

**TOWN COUNCIL
MEETING MINUTES
OCTOBER 6, 2015**

The Town Council met in regular session on Tuesday, October 6, 2015 at 6 p.m. at 372 Town Place, Fairview, Texas. Those present were Councilmembers Ron Samuels, John Adler, Frank O'Reilly, Henry Lessner, Paul Hendricks and Renee Powell. Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Town Engineer, James Chancellor; Interim Planning Manager, Robert LaCroix; Chief Financial Officer, Jason Weeks; Public Works Manager, Aron Holmgren; Police Chief, Granver Tolliver; Town Secretary, Elizabeth Cappon; and Town Attorney, Clark McCoy. Mayor Darion Culbertson was not present.

Mayor Pro Tem Lessner 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 to consult with legal counsel regarding pending or contemplated litigation, personnel and economic development.

At 7:30 p.m., Mayor Pro Tem Lessner reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

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 September 1, 2015 council meeting B) Approve a resolution placing in nomination the name of Gary Rodenbaugh for membership on the Board of Directors of the Collin County Central Appraisal District.

Councilmember Samuels made a motion to approve the consent agenda. Councilmember O'Reilly seconded the motion, and the motion was unanimously approved.

Mayor Pro Tem Lessner elected to move agenda items 7(c) and 8(a) to the beginning of the agenda due to the audience attendance for those items.

Mayor Pro Tem Lessner introduced Robert LaCroix as the new Interim Planning Manager for the Town.

CONCEPT PLAN AMENDMENT FOR A PROPOSED TOWNHOME RESIDENTIAL DEVELOPMENT LOCATED WEST OF SH 5 AND MEANDERING WAY: Conduct a public hearing, consider, and take any necessary action on a request by Kittyhawk LLC for approval of a Concept Plan Amendment for a proposed single family attached (townhome) residential development on a 6.5± acre tract of land that is situated in the John A. Taylor Survey, Abstract No. 909, zoned Commercial Planned Development District (CPDD), Neighborhood

General Sub-District, and is generally located west of the intersection of SH 5 and Meandering Way. (CPA2015-01).

Mr. LaCroix gave a presentation on agenda item 7(c) regarding a request made by Kittyhawk LLC for approval of a Concept Plan Amendment for a proposed single-family attached (townhome) residential development on a 6.5± acre tract of land that is generally located west of the intersection of SH 5 and Meandering Way. Mr. LaCroix stated that there were four statements of opposition and no statements of support for the project, but that one of the statements of opposition was from outside the 500-foot boundary.

Mr. LaCroix stated that staff recommends approval of the Concept Plan Amendment for 36 units with the reduction of the 100-foot landscape buffer to 75 feet along the property line with Ranch Estates. This reduction would provide for improvements to the development by providing more off street parking and better design while providing for an improved buffer design with Ranchette Estates. Mr. LaCroix stated these changes to the plan provide for a better development in staff's opinion. Mr. LaCroix stated that on September 10, 2015, the Planning and Zoning Commission recommended approval of the Plan with a 6-0 vote and one absent Commissioner. He stated it was approved with the conditions that a similar architectural style be used throughout the development, that the landscaping includes the use of ornamental trees and shrubs along Highway 5 and that the applicant provide screening with berming or a fence adjacent to Ranchette Estates. Mr. LaCroix stated that the Ranchette Estates homeowners have agreed to the use of a berm rather than fencing.

Councilmember Samuels clarified that the agenda item is just a concept plan amendment to a previously approved plan. Councilmember Samuels clarified that this was a better plan with more parking than the previously approved plan. Mr. LaCroix agreed it was a superior plan.

Councilmember Adler asked for clarification on the 75-foot buffer. Mr. LaCroix stated that it was 75 feet from the property line of the existing neighborhood to the individual lot lines.

Mayor Pro Tem Lessner opened the public hearing and offered the applicant the opportunity to speak first.

Traci Shannon Yost Kilmer of Dowdey, Anderson and Associates, 5225 Village Creek Drive in Plano, stated that Dowdey, Anderson and Associates are the consulting and engineering group for the site developer, Green Brick Partners. Ms. Kilmer stated her support of the Concept Plan Amendment, adding that they feel it is a superior plan to prior plans presented. Ms. Kilmer stated that they have worked with the subdivision to the south of the property to create an aesthetic compromise due to the residents giving up 25 feet of the normal 100-foot buffer. She stated that Green Brick Partners has committed to providing the landscape berm for Ranchette Estates and enhanced landscaping along Highway 5. Ms. Kilmer clarified the home's style to be Texas Vernacular, which would be similar to the first photo in the presentation. She stated that the second photo shows a single story but it would still have a façade similar in character to the first photo of the two-story home.

Mayor Pro Tem Lessner clarified with Ms. Kilmer which lots were single story versus two-story. Ms. Kilmer stated that the 25-foot wide lots are two story and the single story lots are 35 feet wide.

Councilmember Hendricks and Lessner asked about alleys. Ms. Kilmer stated that they are private drives and there is a 20-foot fire access and utility easement alleyway because the homes are rear-entry. She stated that the HOA would own the streets, alleys and the open space. Mayor Pro Tem Lessner stated that they wanted maximum landscaping, similar to Villas at the Park along Highway 5. Ms. Kilmer stated that there are existing water and sewer line easements but they will still do their best to plant shrubs and ornamental trees in that area.

Councilmember Hendricks asked for additional detail regarding the conversations with the residents of Ranch Head Estates. Councilmember Hendricks stated that he knew this had been a contentious debate in the past and he wanted to be sure that the residents were satisfied with the plan. Ms. Kilmer stated that Keith Lovelace acted as the neighborhood's liaison and that they had multiple conversations with him to discuss the agreed upon landscape berm and the reduction of the 100-foot buffer to 75 feet. Ms. Kilmer added that the berm would be three to four feet high with landscaping on top. Ms. Kilmer stated that as far as she is aware from her conversations with Mr. Lovelace, this is the neighborhood's agreed upon option.

Councilmember Hendricks noted that no residents from Ranchette Estates were present at the current meeting to state any opposition. Town Manager Couch added that while the residents were not present for the Council meeting, they had previously attended the Planning and Zoning Commission and stated their support. Councilmember Adler informed Councilmember Hendricks that the email from Mr. Lovelace agreeing to the berm was in their council packet. Mayor Pro Tem Lessner stated that he knew of one resident that did not support the plan.

Ron Baranski, 5299 Fordham Drive, stated that his backyard faces the development from his home in Cypress Crossing. Mr. Baranski stated that he did not oppose the development but would like to see a berm along Highway 5. Mr. Baranski stated that the water and sewer easements do not necessarily prohibit the developer from doing a berm rather than just landscaping. He said there is a 20-foot buffer on the east edge of the development and if they cannot place a berm on the outside, he would like to see one placed inside. Mr. Baranski stated that he would be opposed to the plan if it does not include intense screening similar to the Villas.

Councilmember Hendricks asked when they would be able to see the landscape plan. Ms. Couch stated the Council could make it a provision that the Council approve the landscape plan when it is ready.

Dottie Gandy, 415 Varnum Way, stated that she is just outside the notification boundary in Cypress Crossing, backing up to Meandering Way. Ms. Gandy stated her support of Mr. Baranski's statement regarding the type of berming used along Highway 5. Ms. Gandy added that she would like to see use of mature plants and trees rather than something that will take several years to mature. Ms. Gandy added that this development adds to her existing traffic density concerns on Highway 5. Ms. Gandy she conceded that it is not within the Council's authority to resolve the traffic issue but added that she would like the Council's support in raising the issue to TxDot.

James Rushing, 421 Varnum Way, stated he was the one statement of opposition outside the 500-foot boundary. Mr. Rushing stated that approving the original development plan was a mistake made by the Town years ago. He stated that while the development could no longer be stopped, a berm should be added along Highway 5 to shield backyards.

Mayor Pro Tem Lessner closed the public hearing.

Councilmember Samuels stated that since the landscaping is the largest issue, he would like the applicant to provide detailed drawings of the landscape buffer as a condition of approval. Councilmember Hendricks clarified that he would like to see the landscaping plan for both the area along Highway 5 as well as the area bordering Ranchette Estates.

Councilmember Samuels made a motion to approve a request made by Kittyhawk LLC for approval of a Concept Plan Amendment for a proposed single family attached (townhome) residential development on a 6.5± acre tract of land that is situated in the John A. Taylor Survey, Abstract No. 909, zoned Commercial Planned Development District (CPDD), Neighborhood General Sub-District, and is generally located west of the intersection of SH 5 and Meandering Way with condition that the developer submits a detailed landscape plan and that the single story and two-story homes are uniform in design. Councilmember Powell seconded the motion, and the motion was unanimously approved.

UTILITY BILLING ISSUES RELATED TO HIGH WATER VOLUMES: Discuss, consider and take any necessary action regarding utility billing issues related to high water volumes.

Town Manager Couch spoke about agenda item 8(a) regarding utility billing issues related to high water volumes. Ms. Couch stated the Town recently lifted drought restrictions that had been on the Town since 2011, previously resulting in flat or reduced water consumption for the past several years. Ms. Couch added that residents have a 400 percent increase in time to water their yard if doing so twice per week versus once every two weeks, resulting in water volumes similar to before the drought in 2011. Ms. Couch stated that additionally, since 2011, the Town has seen water rate increases that most residents had not truly experienced before, as they were previously not consuming at the highest rate tiers during the drought. Ms. Couch stated that this combination of factors led to a large number of residents expressing concerns over the cost of their recent water bills, not only in Fairview but also across all of North Texas. Ms. Couch stated that every meter has been manually reread and if a daily usage download was available, that information was provided to the resident. Ms. Couch said the Town is also still working with residents to provide leak adjustments where appropriate. Ms. Couch expressed gratitude to the Town's Finance and Public Works departments in assisting residents throughout the past several weeks.

Mr. Weeks gave a presentation on utility billing issues related to high water volumes. Mr. Weeks stated that he has spent more than 160 hours working with residents regarding these issues. Mr. Weeks added that the Town is working with a rate consultant on an impact fee study.

Mr. Weeks stated that residents affected by the highest tier of the rate structure, those using more than 40,000 gallons, wanted to know where the extra money from their rate of \$8.85 per 1,000 gallons was going. Mr. Weeks stated that some of the largest expenditures of the town include water purchase, debt service, sewer contract, capital items and employee salaries. Mr. Weeks stated that those items represent 83 percent of where the additional funds are applied.

Councilmember Adler asked about the shelf life for water meters. Mr. Holmgren stated that a water meter lasts 15 years and that the register that sends the signal should last five to seven years. The Council and staff discussed water meters. Mr. Weeks stated there is no situation when the town estimates water readings and if there is a meter issue, he works directly with that resident to establish an average bill amount. Mr. Weeks added that generally if a meter goes bad, it begins to read slower over time, actually decreasing the person's bill.

The Council and staff discussed utility billing cycles, the current rate structure with the current surcharge level, and the need to reflect better the actual billing period on the bills. Mr. Weeks explained that the billing cycle lengths vary due to weekends, holidays and Public Works emergencies. Council requested that staff review ways to ensure that billing cycles were consistent. Council also indicated a desire to explore options to reflect actual billing periods on the utility bills. Staff indicated that would be reviewed.

Mayor Pro Tem Lessner added that other residents had expressed to him that they did not feel it was fair that larger lots were paying more than smaller lots that inherently use less water, which is something else he would like the Council to evaluate. Ms. Couch stated that staff is willing to evaluate what mechanisms are necessary to ensure cycles are more consistent in length but she added that Public Works has a very small staff and changes might require additional resources.

Councilmember O'Reilly asked Mayor Pro Tem Lessner to explain why Fairview was not a member city of the North Texas Municipal Water District. The Council and Staff discussed the NTMWD. Mayor Pro Tem Lessner stated that one of the criteria for membership is a population of more than 20,000.

Councilmember Adler asked when the rate study would be complete. Ms. Couch stated within approximately two months.

The Council and Mr. Weeks discussed leak reporting and adjustments. Mr. Weeks stated that the Town has made 83 leak adjustments so far and that amount is increasing when typically they only have a few requests per month. Mr. Weeks added that due to the wet spring and dry summer, the ground could shift causing leaks or water main breaks.

Mr. Weeks reviewed processes used by staff to address resident concerns and automatic read systems versus radio read systems. Ms. Couch stated that these are expensive systems to install but they do have advantages. Ms. Couch added that while the Town can sometimes get daily download reports after the fact from a meter, the Town's current system could not be set up like an AMR system to offer daily readings to the residents. Council members indicated they would like to explore such a system.

Mayor Pro Tem Lessner thanked the Finance and Public Works department for their assistance throughout the past month. He stated that he agreed there is some work that could be done to improve billing and the rate tiers once the rate study is complete.

Mayor Pro Tem Lessner then opened the floor for residents to address the Council regarding their utility bills.

Axel de La Soujeole, 1301 Red Oak Trail, stated that he received a \$700 bill for the July to August billing cycle. Mr. Soujeole described testing he performed himself to test the accuracy of the meter in which he felt there was an 18 percent error rate. He stated that the meter is a new meter from August 2014. Mr. Holmgren stated that the Town was willing to send his meter out for accuracy testing.

Mayor Pro Tem Lessner stated that his HOA President did a test similar to Mr. Soujeole on their property but he found the meter to be accurate.

John Bradley, 920 Willow Court, stated that he is not concerned with the rates but with what the meter shows his personal usage to be. Mr. Bradley added that 96,000 gallons for one person on one acre was twice what they had ever used over several years.

Brian DeVault, 632 Cabernet Court, stated that he has lived in Fairview three months and gotten two full month's bills with 158,000 gallons and 137,000 gallons of use registered. Mr. DeVault stated that he has had his system checked for leaks and found no issues. Mr. DeVault stated that there is a general lack of confidence in what the meters are reading. He stated his concern about what the town is going to do to fix the issue going forward, particularly those with incorrect sized registers. He stated concerns over issues with software or other components in the system. He expressed concern about the current surcharge volume and suggested lot size should influence that level.

The council had a discussion with the residents regarding meter accuracy.

Phyllis Graham, 892 St James Court, stated that this is a public relations issue regarding the billing. Ms. Graham stated that she is consistently seeing herself going over 40,000 gallons only during the summer months and when she is paying that premium rate, she would like to be charged for what she is actually using each month, not according to a billing cycle that ended three days late.

Mayor Pro Tem Lessner thanked the residents for their input and stated that The Town would follow up with them to assist them with their issues.

CONDITIONAL USE PERMIT (CUP) FOR AN ACCESSORY BUILDING AT 1281 STACY RD: Conduct a public hearing, consider, and take any necessary action on a request by Mr. Charlie Cottingham, 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 1281 Stacy Rd, being Lot 1, Block A of the Roberts Addition to the Town of Fairview. (ZA2015-12).

Mr. LaCroix gave a presentation on agenda item 7(a) regarding the approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building at 1281 Stacy Rd.

Mayor Pro Tem Lessner asked what the neighbor thinks of the project. Ms. Couch stated that he does not oppose it.

Mr. LaCroix stated that staff recommends approval of the Conditional Use Permit on the condition that the applicant plants evergreen trees or shrubs in order to screen the property from view. Mr. LaCroix stated that the CUP was approved by the Planning and Zoning Commission by a 6-0 vote with one Commissioner absent with the condition of the additional landscaping.

Councilmember Hendricks asked how the structure would be used. Mr. LaCroix stated it would be a garage, additional storage and workshop. Councilmember Powell clarified that the property has no attached garage on it.

There was discussion regarding the permit issuance and the subsequent construction not meeting permit standards.

Mayor Pro Tem Lessner opened the public hearing and offered the applicant, Charlie Cottingham, the opportunity to speak.

The applicant, Charlie Cottingham, 1281 Stacy Road, stated his support of the Conditional Use Permit. Mr. Cottingham stated that there was a misunderstanding of what was required. He also stated that the way the property is divided is unique and makes a 40-foot setback difficult. Mr. Cottingham added that he did not understand that the 1800 square feet limitation was under roof. Mr. Cottingham stated that he worked with Ms. Couch and Mr. Schmidt to form a plan as to how to best rectify the situation. Mr. Cottingham stated that he is friends with his neighbor and that his neighbor would just like to see the structure completed rather than sitting incomplete but otherwise has no complaints about it. Mr. Cottingham stated that the incomplete fencing was there when he purchased the property. Councilmember Powell stated that the previous owner intended to put up privacy fence then found they are not allowed in the Town. Mr. Cottingham stated that both he and his neighbor would like the fence to be complete so his neighbor can add a pool.

Councilmember Powell stated her appreciation for making the building look like the existing structures.

Councilmember Hendricks asked if this could have gone before the Zoning Board of Adjustments instead. Ms. Couch stated that due to the size of the building, a CUP is required and the setbacks can be considered with the size request.

John Harkins, 411 Oakridge Drive, asked if the Town inspects buildings while under construction. Ms. Couch stated that is how the Town found this issue.

No additional comments from the audience were made and Mayor Pro Tem Lessner closed the public hearing.

Councilmember Samuels requested that the landscaping be made a condition of the motion to approve.

Councilmember Powell made a motion to approve the 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 1281 Stacy Rd, being Lot 1, Block A of the Roberts Addition to the Town of Fairview with the condition that the applicant add foliage as recommended by the Planning and Zoning Commission. Councilmember Adler seconded the motion, and the motion was unanimously approved.

REZONE 31.63± ACRES SEGMENT OF LAND IN THE GB PILANT SURVEY, ABSTRACT NO. 691 AT THE EASTERN TERMINUS OF RED OAK TRAIL: Conduct a public hearing, consider, and take any necessary action on a request made by 84 Acres Red Oak Trail, LLC to rezone a 31.63± acres segment of land which is part of an 83.99± acres tract of land that is zoned Agricultural (AG) and is situated in the GB Pilant Survey, Abstract No. 691, and generally located at the eastern terminus of Red Oak Trail and north of the Montecito Estates #2 Addition, to the Planned Center (PC) Zoning District. **(ZA2014-01).**

Mr. LaCroix gave a presentation on a request on agenda item 7(b) regarding a request made by 84 Acres Red Oak Trail, LLC to rezone a 31.63± acres segment of land, which is part of an 83.99± acres tract of land that is zoned Agricultural (AG) to the Planned Center (PC) Zoning District.

Mr. LaCroix stated that they had received three statements of opposition and no statements of support for the project. Councilmember Samuels asked if they came to the Planning and Zoning Commission. Mr. LaCroix stated that some did and that their main issue was drainage for the adjacent lots.

The Council had a discussion with staff regarding lot size, parkland dedication, drainage and the flood plain.

Mayor Pro Tem Lessner opened the public hearing and offered the applicant, Mr. Steve Dinapoli of Dinapoli Development the opportunity to speak.

The applicant, Steve Dinapoli, 1601 Alma Road in Plano, stated his support for the rezoning. Mr. Dinapoli stated that more than three acres of floodplain was reclaimed. He added that they would use a similar stone wall outer edge with ramps to what has been done at Three Oaks. Mr. Dinapoli stated that for Lot 7 and Meandro Ria trees will be added to replace what was mostly removed by the NTMWD. He stated that some existing homeowners would like to add to their property by buying floodplain back from him. Mr. Dinapoli stated that he has adjusted the plan to narrow the south side of Lot 7 so that the existing homeowners can access the common areas. Mr. Dinapoli stated that he believes all objections have been addressed to the homeowners'

satisfaction. Mr. Dinapoli clarified that he does not know when the public trail or bridge will be completed, it is his intention to give the Town \$100,000 to complete the improvements and not be responsible for it.

Councilmember Lessner asked if the applicant would be putting in the North-South trail. Mr. Dinapoli stated that he would. Councilmember Samuels clarified where the Town responsibility begins along Wilson Creek. Ms. Couch stated that it would be dedicated parkland to the Town outside the private lots. Councilmember Samuels asked if the Park Board has reviewed this plan. Ms. Couch stated they had not. Councilmember Samuels stated his support for the project due to the increase in trail connections. Mayor Pro Tem Lessner stated that the Park Board is soon going to create a new trail plan. Mayor Pro Tem Lessner asked how much \$100,000 would pay for; Mr. Chancellor stated depending on the clearing and the ravines, probably more than halfway.

Councilmember Hendricks asked if the fencing is allowed on the floodplain. Mr. Chancellor stated that as long as water can pass through it and it will not float, it is allowed. Mr. Dinapoli stated that the HOA would be responsible for keeping the fencing clear of debris.

Mayor Pro Tem Lessner closed the public hearing.

Councilmember Powell asked if the amount of trees shown here would be sufficient for the current residents. Ms. Couch asked Mr. Chancellor to address the drainage concerns that some of the residents had. Mr. Chancellor discussed the swale they added to the design, requiring the addition of the wall. Councilmember Adler reiterated Councilmember Powell's concern regarding the trees. Ms. Couch stated that trees would also be added along Lot 7 to surround the existing lot as requested by the Planning and Zoning Commission.

Councilmember Adler asked that the Planning and Zoning Recommendations be included in the conditions of approval. Ms. Couch stated that the Planning and Zoning Commission recommended that there be no street lighting but that the subdivision regulations require it, rather than a Zoning requirement. Ms. Couch stated that the Council might not want to set a pattern of waiving subdivision regulations. Ms. Couch stated that the Council does not have to act on it tonight but they should be aware that it was a recommendation by a resident on Meandro Ria.

Councilmember Hendricks made a motion to approve a request made by 84 Acres Red Oak Trail, LLC to rezone a 31.63± acres segment of land which is part of an 83.99± acres tract of land that is zoned Agricultural (AG) and is situated in the GB Pilant Survey, Abstract No. 691, and generally located at the eastern terminus of Red Oak Trail and north of the Montecito Estates #2 Addition, to the Planned Center (PC) Zoning District with the Planning and Zoning Commission's recommendations regarding landscaping, building the swale, the wall and the trees. Councilmember Samuels seconded the motion, and the motion was unanimously approved.

AGREEMENT WITH TIF CONSULTANT: Hear presentation and consider authorizing the Town Manager to enter into an agreement with Larry Kline Consulting for the development of a Tax Increment Financing (TIF) District and take any necessary action.

Town Manager Couch gave a presentation on agenda item 8(b), entering into an agreement with Larry Kline Consulting for the development of a Tax Increment Financing District to fund public improvements.

Ms. Couch stated that staff and the Economic Development Corporation and Community Development Corporation recommend entering into an agreement with Larry Kline Consulting for the development of a Tax Increment Financing District with a goal of establishing it by the end of the calendar year so it will be on the tax roles as of January 1.

Mr. Kline stated that a TIF is a tool to stimulate private development and increase the tax value of the Town within a defined boundary over a period of years. Mr. Kline stated that he has done approximately 50 across Texas.

There was general discussion regarding the establishment of a TIF.

Mayor Pro Tem Lessner asked what the budget is for the TIF Consultant. Mr. Kline stated the cost was \$27,000. Ms. Couch added that this amount was less than the Town budgeted to create the TIF.

Councilmember Samuels made a motion to approve authorizing the Town Manager to enter into an agreement with Larry Kline Consulting for the development of a Tax Increment Financing District. Councilmember Powell seconded the motion, and the motion was unanimously approved.

FINAL PLAT FOR HARPER LANDING ADDITION BY M. CHRISTOPHER CUSTOM

HOMES: Consider, discuss and take any necessary action on a request by M. Christopher Custom Homes for approval of a Final Plat for the Harper Landing Addition, a proposed residential neighborhood comprised of 13 single-family residential lots on a 28.934± acre tract of land situated in the Robert Fitzhugh Survey – Abstract No. 317 and that is generally located east of Farmstead Road and 1,600 north of Stacy Road. The subject property is zoned Two-Acre Ranch Estate (RE-2). (FP2015-05).

Mr. LaCroix presented on agenda item 8(c), a request by M. Christopher Custom Homes for approval of a Final Plat for the Harper Landing Addition, a proposed residential neighborhood comprised of 13 single-family residential lots on a 28.934± acre tract of land situated in the Robert Fitzhugh Survey.

Councilmember Hendricks made a motion to approve the Final Plat for the Harper Landing Addition, a proposed residential neighborhood comprised of 13 single-family residential lots on a 28.934± acre tract of land situated in the Robert Fitzhugh Survey – Abstract No. 317 and that is generally located east of Farmstead Road and 1,600 north of Stacy Road. The subject property is zoned Two-Acre Ranch Estate (RE-2). Councilmember Adler seconded the motion, and the motion was approved with a vote of 6 to 1 with Councilmember O'Reilly in opposition.

RESOLUTION SETTING A PUBLIC HEARING TO ADOPT CAPITAL IMPROVEMENTS PLAN AND RESOLUTION CREATING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE:

Consider, discuss and take any necessary action on a resolution setting a public hearing to adopt amended land use assumptions, capital improvements plan and possibly amend the current impact fees. Consider, discuss and take any necessary action on a resolution creating and appointing members to a Capital Improvements Advisory Committee.

Mr. Chancellor gave a presentation on agenda items 8(d) and 8(e), a resolution setting a public hearing to adopt amended land use assumptions, capital improvements plan and possibly amend the current impact fees as well as a resolution creating and appointing members to a Capital Improvements Advisory Committee.

Mr. Chancellor clarified that the Town is amending plans rather than adopting new plans and fees. Mr. Chancellor stated that the public hearing would be held during the regular December Council meeting on Tuesday, December 1, 2015 at 7:30 p.m.

Mr. Chancellor stated that the statute also requires that the Council select a Capital Improvements Advisory Committee and that Staff has recommended the members of the Planning and Zoning Commission, which is allowed as long as one of the Commissioners is a member of the development community.

Mayor Pro Tem Lessner clarified that Council will get final approval on any changes; Mr. Chancellor stated that the Council will set the impact fees.

Councilmember Hendricks stated a concern that this is increasing the Planning and Zoning Commission's workload. Mr. Chancellor stated they would just be reviewing an engineering study and the largest input would be on land use assumptions. Mr. Chancellor stated that they are asked to produce a written report as their responsibility.

Councilmember Hendricks made a motion setting December 1, 2015 as the date for a public hearing to adopt amended land use assumptions, capital improvements plan and possibly amend the current impact fees. Councilmember Samuels seconded the motion, and the motion was unanimously approved.

Councilmember Powell made a motion to approve a resolution creating and appointing the members of the Planning and Zoning Commission to a Capital Improvements Advisory Committee. Councilmember Adler seconded the motion and the motion was unanimously approved.

GUS MACKER ASSESSMENT: Hear Report on the 3-on-3 Macker tournament and take any necessary action

Ms. Couch gave a report on the Gus Macker 3-on-3 basketball tournament. The Council had a discussion with staff about the tournament. Ms. Couch stated that not all the necessary feedback has been received before the Town could make any decision whether to honor the rest of the Town's three-year agreement. Ms. Couch stated that while the town was under budget on expenditures, the Town was also under budget on revenues from the tournament.

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

No action was taken.

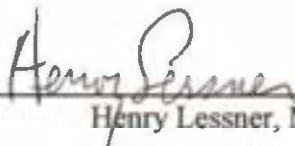
CITIZEN INPUT:


No citizens wished to speak.

REPORTS FROM STAFF:

- a) Council was given documents regarding the monthly financial report for the period ending August 31, 2015.
- b) No update was given on the County Radio System.
- c) Mr. Chancellor provided an update regarding Stacy Road.

Mayor Pro Tem Lessner adjourned the meeting at 11:22 p.m.


Henry Lessner, Mayor Pro Tem


Elizabeth Cappon, Town Secretary