

**TOWN COUNCIL
MEETING MINUTES
MARCH 6, 2018**

The Town Council met in regular session on Tuesday, March 6, 2018 at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson; Mayor Pro Tem John Adler; and Councilmembers Bill Nicol, Henry Lessner, Pam Little, Paul Hendricks and Renee Powell. Staff present included Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Israel Roberts; Town Engineer, James Chancellor; Police Chief, Granver Toliver; Executive Assistant, Tenitrus Bethel; 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 7:31 p.m., Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

PROCLAMATIONS, RECOGNITION AND AWARDS: Mayor Culbertson presented a proclamation to the Collin County Chapter of Delta Sigma Theta Sorority, Incorporated for 10 years of service.

Ron Cox of Ron Cox Consulting presented the results of the Community Representative Group (CRG) meetings and offered recommendations.

Ms. Couch discussed the next steps of the CRG, including tentative meeting dates and Town facility tours.

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 December 5, 2017, regular Council meeting. B) Approve the minutes of the December 18, 2017, special Council meeting. C) Approve the minutes of the January 2, 2018 regular Council meeting. D) Approve the minutes of the February 6, 2018 regular Council meeting. E) Approve an ordinance authorizing a rate review mechanism pertaining to gas utility rates. E) Approve an Interlocal agreement with the City of Plano regarding employee training opportunities. F) Approve an amendment to the Pro Rata ordinance related to drainage improvements.

Councilmember Powell made a motion to approve the consent agenda with noted provisions. Councilmember Nichol seconded the motion and the motion was unanimously approved.

PUBLIC HEARING – PC DISTRICT – REZONE 64.03 ACRES: Mr. Roberts gave a presentation on agenda item 5(a), consider approval of request to rezone 64.03-acres of land to the (PC) Planned Center District with modified (RE-1) One-acre Ranch Estates District design standards. (ZA2017-01)

Mr. Roberts stated as of 4:30 p.m. he had received 14 letter of support, 8 within the notification area; 143 letter of opposition, 23 within the notification area; and 1 letter of neutrality. He stated the staff recommended approval due to the compliance with the Town's land use plan subject to the identified conditions.

Mr. Roberts indicated the Planning and Zoning Commission had recommended a denial of this request and that a super majority affirmative vote would be required of Council to overrule the recommendation of denial. He also informed Council that as of last Thursday the applicant and ownership submitted a letter requesting a continuance for consideration to the April 3 meeting.

Mayor Culbertson questioned, Mr. DiNapoli, on the reason for a continuance.

Mr. DiNapoli stated the ownership has several unanswered questions, some legal, that required answers.

Mayor Culbertson indicated that the Council would not support a continuance of the case.

Councilmembers agreed to proceed with the public hearing.

Mayor Culbertson opened the public hearing.

Steve DiNappoli, Applicant, 1601Alma Rd, spoke about the plans for the development.

Michael Pezzuli, Applicant, 880 Country Club, cited reasons he believed Council should approve the rezoning request.

Bruce Kelly, Applicant, 800 Country Club, expressed his desire for the comprehensive plan to be upheld.

John Harkins, 411 Oak Ridge, inquired about the process of the public hearing by Council when the item was unanimously denied by the Planning and Zoning Commission.

Nick Patton, 1000 Young, expressed his concern of additional traffic on Hart Road and increased class sizes with the addition of this development.

Joe Jackson, 917 Tranquility, stated his opposition to the rezoning.

Robert Benson, 850 Beechwood Ln, expressed his concern for the safety of driver's merging onto Country Club and overall traffic concerns on Highway 5 and Country Club.

Stewart Blumenthal, 861 Beechwood Ln, expressed concerns about drainage and traffic around Puster Elementary.

Jim Border, 909 Stone Cottage Ln, McKinney, expressed his concern of traffic on Country Club with construction of new developments.

Cynthia Brugge, 960 Patrician Ct, stated her confusion of the future use plan in conjunction with Town zoning.

Bruce Tiff, 530 Stafford Ct, expressed his support of the development.

Gary Carter, 1000 Timber Ln, expressed his opposition of the rezoning.

Gwen Allen, 1021 Hart Rd, expressed her support of the development.

Barbara Isaacs, 811 Beechwood, expressed her concern for the additional infrastructure and the effects on Hart Road.

Michael Pezzuli, 880 Country Club, stated he previously opposed the hydrology of the Stoddard property but he was not opposed to the development.

Bruce Kelly, 800 Country Club, stated he as a property owner should have the right to develop his land.

Dianne Hastings, 880 Beechwood, stated her opposition to the rezoning.

Billy Lide, 901 Beechwood, stated there needs to be a rebuilding of trust between the community and the Town.

Michael Peay, 915 Foxglove, expressed his opposition and concerns.

Glenn Wieghat, 911 Stoddard, stated this request comes down to a landowner having the freedom to sell his property.

Rich Hickman, 1220 Camino Real, stated traffic issues will continually arise with new developments and asked that the Town consider a plan for infrastructure.

Ronen Kahana, 705 Elmbrook, stated his two main concerns are traffic on Hart Road and the philosophy of the Town.

Lori Lauter, 717 Elmbrook, stated her opposition of the rezoning.

Mayor Culbertson closed the public hearing and offered Council an opportunity to give their feedback.

Mayor Pro Tem Adler expressed concerns and indicated he could not support rezoning.

Councilmember Little stated her concerns of traffic on Hart Road and indicated the current zoning should remain.

Councilmember Powell expressed concerns and indicated she would not support rezoning the property.

Councilmember Lessner stated the ongoing traffic issues and his concern with being able to walk and bike along Hart Road. He stated his opposition to the rezoning the property.

Mayor Culbertson expressed concerns about the case and benefits to the Town.

Councilmember Powell made a motion to deny, with prejudice, the application to rezone 64.03-acres of land to the (PC) Planned Center District with modified (RE-1) One-acre Ranch Estates Design standards. Councilmember Little seconded the motion and the motion was unanimously approved.

TRAIL EASEMENT AQUISITIONS – PARKER ESTATES & SOEST LTD: Mr.

Chancellor gave a presentation on agenda item 6(a) and (b), on a resolution public necessity for acquisition of private property for trail easement.

Mr. Chancellor outlined that the Council had previously approved resolutions with the intent to locate the trail along the creek. He indicated that property owners are indicating that they may prefer to locate the trail on the other side of the property. He indicated that these resolutions will allow the Town to build on either side. He stated if negotiations were to fail eminent domain would be the next step although he does not believe this will be necessary.

Councilmember Lessner made a motion to approve a resolution of public necessity for acquisition of private property for a trail easement on Parker Estates property authorizing the Town Manager to acquire property by any lawful means including eminent domain. Councilmember Hendricks seconded the motion and the motion was unanimously approved.

Mayor Pro Tem Adler made a motion to approve a resolution of public necessity for acquisition of private property for a trail easement on Soest Ltd property authorizing the Town Manager to acquire property by any lawful means including eminent domain. Councilmember Little seconded the motion and the motion was unanimously approved.

PLANNING FOR FUTURE TOWN FACILITIES: Ms. Couch discussed agenda item 6(c), planning for future town facilities, including the citizen committee process. She stated Mr. Cox's presentation covered all of the updates and next steps.

REPLACEMENT LED FIXTURES: Mr. Chancellor gave presentation on agenda item 6(d), related to the replacement of street lighting with new LED fixtures for Fairview Parkway.

Mr. Chancellor reviewed his analysis of the intensity of the test light and the options that are available including using a fixture that has a lower intensity and is somewhat recessed.

Mayor Culbertson asked about the timeline associated with replacing the fixtures.

Mr. Chancellor stated due to the cost the fixtures would be replaced as needed. Currently there are fifteen in failure mode and require replacement. He also stated there is an option to budget the replacement of a certain amount per year whether they are in failure mode or not.

Ms. Couch indicated that it was proposed to use reserve funds for the replacements.

Mayor Culbertson asked what would be the cost to replace them all.

Mr. Chancellor stated there are two types of fixtures to replace; 31 street light fixtures and 52 pedestrian lights in all.

Ms. Couch stated Staff would compile the amount for the replacement of all of the fixtures and report back.

Councilmember Powell asked if the current bell fixtures could be utilized to save money.

Mr. Chancellor indicated that the work necessary to refurbish existing fixtures would likely be difficult. He stated he would follow up with the manufacturer.

Councilmember Hendricks made a motion to approve the purchase of (15) fifteen LED light fixtures from Kim Fixtures in the amount of \$44,775.00 and instruct Town Staff to develop a plan to replace all fixtures along Fairview Parkway. Councilmember Little seconded the motion and the motion was unanimously approved.

MCKINNEY AIRPORT UPDATE: Councilmember Hendricks gave a presentation regarding agenda item 6(e) discuss and update regarding the McKinney Airport Master Plan and Layout Plan.

Mayor Culbertson asked that Ms. Couch contact the City Manager of McKinney to have a formalized discussion regarding the contents of his letter, also to include Councilmember Hendricks.

EXECUTIVE SESSION ACTION ITEMS:

Councilmember Nichol made a motion to approve the amendment to the Woodland Farms agreement. Mayor Pro Tem Adler seconded the motion and the motion was unanimously approved.

CITIZENS INPUT:

Barbara Isaacs, 811 Beechwood, stated some utility companies will offer rebates or even pay for the retrofit at no charge or at 50%. She also asked if there would be an opportunity for the CRG members to ask questions about the financials.

Scott Smith, 720 Stallion, stated the home that sits at Country Club and Hart Rd consistently leaves trash receptacles out and it has become a safety concern with cars having to attempt to maneuver around it. Secondly, residents have noticed activity at the day school and are curious as to what is taking place.

Barbara Isaacs, 811 Beechwood, added the same corner at Country Club and Hart has extremely overgrown trees and with the curve of the road it makes for low visibility for drivers. She submitted a request for the trees to be trimmed. She also requested the speed limit to be lowered on Country Club.

Gary Carter, 1000 Timber, mentioned a pot hole at Old Stacy and 1378.

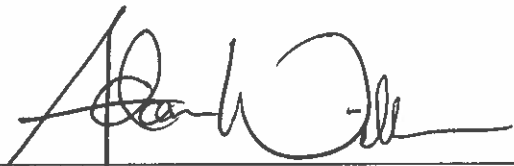
Mayor Culbertson asked that Town staff pursue addressing the pot hole.

REPORTS FROM STAFF: Mr. Chancellor provided a report on agenda item 8(c) regarding an update on Stacy Road construction.

Mayor Culbertson adjourned the meeting at 10:05 p.m.



Darion Culbertson, Mayor



Adam Wilburn, Alternate Town Secretary

