

**TOWN COUNCIL
MEETING MINUTES
AUGUST 4, 2015**

The Town Council met in regular session on Tuesday, August 4, 2015 at 5:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Ron Samuels, John Adler, Frank O'Reilly, Henry Lessner, Paul Hendricks and Renee Powell; Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer in Training, Danielle Gregory; Economic Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Chief Financial Officer, Jason Weeks; Town Secretary, Elizabeth Cappon; Police Chief, Granver Tolliver; and Town Attorney, Clark McCoy.

Mayor Culbertson called the meeting to order at 5:30 p.m. and declared a quorum was present.

The council then adjourned into executive session at 5:31 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel and economic development.

At 7:30 p.m., Mayor Culbertson 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 June 3, 2015 special council meeting B) Approve minutes of the July 7, 2015 council meeting C) Approve a resolution ratifying an appointment of Town Secretary D) Approve Amendment #11 of an Interlocal Agreement with Collin County regarding jail services. E) Approve an Amending Plat for Lot9E, Block A, Village at Fairview Addition.

Councilmember O'Reilly requested item D be removed from the consent agenda; he asked Chief Tolliver questions about the possibility of recouping the cost of taking someone to the Collin County Jail for a Class C Misdemeanor.

Councilmember Hendricks made a motion to approve items A, B, C and E on the consent agenda. Councilmember Lessner seconded the motion, and the motion was unanimously approved.

Councilmember O'Reilly made a motion to approve item D on the consent agenda. Councilmember Adler seconded the motion, and the motion was unanimously approved.

FINAL PLAT FOR CHAMBERLAIN PLACE PHASE 1; REPLAT OF LOT 2 AND 3 OF JACKSON ESTATES AND LOT 1, BLOCK A OF WARD ADDITION: Conduct a public hearing, consider, and take any necessary action on a request by Chamberlain Place, LP for approval of a Final Plat of Chamberlain Place Phase 1 and a Replat of Lot 2 and Lot 3, Jackson Estates and Lot 1, Block A, Ward Addition, in order to provide for a new residential neighborhood comprised of 45 single-family residential lots and 4 common area lots. The subject properties are generally located west of Stoddard Road and north of Sloan Creek. (FP2015-03).

Mr. Schmidt asked that the council consider agenda item 8(a) regarding the Facilities Agreement with LandSmith Company, Inc. when considering this agenda item, as they are related. He presented to council the Final Plat of Chamberlain Place Phase 1 as well as a Replat of Lot 2 and Lot 3, Jackson Estates and Lot 1, Block A, Ward Addition in order to provide for a new residential neighborhood comprised of 45 single-family residential lots and 4 common area lots. Mr. Schmidt also described the impact the proposed Final Plat would have on the town's trail system. He also presented the Landscape Plan for Chamberlain Place to the council. Mr. Schmidt additionally described the proposed Facilities Agreement with LandSmith Company, Inc. from agenda item 8(a).

There was general discussion regarding trail connections shown on the Final Plat between proposed lots, the sewer line that is being added, lots that will not be served by sewer, and the alignment of the trail tying into Sloan Creek. Councilmember Adler raised discussion as to the reasoning for the alignment. There was also discussion as to the need to determine if the trail tying into Tranquility Farms would be used given the goal to construct trails prior to homes being built and the financial participation by the town and the developer in constructing the trail.

Mayor Culbertson requested any additional thoughts from the council regarding moving forward with the trail to the south and adding it to the town trail plan right away rather than later down the line. Mr. Schmidt explained some possible issues in connecting the trails from Tranquility Farms to Oakwood Estates, despite some easements available in Tranquility Farms. Mayor Culbertson asserted that the Council would have to decide which method regarding the proposed trail to the south is better, but that may be a question for the later discussion with the Park board about the trail plan. Ms. Couch contributed that Plat approval would still allow enough time for further discussion of the trail plan before home construction would begin without dedicating funds to the trail today.

Mayor Culbertson opened the public hearing for the Final Plat for Chamberlain Place Phase 1; the Replat of Lot 2 and Lot 3 of Jackson Estates and Lot 1, Block A of the Ward Addition, FP2015-03.

Doug Mosel, 5400 Dallas Parkway, representing LandSmith Company, Inc. stated his support of the Plat and the Facilities Agreement.

John Harkins, River Oaks II, asked a question about whether the trail easements would be fenced but made no statement of support or denial. Mr. Schmidt confirmed that they would be fenced on both sides.

Ronan Kahana, Tranquility Farms, asked if there would be any impact to traffic or stop signs around Tranquility Farms. Mayor Culbertson stated that there would be an upcoming initiative with a complete review of Hart Road. Mr. Kahana made no statement of support or denial.

Mayor Culbertson closed the public hearing.

Councilmember Samuels made a motion to approve the Final Plat of Chamberlain Place Phase 1 and a Replat of Lot 2 and Lot 3, Jackson Estates and Lot 1, Block A, Ward Addition. Councilmember Hendricks seconded the motion, and the motion was unanimously approved.

Councilmember Hendricks made a motion to approve the Facilities Agreement with LandSmith Company, Inc. governing Town and Developer participation in the installation of public trail and sanitary sewer force main improvements for Chamberlain Place Phase 1. Councilmember Powell seconded the motion, and the motion was unanimously approved.

ZONING ORDINANCE CHANGE AND CONDITIONAL USE PERMIT TO ALLOW FOR A TEMPORARY CONCRETE BATCHING PLANT FOR CHAMBERLAIN PLACE PHASE I: Conduct a public hearing, consider, and take any necessary action on a request by Chamberlain Place, LP to amend the Zoning Ordinance, specifically, Article 14.02, Division 11 (Conditional Use Permit District), Sec. 14.02.514 (Use Regulations), in order to add the One-Acre Ranch Estate (RE-1) zoning district as a permitted district for the conditional use of temporary concrete batching plants. (ZA2015-10). Conduct a public hearing, consider, and take any necessary action on a request by Chamberlain Place, LP for approval of a Conditional Use Permit in order to allow for the use of a temporary concrete batching plant to facilitate the installation of public infrastructure for Chamberlain Place Phase 1, a proposed residential subdivision that is zoned One-Acre Ranch Estate (RE-1) and is generally located west of Stoddard Road and north of Sloan Creek. (ZA2015-11).

Ms. Gregory presented agenda items 7(b) and 7(c) related to amending the Zoning Ordinance, specifically, Article 14.02, Division 11 (Conditional Use Permit District), Sec. 14.02.514 (Use Regulations), in order to add the One-Acre Ranch Estate (RE-1) zoning district as a permitted district for the conditional use of temporary concrete batching plants and the approval of a Conditional Use Permit (CUP) in order to allow for the use of a temporary concrete batching plant to facilitate the installation of public infrastructure for Chamberlain Place Phase 1. Ms. Gregory presented agenda item 7 (c) to explain the batch plant proposed and the impact it would have on the surrounding neighborhood. Ms. Gregory also described the requirements for Chamberlain Place, LP.

Councilmember O'Reilly questioned the time of year that the batch plan will be used and whether the proposed allowed weekday 7 a.m. to 7 p.m. run times would only be in daytime hours. Councilmember O'Reilly expressed concerns regarding possible citizen complaints if there had to be use of lights to run the plant during non-daylight hours.

Ms. Gregory stated that staff notified 50 adjacent property owners, including Lovejoy and McKinney ISDs, within 500' of the subject properties in accordance with local and state requirements and, thus far, has received no letters of support and six letters of opposition, including one letter of opposition from a citizen who lives outside of the notice area.

Ms. Gregory stated that the Planning and Zoning Commission did recommend approval of both of these requests, both with a 5 to 1 vote to approve. Ms. Gregory stated that staff also recommends

approval of these requests. There was general discussion regarding the operation of delivery trucks during school hours and hours of operation.

Mayor Culbertson opened the public hearing for the Zoning Ordinance Change and Conditional Use Permit to allow for a temporary concrete batching plant for Chamberlain Place Phase I, ZA2015-10 and ZA2015-11.

Doug Mosel, 5400 Dallas Parkway, representing LandSmith Company, Inc. stated his support of the Zoning Ordinance Change and Conditional Use Permit. Mr. Mosel talked about how the project would be completed sooner and that Stoddard Road traffic would be minimized, if the batch plant was approved.

There was continued discussion regarding the potential issues relating to the hours and the possible use of lights. Town Manager Couch suggested the council ban the use of lights during operation of the batch plant to eliminate the issue. The Council and Mr. Mosel supported this suggestion.

Steve Ogden, 541 Bluebird Lane, spoke about the potential for environmental issues being created at the site because of the batch plant. Mr. Ogden asked that there be a performance bond associated with the project. He stated that if issues occur, then there should be a financial requirement that these issues be fixed and paid for by the developer. Mr. Ogden made no statement of support or denial.

John Harkins, River Oaks II, asked if TxDOT is going to add a batch plant for the Stacy Road widening project. Mr. Schmidt stated that no application has been submitted at this time and that if one was submitted, property owners within 500' would be notified for the public hearing process. Mr. Harkins expressed that he is concerned about the quality of life issues for the residents. Mr. Harkins made no formal statement of support or denial.

Mayor Culbertson closed the public hearing.

Councilmember Samuels made a motion to approve agenda item 7(b) regarding the Zoning Ordinance Change for Chamberlain Place Phase I. Councilmember Adler seconded the motion, and the motion was unanimously approved.

Councilmember Samuels made a motion to approve agenda item 7(c) regarding the Conditional Use Permit to allow for a temporary concrete batching plant for Chamberlain Place Phase I. Councilmember Adler seconded the motion, and the motion was unanimously approved with the additional condition that no lights can be used for the operation of the concrete batch plant.

MAJOR WARRANTS PERTAINING TO THE ZONED COMMERCIAL PLANNED DEVELOPMENT DISTRICT (CPDD) BY GRENADIER HOMES: Conduct a public hearing, consider, and take any necessary action on a request by Grenadier Homes for Major Warrants pertaining to block configuration standards, building type standards and architectural standards for a 14.22± acre tract of land that is zoned Commercial Planned Development District (CPDD) – Urban Transition Sub-district, and is generally located at the southeast corner of State Highway 5 and Bluebird Lane. (MW2015-01).

Mr. Schmidt presented agenda item 7(d), a request submitted by Grenadier Homes for Major Warrants pertaining to block configuration standards, building type standards and architectural standards for a 14.22± acre tract of land that is zoned Commercial Planned Development District (CPDD) – Urban Transition Sub-district, and is generally located at the southeast corner of State Highway 5 and Bluebird Lane. This development is to be a residential neighborhood comprised of 58 townhome units and 10 single-family detached manor lots.

Mr. Schmidt stated that staff notified adjacent property owners in accordance with local and state requirements and, thus far, has received three letters of opposition and three letters of support from within the 500' notification area, as well as one letter of opposition and three letters of support from outside the notification area.

Mr. Schmidt stated that the Planning and Zoning Commission after discussion regarding the landscape buffer, pedestrian access and the emergency access easement to Bluebird Lane recommended approval of this request with a 5 to 1 vote to approve. Mr. Schmidt stated that staff also recommends approval of the application.

There was considerable discussion by the Council regarding street width, and on street parking. It was pointed out that the town did not want to recreate the issues experienced in the Villages of Fairview. Staff pointed out that alleys were being provided in the subdivision and that the streets were wider than in other problem areas to ensure that on street parking did not create public safety issues. There was also discussion regarding the length of the drives in the alleys. The operation of the Villas was referenced as an example of how the traffic would operate.

Mayor Culbertson opened the public hearing for the Major Warrants pertaining to the Zoned Commercial Planned Development District (CPDD) by Grenadier Homes, MW2015-01.

Anthony Natale, 7312 Oakbluff Drive, Dallas, Texas, representing Grenadier Homes, stated his support of the Major Warrants. Mr. Natale responded to the parking concerns. Mr. Natale explained that the HOA would have the ability to keep people from parking inappropriately. Additionally, Mr. Natale explained the thought behind having either 3-7' or 18'-20' driveways but no lengths around 12'-14' makes it clear whether or not one can fit in the driveway. Mr. Natale explained this is a more similar situation to parking in the Villas in the Park, rather than Villages of Fairview.

Steve Ogden, 541 Bluebird Lane, expressed that he felt the majority of the residents at the last Planning and Zoning Committee meeting were pleasantly surprised by the modifications that had been made by Grenadiers Homes to accommodate their previous concerns about the property. Mr. Ogden stated his concerns about the transition of home density to surrounding homes and wanted it entered on the record whether this subdivision meets the goals and objectives of the Urban Transition Sub-district. Mr. Ogden made no statement of support or denial.

John Harkins, River Oaks II, stated his disappointment that this application is being considered because it is high density. Mayor Culbertson stated that the town's comprehensive plan for more than 15 years has shown the area in question as a high-density area. Councilmember Samuels asked

for confirmation of what was approved in the 2005 plan. Mr. Schmidt confirmed the previously approved plan shows retail, townhomes and single-family detached homes. Mr. Haskins asked to go on record that Fairview is no longer, "Keeping it Country" because it is not one residence, 1 acre, east of Highway 5. Mr. Harkins is against the Major Warrants.

Cody Hooper, 491 Bluebird Lane, stated that he recognized that the developers had made changes to reflect almost all their prior issues with project. Mr. Hooper expressed a preference that the access easement be located as close to Hwy 5 as possible, but otherwise he is satisfied with the changes the developer made. Mr. Hooper made no formal statement of support or denial.

F.L. Williams, 5729 Hummingbird Lane, stated his support for the development. Mr. Williams stated his preference of residential development to commercial strip malls.

Liz McFadden, 501 Bluebird Lane, asked how many parking spots would be on Bluebird Lane. Councilmember Lessner stated zero. Ms. McFadden stated that she misunderstood the issue.

Mayor Culbertson closed the public hearing.

Councilmember O'Reilly made a motion to approve agenda item 7(d) regarding the Major Warrants pertaining to the Zoned Commercial Planned Development District (CPDD) by Grenadier Homes. Councilmember Lessner seconded the motion, and the motion was unanimously approved.

PRELIMINARY PLAT FOR HARPER'S 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 Preliminary Plat for the Harper's 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). (PP2015-03).

Mr. Schmidt presented agenda item 8(b) regarding a request by M. Christopher Custom Homes for approval of a Preliminary Plat for the Harper's 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).

Mr. Schmidt stated that there is one existing home on this land that will be preserved. Mr. Schmidt stated that this is a ministerial review process for approval, given the plat meets all town codes,

Councilmember Samuels asked about the emergency access easement locations. Mr. Schmidt explained that the right of way was not extended given the Council's stated preference that there be no connection to future development. Councilmember Samuels further asked about the possibility of connecting a cul-de-sac within this Plat with Country Club Road for emergency access. Mr. Schmidt explained that would include property that is not a part of this Plat.

Councilmember Samuels asked if Farmstead Road would need to be widened due to the development and if the developer had any obligation to contribute to the cost of this process. Mr. Chancellor explained that it would need to be widened because it is not wide enough for two-way traffic currently as it approaches the new subdivision. Councilmember Samuels expressed that he felt this was not an optimal location for an entry point for the development. Mr. Schmidt explained that it is difficult to tell a developer not to use an existing public street as a point of entry. Councilmembers O'Reilly and Samuels expressed issue with the speeds cars drive at that stretch of Country Club Road with limited visibility over the hill. Mayor Culbertson stated that while it is a dangerous road, it is already dangerous to the existing residents. There was additional discussion regarding traffic and solutions.

Mayor Culbertson opened the public hearing and asked if the applicant had any comments for the Council.

Bryon Reid, 550 S. State Highway Five, representing M. Christopher Custom Homes, expressed his company hoped that once the flood study was completed they can rezone and develop the Northside property then eventually connect the two properties and build a better through location than Farmstead Road. Mr. Reid stated that until the required steps occur for that to happen, they are attempting to do the best possible development that is allowed. Mr. Reid also stated that the only two residents that were at the Planning and Zoning meeting did not express concerns about this issue, but rather were concerned with the landscaping, which they've addressed. Mr. Reid supports the development.

Mayor Culbertson closed the public hearing.

Councilmember Powell made a motion to approve agenda item 8(b) regarding the Preliminary Plat for Harper's Landing Addition by M. Christopher Custom Homes. Councilmember Adler seconded the motion, and the motion was approved with a 5 to 1 vote, only Councilmember O'Reilly opposed.

ADOPTION OF THE EPA'S WATERSENSE PROGRAM CERTIFICATION REQUIREMENTS: Consider, discuss and take any necessary action on an Environmental Management Advisory Committee recommendation to adopt the EPA WaterSense Program Certification requirements as part of the town building regulations

Mr. Wilbourn presented agenda item 8(c), the recommendation of the Environmental Management Advisory Committee for the adoption of the EPA's WaterSense Program Certification requirements as part of the town building regulations. Mr. Wilbourn stated that council asked that staff further research the WaterSense Certification process after first receiving this recommendation from the Environmental Management Committee at the July 7, 2015 Council meeting.

Mr. Wilbourn explained that WaterSense Certification requires going beyond promoting the use of WaterSense products, by requiring utilizing WaterSense labeled products only when building within the town. Mr. Wilbourn stated that becoming certified just requires more work for the town

because it requires data tracking and even changes how the town's processes. Mr. Wilbourn stated that it was the staff's recommendation that the town continue to promote WaterSense products and education the same way we currently do, but staff did not recommend becoming WaterSense Certified.

Mayor Culbertson stated despite his advocacy for water conservation, he is personally opposed to anything that would restrict the types of products that residents can buy for their homes and feels this is overstepping the bounds of government.

Councilmember Lessner concurred with Mayor and added that he also was uninterested in anything that would require the town to report to the EPA. Councilmember Adler agreed that while we should promote conservation, we should not regulate the town in this way. Councilmember Lessner thanked the environmental committee for bringing the topic forward, but no further action was taken by the Council.

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

Councilmember Lessner made a motion to reappoint Joyce Bryan and Amy Adler to the Public Art Committee. Councilmember Powell seconded the motion and the motion was approved 5 to 0, with Councilmember Adler abstaining.

Councilmember Samuels made a motion to reappoint Bill Baxter as Chairman as well as the two new appointments of Carlos Alavarez and Catherine Ponder to the Technology Advisory Committee. Councilmember O'Reilly seconded the motion and the motion was unanimously approved.

Councilmember O' Reilly made a motion to reappoint Rick Zampino, Steven Peacock, Ginger Gouvion to the Environmental Management Advisory Committee. Councilmember Lessner seconded the motion and the motion was unanimously approved.

Councilmember Lessner made a motion to appoint Joe Barton King as a permanent member, Gene Harrington as a member and Scott Almy as an alternate member of the Board of Adjustments. Councilmember Samuels seconded the motion and the motion was unanimously approved.

Councilmember Lessner made a motion to reappoint Warren Westberg, Mary Price and Don Braun to the Economic Development Corporation and Community Development Corporation. Councilmember Powell seconded the motion and the motion was unanimously approved.

Councilmember Hendricks made a motion to reappoint John Brown as Chairman, Donna Pekarek as a member and Andrea Faulkner as a member of the Parks and Recreation Advisory Board. Councilmember Powell seconded the motion and the motion was unanimously approved.

Councilmember Samuels made a motion to reappoint Nancy Lewis, Maryanne Simonsen and Linda Mulkey as members of the Special Events Committee. Councilmember Adler seconded the motion and the motion was unanimously approved.

ADOPTION OF THE PROPOSED TAX RATE: Consider and act on a proposed tax rate for FY 2015-2016 and placement of a proposal to adopt the proposed tax rate on the agenda of a future meeting.

Mr. Weeks presented agenda item 8(e) regarding the placement of a proposal to adopt the proposed tax rate on the agenda of a future meeting. Mr. Weeks stated that the Collin County Effective Tax Rate is 0.339538 and the Proposed Tax Rate for Fairview in 2015-2016 is the same as the current year at 0.359999. Mr. Weeks further explained that the Council is scheduled to meet on Thursday, August 6 for a special Town Council Meeting for a Budget Work Session. Mr. Weeks stated that the Maintenance and Operation portion of the tax rate is .225858 and the debt portion is .134141. Mr. Weeks stated that the process for budgeting would be similar to what was done last year and that a roll call vote is needed to place a proposal to adopt the tax rate of 0.359999 on a future agenda to take action at that time.

Councilmember Lessner made a motion to place the proposed tax rate of 0.359999 on the agenda of a future meeting. Councilmember Samuels seconded with the following Councilmembers voting in the affirmative: Councilmember Adler, Councilmember O'Reilly, Mayor Culbertson and Councilmember Powell.

PUBLIC HEARINGS ON THE PROPOSED TAX RATE: Consider and act on a resolution scheduling public hearings on the Town of Fairview proposed tax rate.

Mr. Weeks presented agenda item 8 (f), he explained that this resolution puts in place the time, date and location for the two required public hearings on the proposed tax rate. Mr. Weeks stated that the hearings are to be held Tuesday, August 18, 2015 at 6 p.m. and Tuesday, August 25, 2015 at 6 p.m., both in the Council Chambers of 372 Town Place in Fairview. Mr. Weeks stated that if the tax rate is adopted at these meetings, then the anticipated date of adoption is September 1, 2015.

Councilmember Powell made a motion to schedule the public hearings on the Town of Fairview proposed tax rate for August 18 and August 25, 2015 with an effective date of September 1, 2015. Councilmember Lessner seconded the motion and the motion was unanimously approved.

Town Manager Couch pointed out that an additional budget work session would be held on Thursday, August 6, allowing three upcoming opportunities to discuss the budget before potentially approving it at the regularly scheduled September Town Council Meeting.

CITIZEN'S INPUT:

Catherine Ponder, 970 Foxdale, stated that she is proud of the Council for listening to the residents requesting changes regarding proposed developments, particularly for the Bluebird

Lane residents. However, Ms. Ponder also expressed dissatisfaction with the other developers present that evening.

REPORTS FROM STAFF:

- a) Council was given documents regarding the monthly financial report for the period ending June 30, 2015.
- b) Council was given documents regarding the quarterly investment report for the quarter ending June 30, 2015.

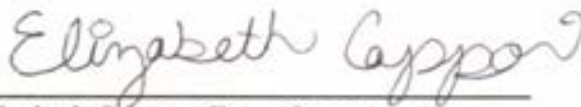
Mr. Wilbourn introduced Liz Cappon as the new Town Secretary and PR Coordinator for the town.

- c) Mr. Chancellor provided an update regarding Stacy Road.
- d) Mayor Culbertson provided background for the citizens present on the need to find an alternative to utilizing the County Radio System. Town Manager Couch gave an update regarding the last meeting with the County Sheriff.

Mayor Culbertson asked for any other news or updates. Police Chief Tolliver reported on the release of an FBI Bulletin regarding fake solicitors.

Councilmember O' Reilly asked about residents parking on Hart Road near the intersection with Country Club Road and safety concerns.

Mayor Culbertson adjourned the meeting at 10:31 p.m.



 Elizabeth Cappon, Town Secretary



 DARION CULBERTSON, MAYOR

