a light pole, so they did not replace those poles. Mr. Connelly stated that if a lighting ordinance were to require lighting changes, it would be very expensive and result in HOA special assessments.

Tina Hardison, 1280 Camino Real, stated her concerns about the fence at 1310 Camino Real that using wire. Mr. Chancellor stated that he spoke with the owner and told them they had to change the wire to a different material or proof the current material is no floodplain ride certification and breakaway material. Mr. Chancellor stated that they removed the wire in the areas that concerned him. Ms. Hardison asked that the Council again consider an ordinance banning future floodplain reclamation.

REPORTS FROM STAFF: Mr. Chancellor provided an update on agenda item 7(b) regarding the Stacy Road Construction.

The Council reentered executive session at 11:26 p.m. No action was taken. The Council exited executive session at 11:51 p.m. Mayor Culbertson adjourned the meeting at 11:52 p.m.


Darion Culbertson, Mayor


Elizabeth Cappon, Town Secretary

